

Registration Scheme for Construction Industry Contractors

Guidelines and Conditions

Transport for NSW | December 2023



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1 INTRODUCTION

1.1 PURPOSE OF THIS SCHEME

The purpose of this Registration Scheme is to supplement the Transport for NSW (TfNSW) Prequalification System (part of the National Prequalification System developed by Austroads), to classify contractors and subcontractors that is commensurate with their technical and managerial expertise, financial capacity and performance. The scheme aims to facilitate, but not replace, tender assessment for individual projects and to afford protection to TfNSW and contractors against over-commitment.

Contractors prequalified under the TfNSW Prequalification System in Roadworks or Bridgeworks Categories will be deemed to be registered in the appropriate Registration Categories, e.g. if prequalified under Roadworks, they will be deemed to be registered in the Earthworks and Drainage categories; and if under Bridgeworks, in the Formwork category. Contractors prequalified under the TfNSW Prequalification System in Specialist Category CC3 will be deemed to be registered in Registration Category CC2. Separate application is not required.

Registration with TfNSW is based on a three year assessment cycle. It is the responsibility of contractors applying to renew their Registration to submit their renewal application to TfNSW at least 6 weeks prior to the expiry date to allow sufficient time for the assessment to be completed.

1.2 HOW THIS SCHEME WORKS

Where Registration in a category or categories is specified by TfNSW in a request for tenders only contractors registered in that category or categories at the date of closing of tenders will be eligible to tender.

Where contract documents specify that the head contractor, or the headcontractor's subcontractors must be Registered, this work must be undertaken by a contractor or subcontractor Registered in the relevant category.

The Registration Scheme does not preclude TfNSW from adopting alternative forms of tendering (for example, open tender or pre-registration) on specific contracts.

Regardless of a tenderer's registration status, TfNSW will only enter into contracts where the preferred tenderer has satisfactory financial capacity to undertake the works. For those Registration Categories where a financial assessment is required, the financial assessment procedure used is similar to that used in the National Prequalification System for Civil (Road and Bridge) Construction Contracts. TfNSW may also consider the total workload commitment of a tenderer at the time of assessment in determining whether the tenderer's financial capacity is adequate.

Contractors tendering for TfNSW work must comply with the NSW Government Supplier Code of Conduct, available at:

<https://info.buy.nsw.gov.au/policy-library/policies/supplier-code-of-conduct>.

1.3 CONFIDENTIALITY OF APPLICATIONS

The registration of contractors for TfNSW works is solely for the benefit of TfNSW. Information provided with applications will be retained by TfNSW or its assessors and not disclosed to any other party unless legally required to do so, or to obtain legal or financial advice or as required for appeal. TfNSW may refer the Applicant's systems documentation to its external assessors for assessment. External assessors are required to maintain confidentiality of all information received.

Contractors' approved registration levels will be posted on TfNSW's website, <https://www.transport.nsw.gov.au/operations/roads-and-waterways/business-and-industry/partners-and-suppliers/tenders-and-17>

1.4 DEFINITIONS

Applicant: means the business entity lodging the Application with TfNSW.

Application Form: means the Registration Scheme for Construction Industry Contractors Application Form document.

Q6: means TfNSW Specification Q6.

Registration: means Registration in a Category or Categories of the Registration Scheme for Construction Industry Contractors

TfNSW: means Transport for NSW. For the purpose of administering the Registration Scheme, it means the Commercial, Performance & Strategy Branch of TfNSW's Infrastructure & Place Division.

2 NOMINATING A REGISTRATION CATEGORY

2.1 REGISTRATION CATEGORIES

Contractors may apply for Registration in one or more Categories as follows:

CC2 Steel fabrication to Construction Category 2 (CC2)

Contractors prequalified with TfNSW for Steel fabrication to Construction Category 3 (CC3) under the TfNSW National Prequalification System are automatically granted registration in Construction Category 2 (CC2).

D Drainage construction or related works (up to \$250,000)

E Earthworks for road construction or related works (up to \$250,000)

Contractors prequalified with TfNSW for Roadworks are automatically granted registration in Categories E and D

F Formwork erection for bridge or related works (up to \$250,000)

Contractors prequalified with TfNSW for Bridgeworks are automatically granted registration in Category F.

G Traffic Control

L Construction Industry Laboratories, at:

L1 Road and/or bridge construction or related works (approximate value less than \$10M, where the roadworks component of the contract is estimated to exceed \$2M).

L2 Road and/or bridge construction or related works (approximate value over \$10M and less than \$200M, where the roadworks component of the contract is estimated to exceed \$2M).

L3 Road and/or bridge construction or related works (approximate value over \$200M, where the roadworks component of the contract is estimated to exceed \$2M).

S Erosion, Sedimentation and Soil Conservation Services, at:

S1 Limited Registration for contracts specified at Prequalification Levels R1 to R4

S2 Unrestricted Registration for contracts specified at Prequalification Levels R1 to R5

U Urban Design, Landscape Design, and Art, Design & Curation Services, at:

U1 Urban Design

U2 Landscape Design & Management

U3 Art, Design & Curation

X Demolition of Properties

Z Stabilisation

Z1 Stabilisation by insitu mixing of binder using specialist machines

Z2 Stabilisation using premixed stabilised material from a stationary mixing plant such as pugmill

3 REGISTRATION SCHEME REQUIREMENTS

3.1 TECHNICAL, OPERATIONAL AND MANAGERIAL CAPACITY

To be considered for registration, the Applicant must:

1. Have experience and capability in the type of works relevant to the Registration Category applied for; and
2. Have a manager active in day-to-day operations.

3.2 SPECIFIC CATEGORY REQUIREMENTS

CC2 Steel Fabrication to Construction Category 2 (CC2)

This classification covers the fabrication and supply of minor steel items that generally fall under Construction Category 2 (CC2) of AS/NZS 5131.

These items include:

- monorail (railway) support structures;
- mast lighting poles less than 12m tall;
- mast arm and overhead gantries less than 10m tall;
- variable message sign support structures;
- traffic signals mast arm and other support structures;
- sign support structures;
- traffic barrier railings;
- safety screens;
- pedestrian railings;
- pedestrian fencings;
- pile casings;
- tubular piles;
- finger plate expansion joints (other than approved products);
- road furniture as defined in Austroads Publication No. AP-C87-15;
- steelwork used in temporary works for construction purposes (other than launching noses); and
- steel elements specified with CC2 category on the construction drawings or in Annexure B201/A1.

Applicants for Category CC2 must be certified for quality requirements to AS/NZS ISO 3834.3 or 3834.2 by a certifying body accredited to this purpose by JAS-ANZ/IAF or by an ANBCC accredited by the IIW.

Traffic signals mast arms and other support structures must be approved for use by TfNSW and listed in the Specification TS200 Register of ITS (Intelligent Transport Systems) Field Equipment.

Note: High risk items such as high mast lighting poles, mast arms and overhead gantries, and variable message sign support structures will be specified to have a FP (Fatigue Purpose) weld category.

To be considered for registration, Applicants for Category CC2 will need to demonstrate compliance to the requirements of AS/NZS 5131, AS/NZS ISO 3834.3, TfNSW Bridgeworks Specification B201- Steelwork for Bridges and other relevant TfNSW specifications.

Applicants will also need to demonstrate that they have:

- (a) A manager with relevant experience active in operations;
- (b) A Welding Supervisor present at the site or workshop during fabrication;
- (c) Key supervisory and inspection personnel with relevant experience;
- (d) Qualified welders on staff;
- (e) A shop with adequate facilities;
- (f) Capability to produce minor steel items;
- (g) Knowledge of TfNSW specifications or equivalent;
- (h) A suitable quality management system demonstrating product conformity;
- (i) A suitable WHS management system which demonstrates compliance with NSW Government WHS requirements and legislation.

Inspection of the Applicant's premises, products and quality management systems may be undertaken by TfNSW or an organisation approved by TfNSW.

Registration in Category CC2 will be restricted to only those works which the Applicant has the capacity to handle at the time of the technical assessment. The registration is only applicable to the assessed steel fabrication facility. A separate application is required if the Applicant has multiple steel fabrication facilities.

Steel fabricators may be granted Conditional Registration when they have been assessed as only having the capability of fabricating certain types of CC2 steel items. Any such restrictions will be noted on the letter confirming the Registration and on TfNSW website.

G Traffic Control

For Category G (Traffic Control), the Applicant must have staff that have successfully completed the following TfNSW approved courses:

- Traffic Controller – any person required to control traffic with a prescribed traffic control device.
- Implement Traffic Control Plans – any person who may be required to set up and work with Traffic Guidance Schemes (TGSs) at a work site and complete safety inspections.
- Prepare a Work Zone Traffic Management Plan – any person who may be required to design and modify Traffic Management Plans (TMPs), Vehicle Movement Plans (VMPs) and Traffic Guidance Schemes (TGSs).

Applicants must provide evidence of training of all individuals providing traffic control services under the registration scheme, and evidence that the traffic control devices comply with the Australian Standard and TfNSW requirements for retroreflectivity (such as a letter from the sign supplier).

Applicants must also submit sample copies of the Traffic Management Plan (TMP), Traffic Guidance Scheme (TGS), Pedestrian Movement Plan (PMP), and provide a list of owned traffic control vehicles, traffic control signs and electronic devices such as Daymaker, C-arrow board, VMS, mobile speed radar, TMA etc.

L Construction Industry Laboratories

Testing carried out by Construction Industry Laboratories (CIL) will cover the testing stated in TfNSW standard specifications for roadworks, bridgeworks, and rail projects. Tests that will commonly be required include, but not necessarily be limited to, the following:

T102, T103, T105, T106, T107, T108, T109, T111, T112, T114, T116, T117, T119, T120, T121, T123, T131, T136, T160, T162, T164, T166, T171, T173, T188, T199, T201, T203, T213, T215, T219, T223, T239, T276, T304, T375, T381, AS 1012.1, AS 1012.3.1, AS 1012.4.2, AS 1012.5, AS 1012.8.1, AS 1012.8.2, AS 1012.9, AS 1012.11, AS 1012.12.1, AS 1012.12.2, AS 1012.14, AS 1289.3.6.1.

(Applicants do not need to have the capability or accreditation to perform all of the above tests.)

The testing facility must be accredited by NATA in accordance with AS ISO/IEC 17025 “General requirements for the competence of testing and calibration laboratories”.

Each Base, Branch and/or Annex facility will be assessed individually and requires a separate application.

Evaluation criteria for registration includes the following:

3. NATA Accreditation – Possess a scope of accreditation which is current and valid for the testing stated in TfNSW standard specifications for road and bridgeworks. (Applicants do not need to have the capability or accreditation to perform all of the testing.)
4. Declare Limitations – Advise of any limitations in relation to the scope of accreditation in comparison to the requirements in Q6.
5. Laboratory Information Management System (LIMS) – Possess a LIMS capable of providing any requested test results and data in the specified tabulated format for all routine quality testing undertaken on a project. (Further details on the specified format can be found at: <https://www.transport.nsw.gov.au/system/files/media/documents/2023/LIMS-data-submission-requirements.pdf>)
6. Sampling and Sample Management – Provide example(s) of sampling management plan and sample management procedure.
7. Previous Experience on Similar Projects – Provide a list of TfNSW, or similar, projects for which the laboratory has provided testing services within the last 2 years, together with the client representative’s contact details.
8. Participation and Outcomes of Proficiency Testing – Provide evidence of participation in TfNSW and/or other recognised proficiency programs. Provide test data and outcomes of the laboratory’s performance in proficiency testing within the last two years, particularly for T106, T108, T109, T111, T117, T120, T162, T166, and T173.
9. Knowledge and Experience of Q6 – Provide examples of experience with the TfNSW quality management requirements specified in Q6, or evidence of Q6 training, if available.
10. Performance Feedback – Provide details of any feedback received on the performance of the laboratory during client or NATA surveillance visits or audits, and from head contractor feedback and/or independent verifier reports in TfNSW or other similar projects.
11. Adequate Resources (Equipment) – Provide a list of available equipment to support the testing required such as equipment register, and calibration and maintenance schedule.
12. Adequate Resources (Personnel) – Provide an organogram showing key managerial and technical personnel and their designation.
13. Competence and Training of Staff – Provide evidence of staff competence, and a list of approved signatories for each test method. Provide details of qualification, experience, competence level (as per NATA based levels), present designation and duration in the role for all laboratory staff. Submit a Training Matrix for all current laboratory staff, and include the organisation’s training procedure outlining how staff training needs are identified and staff are assessed for competency.
14. Impartiality and Undue Influence – Demonstrate how the laboratory and its staff maintain impartiality and manage any undue influence from third parties, including the head contractor.
15. Work Health and Safety (WHS) – Provide evidence of safe work practices within the laboratory and on

projects, such as copies of the WHS policy and safe work method statements (SWMS). Provide also copy of Radiation Management Plan, Radiation Management Licence, and any radiation audit reports.

16. Registration with Other Government Registration Schemes – Advise of registration in any other State Road Agency Registration Scheme, and current status and date of registration.

17. Quality Manual – Provide a copy of the laboratory's quality manual.

Additional requirements for Branch and Annex facilities, if different from Base facility:

- Submit copy of NATA approval to establish the Annex facility.
- Submit evidence that all the requirements to commence testing for the Annex facility is in place.
- Provide a list of key personnel (managerial/supervisory and technical staff, and laboratory technicians), including their qualification, experience, competence level, present designation and duration in the role, if different to that in the Base facility.
- Provide details of any changes to key personnel since the initial registration under this Registration Scheme.
- Provide a list of equipment for the Annex facility, if different to that of the Base facility.

When assessing a laboratory's level of entry (whether Categories L1, L2 or L3 – see below) in accordance with the evaluation criteria, the following will be taken into consideration:

- Feedback from TfNSW or other state transport agency clients, and head contractors, including written references.
- Capability and resources.
- Competence, experience and qualifications of staff.
- Completeness of submission.

The Applicant must be able to maintain the following minimum staffing and experience levels in each Annex facility when undertaking work on TfNSW contracts:

For **Category L1**, the facility must have at least one Level 3 staff and up to fifteen Level 1 and/or Level 2 persons.

For **Category L2**, the facility must have at least one Level 4 staff to achieve adequate technical control with one Level 3 staff and up to fifteen Level 1 and/or Level 2 staff.

For **Category L3**, the facility must have at least one Level 5 staff, one Level 4 staff to achieve adequate technical control with one Level 3 staff and up to fifteen Level 1 and/or Level 2 staff and one Quality Control Officer to ensure quality requirements are maintained in the facility.

(The "Levels" mentioned above are the supervisory/technical control levels specified in NATA document titled "Specific Accreditation Criteria - ISO/IEC 17025 Application Document Infrastructure and Asset Integrity – Annex Geotechnical and civil construction materials testing".

Facilities registered at Category L3 must conduct more than 80% of the testing (as measured by number of tests) at the onsite facility or at facilities located within 25 km of the project site.

Performance Assessment of Construction Industry Laboratories

Once registered, TfNSW will nominate a representative to assess the ongoing performance of the laboratory. This will include, but not necessarily be limited to the following:

1. A quality systems and technical audit, undertaken within the first 6 months after registration and thereafter as pre-arranged.
2. Monitoring through surveillance visits at any time, and/or ad hoc audits with 24 hour notice, by a TfNSW representative. Areas may include one or more of the following:
 - Conformity to AS ISO/IEC 17025 and relevant NATA requirements.

- Conformity to ARPANSA Code of Practice and Safety Guide for Portable Density/Moisture Gauges Containing Radioactive Sources (Radiation Protection Series No.5).
 - Conformity to the requirements of Q6.
 - Conformity to TfNSW, Australian Standard or other test methods in use for the project.
 - Parallel testing on compaction levels and material properties testing.
3. Close out of nonconformities within 4 weeks from the date of issue of the audit report or notice, except where preventive and/or corrective actions necessitate an extension of time, which will be by agreement with the TfNSW representative.

Suspension/Removal Criteria:

Laboratories may be removed or suspended from the registration scheme if the requirements for registration scheme are not met or maintained.

Reasons for suspension/removal include one or more of the following:

1. Fabrication of test results, including the use of back calculation software designed to produce the fabricated results.
2. Systematic data mismanagement.
3. Nonconformities which have a major impact on the laboratory's capability to provide quality outcomes (arising from sampling, testing, reporting, failure to adhere to test methods and/or specifications, competence of staff, and maintenance and calibration of equipment).
4. Failure to satisfactorily close out nonconformities in a timely manner (refer "Performance Assessment of Construction Industry Laboratories" above).
5. Failure to cooperate during surveillance visits or audits.
6. Any NATA suspension.
7. Any significant changes to approved signatories and other key personnel (such as managerial/supervisory and technical staff, and/or laboratory technicians) that may impact on the project quality outcomes.
8. Act under undue influence from individuals or organisations, or allowing conflicts of interest to compromise project quality outcomes, or any other acts and omissions that compromise impartiality.
9. Not taking action on individuals who have been found to be involved in altering test results/data without justification and not complying with testing procedures, specifications or standards, organisational policies or procedures, and NATA accreditation requirements.

Memorandum of Understanding with NATA

TfNSW and NATA have in place a Memorandum of Understanding with the objective of:

- Assuring the competence and reliability of operations of any laboratory engaged in the testing of construction materials for TfNSW.
- Having in place an appropriate assessment regime for laboratories to ensure the delivery of quality and value for government funded road construction projects.
- Having NATA undertake some additional assessment of laboratories operating under the agency's registration scheme when necessary and conduct joint audits.
- Sharing of information relating to laboratories registered under the agency's registration scheme.

S Erosion, Sedimentation and Soil Conservation Services

Category S1 – Limited registration to provide services to TfNSW contracts specified at Prequalification Levels R1 to R4 in accordance with the TfNSW Guidelines - National Prequalification System for Civil (Road and Bridge) Construction.

Category S2 – Unrestricted registration to provide services to all TfNSW contracts, including contracts specified at Prequalification Level R5.

The Applicant must provide full details for evaluation criteria 1.

Each individual proposed to provide the services under **Category S1** must meet the requirements of evaluation criteria 2 to 6.

Each individual proposed to provide the services under **Category S2** must meet the requirements of evaluation criteria 2 to 8.

Evaluation Criteria:

1. Management qualities (including organisational structure of proposed team, management systems, team support including electronic and graphics resources). The application should mention the nominated specialist individuals and support available to provide the services.
2. Recognised professional and/or technical qualifications in relation to erosion and sedimentation, soil conservation and stormwater management.
3. Demonstrated technical expertise in the design, implementation and maintenance of erosion and sedimentation controls and preparation of Erosion & Sedimentation Control Plans for construction activities.
4. Demonstrated experience in communication of erosion and sedimentation/stormwater management principles and design advice to field staff at all levels.
5. Demonstrated understanding of the expectations of the NSW Environment Protection Authority in relation to construction erosion and sedimentation issues and their legislative context.
6. Service performance (including client relationships and past performance in meeting time, cost, service and quality requirements).
7. Possess current certification as Certified Professional in Erosion and Sedimentation Control (CPESC) from the International Erosion Control Association.
8. Minimum of 10 years total professional experience with a minimum of 5 years demonstrated experience specifically providing erosion and sedimentation services to construction projects, applicable to roadworks.

U Urban Design, Landscape Design, and Art, Design & Curation Services

Provision to TfNSW of high quality urban design, landscape design, and art, design & curation services for transport projects, programs, policies and guidelines.

Category U1 – Urban Design

Provision of high quality urban design, at site, corridor, and network level, with applicability to transport (including road) infrastructure, including:

- Urban design research and guideline development
- Landscape character and visual impact assessment
- Road and street typologies and hierarchies development
- Corridor strategies and frameworks development
- Whole-of-project planning, and concept and detail design
- Urban design implementation advice

Category U2 – Landscape Design & Management

Provision of landscape design, construction and management advice, at various levels and contexts, including:

- Landscape design research and development

- Landscape concept and detail design
- Soil management, seeding and plant quality advice
- Planting and revegetation implementation advice

Category U3 – Art, Design & Curation

Provision of public art, and integration of art and design into projects and the natural and built environment and its elements, including:

- cultural advice and interpretation
- consultation and collaboration with cultural groups
- public art design and installation
- curation services
- art and creativity implementation advice

Evaluation Criteria:

Category U1 – Urban Design

Organisational Capability

1. Demonstrated experience and understanding of urban design, at site, corridor, and network level, with applicability to transport (including road) infrastructure.
2. Demonstrated expertise on government infrastructure projects, including a statement of the team's design approach, which demonstrates an understanding of Beyond the Pavement urban design related processes and policies, including safety in design considerations.
3. Experience with environmental assessment process of infrastructure projects.
4. Management qualities, including organisational structure of proposed team, seniority of team leaders, management systems, team support including electronic and graphics resources.
5. High quality of service performance, including developing good client relationships and past performance in meeting time, cost, service, and quality requirements.

Quality Management

6. Submission of sample Quality Management Plan.

Personnel Experience and Capabilities

7. Demonstrated experience in community consultation and participation with high level presentation, specifically addressing urban design.
8. Demonstrated technical expertise relating to analytical and design abilities in the natural and built environment, and experience in conversion of design concepts into practical, cost-effective outcomes.
9. Recognised professional qualifications and current institute registration (or working toward registration) for all proposed team members at all levels in relation to architecture and landscape architecture. Additional qualifications in urban design will be favorably considered. (Other disciplines and expertise may also be considered.)

Category U2 – Landscape Design & Management

Organisational Capability

1. Demonstrated experience and understanding of landscape design, construction and management principles, at various scales and contexts.
2. Demonstrated expertise on government infrastructure projects, including a statement of the team's design approach, which demonstrates an understanding of Beyond the Pavement and landscape

design related processes and policies, including safety in design considerations.

3. Management qualities, including organisational structure of proposed team, seniority of team leaders, management systems, team support including electronic and graphics resources.
4. High quality of service performance, including developing good client relationships and past performance in meeting time, cost, service, and quality requirements.

Quality Management

5. Submission of sample Quality Management Plan.

Personnel Experience and Capabilities

6. Recognised professional qualifications and current institute registration (or working toward registration) for all proposed team members at all levels in relation to landscape architecture, horticulture, forestry, arboriculture, parks management, etc. (Other disciplines and expertise may be considered.)
7. Demonstrated technical expertise relating to ecological design, landscape asset management, tree management, water/air quality solutions, soil management, plants selection fit for purpose and place, and aesthetic and functional planting principles.

Category U3 – Art, Design & Curation Services

1. Demonstrated experience in the provision of public art, and integration of art and design into the natural and built environment and its elements.
2. Demonstrated experience in co-design and collaboration with communities and cultural groups.
3. Demonstrated expertise on infrastructure projects, including a statement of the artist or team's approach, which demonstrates an understanding of Beyond the Pavement urban design and art related processes and policies.
4. Management qualities, including organisational structure of proposed team, seniority of team leaders, management systems, team support including electronic and graphics resources.
5. High quality of service performance, including developing good client relationships and past performance in meeting time, cost, service, and quality requirements.

Quality Management

6. Submission of sample Quality Management Plan.

Personnel Experience and Capabilities

7. Demonstrated technical expertise relating to working on long and short duration projects and/or management of artists and the curation of artwork programs.
8. Demonstrated understanding of cultural contexts (Aboriginal and/or non Aboriginal).
9. Recognised professional qualifications are required of all proposed team members at all levels in relation to art curation, project management etc.

X Demolition of Properties

Applicants for registration for demolition works must hold a SafeWork NSW Class 2 Restricted Demolition Licence, as the minimum requirement.

Applicants possessing other licences associated with demolition work such as removal of asbestos, whether bonded or friable, should provide details of the licence held together with details of experience and reference projects for consideration.

Tenders for demolition work will generally be despatched to all registered contractors. Where it is considered appropriate, TfNSW will still use other forms of tendering including open tender registration and selective invitation.

Z Stabilisation

To be considered for registration, the Applicant must:

- hold a current AustStab/ARRB accreditation certificate, which is deemed to meet the initial registration requirements for the stabilisation category, except for financial capacity. The Applicant must advise of any limitations of its accreditation which would affect the scope of work that it is capable of undertaking,
- provide the information required by these guidelines including being able to maintain the following staff and experience levels in undertaking work for TfNSW contracts:

For **Category Z1**, the Applicant must have a minimum technical and managerial capacity to carry out stabilisation by the insitu method using specialist stabilisation mobile plant, including mechanical spreaders.

For **Category Z2**, the Applicant must have a minimum technical and managerial capacity to carry out stationary mixing using specialist equipment with calibrated load cells to control inputs and mechanised spreaders for placing stabilised materials to formation.

The Applicant must state how these requirements will be met.

3.3 FINANCIAL CAPACITY

This clause is not applicable to applications for:

- *Category G Traffic Control;*
- *Category L1 Construction Industry Laboratories Level 1 only;*
- *Category S Erosion, Sedimentation and Soil Conservation Services; or*
- *Category U Urban Design, Landscape Design, and Art, Design & Curation Services.*

To be considered for Registration, the Applicant's business must have strong financial viability over both the short and long term. An assessment of the Applicant's financial capacity will be made based on the information provided in the Application Form. Applicants that are a trustee must supply information for both the trust and trustee.

In assessing an Applicant's financial capacity, inter-company arrangements including loans and current contractual commitments (both with TfNSW and other organisations) will be taken into account. TfNSW will generally use independent financial assessors.

Failure to supply the necessary financial information to TfNSW or to TfNSW's independent financial analyst may result in an application being refused or existing registration rescinded.

3.4 QUALITY MANAGEMENT SYSTEM

This clause is not applicable to applications for:

- *Category G Traffic Control;*
- *Category L Construction Industry Laboratories;*
- *Category S Erosion, Sedimentation and Soil Conservation Services; or*
- *Category U Urban Design, Landscape Design, and Art, Design & Curation Services.*

In assessing Registration applications, TfNSW will examine the progress made by the Applicant in the development and implementation of effective quality management systems both at the corporate and project levels. Presentation of a Project Quality Plan that demonstrates operational effectiveness of the quality management system applied at project level, is vital to the assessment.

The Applicant's quality management system must be Type QMS3 in accordance with TfNSW Specification Q3. Contractors may need to further develop their quality management system after registration to meet the requirements of a particular contract.

Applicants for CC2 will need to possess a suitable quality management system which demonstrates product conformity. The management system will be assessed in conjunction with the inspection of the Applicant's premises.

If the Applicant have a quality management system that is third party certified to ISO 9001:2015 (or AS/NZS ISO 9001:2016), the Applicant may submit the certificate of approval in lieu of the above, but the scope of activities stated in the certificate must be relevant to the category of work applied for.

3.5 WORK HEALTH AND SAFETY MANAGEMENT SYSTEM

This clause is not applicable to applications for:

- *Category L Construction Industry Laboratories (but see Section 3.2, sub-section L, for requirements relevant to Construction Industry Laboratories);*
- *Category S Erosion, Sedimentation and Soil Conservation Services; or*
- *Category U Urban Design, Landscape Design, and Art, Design & Curation Services.*

The NSW Government's Work Health and Safety Policy requires Government agencies to only use those contractors that can demonstrate their WHS capability.

Contractors' WHS management systems must meet the requirements of Work Health and Safety Regulation 2017 (NSW), with particular emphasis on Chapter 6 - Construction Work, and comply with NSW Government's Work Health & Safety Management Guidelines for Construction Procurement, available at: https://info.buy.nsw.gov.au/_data/assets/file/0014/622013/Work-Health-Safety-Management-Guidelines-for-Construction-Edition-6_Dec2019.pdf.

(Refer also NSW Government Code of Practice – Construction Work, available at: https://www.safework.nsw.gov.au/_data/assets/pdf_file/0014/52151/Construction-work-COP.pdf.)

Five alternatives are available to Applicants to have their WHS management systems assessed:

1. Provide evidence that their WHS management system has been independently audited as meeting the requirements of a checklist to be provided by TfNSW.
2. Provide evidence of current 3rd party certification to AS/NZS 4801:2001 or AS/NZS ISO 45001.
3. Provide evidence of accreditation under the Australian Government Building and Construction Work Health and Safety Accreditation Scheme.
4. Provide evidence of a current Civil Contractors Federation (CCF) Management System.
5. Submit their WHS management system to TfNSW to undertake a review. Any deficiencies identified by TfNSW must be corrected prior to registration.

Where alternatives 1 or 2 are selected, the independent auditor that assesses the Applicant's WHS management system must either be a conformity assessment body accredited by the Joint Accreditation System for management Australia and New Zealand (JAS-ANZ) to the relevant standard, or registered by Exemplar Global (or equivalent) with experience in the civil construction industry.

If submitting a certificate of approval as evidence of accreditation or certification, the scope of activities stated in the certificate must be relevant to the category of work applied for.

WHS Management Plan:

Applicants must also submit a sample WHS Management Plan, which can be either site specific or generic, containing the following elements.

1. Statement of Work Health and Safety responsibilities for the site.
2. Communication and consultation mechanism.
3. Emergency planning and incident management.
4. Site safety rules.

5. WHS training, including induction training.
6. Documented risk assessment and risk control plan for all activities offered.
7. Safe work method statements for all activities assessed as having a health and safety risk and/or high-risk construction activities as listed in Chapter 6, WHS Regulation 2017 (where relevant to Category applied for).
8. Health assessment and monitoring.
9. Hazard management tools, such as for handling and storage, and managing hazardous substance.
10. Documents and records management.
11. WHS forms that assist implementation of the Plan.

3.6 ENVIRONMENTAL MANAGEMENT SYSTEM

This clause is not applicable to:

- *Category G Traffic Control;*
- *Category L Construction Industry Laboratories;*
- *Category S Erosion, Sedimentation and Soil Conservation Services; or*
- *Category U Urban Design, Landscape Design, and Art, Design & Curation Services.*

The NSW Government is committed to achieving an effective environmental focus in the construction industry.

To obtain registration, contractors must demonstrate their ability to develop an Environmental Management Plans (EMP).

If the Applicant have an environmental management system that is third party certified to ISO 14001:2015 (or AS/NZS ISO 14001:2016), the Applicant may submit the certificate of approval in lieu of the above, but the scope of activities stated in the certificate must be relevant to the category of work applied for.

3.7 OTHER SCHEMES

Contractors with a CCF Management System or a Department of Transport and Planning, Victoria prequalification will be deemed to meet the requirements for registration with TfNSW in the relevant categories, except for financial capacity.

Contractors approved under the AustStab/ARRB Accreditation Scheme for In-situ Stabilisation Contractors or Plant-mix Stabilisation Operators will be deemed to meet the requirements in the stabilisation category except for financial capacity. If the Applicant is not based in New South Wales, it will further need to demonstrate that its WHS management system meets Work Health and Safety Regulation 2017 (NSW), with particular emphasis on Chapter 6 - Construction Work.

4 APPLYING FOR REGISTRATION

Contractors may apply for registration at any time.

4.1 SUBMISSION OF AN APPLICATION FORM

To meet TfNSW's contract requirements for Workers Compensation insurances, Applicants for registration must be an incorporated company. Sole traders, family partnerships or unincorporated partnerships are **not** eligible to apply for registration.

Contractors may apply for registration by completing the Application Form and attaching all of the information required therein. The Application Form, these Guidelines and all referenced specifications are available from the TfNSW website at:

<https://www.transport.nsw.gov.au/operations/roads-and-waterways/business-and-industry/partners-and-suppliers/tenders-and-16>.

The completed Application Form and accompanying information are to be forwarded either by email, or saved on to a USB memory stick and posted to the address shown below at the end of this clause.

TfNSW will undertake such investigations as it considers appropriate to ensure that the Applicant is a *bona fide* registered company or business, and will undertake other searches and enquires to ensure that the Applicant has the technical and financial capacity appropriate to the registration category being sought. Searches will not necessarily be confined to referees proposed by the Applicant and may include performance reports from TfNSW and other agencies.

Applicants must, on request, provide any necessary authority to enable these searches and enquiries to be carried out. The Applicant's right to confidentiality will be respected.

If necessary, an interview may be arranged between the Applicant and TfNSW to clarify details of the application in order to assess the Applicant's technical and financial capacity and project management capability.

Any enquires relating to an application for registration should be directed to:

Pre-Qualifications Officer

Commercial, Performance & Strategy Branch

Infrastructure & Place Division

Telephone (02) 8843 3159

Email: catherine.thai@transport.nsw.gov.au

or

tuan.tran@transport.nsw.gov.au

or

prequalification.enquiries@transport.nsw.gov.au

4.2 RELATED AND SUBSIDIARY COMPANIES

A contractor's registration does not extend to related or subsidiary corporations owned or controlled by the contractor. Any such corporation must apply for registration in its own right.

5 ASSESSMENT OF APPLICATIONS

5.1 ASSESSMENT AND REVIEW OF APPLICATIONS

An Application for registration or review of a contractor's registration will be assessed by the Senior Manager, Policy and Governance, Commercial, Performance & Strategy Branch of TfNSW's Infrastructure & Place Division.

The assessment of registration applications will be completed within six (6) weeks from the date of receipt of all the required information. Failure to supply all the information requested in the Application Form may result in the application being rejected. Applicants who submit incomplete applications or are unable to demonstrate that they meet the requirements listed for the category applied for may have their application for registration refused.

Where an application has omitted essential information that prevents TfNSW from completing the assessment, the Applicant will be requested to supply the additional information, and the assessment process will be placed on hold until this additional information is received.

Applications for registration for a specific contract, where registration is a requirement for the head contractor, will not be considered during the tender period for that work unless the tender period exceeds six (6) weeks and all required information is received six (6) weeks prior to the closing of tenders.

Applicants will receive written notice of the outcome of the assessment and, if registration is granted, they will be eligible to tender for work in the approved registration category. TfNSW may attach conditions to any registration granted.

Factors considered in the assessment are:

1. past performance on similar type and cost of works;
2. technical capacity;
3. resources (human, plant, equipment);
4. financial capacity;
5. quality management;
6. work health and safety management; and
7. environmental management.

5.2 SERVICE STANDARDS

TfNSW will conform to the following service standards with regards to applications under the Registration Scheme for Construction Industry Contractors:

1. receipt of applications will be acknowledged within five (5) working days;
2. complete applications will be processed within six (6) weeks of receipt of all required information; and
3. contractors will be advised of the outcome of an appeal within ten (10) working days of the appeal being considered.

6 RENEWING AND REVIEWING REGISTRATION

6.1 RENEWING REGISTRATION

An approved registration will lapse after three (3) years.

It is the responsibility of contractors to submit their renewal application to TfNSW at least 6 weeks prior to the expiry date to allow sufficient time for the assessment to be completed so that there is no lapse in registration. TfNSW will **not** give temporary registration for tendering or working on specific contracts.

6.2 REVIEWING AND SUSPENDING REGISTRATION

The registration of a contractor may be reviewed where TfNSW becomes aware of:

1. unsatisfactory performance on TfNSW or other Government contract works; or
2. material adverse change in the contractor's technical, financial, managerial or organisational capability;
or
3. the contractor being placed into voluntary administration or involved in a compromise or other arrangement with creditors.

Prior to and pending the outcome of a review, TfNSW may at its discretion suspend or downgrade (if applicable) a contractor's registration in any of the above circumstances, and will advise the contractor, in writing, of the matters prompting the review. Prior to any cancellation of registration, TfNSW will ask the contractor to show cause why the particular action should not be taken.

Where the Government or TfNSW as an agency of the Government has imposed sanctions on a contractor for a breach of the NSW Government Supplier Code of Conduct, the contractor's registration will be suspended for the period of the sanction. If the sanction is in place for more than six (6) months, the registration will be cancelled and the contractor will be required to submit an application for renewal of registration. An application for registration will not be considered while any such sanction is in place.

In addition to the circumstances set out above, TfNSW may review any contractor's performance at any time. Records of a contractor's performance will be maintained and referred to at the time of registration, with particular regard to the following areas:

1. time management;
2. standard of work;
3. quality management;
4. management and suitability of personnel;
5. management of subcontractors, consultants and suppliers;
6. work health and safety management;
7. environmental management
8. traffic management;
9. contract management;
10. industrial relations management;
11. co-operative relationships; and
12. workforce or skills development.

6.3 APPEALS BY THE APPLICANT

An Applicant may appeal a registration decision of TfNSW. The appeal (signed personally by a Director of the Contractor) must be lodged with the Director Construction Pre-Contracts, Commercial Performance & Strategy Branch of TfNSW's Infrastructure and Place Division within twenty (20) working days of the date of the letter advising of TfNSW's decision and should clearly state the grounds for the appeal and include all relevant information.

Appeals will be considered by the Director Construction Pre-Contracts, Commercial Performance & Strategy Branch (or representative).

The Reviewer may, at their absolute discretion, seek additional information from the Applicant, either in writing or in person, and the Applicant will have a right of appearance before the Reviewer if the Applicant so desires.

The review will be commenced within fifteen (15) working days of receipt of the appeal. Advice of the outcome of the appeal will be forwarded to the Applicant within ten (10) working days of the review commencing.

7 CONTRACTOR'S OBLIGATIONS

7.1 CHANGES TO CONTRACTOR CIRCUMSTANCES

Registered contractors are required to immediately advise TfNSW of any material change in their ownership, holdings or financial, technical and managerial capacity. Where the registered contractor is a trustee, it is also required to immediately notify TfNSW of changes to the trust deed, changes or proposed changes in the identity of the trustee and of anything which might cause the trustee's right to be indemnified from the trust assets to be lost or reduced.

7.2 CONTRACTOR UNDERTAKING

No information relating to registration status may be used by a contractor in advertising or for any promotional purpose or be published in any form. No responsibility is accepted for any consequences arising from the use of any such information.

7.3 ACCEPTANCE BY CONTRACTOR

In applying for registration, a contractor is deemed to have accepted these conditions as may be varied from time to time. Where possible, industry consultation will occur before any significant changes are introduced.

Disclaimer: The decision to approve or reject, with or without conditions, any application for registration is at the absolute discretion of TfNSW.

TfNSW is not liable for any costs or damage incurred in the exercise of such discretion or the discretion to remove any registration.

The Registration Scheme was developed for TfNSW's internal purposes. TfNSW does not represent or warrant that any of its registered contractors are technically capable or financially sound or have any other characteristics. Any person seeking to deal with a contractor who is registered with TfNSW must rely on its own enquiries.