

Prequalification Scheme
Specialist Homelessness Services

Scheme Conditions

August 2016

1. DEFINITIONS

Agency refers to **the NSW Department of Family & Community Services (FACS)**

Applicant means a person who has submitted an Application for admission to the Scheme.

Application Form means the information template that Applicants will be required to complete in submitting an application for admission to the Scheme.

Assessment Panel means the entity appointed by the Agency to determine the eligibility of Applicants to be admitted to the Scheme.

Procurement Policy means the provisions of the *NSW Procurement Policy Framework for NSW Government Agencies (July 2015)*.

Scheme means the *Prequalification Scheme: Specialist Homelessness Services* administered by the Agency, comprising the establishment and operation of a list of service providers prequalified for a certain work category, in defined geographical locations, and to defined client groups.

Scheme Application means an online application submitted for admission to the Scheme through NSW e-tendering.

Service Provider means a person or organisation that has applied for, and has been granted admission to, the Scheme by the Assessment Panel.

Specialist Homelessness Service (SHS) or SHS Program means a service that is delivered to people who are homeless or at imminent risk of homelessness within the framework of the SHS Practice Guidelines.

SHS Practice Guidelines means the guidelines establishing the Specialist Homelessness Service published by FACS as amended from time to time.

2. ELIGIBILITY

2.1. The following categories of organisation are eligible to apply to the Scheme:

- all current recipients of funding under the SHS Program
- all non-government not-for-profit recipients of National Partnership Agreement on Homelessness (NPAH) funding and
- other non-government not-for-profit organisations that:
 - currently deliver established services that have people who are homeless or at imminent risk of homelessness as their principal target group; and
 - currently deliver specific support services and may also provide or facilitate accommodation services to this principal target group; and

- have their major base of service provision for these services in NSW.
- 2.2. Organisations that do not satisfy the criteria in 2.1 are not eligible to apply to the Scheme.
- 2.3. FACS may, at its discretion, open the Scheme to organisations outside of the eligibility criteria in 2.1 to address service delivery gaps where there is market failure. These organisations are required to either:
 - be funded to deliver services in NSW or to clients that reside in NSW; or
 - have the capacity to establish or deliver services in NSW or to clients that reside in NSW.

3. CONFIDENTIALITY

- 3.1. Information submitted with an Application will be treated as confidential unless otherwise required by law.
- 3.2. Information submitted with an Application may be subject to investigation, reference checking, searches, interview, enquiries, and confirmation. FACS may engage an external organisation to assist with these activities on a confidential basis and Applicants and Service Providers are deemed to have authorised any such action.

4. CODE OF PRACTICE FOR PROCUREMENT

- 4.1. Service Providers must comply with the provisions of the *NSW Government Code of Practice for Procurement 2005*. The ability of an Applicant to demonstrate compliance with the code is an essential condition of the Scheme.
- 4.2. If any Service Provider fails to comply with the Code, the failure may result in the termination of an engagement and/or removal from the Scheme.
- 4.3. The NSW Government Code of Practice for Procurement may be accessed at www.procurepoint.nsw.gov.au

5. APPLICATIONS FOR PREQUALIFICATION

- 5.1. Applications must be completed using the Application Form and submitted electronically through the NSW eTendering website that may be accessed at: <https://tenders.nsw.gov.au/>
- 5.2. Applicants for the Scheme must comply with the *FACS Conditions of Tendering*, which are published with the Scheme.

- 5.3. Only Applications which satisfy all the requirements set out in the Scheme conditions and Application Form will be considered by the Assessment Panel.
- 5.4. Applicants agree that, if prequalified under the Scheme, the terms and conditions of any engagement made under the Scheme will be those of the Funding Deed issued by the FACS or contract issued by another Government Agency, and agree that any variation for new or expanded services will be established in accordance with the existing agreement.

6. PREQUALIFICATION PROCESS

- 6.1. The Scheme will be composed of Service Providers that are determined by FACS to be eligible to join the Scheme following the assessment of their Applications.
- 6.2. Where the assessment of the Assessment Panel is that an Application is unsuccessful or partially successful, the assessment will be reviewed by an independent officer not involved in the original assessment.

7. EVALUATION CRITERIA

- 7.1. Applications will be assessed according to the information provided through the Application Form and any associated documents based on the Applicants demonstrated experience, governance, management, financial viability, and any satisfactory previous service delivery .

8. NOTIFICATION OF OUTCOME

- 8.1. Applicants will be notified in writing of the decision. The notification will include confirmation of the capabilities that FACS has assessed that the Applicant has demonstrated through the application process.
- 8.2. Following notification FACS will provide an opportunity for unsuccessful or partially successful Applicants to receive feedback on their application.

9. SPECIAL CONDITIONS

- 9.1. The Scheme may be used by any NSW Government agency to invite those registered on the Scheme to tender for the delivery of Specialist Homelessness Services. Service Providers are deemed to have authorised any such action.

10. CHANGES TO SERVICE PROVIDER STATUS

- 10.1. Service Providers (as defined) must immediately inform FACS of any significant change in their financial capacity, capability, ownership status, contact details or address by writing with full details to:

Director, Homelessness Unit
Family and Community Services
Locked Bag 4001
Ashfield BC NSW 1800

11. UPGRADING OF PREQUALIFICATION

- 11.1. Upgrade of Prequalification means the capabilities of a Service Provider are added to, resulting in that Service Provider being considered capable of providing a greater range of services than previous to the upgrade.
- 11.2. FACS may upgrade a Service Provider's status under the Scheme to include additional capabilities where:
- FACS has invited the Service Provider to apply for such an upgrade; and
 - the Service Provider has submitted a written application for such an upgrade, including documentation and other material in support of its request; and
 - FACS has assessed the Service Provider's written application for such an upgrade.

12. DOWNGRADING OF PREQUALIFICATION

- 12.1. Downgrade of Prequalification means the capabilities of a Service Provider are reduced, resulting in that Service Provider being considered capable of providing a smaller range of services than previous to the downgrade.
- 12.2. Downgrade of Prequalification relates to capabilities that a service provider has been previously assessed as capable of providing but not funded to provide under a current Funding Agreement.
- 12.3. FACS may downgrade a Service Provider's status under the Scheme if the Agency considers a Service Provider has:
- not complied with the Scheme Conditions; or
 - experienced an adverse change in capacity; or
 - experienced an adverse change in business status.

13. TEMPORARY SUSPENSION

- 13.1. FACS may suspend a Service Provider from the Scheme for up to three (3) months if the Agency considers that the Service Provider has:
- not complied with the Scheme Conditions;
 - not complied with the Funding Deed; or
 - demonstrated unsatisfactory performance.
- 13.2. FACS will advise the Service Provider of the reasons for the suspension and of any actions by the Service Provider required to lift

the suspension. A Service Provider that has been suspended from the Scheme must inform the Agency if and when the actions required to lift the suspension have been undertaken.

- 13.3. FACS may revoke the suspension if it is satisfied that the Service Provider has taken appropriate action to address the reasons for the suspension.

14. REMOVAL FROM THE SCHEME

- 14.1. FACS may revoke a Service Provider's admission to the Scheme if FACS considers that a Service Provider has:
- breached the Scheme Conditions; or
 - failed to meet applicable financial requirements; or
 - been the subject of substantial reports of unsatisfactory performance for other NSW Government agencies; or
 - failed to comply with clause 4.1; or
 - provided unsatisfactory tendering performance with tenders under the Scheme; or
 - experienced a change in capacity or capability, which resulted in the Service Provider being incapable of providing SHS according to the Application Form; or
 - experienced an adverse change in business status; or
 - failed to promptly and adequately address the reasons for a temporary suspension from the Scheme under clause 13; or
 - been convicted of a breach of its obligations under work, health and safety legislation; or
 - been found to be in breach of an essential term of the Funding Deed resulting in termination by FACS of the Funding Deed; or
 - otherwise failed to meet the performance monitoring requirements of the Funding Deed.
- 14.2. Before a Service Provider's admission to the Scheme is revoked, FACS will advise the Service Provider of the matters prompting the proposed action and will give the Service Provider the opportunity to provide reasons as to why the revocation should not occur.

15. REQUEST FOR REVIEW OF THE DEPARTMENT'S DECISION

- 15.1. Where a Service Provider considers that there are substantive grounds for FACS to reconsider a decision not to upgrade the Service Provider's capabilities, to downgrade the Service Provider's capabilities, to suspend the Service Provider from the Scheme, or to revoke the Service Provider's admission to the scheme, the Service Provider may request a review of the decision by writing, providing full details of the reasons for the request for review to:

Director, Homelessness Unit
Family and Community Services

Locked Bag 4001
Ashfield BC NSW 1800

15.2. FACS will inform the Service Provider of the outcome of the review.

16. PUBLICITY

16.1. Service Providers must not advertise, promote or publicise in any form their admission to the Scheme without the written consent of FACS.

17. APPLICANT'S ACKNOWLEDGEMENT

17.1. In applying for membership, the Applicant agrees that it accepts the Scheme Conditions.

18. DISCLAIMER

18.1. FACS reserves the absolute discretion to:

- accept an Application with or without limitations and/or conditions;
- reject an Application;
- suspend a Service Provider's admission to the Scheme; and
- revoke a Service Provider's admission to the Scheme.

18.2. FACS will not be held liable for any costs or damages incurred by the Service provider in the exercise of such discretion.

19. COMPLAINTS FOLLOWING ANY FUNDING AWARD UNDER THE SCHEME

19.1. Following the award of any funding under the Scheme, if a Service Provider believes that the procedural fairness of the Scheme has been compromised, they may express their concern in writing to:

CONFIDENTIAL

Director, Procurement Strategy & Planning
Chief Procurement Officer
Locked Bag 4028
Ashfield NSW 2131

19.2. Any formal complaint will be acknowledged in writing. Complaints will be investigated by officers of FACS who are independent of those involved in the actions leading to the complaint. The outcome of the investigation will be advised to the complainant in writing.

20. PREQUALIFICATION NO GUARANTEE OF WORK

20.1. The receipt of prequalification by a Service Provider does not guarantee:

- continuity of the prequalification during the duration of the Scheme;
- receipt of opportunities to tender; or
- that engagements or work of any kind or quantity will be offered.

21. REVIEW AND DEVELOPMENT OF THE SCHEME

- 21.1. The Scheme will be monitored by FACS to assess whether the objectives and intent of the Scheme are being met. Modifications may be made at FACS's discretion during the life of the Scheme and will be notified to the Service Providers in writing.
- 21.2. The current life of the Scheme will finish on 30 June 2020.
- 21.3. Over the life of the Scheme FACS may decide to re-open the Scheme to new Applicants at FACS's discretion.

22. PURCHASING FROM THE PREQUALIFICATION SCHEME

- 22.1. The Scheme will be accessed by NSW Government to purchase Specialist Homelessness Services and may be used to purchase other services at its discretion.
- 22.2. Purchasing through the Scheme will be conducted in accordance with the Procurement Policy.