



GWMWater

GWMWater Conditions of Contractor Prequalification

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1. General

Pegasus on behalf of GWMWater maintains a register of prequalified contractors and consultants that have demonstrated they possess suitable safety management systems and procedures to undertake particular categories of works and services. Prequalification does not assure a Request for Tender or an engagement for services. GWMWater may select prequalified contractors from the register, or may choose to advertise for tenders or seek expressions of interest in particular projects.

Contractors and Consultants applying for prequalification must be a registered business. Applications for prequalification or upgrading of prequalification can be submitted at any time using the Pegasus GWMWater Contractor Online Portal. Applications must provide sufficient supporting documentation to demonstrate compliance with the required eligibility criteria for the level of prequalification sought.

2. Related and Subsidiary Companies

Prequalification of a contractor or consultant does not extend to related or subsidiary companies owned or controlled by the contractor or consultant. Any such company should apply to register for prequalification in its own right.

3. Conditional Prequalification

Pegasus on behalf of GWMWater may place conditions on a contractor's or consultant's prequalification in a particular category. These conditions may relate to the nature or scale of work to which the prequalification applies, or a requirement to use nominated specialist staff.

4. Assessment and Notification

Pegasus on behalf of GWMWater will assess applications against the prequalification requirements criteria. Applicants may be required to provide additional information to clarify details of their application.

By submitting an application for prequalification contractors and consultants are deemed to authorise Pegasus on behalf of GWMWater to seek verification of the information supplied. Applicants will be notified by email of their acceptance for prequalification. Unless circumstances warrant an earlier review, a contractor's or consultant's prequalification status will remain valid for a period of 2 years from the date of approval or the date of any review that confirms the status.

5. Updating of Register Details

Prequalified contractors or consultants must notify Pegasus on behalf of GWMWater of any significant change to their technical capacity, safety capacity, address, ownership or holding.

6. Review of Prequalification

GWMWater reserves the right to change the eligibility requirements for prequalification at any time or review any prequalification at any time. A review may be initiated by GWMWater or by the prequalified contractor or consultant.

The contractor or consultant must provide any details required for the review upon request. Failure to comply with any request by Pegasus or GWMWater for such information may result in suspension of prequalification.

GWMWater may at its absolute discretion suspend or reclassify the level of prequalification. Before such action is taken, the contractor or consultant will be given an opportunity to show cause why the prequalification should not be suspended or reclassified. The contractor or consultant will also be given details of the matters prompting the request to show cause. These matters may include:

- a period of more than 2 years since the date of approval or the date of a review that confirmed the status of prequalification;
- unsatisfactory performance;

- changes to required insurance premiums, technical capacity or safety capacity;
- breaches of these contractor prequalification conditions.

Where prequalification is suspended, the contractor or consultant will be entitled to make application for reinstatement within a nominated period. Such applications will be required to demonstrate that any matters that lead to suspension have been rectified. If prequalification is not reinstated within the nominated suspension period it will be rescinded and removed from the register.

Where a decision is taken to downgrade or rescind a contractor's or consultant's prequalification, the contractor or consultant may request access to, and an opportunity to respond to material relied on by GWMWater in making its decision.

7. Determination

A determination by GWMWater of any application for prequalification or for reclassification, suspension or rescission is at GWMWater's absolute discretion.

Pegasus or GWMWater will not be liable for any costs or damages incurred in the exercise of such discretion.

8. Right of Review

Contractors or consultants may seek a review of Pegasus decision to:

- refuse to accept an application for prequalification;
- accept an application for prequalification at a lower level than the level applied for;
- downgrade the prequalification; or
- rescind the prequalification.

A request for review of a decision should be submitted in writing to GWMWater.

GWMWater will establish a review panel to consider the contractor's or consultant's request for review. The panel members will consist of the Executive Manager Service Delivery as Chairperson, Manager Legal and Corporate Resources and the Senior OHS Officer.

The review panel may recommend either that Pegasus' initial decision be confirmed; or that GWMWater reconsider the matter taking into account any further information, circumstances or documents that the panel specifies.

GWMWater's decision in response to the review panel's recommendation will be final and binding on the contractor or consultant.

9. Confidentiality and Publicity

GWMWater may publish the names, addresses and pre-qualification categories of registered contractors or consultants on the Internet. No responsibility is accepted by GWMWater for any consequences arising from the publication of any such information.

Prequalified contractors or consultants may not advertise, promote or publish their prequalification status.

10. Tender and Contract Conditions

Prequalification entitles a contractor or consultant to bid or quote for eligible works but does not obviate the need for a contractor or consultant to fully comply with the Conditions of Tendering of any Request for Tender issued by GWMWater.

11. Acceptance of Conditions

By applying for prequalification, contractors and consultants agree to accept these Conditions of Contractor Prequalification.