



Transport
Roads & Maritime
Services

Registration Scheme for Construction Industry Contractors

Guidelines and Conditions

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1. Introduction

1.1. Purpose of this Scheme

The purpose of this Registration Scheme is to supplement the Roads and Maritime Services's (RMS) Prequalification Scheme and to classify contractors and subcontractors to the RMS commensurate with their technical and managerial expertise, financial capacity and previous performance. The scheme aims to facilitate, but not replace, tender assessment for individual projects and to afford protection to the RMS and contractors against over-commitment.

Contractors prequalified under the RMS's Prequalification Scheme in Roadworks or Bridgeworks will be deemed to be registered in the appropriate registration categories, eg for roadworks, earthworks and drainage; and for bridgeworks, formwork. Separate application is not required.

Registration with the RMS will be on a three year basis. Contractors will be notified when to apply to renew their registration.

1.2. How this Scheme Works

Where specified by the RMS in the invitation of tenders or contract documents, contractors wishing to tender for specific construction works must be registered with the RMS. Tender advertisements will specify the minimum registration category applicable to that tender. Only contractors registered in the specified category at the date of closing of tenders will be eligible to tender. Notwithstanding this, tenderers must comply with the Conditions of Tendering for each tender issued by the RMS.

Tender advertisements will also specify registration classes for categories of work within the tender that may be subject to a subcontract. This work must be undertaken by a contractor registered at that class. This may be the Head Contractor or a Subcontractor.

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

Notwithstanding a tenderer's status, the RMS will only enter into contracts where a financial assessment by the RMS of the preferred tenderer has been carried out in the preceding six months and was found to be satisfactory. The financial assessment procedure used at the time of tender is similar to that used in the prequalification procedure. The RMS may also consider the total workload commitment of a tenderer at the time of assessment of tender.

Contractors tendering for RMS work must comply with the NSW Government Codes of Practice and Tendering for the Construction Industry.

1.3. Confidentiality of Applications

The registration of contractors for RMS works is solely for the benefit of the RMS. Information provided with applications will be retained by the RMS 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. RMS 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 the RMS's web site, www.rta.nsw.gov.au.

1.4. Definitions

RMS: means the Roads and Maritime Services, NSW. For the purpose of administering the Registration Scheme, it means the Infrastructure Contracts Branch of the RMS.

The Applicant: means the business entity lodging the Application with the RMS.

2. Nominating a Registration Category

2.1. Registration Categories

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

- D Drainage construction or related works (over \$100,000)
- E Earthworks for road construction or related works (over \$100,000)
- F Erection of formwork for bridge or related works (over \$50,000)

Contractors prequalified with the RMS for roadworks are automatically granted registration in Categories E and D. Contractors prequalified with the RMS for bridgeworks are automatically granted registration in Category F.

- G Provision of Traffic Control
- L Construction Industry Laboratories for:
 - L1 Road and or bridge construction or related works (approximate value \$2M to \$10 M).
 - L2 Road and or bridge construction or related works (approximate value over \$10M).
- S Erosion, Sedimentation and Soil Conservation Consultancy Services

SM Fabrication of Minor Steel Items

Contractors prequalified with the RMS for steel fabrication are automatically granted registration in Category SM.

- U Urban Design Services for:
 - U1 Urban Design Advisory Services
 - U2 Urban Design Consultancy Services
- X Demolition of Properties
- Z Stabilisation
 - Z1 Stabilisation by insitu method using specialist machines
 - Z2 Stabilisation by stationary plant such as pugmil

3. Registration Scheme Requirements

3.1. Technical, Operational and Managerial Capacity

To be considered for registration, the applicant must:

- ☞ have experience and ability in the type of works relevant to the registration category, and
- ☞ have a manager active in the operations.

Specific Category Requirements

G Traffic Control

For Category G (Traffic Control) the applicant must have staff who have successfully completed the following RMS approved courses:

- Traffic Control Using a Stop/Slow Bat (Blue Ticket) – any person required to control traffic using a Stop/Slow bat under work based OHS requirements.
- Introduction to Traffic Control at Roadworks (Yellow Ticket) – any person who may be required to set up and work with TCPs, issued by supervisors or line managers.
- Traffic Control Worksite Planning (Red Ticket) – any person who may be required to select and modify existing TCPs to suit work locations.
- Design & Audit Traffic Control Plans (Orange Ticket) – any person who may be required to design and audit new Traffic Control Plans.

Applicants must provide evidence of training of all individuals providing traffic control services under the registration scheme and evidence that traffic control devices comply with the Australian Standard and RMS requirements for reflectivity.

L Construction Industry Laboratories

To be considered for registration, the applicant must hold accreditation with NATA and be operative for the scope of testing required for RMS standard specifications for road and bridgeworks. The applicant must advise of any limitations of its accreditation, which would affect the scope of work that it is capable of undertaking.

The applicant must also hold NATA accreditation to establish annex laboratories.

The applicant must be able to maintain the following staff and experience levels in each annex laboratory undertaking work for RMS contracts:

For **Category L1**, the Laboratory must have a minimum technical and managerial capacity of one NATA signatory plus one technician with a minimum of five years testing experience in relevant works.

For **Category L2**, the Laboratory must have a minimum technical and managerial capacity of two NATA signatories plus two technicians with a minimum of five years testing experience in relevant works.

The applicant must state how these requirements will be met.

Clause 3.4 Quality Systems is not applicable for Construction Industry Laboratories as quality systems are included in the NATA accreditation.

S Erosion, Sedimentation and Soil Conservation Consultancy Services

The purpose of this classification is to provide the RMS with high quality services for the management of erosion and sedimentation for construction and maintenance projects. Each individual proposed for selection must fulfil the selection criteria below.

Category A – Organisations where each individual proposed to provide the services is registered with the specialist certification of CPESC from the International Erosion Control Association are required to meet the selection criteria 1-4.

Category B - Organisations providing services by staff not certified as a CPESC, but possessing the demonstrated skills, are required to meet the requirements of selection criteria 1-8. Registration under either category is an equivalent registration.

Selection Criteria - Category A & B: The organisation and each individual proposed for selection must satisfy the following criteria:

1. Demonstrated experience and understanding of soil conservation and stormwater management issues with applicability to linear road infrastructure construction projects.

2. Demonstrated understanding of the expectations of the Department of Environment & Climate Change in relation to construction erosion and sedimentation issues and their legislative context.
3. Service performance (including client relationships and past performance in meeting time, cost, service and quality requirements).
4. Management qualities (including organisational structure of proposed team, management systems, team support including electronic and graphics resources). The application should note the nominated specialist individuals and support available to provide the services.

Category B only: The organisation must nominate individual team members and satisfy the following criteria for each individual team member providing the services:

5. Demonstrated experience in preparing and implementing Soil and Water Management Plans and Erosion and Sedimentation Control Plans.
6. Recognised professional and/or technical qualifications in relation to erosion and sedimentation, soil conservation and stormwater management.
7. Demonstrated technical expertise in the design, implementation and maintenance of erosion and sedimentation controls for construction activities.
8. Demonstrated experience in communication of erosion and sedimentation/stormwater management principles and design advice to field staff at all levels.

SM Fabrication of Minor Steel Items

This classification covers the fabrication and supply of minor steel items such as traffic barrier rails and posts, fabricated retaining walls, finger plate expansion joints (other than approved products), variable message sign support structures, sign and traffic signal mast arm structures, overhead gantries, major signposting structures, monorails and supports, permanent pile casings, tubular piles and other minor fabricated structures.

To be considered for registration the Applicant needs to have:

1. A demonstrated capacity to produce minor steel items.
2. Knowledge of RMS Specifications.
3. A manager with relevant experience active in operations.
4. Qualified welders on staff.
5. Key supervisory personnel with relevant experience.
6. A fabrication shop with adequate facilities as determined by an inspection of premises and products by RMS Inspectors.

7. A suitable quality management system demonstrating product conformance to be assessed during the RMS inspection.
8. A suitable OHS management system which demonstrates compliance with NSW Government OHS requirements and legislation.

U Urban Design Services

U1 Urban Design Advisory Services

The purpose of this classification is to provide the RMS with a high level experienced advisor in the areas of policy, design review and assessment, guidance to the RMS on special projects and mediating urban design issues.

Consequently, there may be only one person nominated per application.

To be considered for registration the applicant must satisfy the following six acceptance criteria:

1. Experience, skills, qualifications and industry recognition in the field of urban design.
2. Demonstrated expertise on transport projects and the development of transport policy, including a deep understanding of RMS urban design related processes and policies.
3. Demonstrated technical expertise relating to high quality urban design outcomes.
4. Experience with the environmental assessment process of infrastructure projects.
5. Demonstrated experience in community participation and high level presentation, specifically addressing urban design.
6. High quality of service performance in advising the RMS.

U2 Urban Design Consultancy Services

The purpose of this classification is to provide the RMS with high quality urban design services in the areas of research and development, corridor strategies and frameworks, environmental assessment, concept and detail design and implementation advice.

It may be beneficial for collaborative teams to be established to satisfy these criteria and services.

To be considered for registration the applicant must satisfy the following eight acceptance criteria:

1. Demonstrated experience and understanding of urban design, at site and corridor scales, with applicability to transport and/or road infrastructure.
2. Demonstrated expertise on government infrastructure projects, including an awareness of RMS urban design related processes and policies.

3. Recognised professional qualifications and/or education of the proposed team in relation to architecture, landscape architecture and urban design (other disciplines and expertise may be included).
4. Demonstrated technical expertise relating to; analytical and design abilities in the built and natural environment; and experience in the conversion of design concepts into practical, cost effective outcomes.
5. Experience with the environmental assessment process of infrastructure projects.
6. Demonstrated experience in community participation and high level presentation, specifically addressing urban design.
7. Management qualities (including organisational structure of proposed team, management systems, team support including electronic and graphics resources).
8. Service performance (including client relationships and past performance in meeting time, cost, service and quality requirements).

X Demolition of Properties

Applicants for registration for demolition works must hold a Workcover Class 2 Restricted Demolition Licence. This is the minimum requirement.

Applicants who possess 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, the Authority will still use other forms of tendering including open tender registration and selective invitation.

Z Stabilisation

To be considered for registration, the applicant can either;

- hold a current AustStab 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, or
- provide the information required by these guidelines including being able to maintain the following staff and experience levels in undertaking work for RMS 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.

3.2. Financial Capacity

(This clause is not applicable to Erosion, Sedimentation and Soil Conservation Consultancy Services or Urban Design Services.)

To be considered for registration, the applicant must have strong financial viability of business. 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 the RMS and other organisations) will be taken into account. The RMS will generally use independent financial assessors.

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

3.3. Occupational Health, Safety and Rehabilitation System

(This clause is not applicable to Erosion, Sedimentation and Soil Conservation Consultancy Services or Urban Design Services.)

The NSW Government's Occupational Health, Safety and Rehabilitation Policy requires Government agencies to use those contractors who can demonstrate their OHS capability. Contractors OHS systems must be capable of meeting the requirements of NSW OHS Regulation 2001, with particular emphasis on Chapter 8 - Construction Work. More specifically, contractors must be able to demonstrate the following OHS systems for all activities provided under registration:

- Site Safety Management Plan:
 - Statement of occupational health and safety responsibilities for the site,
 - A documented risk assessment and risk control plan for all activities offered,
 - Occupational health and safety training, including induction training,
 - Site Safety Rules,
 - 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 8, OHS Regulation 2001,

- Incident Management,
- OHS Forms that assist implementation of the Plan.

The RMS will undertake reviews of contractors' OHS systems for purposes of granting registration. Deficiencies will be notified and must then be corrected prior to registration. Model documents and the site safety assessment tool used in this review can be found at:

www.rta.nsw.gov.au/partnersandsuppliers/downloads/contractor-ohs/assessment_tools_dl1.html.

Applicants in Category MS (Fabrication of Minor Steel Items) will need to possess a OHS management system which demonstrates compliance with Government OHS requirements and legislation.

3.4. Quality Systems

(This clause is not applicable to Traffic Control, Construction Industry Laboratories, Erosion, Sedimentation and Soil Conservation Consultancy and Urban Design Services.)

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

The applicant's quality system shall be Type QMS3 in accordance with RMS Specification Q3. A copy of Specification Q3 is attached to these guidelines as Appendix 2. Contractors may need to further develop Quality System Type QMS3 after registration to meet the requirements of a particular contract.

Applicants in Category MS (Fabrication of Minor Steel Items) will need to possess a suitable quality management system which demonstrates product conformance. The system will be assessed as part of the inspection of the Applicant's premises.

3.5. Environmental Systems

(This clause is not applicable to Traffic Control, Construction Industry Laboratories, Erosion, Sedimentation and Soil Conservation Consultancy Services or Urban Design Services.)

The NSW Government is committed to achieving an effective environmental focus in the construction industry. To support this initiative NSW Environmental Management Systems Guidelines have been prepared.

Contractors may be required to develop Environmental Management Plans (EMP) prior to commencing contract work and to obtain registration must demonstrate their ability to develop an EMP.

3.6. Other Schemes

Contractors approved under the CCF and Vicroads registration schemes will be deemed to meet the requirements for registration in the relevant categories except for financial capacity. Contractors approved under the Australian Stabilisation Industry Association Insitu and Pugmil Stabilisation Accreditation Scheme 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 OHS system meets NSW OHS Regulation 2001, with particular emphasis on Chapter 8 - Construction Work.

4. Applying for Registration

4.1. Submission of an Application Form

To meet the RMS's contract requirements for Workers Compensation insurances, Contractors applying for registration must be an incorporated company. Sole traders or unincorporated partnerships may not apply for registration.

Contractors may apply for registration by completing the Application Form for Registration for Construction Industry Contractors and attaching all of the information required therein. The form and accompanying information are to be forwarded to the address shown at the end of the form. The Application Form, these guidelines and all referenced specifications are available from the RMS's web site www.rta.nsw.gov.au. Click on "Doing Business With Us" then "Tenders" or "Specifications" to download the documents. A copy of the NSW Government Guidelines for OHS&R Management Systems and Environmental Management Systems can be obtained from the Construction Policy Steering Committee's web site www.cpsc.nsw.gov.au.

The RMS 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 the RMS 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 the RMS 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 this Application for Registration should be directed to the Contracts Officer, Infrastructure Contracts Branch on telephone: (02) 8588-5791 or facsimile: (02) 8588-4171.

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.

4.3. Joint Ventures

Two or more contractors may apply for registration as a Joint Venture. The application will be processed in the same manner as applications from individual applicants, ie the Joint Venture will be assessed against the background and performance of the Joint Venture operation and not on the individual performance of the Joint Venture members.

5. Assessing Applications

5.1. Assessment and Review of Applications

An application for registration or review of a contractor's registration will be assessed by the Manager, Contracts Strategy, Infrastructure Contracts Branch of the RMS.

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 registration refused.

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. The RMS may attach conditions to any registration granted.

Factors considered in the assessment are:

- ☞ past performance on similar type and cost of works;
- ☞ technical capacity;
- ☞ resources (human, plant, equipment);

- ☞ financial capacity;
- ☞ Quality System implementation;
- ☞ Occupational Health and Safety Systems; and
- ☞ Environmental Management.

5.2. Service Standards

The RMS will conform to the following service standards with regard to the Registration Scheme for Construction Industry Contractors:

- ☞ receipt of applications will be acknowledged within five (5) working days;
- ☞ complete applications will be processed within six (6) weeks of receipt of all required information; and
- ☞ contractors will be advised of the outcome of an appeal within ten (10) working days of the Contractor Review Committee convening.

6. Renewing and Reviewing Registration

6.1. Renewing Registration

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

Prior to any registration lapsing, the RMS will advise the contractor and invite re-application for a further term. However, the contractor may apply for registration at any time.

The RMS 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 the RMS becomes aware of:

- ☞ unsatisfactory performance on RMS or other Government contract works;
or
- ☞ material adverse change in a contractor's technical, financial, managerial or organisational capability; or
- ☞ a 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, the RMS may at its discretion suspend 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, the RMS will ask the contractor to show cause why the particular action should not be taken.

Where the Government or the RMS as an agency of the Government has imposed sanctions on a contractor for a breach of the NSW Government's Code of Practice or the Code of Tendering, the contractor's registration will lapse 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, the RMS may review any contractor's performance at any time. Records of a contractors' performance will be maintained and referred to at the time of registration, with particular regard to the following areas:

- ☞ time management;
- ☞ standard of work;
- ☞ Quality System;
- ☞ management and suitability of personnel;
- ☞ management of sub-contractors, consultants and suppliers;
- ☞ Occupational Health and Safety management;
- ☞ environmental management
- ☞ traffic management;
- ☞ contract management;
- ☞ management of industrial relations;
- ☞ co-operative relationships; and
- ☞ workforce or skills development.

6.3. Appeals by the Applicant

An applicant may appeal a registration decision of the RMS. The appeal (signed personally by a Director of the Contractor) must be lodged with the General Manager, Infrastructure Contracts Branch of the RMS within twenty (20) working days of the date of the letter advising of the RMS's decision and should clearly state the grounds for the appeal and include all relevant information.

Appeals will be considered by the General Manager, Infrastructure Contracts Branch (or representative).

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

The review will be convened 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

Registered contractors are required to immediately advise the RMS 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 the RMS 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 without the written consent of the RMS. 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 the RMS.

The RMS 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 the RMS's internal purposes. The RMS 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 the RMS must rely on its own enquiries.