

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 Transport for NSW (TfNSW) Prequalification Scheme and to classify contractors and subcontractors 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 TfNSW and contractors against over-commitment.

Contractors prequalified under TfNSW Prequalification Scheme in Roadworks or Bridgeworks will be deemed to be registered in the appropriate registration categories, e.g. for Roadworks, earthworks and drainage; and for bridgeworks, formwork. Contractors prequalified in Specialist Category CC3 will be deemed to be registered in registration category CC2. Separate application is not required.

Registration with TfNSW 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 TfNSW in the invitation of tenders or contract documents, contractors wishing to tender for specific construction works must be registered with TfNSW. 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 TfNSW.

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 category. This may be the Head Contractor or a Subcontractor.

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

Notwithstanding a tenderer's 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 of tender in determining whether financial capacity is adequate.

Contractors tendering for TfNSW work must comply with the NSW Government Code of Practice for Procurement.

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 web site, <http://www.rms.nsw.gov.au/business-industry/partners-suppliers/tenders-contracts/registered-contractors.html>

1.4. Definitions

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

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

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 (up to \$250,000)
- E Earthworks for road construction or related works (up to \$250,000)
- F Erection of formwork for bridge or related works (up to \$250,000)

Contractors prequalified with TfNSW for roadworks are automatically granted registration in Categories E and D. Contractors prequalified with TfNSW 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 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 Consultancy Services for:
 - S1 Limited Registration for Prequalification Contracts R1 to R4
 - S2 Unrestricted Registration for Prequalification Contracts R1 to R5
- CC2 Steel fabrication to Construction Category 2 (CC2)

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

- U Urban Design Services
- X Demolition of Properties
- Z Stabilisation
 - Z1 Stabilisation by insitu method using specialist machines
 - Z2 Stabilisation by stationary 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 ability in the type of works relevant to the registration category, and
2. Have a manager active in the operations.

3.2. Specific Category Requirements

G Traffic Control

For Category G (Traffic Control) the applicant must have staffs that have successfully completed the following TfNSW approved courses:

- Traffic Controller (former Blue Card) – any person required to control traffic using a Stop/Slow bat under work based WHS requirements.
- Implement Traffic Control Plans (former Yellow Card) – any person who may be required to set up and work with TCPs, issued by supervisors or line managers.
- Prepare a Work Zone Traffic Management Plan (former Red and Orange Cards) - any person who may be required to select and modify existing TCPs and design and audit new TCPs.

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 TfNSW requirements for reflectivity (letter from the sign supplier).

Applicants must also provide the list of possessed vehicles, traffic control signs & electronic devices such as Daymaker, C-arrow board, VMS, mobile speed radar, TMA etc.

L Construction Industry Laboratories

To be considered for registration, the applicant must

1. Hold accreditation with NATA and be operative for the scope of testing required for TfNSW standard specifications for road and bridgeworks. Common test methods required, are to include (but not be limited to);

T100, T102, T103, T105, T106, T107, T108, T109, T111, T112, T116, T117, T119, T120, T160, T162, T164, T166, T173, T180, T199, T201, T203, T300, T301, T302, T303, T304, T305, T306, (T307), T310, T316, T317, T327, T328, T381.

AS1012.1, AS1012.3, AS1012.4, AS1012.5, AS1012.8, AS1012.9,
AS1012.11, AS1012.12, AS1012.14

AS1141.2, AS1141.3.1, AS1141.11.1, AS1141.11.2,

AS1289.0, AS1289.1.1, AS1289.1.2.2, AS1289.5.8.1, AS1289.3.1.1,
AS1289.3.2.1, AS1289.3.3.3, AS1289.2.1.1

2. Hold NATA accreditation to establish annex laboratories.
3. The applicant must advise of any limitations of its accreditation that would affect the scope of work that it is capable of undertaking.
4. Demonstrate understanding of the requirements of Quality Management Systems Q,
5. Demonstrate the methodology to ensure lot homogeneity and identifying test locations on lots.
6. Participate in TfNSW proficiency programs and provide results of TfNSW and of other proficiency programs the laboratory has participated in the last two years.
7. Provide feedback on the performance of the laboratory; for example surveillance, audits, and contractor and independent verifier reports on TfNSW projects or similar projects.
8. Demonstrate effective sample management.
9. Provide evidence of safe Work Health and Safety practices within the laboratory and on projects.
10. Have a Laboratory Information Management system capable of providing requested test results in spreadsheet readable electronic format for all routine quality testing undertaken on site or in a related laboratory.
11. Provide evidence of initial and ongoing commitment to training staff.
12. Provide a list of TfNSW or similar projects for which the laboratory has provided a testing service in the last 2 years.
13. Demonstrate how the laboratory retains independence from the contractor.
14. List equipment resources available for TfNSW projects.
15. Provide a list of key personnel and their experience, present designation and duration in the role.

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.
- Have in place an appropriate assessment regime for laboratories to ensure the delivery of quality and value for government funded road construction projects.
- Have NATA undertake some additional assessment of laboratories operating under the agency registration scheme when necessary, and conduct joint audits.
- Sharing of information relating to laboratories registered under the agency registration scheme.

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

For **Category L1**, the Laboratory must have a minimum one L3 and up to fifteen L1 and/or L2's as defined in NATA's field application document.

For **Category L2**, the Laboratory must have a minimum one L4 to achieve adequate technical control with one L3 and up to fifteen L1 and/or L2's as defined in NATA's field application document.

For **Category L3**, the Laboratory must have a minimum of one L5, one L4 to achieve adequate technical control with one L3 and up to fifteen L1 and/or L2's as defined in NATA's field application document and one Quality Control Officer to ensure quality requirements are maintained in the laboratory.

Laboratories conducting work at Category L3 must conduct more than 80% of the testing at onsite establishments or within 25 km of the project site. The percent testing is measured by the number of tests.

Laboratories may be removed or not accepted into the registration scheme at the time of renewal based on the information provided in the application or where there is evidence of poor performance.

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

Category S1 – Limited registration to provide services to TfNSW contracts that meet prequalification categories R1 to R4 in accordance with the TfNSW Guidelines - National Prequalification System for Civil (Road and Bridge) Construction Contracts.

Category S2 – Unrestricted registration to provide services to all TfNSW contracts including prequalification category R5.

Each individual proposed for selection must fulfil the selection criteria for the appropriate category below.

Category S1 – Each individual proposed to provide the services is required to meet the selection criteria 1 to 6.

1. Recognised professional and/or technical qualifications in relation to erosion and sedimentation, soil conservation and stormwater management.
2. Demonstrated technical expertise in the design, implementation and maintenance of erosion and sedimentation controls and preparation of Erosion & Sedimentation Control Plans for construction activities.
3. Demonstrated experience in communication of erosion and sedimentation/stormwater management principles and design advice to field staff at all levels.

4. Demonstrated understanding of the expectations of the NSW Environment Protection Authority in relation to construction erosion and sedimentation issues and their legislative context.
5. Service performance (including client relationships and past performance in meeting time, cost, service and quality requirements).
6. 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 S2 – Each individual proposed to provide the services must meet the requirements of selection criteria 1 to 8.

7. Certification of Certified Professional in Erosion and Sedimentation Control (CPESC) from the International Erosion Control Association.
8. A 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 linear road construction.

CC2 Fabrication of Steel Items 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:

- traffic barrier rails and posts;
- mast arm and overhead gantries less than 10m tall;
- variable message sign support structures;
- mast lighting poles less than 12m tall;
- sign and traffic control structures;
- signposting structures;
- monorails and supports;
- safety screens;
- pedestrian railings;
- pedestrian fences;
- pile casings;
- tubular piles;
- finger plate expansion joints (other than approved products);
- road furniture as defined in Austroads Publication No. AP-C87-15;
- temporary steelworks used for construction purposes (other than launching noses); and

- steel elements specified with CC2 category on the construction drawings or in Annexure B201/A1.

The Fabricator must be certified for quality requirements to IIW MCS ISO 3834 by an ANBCC accredited by the IIW to certify Fabricators to IIW MCS ISO 3834 as conforming to AS/NZS ISO 3834.3.

Traffic signal site mast arms and posts must be approved for use by TfNSW and listed in the QA Specification TS200 Register of ITS (Intelligent Transport Systems) Field Equipment.

Note: High risk items such as mast arms, overhead gantries, variable message sign support structures and high mast lighting poles 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 QA Specification B201- Steelwork for Bridges and other relevant TfNSW specifications.

Applicants will also need to demonstrate:

1. Capacity to produce minor steel items.
2. Knowledge of TfNSW Specifications or equivalent.
3. A manager with relevant experience active in operations.
4. Qualified welders on staff.
5. Key supervisory and inspection personnel with relevant experience.
6. A shop with adequate facilities.
7. A suitable quality management system demonstrating product conformance.
8. 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.

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 Certificate of Registration and on TfNSW website.

U Urban Design Services

This classification is to provide TfNSW with high quality urban design services in the areas of design research and development, corridor strategies and frameworks, landscape character and visual impact assessment, concept, detail design and implementation advice for all infrastructure work.

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

To be considered for registration, the applicant must satisfy the following 8 acceptance criteria:

1. Demonstrated experience and understanding of urban design, at site, corridor and network scales, with applicability to transport and/or road infrastructure.
2. Demonstrated expertise on government infrastructure projects, including a statement of the team's design approach, which demonstrates an understanding of TfNSW urban design related processes and policies, including safety in design considerations.
3. Recognised professional qualifications and current institute registration (or working toward registration) is required of all proposed team members at all levels in relation to architecture and landscape architecture. Additional qualifications in urban design are beneficial to registration. (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, seniority of team leaders, management systems, team support including electronic and graphics resources).
8. High quality of 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 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, 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 must:

- 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 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:

- *Erosion, Sedimentation and Soil Conservation Consultancy Services;*
- *Urban Design Services;*
- *Traffic Control; or*
- *Construction Industry Laboratories L1*

To be considered for registration, the applicant's business must have strong financial viability. 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 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. Work Health, and Safety System

This clause is not applicable to:

- *Erosion, Sedimentation and Soil Conservation Consultancy Services;*
- *Urban Design Services; or*
- *Construction Industry Laboratories*

The NSW Government's Work Health and Safety Policy requires Government agencies to use those contractors who can demonstrate their WHS capability. Contractors' WHS systems must be capable of meeting the requirements of NSW WHS Regulation 2017, with particular emphasis on Chapter 6 - Construction Work (Ref. https://www.safework.nsw.gov.au/_data/assets/pdf_file/0014/52151/Construction-work-COP.pdf.)

More specifically, contractors must be able to demonstrate the following WHS systems for all activities provided under registration:

- Site Safety Management Plan:
 1. Statement of work health and safety responsibilities for the site,
 2. Consultation and communication mechanism
 3. A documented risk assessment and risk control plan for all activities offered,
 4. Occupational health and safety training, including induction training,
 5. Site Safety Rules,
 6. 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,
 7. Incident Management,
 8. Managing hazardous substance
 9. Emergency planning
 10. Handling and Storage
 11. Health assessment and monitoring
 12. Document and Record management and
 13. WHS Forms that assist implementation of the Plan.

Five alternatives are available to Registration applicants to have their WHS systems assessed:

1. Submit evidence that their WHS 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.
3. Provide evidence of accreditation under the Australian Government Building and Construction WHS Accreditation Scheme.
4. Provide evidence of a current Civil Contractors Federation (CCF) certified Management System.
5. Submit their WHS system to TfNSW to undertake a review. Any deficiencies will be identified by TfNSW and must then be corrected prior to registration.

Where alternatives 1 or 2 are selected the independent auditor that assesses the Applicant's WHS system must either be a conformity assessment body accredited by the Joint Accreditation System for Australia and New Zealand (JAS-ANZ) to the

relevant standard, or registered by RAB-QSA (or equivalent) with experience in the civil construction industry.

Applicants for CC2 will need to possess a WHS management system that demonstrates compliance with Government WHS requirements and legislation.

3.5. Quality Systems

This clause is not applicable to:

- *Traffic Control;*
- *Construction Industry Laboratories;*
- *Erosion, Sedimentation and Soil Conservation Consultancy Services; or*
- *Urban Design Services*

In assessing registration applications, TfNSW 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 TfNSW 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 for CC2 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.

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

3.7. Other Schemes

Contractors with a CCF Contractor Management System or a Department of Transport, 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 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 WHS system meets NSW WHS Regulation 2017, with particular emphasis on Chapter 6 - Construction Work.

4. Applying for Registration

4.1. Submission of an Application Form

To meet TfNSW's contract requirements for Workers Compensation insurances, Contractors applying for registration must be an incorporated company. Sole Traders, Family Partnership or unincorporated partnerships are **not** eligible to 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 TfNSW web site www.rms.nsw.gov.au. Click on "Business & Industry" then "Partners and Suppliers" then "Tenders and Contracts" then "Registration Scheme" to download the documents.

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 Lead
Commercial, Performance & Strategy Branch
Infrastructure & Place Division
Telephone (02) 9462 6587
Email: 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.

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. 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 System implementation;
6. Work Health and Safety Systems; and
7. Environmental Management.

5.2. Service Standards

TfNSW will conform to the following service standards with regard to 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.

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

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 a contractor's technical, financial, managerial or organisational capability; or
3. 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, TfNSW 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, 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's Code of Practice for Procurement, 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, TfNSW 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:

1. Time management;
2. Standard of work;
3. Quality System;
4. Management and suitability of personnel;
5. Management of sub-contractors, consultants and suppliers;
6. Work Health and Safety management;
7. Environmental management
8. Traffic management;
9. Contract management;
10. Management of industrial relations;
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, Commercial, Performance & Strategy Branch of TfNSW and should clearly state the grounds for the appeal and include all relevant information.

Appeals will be considered by the Director, Commercial, Performance & Strategy 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 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.