



Government  
of South Australia

Department for Infrastructure and Transport

Guidelines:

**PREFERRED SUPPLY ARRANGEMENT**  
**PROJECT MANAGEMENT AND CONTRACT MANAGEMENT**  
(PSA No.19C171)

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INFORMATION**

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# 1 INTRODUCTION

## 1.1 Guidelines

Companies wishing to be part of Contract No. 19C171 – *Preferred Supply Arrangement Project Management and Contract Management* (“PSAPMCM”) are invited by the Department for Infrastructure and Transport (“the Department”) to submit an Application in accordance with these Guidelines (“the Application”).

To be eligible, Applicants must be able to demonstrate the appropriate, skills, management systems and experience appertaining to performing Project Management and Contract Management for the Commissioner of Highways (“the Principal” or “the Client”) and other selection criteria.

The submission must contain all information requested in the Application otherwise the Application will not be accepted.

A company may submit an Application at any time whilst the PSAPMCM is open.

Approval of an Application does not represent a guarantee of work and no representations made by the Principal guarantee the amount of work over the term.

Any services delivered under the PSAPMCM will be in accordance with the Terms and Conditions (refer Attachment 1 of the Application Form) that an Applicant will need to agree to be bound by as a pre-condition to being accepted onto the PSAPMCM.

The Principal may amend or add to the information in these Guidelines or the Application at any time.

## 1.2 Accuracy of Guidelines

The Principal makes no promise or representation that any factual information supplied in or in connection with your participation in the PSAPMCM or Guidelines are accurate.

Information is provided in good faith and the Principal will not be liable for any omission from these Guidelines.

## 1.3 Your Use of Guidelines

Without the express prior written consent of the Principal, you must not re-produce, re-advertise and/or in any way use the contents of these Guidelines either in whole or in part, other than for the purpose of preparing and lodging an Application.

## 1.4 Procurement Process does not create a Contract

Your Application is at your sole risk.

Nothing in these Guidelines or your Application must be construed as creating any binding contract or other legal relationship (express or implied) between you and the Principal.

An Applicant’s participation in the PSAPMCM process is non-exclusive.

Nothing in these Guidelines shall prevent or prohibit or be construed as preventing or prohibiting the Principal from seeking services or materials from any other company, whether prequalified for the PSAPMCM or otherwise, if the Principal so wishes.

## 2 YOUR APPLICATION TO THE PSAPMCM

### 2.1 Format of Application

Your Application must:

- a) be in English;
- b) be endorsed by an appropriately authorised officer;
- c) observe word limits where specified as the Principal reserves the right to disregard any part(s) of your Application that exceed any specified word limit;
- d) be concise and only provide what is sufficient to present a complete and effective response; and
- e) be in the format included in Appendix 1 of these Guidelines.

The Principal may disregard any content in an Application that is illegible.

### 2.2 Application Categories

The PSAPMCM is open to all companies who can provide suitable project management or contract management services in accordance with the selection criteria.

### 2.3 Application

Your Application must include the following completed schedules included in the Application (refer Appendix 1).

1. Supplier Information;
2. Insurances;
3. Compliance;
4. Application Requirements;
5. Statement of Intent for Industry Participation Plan (IPP); and
6. Registration with Tenders SA.

Please note, as part of the Application you are agreeing to the PSAPMCM Terms and Conditions as provided in Attachment 1 of the Application. No further negotiation will be entered into during any stage of the PSAPMCM unless the Principal alters the Terms and Conditions for a specific Work Order Request. Any successful Work Order Offer will be awarded by a Letter of Award signed by both parties. No relationship or contractual exists until the Letter of Award is executed by the last party.

You are responsible for the cost of preparing and submitting your Application(s) and all other costs arising from your participation in the PSAPMCM.

Your Application must be submitted via the PSAPMCM mailbox at <mailto:DIT.psapmcm@sa.gov.au>.

## 2.4 Validity

By lodging an Application you agree that the Application will remain open for acceptance by the Principal for 120 days from the Application closing date.

## 2.5 Timeframes

The PSAPMCM is open for applications subject to the Principal's discretion.

The Preferred Supply Arrangement may be closed without notice at the Principal's discretion.

## 2.6 Principal's Use of Your Application Materials

Upon lodgement, your Application will become the property of the Principal.

Intellectual Property owned by you or any third parties forming part of the Application will not pass to the Principal with the physical property comprising the Application materials. However, you acknowledge and agree that you have the authority to grant to the Principal an irrevocable, royalty free licence to use, reproduce and circulate any copyright material contained in the Application to the extent necessary to conduct the evaluation and in the preparation of any resultant contract.

## 3 CONSORTIA AND SUB-CONTRACTING FOR THE APPLICATION

### 3.1 Consortia

The Principal will not accept any submission from a consortium.

### 3.2 Sub-contracting

The Principal will not allow any sub-contracting arrangement to occur in the delivery of the PSAPMCM services.

## 4 APPLICATION PROCUREMENT PROCESS CONDUCT

### 4.1 Your Conduct

You must:

- a) ensure all communications are undertaken via the contact person;
- b) declare any actual or potential conflict of interest;
- c) not employ or engage the services of any person who has a duty to the Principal as an adviser, consultant or employee (or former adviser, consultant or employee) unless necessary approvals and clearances have been obtained;
- d) not apply any incentive to, or otherwise attempt to influence, any employee of the Principal or any member of an evaluation team at any time;
- e) not engage in any collusive or anti-competitive conduct with any Supplier or Applicant under these Guidelines;
- f) comply with all laws in force in South Australia applicable to this PSAPMCM;

- g) disclose whether you are acting as agent, nominee or jointly with another person(s) and disclose the identity of the other person(s); and
- h) not issue any news releases or responses to media enquiries and questions regarding these guidelines without the Principal's written approval.

If you act contrary to the expectations outlined above, the Principal reserves the right (regardless of any subsequent dealings) to exclude your Application from further consideration.

## 4.2 Principal Conduct

The Principal will:

- a) preserve the confidentiality of any information marked as confidential (subject to conditions concerning confidentiality); and
- b) give all Applicants under the PSAPMCM the opportunity to compete fairly.

## 4.3 Confidentiality

You must identify any aspect of your Application that you consider should be kept confidential including reasons. The Principal is not obliged to treat information as confidential and in the absence of any agreement to do so, you acknowledge that the Principal has the right to publicly disclose the information.

Any condition in your Application that seeks to prohibit or restrict the Principal's right to disclose will not be accepted.

Notwithstanding any undertaking regarding confidentiality, by submitting an Application, you agree that the Principal may forward information relating to you or your Application to the Australian Competition and Consumer Commission (ACCC) if the Principal reasonably suspects, or is notified by the ACCC that it reasonably suspects, that there is cartel conduct or unlawful collusion in relation to your participation in the PSAPMCM (whether or not the suspicion relates to your Application).

Information supplied by or on behalf of the Principal is confidential to the Principal and you are obliged to maintain its confidentiality. You may disclose confidential information to any person that has a need to know the information for the purposes of submitting your Application.

## 5 APPLICATION EVALUATION PROCESS

### 5.1 Evaluation

Applications will be assessed against the Application Requirements in Schedule 4 of the Application Form to determine suitability of applicants for the various categories.

In evaluating Applications the Principal will consider:

- a) the Applicant's acceptance of the proposed Terms and Conditions in Schedule 2 of the Application Form;
- b) Certificates of Currency of Insurances as requested in Schedule 3 of the Application Form;
- c) suitability of candidates nominated in the respective categories in Schedule 4 of the Application Form;
- d) compliance with applicable Government Policies; and
- e) any other information that the Principal considers relevant.

The Principal may in its absolute discretion (but is not obliged to):

- a) determine the Categories as appropriate for each Applicant;
- b) take into account any relevant consideration when evaluating Applications;
- c) invite any person or entity to lodge an Application;
- d) allow a member under the PSAPMCM to change its Application;
- e) consider, decline to consider, or accept (at the Principal's sole discretion) an Application lodged other than in accordance with these guidelines;
- f) seek further information from you regarding your Application including but not limited to requests for additional information or presentations by, or interviews with you or your key personnel;
- g) suspend or terminate this PSAPMCM process; and
- h) make enquiries of any person or entity to obtain information about any member under the PSAPMCM and its Application (including but not limited to the referees); and

### 5.2 Negotiation

The Principal may choose to:

- a) enter into negotiations with you or any Applicant under the PSAPMCM (including parallel negotiations with more than one member under the PSAPMCM in order to vary its Application on grounds of capability/capacity, technical issues, cost, effectiveness, to finalise agreement on the terms of the contract, or any other matters;
- b) re-evaluate Applications generally after any negotiation;
- c) suspend, discontinue or terminate at any time negotiations with you or any member under the PSAPMCM or any other person or organisation; and
- d) negotiate at any time with any organisation that is not a member under the PSAPMCM and enter into a contract in relation to the Guidelines or any part of the Guidelines with that organisation on such terms as the Principal, at its absolute discretion, considers appropriate.

### **5.3 Acceptance to the PSAPMCM**

You will be notified in writing of your acceptance onto the PSAPMCM and your company name will appear on the PSAPMCM register published on the Principal's website.

### **5.4 Review of Ongoing Compliance**

The Principal may, at any time, request you to provide evidence of your ongoing compliance to the requirements under which your Application on the PSAPMCM was granted.

You shall provide any required information within seven (7) days of such request.

Your failure to provide all the required information within seven (7) days will result in you being removed from the PSAPMCM (at the sole discretion of the Principal).

### **5.5 Performance**

#### **Revocation of Applicant Status**

An Applicant will be removed from the PSAPMCM (at the Principal's discretion), if the Applicant:

- a. does not respond to a Work Order Request in any 12 month period having been issued at least three requests in that 12 month period; or
- b. fails to demonstrate their ability to meet the minimum assessment requirements for their appointed service categories due to staff changes; or
- c. is found to be in breach of its obligations or commitments under the PSAPMCM, and the Principal, in its sole discretion, believes it warrants removal from the PSAPMCM.

#### **Performance Review**

You may not be offered work under the PSAPMCM (at the Principal's discretion) if your performance, when undertaking work for the Principal is not at the standard expected or required.

The Principal may, in its absolute discretion, consider your performance against Key Performance Indicators in previous agreements with the Principal when allocating Services to you.

The Principal may, in its absolute discretion and without limiting this clause 5.5, consider your current workload and availability to perform the services to the nominated completion date when requesting Services from you.



## 6 HOW TO WIN WORK

### 6.1 General

Upon establishment of the PSAPMCM, the secondary procurement process will seek responses to Work Order Requests from the PSAPMCM members.

A Job will be identified and released in a Work Order Request to a PSAPMCM member based on the type of service required in accordance with Section 2.2 above.

In consideration of the value of the procurement, proposed procurement approach and delivery and technical risks, the procurement is deemed '**Low**' risk based on the following attributes:

- the services being acquired are routine and there is a mature market in South Australia to provide services; and
- organisations will agree to the Department's Terms and Conditions as part of the Application; and
- the PSAPMCM will have an overarching governance framework which will provide assurance and support the effective management of the PSAPMCM; and
- rates are proposed to be capped, therefore managing spend; and
- a dedicated full-time resource will be allocated to manage the PSAPMCM.

At the Principal's sole discretion, a Job may be requested as an individual project or a bundle of multiple projects. Locations may be both metro and rural covering the State of South Australia. Work may be required across a range of environments, some of which may require specific conditions of entry such as rail corridors, traditional owned lands (e.g. APY Lands) and active construction sites. You will be obligated to comply with all site entry prerequisites.

### 6.2 Work Order Request

For each Job under the PSAPMCM, the Principal will release a Work Order Request which may include, but will not be limited to:

- Contact details, submission details and closing time and date;
- Tender Form;
- Scope of work;
- IPP requirements.

An example of a Work Order (incorporating a Work Order Request) is included in (Refer Appendix 2).

A Job requested under a Work Order Request is based on the unamended PSAPMCM Terms and Conditions agreed by you in the Application stage. No negotiation or changes to the Terms and Conditions requested by the PSAPMCM member will be accepted by the Principal during any subsequent stages.

The number of members for each Work Order Request will be selected at the Principal's sole discretion.

### 6.3 Work Order Pricing

If requested, each member will provide a Work Order Offer within the time specified in the Work Order Request.

All Work Order Offers shall be submitted via Tenders SA and within the timeframe nominated on the Work Order Request. Any Work Order Offers received outside of Tenders SA will be deemed non-compliant and set aside from evaluation.

The Work Order Offer will be in the format provided in the Principal's Work Order Request and shall not include any other documents or schedules not requested in the Work Order Request. Additional documents or schedules provided with a Work Order Offer will not be considered and may lead to the Work Order Offer being non-conforming and set aside from further evaluation.

Late submissions will not be considered.

## 6.4 Work Order Offer Evaluation

The Work Order Offer will be evaluated as follows:

1. candidates supplied by Applicants will be assessed as suitable or unsuitable based on their suitability and experience to the category and description of work required.
2. if they are assessed as suitable then they will be assessed using the comparative pricing method, inclusive of the IPP score.
3. at the Principal's discretion, a best and final offer (BAFO) may be requested from the Applicants before the award of the work.

## 6.5 Award

Upon completion of the Work Order Offer evaluation, if a Job is to be awarded by the Principal, a Letter of Award substantially in the form included in Appendix 3 will be issued to the preferred member. Nothing provided by the Principal prior to this Letter of Award will constitute an acceptance by the Principal of a Work Order Offer or give rise to a contractual obligation.

This Letter of Award will comprise the formal instrument of agreement between the Principal and the member for the Job.

The preferred member shall sign and return the Letter of Award to the Principal's Representative and upon execution by both parties will form a contractual relationship between the parties to undertake the Job for that Work Order only.

## 6.6 Performance Evaluation

The Contract Manager will provide performance evaluation feedback to the PSAPMCM member in accordance with the Key Performance Indicators at the completion of each Work Order or every six (6) months, whichever is earlier.

The results will be taken into consideration when allocating future Work Orders Requests in accordance with Section 6.4 of these Guidelines.

Notwithstanding this clause 6.6, the Contract Manager may evaluate and review member performance and quality of work at any stage during the course of the PSAPMCM.

## **7 GOVERNMENT POLICIES**

South Australian Government policies apply to all South Australian Government purchasing and related activities.

### **7.1 Employment of Ex-Government Employees**

Unless an exemption has been granted by the Treasurer, the Principal will not accept the services of any former public sector employee, either directly or through a third party, for a period that corresponds with the number of weeks of a targeted voluntary separation package received from the South Australian Government, where such engagement may breach the conditions under which the separation package was paid to the former public sector employee.

### **7.2 Disclosure of Government Contracts**

If a Contract is entered into, the Principal may disclose that contract and/or information in relation to it in either printed or electronic form and either generally to the public or to a particular person as a result of a specific request.

## APPENDIX 1 – APPLICATION FORM INCLUDING TERMS AND CONDITIONS

Refer to Application Form

## APPENDIX 2 – WORK ORDER REQUEST EXAMPLE

## APPENDIX 3 – LETTER OF AWARD EXAMPLE