



**NSW Department of Premier and Cabinet and
NSW Department of Services, Technology &
Administration**

**PREQUALIFICATION SCHEME: PERFORMANCE AND
MANAGEMENT SERVICES**

GUIDELINES FOR APPLICANTS

NOVEMBER 2009

CONTACT DETAILS

The Performance Improvement and Review Branch of the NSW Department of Premier and Cabinet is the contact for matters related to the services to be performed and the skills levels and capacity required under the Scheme. Persons requiring information on these matters should contact:

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This document is available at:
<http://www.nswprocurement.com.au/Consultants/Performance.aspx>

INTRODUCTION

The NSW Department of Premier and Cabinet, in conjunction with the NSW Department of Services, Technology & Administration, has established the *Prequalification Scheme – Performance and Management Services* (the “Scheme”). The Scheme creates a framework for the prequalification of individuals and firms who provide performance and management services to NSW Government agencies and statutory corporations.

The NSW Department of Services, Technology & Administration maintains a list of individuals and companies with a demonstrated track record in one or more of the following capability areas:

- **Performance Reviews** – including reviews of agencies, programs, budgetary and performance targets, management, functions, policies/strategies and legislation and regulation.
- **Infrastructure and Major Projects** – advice and/or assistance regarding strategy and planning, risk, major project procurement and delivery, contracting, communication and project management.
- **Service Delivery Improvement** – advice and/or assistance regarding service strategy and planning, service implementation, service performance and service evaluation.
- **Organisational Capability** – advice and/or assistance regarding governance and reporting, corporate and business strategy, business process improvement, communication, human resources, financial management, asset management and procurement and office services.
Note: Audit & Assurance Services and Investigation Services - From 1st September 2009 the following two services have been included in this category – Audit & Assurance Services and Investigation Services. These two services replace those provided in State Contracts Control Board Period (SCCB) period contract No. 7174 that concluded 31st August 2009. Panel members of SCCB period contract No. 7174 seeking prequalification for Audit & Assurance Services and Investigation Services must apply for prequalification in accordance with the conditions of this Scheme.
Individuals or companies that already prequalified in a category(s) in the Scheme will also have to apply for prequalification for Audit & Assurance Services and Investigation Services in accordance with the conditions of this Scheme.
- **General Technical Expertise** – advice and/or assistance regarding policy development, business case development, contracts and contracting, project governance and management, issues management, financial and economic analysis, budget management and environmental impact assessment.

NSW Government Agencies have been approaching members of the Scheme for high-level specialist advice and other forms of professional assistance they have required in the areas listed above.

The NSW Government *Code of Practice for Procurement* outlines how the NSW Government will conduct its procurement activities when interacting with the private sector. The Code establishes standards of behaviour expected from government agencies and services providers.

Members of the Scheme must at all times demonstrate a commitment to and consistent application of the standards of behaviour outlined in the Code.

How do I become a member of the Scheme?

Service providers who wish to become members of the Scheme must engage in the following process:

1. An application in the form provided must be completed and submitted by the service provider. The application form is set out in Schedule 1 of the Scheme Conditions. Detailed guidance on how to fill out the form is included.
2. All applications will be assessed by the Assessment Committee, which comprises representatives from the Department of Premier and Cabinet and the Department of Services, Technology & Administration, in accordance with the evaluation criteria set out in clause 7 of the Scheme Conditions.
3. If further clarification is required, the applicant may be invited to attend an interview with the Assessment Committee.
4. The Assessment Committee will notify all applicants of its decision in writing.
5. If any applicant believes that there are substantive grounds for the Assessment Committee to reconsider its decision, the applicant may request a review of the decision in writing.
6. Once applicants are admitted to the Scheme, they may be approached by NSW Government agencies to perform work in their nominated area of expertise.

On what terms are service providers from the Scheme engaged?

Each matter allocated to a service provider who is a member of the Scheme will be considered a separate and distinct engagement. The engaging agency and the service provider will enter into a separate agreement for each engagement.

A standard form of agreement is set out at Schedule 2 of the Scheme Conditions. The terms of the agreement will not be modified for the purposes of particular engagements unless there are exceptional circumstances which warrant such modification.

Does the Scheme allow for additional or 'flow-on' engagement?

A service provider's engagement may result in the need for related 'flow-on' work. If possible, agencies will give notice to service providers when they are first invited to submit a proposal.

Whether or not advance notice is given, a service provider who has undertaken an initial engagement may be invited by the agency to submit a proposal for further work, provided the following criteria are met:

- satisfactory performance;
- demonstrated knowledge and expertise developed during the initial engagement; and
- value for money for additional related engagements.

The total value of the first and related flow-on engagements is not to exceed the lesser of three times the value of the first engagement or \$500,000. Where flow-on engagements are likely to exceed the applicable limit, a minimum of three service providers from the Scheme should be invited to provide proposals unless exceptional circumstances can be demonstrated.

What are the record-keeping requirements of the Scheme?

The NSW Department of Services, Technology & Administration will collect the following information from agencies for each engagement:

- the name of the service provider;
- the total value of the engagement;
- any variations or flow-on engagements; and
- a brief description of the outcome.

Information submitted with an application will be treated as confidential by NSW Government agencies unless otherwise required by law, and may be subject to reference checking and other enquiries.

How is performance monitored and reported on?

Quality assurance, value for money, and performance improvement are key objectives of the Scheme.

To help meet these objectives, agencies are required to submit a Performance Report in circumstances where:

- a service provider's performance is considered unsatisfactory; or
- the total cost of the engagement (and any related flow-on engagements) is \$150,000 or more.

A standard form Performance Report is set out at Schedule 3 of the Scheme Conditions. A Performance Report may be submitted by an agency at the completion or termination of the relevant engagement, or whenever a critical aspect of performance is unsatisfactory.

Where an agency considers that a service provider's performance has been unsatisfactory, the service provider will be kept informed and afforded an opportunity to show cause as to why it should not be rated 'unsatisfactory'.

Can I be removed from the Scheme?

Yes. A service provider's membership may be revoked at any time for a number of reasons, including where the service provider:

- has breached any term of the Scheme Conditions, including adherence to the *NSW Government's Code of Practice for Procurement*;
- has been the subject of one or more adverse Performance Reports submitted by an agency or agencies; or
- is not considered to be suitable for future work;
- has frequently declined tendering opportunities without providing valid reasons, lodged late tenders, or lodged unsatisfactory tenders;
- has experienced an adverse change in expertise or capacity; or
- has experienced an adverse change in business status.

Before a service provider's membership is revoked, the NSW Department of Services, Technology & Administration will advise the service provider of the matters prompting the revocation and will give the service provider the opportunity to provide reasons as to why its membership should not be revoked.

A service provider may also have their membership suspended if an adverse Performance Report, or a number of adverse Performance Reports, have been submitted. The service provider may be asked to show cause as to why it should not be suspended as a member of the Scheme until it can provide evidence of having rectified the conduct the subject of the adverse Performance Report or Reports.

Where a service provider who has had its membership suspended or revoked believes that there are substantive grounds for a review of the decision, the service provider may request such a review in writing. A report on the review will be prepared by the NSW Department of Premier and Cabinet, and the NSW Department of Services, Technology & Administration will inform the service provider of the outcome of the review.

What does the Scheme not cover?

The Scheme will not cover areas of procurement already addressed by other prequalification schemes or panel contracts, including:

- State Contracts Control Board (period) contracts;
- Construction-related consultant prequalification schemes; and

A list of other panels and schemes not covered by the Scheme (current as at November 2009) is attached.

How long will the Scheme operate for?

The Scheme commenced in 2008, for an initial term of two years, concluding on 19 February 2010. The scheme has been extended for a two year period, concluding 19 February 2012.

The Scheme will be monitored by the Departments of Premier and Cabinet and DSTA to assess whether the objectives and intent are being met. Modifications may be made at the Departments' discretion during the life of the Scheme.

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Other panel contracts and prequalification schemes

The Prequalification Scheme will not cover areas of specialist consultant procurement already addressed by other prequalification schemes or panel contracts, including:

1. State Contracts Control Board (period) contracts
2. Construction-related consultant prequalification schemes

Below is a detailed list of services that may be obtained from these contracts and schemes:

1. State Contracts Control Board (period) contracts:

Below is a brief summary of existing SCCB established panels from which it is possible to engage specialist consultants. All of these contracts have been established for use under the Public Sector Management (Goods & Services) Regulation 2000: -

Contract 2020

The establishment of the ICT Services Approved Supplier Panel is a significant part of the Government ICT Strategic Plan, which aims to deliver effective and efficient procurement solutions and savings on products and services across agencies.

31 major ICT Services categories are provided as follows:

1. Analysis and statistics
2. Asset - materials management
3. Business intelligence
4. Collaboration
5. Communication
6. Content management
7. Customer initiated assistance
8. Customer preferences
9. Customer relationship management
10. Data management
11. Development and integration
12. Document management
13. Documentation and Training
14. Financial management
15. Forms management
16. Human capital - workforce management
17. Human resources
18. Knowledge discovery
19. Knowledge management
20. Maintenance & Support
21. Management of processes
22. Organisational management
23. Records management
24. Reporting
25. Search
26. Security management
27. Site Cabling
28. Supply chain management
29. Systems management
30. Testing Services
31. Visualisation

Contract No.2360 - Government Telecommunications Agreements Provides panels of suppliers for telecommunications products and services.

Temporary Staff Contract (c100 Contingent Workforce).

Personnel Categories

- Category A - Administration Personnel (clerical and office support positions)
- Category B - Finance Personnel (including accounting and audit professional)
- Category C - Specialist Personnel
- Category D - Industrial Personnel

- Category E - Professional Personnel
- Category F - Technical Personnel
- Category G - ICT – Network and Equipment Personnel (PAYG and Contractors)
- Category H - ICT – Management, Implementation and Support Personnel (PAYG and Contractors)
- Category I - ICT - Applications, Databases and Systems Personnel (PAYG and Contractors)

Contract No. 2682 Security Guards Service and Professional Advisory Service (risk management advice-building security).

Advertising services:

Accreditation Scheme for Creative Advertising Agencies Scheme No.150 - Creative Advertising Services. Provides an accreditation scheme designed to reduce duplication of effort and costs incurred by clients and advertising agencies in undertaking similar procurement processes for this service, and enables agencies to engage creative advertising services providers rapidly and as required for urgent campaigns. The scheme offers a full range of creative advertising services including:

- Overall Strategic Campaign Development
- Creative Services
- Media Planning
- Production Capabilities (tv, radio, print, digital advertising)
- Direct Mail

The scheme offers a wide choice of leading Australian and international creative agencies, as well as small specialist agencies. Specialist services such as health, youth, community language, indigenous and below the-line/sales production, are also available.

1. Prequalification Scheme for Construction related Consultant Services

This Scheme was created and is operated by the Department of Services, Technology & Administration (Policy Support Services) with the support of NSW Treasury. The Scheme is to service the needs of agencies carrying out construction work to comply with the requirements of Treasury Circular TC 04/07. Non-Accredited and Accredited agencies are using these panels along with some State Owned Corporations and Local Government Councils that use the NSW Government procurement system for construction. The prequalified consultant categories include:

- Cat 335 - Project Director
- Cat 336 - Project Director Health
- Cat 313 - Project Management
- Cat 346 - Economic Appraisal-Health
- Cat 328 - Value Management Facilitators
- Cat 201 - Architectural-General
- Cat 132 - Engineering-Principal Design Consultant
- Cat 203 - Architectural-Health
- Cat 202 - Architectural-Education Primary & Secondary
- Cat 200 - Architectural-Education Tertiary
- Cat 204 - Architectural-Correctional
- Cat 205 - Architectural-Justice
- Cat 219 - Architectural-Heritage
- Cat 120 - Electronic Security
- Cat 301 - Quantity Surveying
- Cat 307 - Environmental Studies
- Cat 317 - QA Auditors
- Cat 334 - Site Safety Auditors
- Cat 337 - Dispute Managers