

Energex Contractor Prequalification Scheme Terms

Energex Limited (**Energex**)



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Contractor Prequalification Scheme
Prequalification Terms

Energex Contractor Prequalification Scheme

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1. Introduction

1.1 (Prequalification Scheme)

This document sets up Energex's Contractor Prequalification Scheme which requires Contractors to be Prequalified before performing Prequalified Activities in the Work Categories described in Annexure B.

1.2 (Enquiries)

Enquiries relating to this Prequalification Scheme should be directed to:

The Prequalification Registrar

Energex Ltd

26 Reddacliff Street

Newstead Qld 4006

Email: prequalification@energex.com.au

1.3 (Background Information)

(a) What is Prequalification

Prequalification is a process under which Contractors are assessed generally on matters such as their capabilities, experience, personnel, financial capacity and management systems for the purposes of Energex determining whether they should be prequalified to perform certain Prequalified Activities for Energex. Subject to these Prequalification Terms, only those Contractors who are prequalified will be invited to offer to perform Prequalified Activities for Energex.

Prequalification is intended to provide Energex with added confidence that Contractors being invited to offer already have been assessed as having the capability to supply the Prequalified Activities for which they are prequalified. Prequalification does not eliminate the risk of inadequate performance, but, if well managed, is a method of reducing the risk and administrative burden created by repeated approaches to the market.

(b) This Prequalification Scheme

Energex has ongoing requirements for many procurement activities that would benefit from the establishment of a prequalification scheme. The list of Work Categories and Prequalification Categories (within those Work Categories) for which Energex has introduced a requirement for Prequalification are outlined in Annexure B. Energex anticipates adding to this list from time to time. Contractors that are able to demonstrate a sound business structure, financial capability, adequate resources and management systems, recent relevant experience and good performance history may be eligible for Prequalification.

This scheme will be advertised on a regular basis; however, interested Contractors are welcome to apply at any time.

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1.4 (Purpose of the Scheme)

The purpose of the Scheme is to provide an appropriate management system to enable Energex to efficiently and effectively procure Prequalified Activities from Contractors in the specified Work Categories. Contractors Prequalified under the Scheme will be eligible to receive opportunities to provide those Prequalified Activities under Energex's selective tendering and other procedures.

1.5 (Application of Scheme)

The Scheme:

- (a) applies to all Contractors wishing to tender for or enter into Energex Contracts in the Work Categories covered by the Scheme as set out in Annexure B; and
- (b) is governed by the Prequalification Terms.

1.6 (Scheme Objectives)

The Scheme primary objectives are to:

- (a) enable Energex to prequalify Contractors according to their expertise, capacity and capability;
- (b) establish pools of suitable Contractors for specific Prequalification Activities and contract values;
- (c) facilitate the selection and invitation of Prequalified Contractors from the pools to tender for or otherwise enter into Energex Contracts;
- (d) encourage continuous improvement and better contract outcomes by considering the performance of Prequalified Contractors when determining tender invitation lists for and awarding Energex Contracts;
- (e) assess and manage Contractor performance in a fair and transparent way; and
- (f) deliver improved project outcomes for Energex.

1.7 (The Scheme Benefits)

The benefits of the Scheme for Energex include:

- (a) selection of Contractors who have demonstrated suitable experience, capability and capacity to achieve better and more consistent contract outcomes;
- (b) identification of Contractors with appropriate demonstrated specific experience and capacity;
- (c) reduction in tendering costs (including by reducing tender invitation lists) while maintaining appropriate levels of competition;
- (d) to give better effect to Energex requirements when selecting Contractors through improved knowledge of the available Contractors; and
- (e) increased opportunity for Energex to develop mutually beneficial ongoing business relationships with Contractors, while complying with the requirements for probity, value for money and fairness.

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1.8 (Achieving Prequalification)

Consideration for Prequalification will only be given to Contractors that operate under an appropriate legal and financial structure and are adequately resourced, with verifiable sound business practices and that are achieving consistently successful project outcomes. Contractors seeking Prequalification must be able to provide evidence of successfully completed activities, which should ideally be similar to those required by Energex.

1.9 (Performance Management System)

Contractor Performance will be monitored by Energex using Contractor Performance Reports and results recorded in its Contractor Performance Management System as Energex determines from time to time. Guidelines for the monitoring and recording of Contractor performance are set out in Annexure D

1.10 (Review and Development of the Scheme)

The Scheme will be monitored by Energex to assess whether the objectives and intent of the Scheme are being met, and modifications to the Scheme (including the Work Categories, Prequalification Categories or Financial Levels) may be made by Energex at any time in accordance with the Prequalification Terms. Without limitation, changes to the Scheme may be required to give effect to:

- (a) changes to Energex policies and circumstances;
- (b) increases in work available beyond that anticipated at the commencement of the Scheme;
- (c) significant vacancies developing in a Prequalification Category; or
- (d) new requirements which necessitate the creation of new Work Categories or new Prequalification Categories within Work Categories.

2. Prequalification Terms Documents

2.1 (Documents included in Prequalification Terms)

The following documents make up the Prequalification Terms:

- (a) this document;
- (b) Dictionary in Annexure A;
- (c) Work Categories and Prequalification Categories Descriptions, Standard Terms and Conditions and Prequalification Requirements in Annexure B;
- (d) Proforma Prequalification Agreement
- (e) Performance Review Guidelines.

2.2 (Meaning of Defined Terms)

Capitalised terms have the meaning set out in the Dictionary in Annexure A.

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2.3 (Interpretation of Document)

The following interpretation rules apply unless the context requires otherwise:

- (a) Headings are for convenience only and do not affect interpretation.
- (b) The singular includes the plural, and the converse also applies.
- (c) A gender includes all genders.
- (d) If a word or phrase is defined, its other grammatical forms have a corresponding meaning.
- (e) A reference to a person includes a corporation, trust, partnership, unincorporated body or other entity, whether or not it comprises a separate legal entity.
- (f) A reference to a clause, schedule or annexure is a reference to a clause of, or schedule or annexure to this document.
- (g) A reference to an agreement or document is to the agreement or document as amended, supplemented, novated or replaced.
- (h) A reference to writing includes any means of reproducing words, figures, drawings or symbols in a visible and tangible form.
- (i) A reference to a law or to a provision of a law includes a modification or re-enactment of it, a legislative provision substituted for it and a regulation or statutory instrument issued under it.
- (j) A reference to dollars and \$ is to Australian currency.
- (k) Mentioning anything after includes, including, for example, or similar expressions, does not limit what else might be included.
- (l) If any term is legally unenforceable or made inapplicable, it must be severed or read down, but so as to maintain (as far as possible) all other terms of the Contract.
- (m) If anything is required to be (or may be) done on or by a day that is not a business day, it may be done instead on the next business day.
- (n) A reference to an item or thing includes the whole and any part of it.
- (o) A reference to day means calendar day.

3. Effect of Prequalification Terms

3.1 (Purpose of Prequalification Terms)

The Prequalification Terms set out:

- (a) how Prequalification Categories and Financial Levels operate (see clause 4);
- (b) how a Contractor may apply to Energex for Prequalification (see clause 5);
- (c) how Prequalification Applications will be assessed by Energex (see clause 6);
- (d) how Energex may offer, and a Contractor accept, Prequalification (see clause 7);

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- (e) what Prequalification means to a Contractor (see clause 8); and
- (f) how Prequalification includes the establishment of Standard Terms and Conditions to apply to Energex Contracts between Energex and a Contractor (see clause 9).

3.2 (Legal Effect of Prequalification Terms)

- (a) Contractors apply for Prequalification subject to the Prequalification Terms and at their own risk and expense.
- (b) Energex's only obligations to Contractors are those expressly stated in the Prequalification Terms and any Prequalification Agreement entered into between Energex and a Contractor to give effect to the Contractor's Prequalification.

3.3 (Use of Prequalification Website)

- (a) The Contractor must read the current Prequalification Terms applicable as at the date of its Prequalification Application as Energex reserves the right to change the Prequalification Terms at any time;
- (b) Energex assumes no responsibility or liability for:
 - (i) suspension of the operation of;
 - (ii) exclusions or limitation of access to; or
 - (iii) changes to the conditions applying to the use of, the Prequalification Website at any time;
- (c) the Contractor must ensure the compatibility and connectivity of its operating system, browser revision levels, hardware and other software applications with the Prequalification Website;
- (d) the Contractor must use file formats and file sizes complying with all requirements stated in the Prequalification Terms;
- (e) the Contractor assumes all risk of and full responsibility for and releases Energex from any loss or liability arising from or in connection with the Contractor's use or attempted use of the Prequalification Website, including without limitation:
 - (i) failures in or delays to the inputting, processing, transmission or retrieval of any data;
 - (ii) the integrity or readability of data;
 - (iii) damage, corruption, disruption or delay to the Contractor's hardware or software applications;
 - (iv) the unavailability or inadequacy of the Prequalification Website;
 - (v) any interception to the Contractor's data transfer by any third party;
 - (vi) the inaccurate or incomplete transmission of any data or documentation from the Contractor for any reason (including where that inaccuracy or incompleteness affects Energex's assessment of the Contractor's Prequalification); and

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- (f) the Contractor must maintain a complete copy of its Prequalification Application together with details of its transmission (including a copy of the email receipt), for its own records.

4. Prequalification Categories and Prequalification Requirements

4.1 (Prequalification Categories)

Contractors may be Prequalified in any one or more of the Prequalification Categories set out in Annexure B.

4.2 (Prequalification Requirements)

- (a) Annexure B states the minimum Prequalification Requirements applying to each Prequalification Category.
- (b) A Contractor:
 - (i) must not apply for Prequalification; and
 - (ii) will not be granted Prequalification,for a Prequalification Category for which the Contractor does not satisfy the Prequalification Requirements.
- (c) The Prequalification Requirements:
 - (i) are minimum requirements for each Prequalification Category; and
 - (ii) should not be taken to limit the discretions of Energex set out in the Prequalification Terms.

4.3 (Financial Levels)

- (a) The following Financial Levels may apply to the Scheme:

F1	F2	F3	F4	F5	F6	F7
Up to \$100k	Up to \$200k	Up to \$500k	Up to \$1M	Up to \$3M	Up to \$10M	Over \$10M

- (b) A Prequalification Requirement for a Prequalification Category may include a minimum Financial Level which the Contractor must achieve if it is to be Prequalified for that Prequalification Category.
- (c) A Financial Level may also relate to the maximum Contract Value of an Energex Contract for which a Prequalified Contractor may (unless Energex otherwise determines in its discretion) be asked to submit an offer or tender or may be engaged.
- (d) Despite a Contractor's Financial Level or the Contract Value of an Energex Contract for which Energex is seeking the performance of work, and without

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limiting any other provision of the Scheme, Energex may in its discretion take into account the Contract Values of work which a Contractor is performing or is to perform for Energex or third parties in determining whether to seek a tender or offer from, or enter into a contract with, a Contractor for any Prequalified Activity.

4.4 (Additional Requirements)

To achieve Prequalification in particular Prequalification Categories or to particular Financial Levels a Contractor may be required to meet the requirements set out in the Prequalification Application Form and Annexure B including, without limitation:

- (a) meeting the Minimum Insurance Requirements and Minimum Insurance Value Requirements in Tables 2A and 2B of Annexure B;
- (b) meeting the Energex Specifications, Work Category Quality Assurance (WCQA) Rating and Licensing Requirements set out in Table 3 of Annexure B;
- (c) meeting the Management System Requirements applicable to particular Financial Levels as set out in Table 4 of Annexure B; and
- (d) by ensuring the Contractor's Prequalification Application Form addresses the matters stated by the Prequalification Application Form and the matters relevant to the particular Prequalification Requirements set out in Annexure B (including requirements for Contractor's Wages & Conditions Type, Safety Type and Environment Type).

5. Applications for Prequalification

5.1 (How to Obtain Prequalification)

If at any time a Contractor wishes to obtain Prequalification:

- (a) in a Prequalification Category for which it is not already Prequalified;
- (b) to a Financial Level to which it is not already Prequalified; or
- (c) in a Prequalification Category for which the Contractor's Prequalification requires renewal,

then the Contractor must make an application for Prequalification in accordance with these Prequalification Terms.

5.2 (Prequalification Application)

A Contractor applying for Prequalification must:

- (a) fully complete and submit to Energex a Prequalification Application Form, including all required Information Schedules;
- (b) ensure that the Contractor's Prequalification Application has attached to it all supporting information required; and
- (c) provide to Energex or any advisor nominated by Energex:
 - (i) any further information;

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- (ii) any authority necessary to allow Energex or the advisor to conduct searches or enquiries regarding the Contractor; or
- (iii) an opportunity for Energex or the advisor to interview the Contractor or its key personnel,

as required by Energex in connection with the Prequalification Application.

5.3 (References)

Energex reserves the right to consult (itself or through its nominated advisors) with current referees or other clients of the Contractor regarding the Contractor (including its past performance) as considered necessary by Energex.

5.4 (Contractor's Acknowledgments)

When it lodges a Prequalification Application, a Contractor:

- (a) must ensure that all information it provides to Energex is:
 - (i) accurate, current and complete; and
 - (ii) not misleading or deceptive;
- (b) agrees that Energex may rely upon all information it provides to Energex (including in offering Prequalification and awarding Energex Contracts);
- (c) without limiting clause 5.3, authorises Energex to make enquiries of others, including referees and other clients regarding matters:
 - (i) arising from information provided by the Contractor; or
 - (ii) relevant to Energex's assessment of the Contractor's Prequalification Application;
- (d) in relation to any Personal Information (as defined in the Privacy Act 1988 (Cth) (Privacy Act)) provided by a Contractor in connection with its Prequalification Application, warrants to Energex:
 - (i) the Contractor has obtained the consent of each individual about which any Sensitive Information (as defined in the Privacy Act) is provided; and
 - (ii) the Contractor has or will within the time required by the Privacy Act ensure that each individual about whom any Personal Information is provided has received a written statement setting out all of the matters required by Australian Privacy Principle 5:
 - (A) in relation to disclosure of the Personal Information to Energex; and
 - (B) disclosing that Energex may use the Personal Information for the purposes of reviewing and assessing the Contractor's Prequalification Application;
- (e) acknowledges that the information it provides to Energex may be required to be disclosed as a result of applications made by others under the Right to Information Act 2009 (Qld).

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5.5 (Change of Contractor Information)

Where a Contractor who is already Prequalified is required by the Prequalification Terms to notify Energex of a change to any of the information by lodging a New Prequalification Application Form, the Contractor must complete and submit to Energex a new Prequalification Application Form which is completed in full and also identifies the changes made.

6. Assessment of Prequalification Applications

6.1 (Assessment Criteria)

Without limiting any of Energex's discretions under the Prequalification Terms, applications for Prequalification will generally be assessed on the basis of the requirements described in the Prequalification Terms. Applications will be assessed to determine the acceptability of the Contractor for each Prequalification Category and for the Financial Level for which Prequalification is sought.

6.2 (Energex's Discretion)

Energex may:

- (a) refuse to consider or delay its consideration of a Prequalification Application;
- (b) determine on what basis it will assess a Prequalification Application;
- (c) offer or refuse Prequalification;
- (d) offer Prequalification provisionally or subject to conditions (including conditions additional to or inconsistent with these Prequalification Terms);
- (e) seek further information from a Contractor or others in connection with the assessment of a Prequalification Application;
- (f) provide or decline to provide to a Contractor reasons for its refusal of or its provisional or conditional offer of Prequalification;
- (g) have regard to any information not contained in a Prequalification Application;
- (h) seek advice or involvement from third parties in connection with the assessment of a Prequalification Application; or
- (i) change its requirements for Prequalification,

in its discretion.

6.3 (Visits)

The Prequalification assessment process may require visits to the Contractor's main office or sites at which the Contractor is performing work or services to review Contractor's business practices and to further review the supporting documentation that the Contractor has submitted in connection with its application for Prequalification. Details of any such visit will be provided by Energex to the Contractor in advance.

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6.4 (Notice of Refusal)

If Energex decides to refuse to offer a Contractor Prequalification, Energex will notify the Contractor.

6.5 (Disclosure of Information)

Without limiting any other right of Energex, Energex may disclose a Contractor's Prequalification Application or any other information obtained by Energex or its representatives in connection with that Prequalification Application to any Energex Associated Entity, any advisor or consultant to Energex or any Energex Associated Entity, the Shareholding Ministers of Energex's Related Bodies Corporate and any State Government department or entity.

6.6 (Legal Entity and Business Operations Requirements)

Contractors should note that, without prejudice to any other requirements of the Prequalification Terms and without limiting any of Energex's discretions under the Prequalification Terms:

- (a) Energex will only prequalify Contractors that are recognised and acceptable legal entities having appropriate financial assets.
- (b) Energex will not prequalify a Business Name or an entity that is under any form of external administration.
- (c) Contractors trading under a trust arrangement must provide a copy of the relevant trust deed and any variations to it and other information relating to the trust as required by Energex on initial application and when any change occurs to the Trust, and demonstrate that they meet the Scheme requirements.
- (d) Contractors must provide evidence of their legal entity either by providing a copy of an official document (such as a Certificate of Company Registration), a statement of the company's directors and secretary issued by the Australian Securities and Investments Commission or a statement confirming the nature, existence and name of the legal entity comprising the Contractor signed by a practicing Solicitor.
- (e) A copy of the registration documents must be submitted on initial application and whenever a company name change occurs.
- (f) Energex in its discretion may refuse to prequalify:
 - (i) related, associated or subsidiary business entities of any Contractor for the same Work Category or Prequalification Categories in respect of which the Contractor holds Prequalification;
 - (ii) a Contractor trading under a trust arrangement;
 - (iii) a joint venture for the same Work Category or Prequalification Category in respect of which any member of the joint venture is Prequalified; or
 - (iv) a Contractor which has not traded successfully for **three years** prior to the date of their application.

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7. Successful Prequalification

7.1 (Prequalification Agreement)

If Energex decides a Contractor is to be offered Prequalification, it will issue to the Contractor a Prequalification Agreement.

7.2 (Prequalification Acceptance)

- (a) Within 14 days of receiving the Prequalification Agreement, the Contractor must return to Energex one original copy of the Prequalification Agreement executed by the Contractor.
- (b) Prequalification will only take effect once Energex has received from the Contractor an executed Prequalification Agreement.

8. Effect of Prequalification

8.1 (Contracts Outside of Prequalification)

A Contractor is not entitled to tender for, or be awarded, any Energex Contract which is not within the Prequalification Categories and Financial Level for which the Contractor is Prequalified, unless Energex otherwise determines in its discretion.

8.2 (Renewal of Prequalification)

- (a) Without limiting any other rights of Energex to review a Contractor's Prequalification, a Contractor's Prequalification for any Prequalification Category will be subject to renewal from the Renewal Date stated in the Prequalification Agreement. Energex will advise the process for Renewal at the relevant time.
- (b) The provisions of these Prequalification Terms will apply to an application by the Contractor for renewed Prequalification as if it were an application for initial Prequalification and, without limitation, if Energex decides the Contractor is to be offered renewed Prequalification it will issue to the Contractor a Prequalification Agreement.

8.3 (No Guarantee of Work)

The granting of Prequalification to a Contractor does not give rise to any representation, warranty or guarantee as to:

- (a) continuity of the Prequalification for any period (including until the Renewal Date or for the duration of the Scheme); or
- (b) opportunities which may be made available to the Contractor to tender for or otherwise be awarded Energex Contracts.

8.4 (No Representation by Energex)

The Prequalification of a Contractor does not give rise to any approval, representation, warranty or obligation by Energex as to:

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- (a) the Contractor's competency, capability or fitness to provide any particular goods, work or services; or
- (b) the type, quantity, value or terms of Energex Contracts in relation to which the Contractor may be invited to tender or offer or be awarded contracts.

8.5 (Disclosure by Contractor of Prequalification Status)

A Prequalified Contractor must not:

- (a) allow or encourage any third party to rely upon the Contractor's Prequalification for any purpose; or
- (b) disclose to any third party any information regarding the Contractor's Prequalification,

unless Energex has otherwise agreed in writing.

8.6 (Ongoing Obligations of Contractor Regarding Prequalification Details)

During the period of a Contractor's Prequalification, the Prequalified Contractor must:

- (a) maintain all Contractor Registrations necessary to allow the Contractor to perform Energex Contracts covered by the Contractor's Prequalification;
- (b) immediately notify Energex by lodging a new Prequalification Application Form in accordance with these Prequalification Terms if:
 - (i) any of the Prequalification Details (other than changes to applicable Standard Terms and Conditions notified by Energex under these Prequalification Terms) cease to be complete, correct or current for any reason; or
 - (ii) any other information provided to Energex or its representatives by the Contractor in connection with the Contractor's Prequalification which Energex considers material ceases to be complete, correct or current for any reason;
- (c) immediately notify Energex in writing if any other information provided to Energex or its representatives by the Contractor in connection with the Contractor's Prequalification ceases to be complete, correct or current for any reason; and
- (d) whenever required by Energex (including as part of any tender process or prior to entering into any Energex Contract) provide to Energex written confirmation that there has been no change to the Prequalification Details or other information provided to Energex or its representatives by the Contractor in connection with the Contractor's Prequalification.

8.7 (Authorised Signatories)

A Prequalified Contractor agrees:

- (a) Energex may rely upon the Contractor's Authorised Signatories as having the authority to sign contracts and other documents for and on behalf of the Contractor;

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- (b) nothing in paragraph (a):
 - (i) prejudices Energex's right to rely on any principle of law otherwise allowing it to assume or rely upon the authority of any individual to bind the Contractor; or
 - (ii) obliges Energex to check that only Authorised Signatories have signed contracts or other documents on behalf of the Contractor.

9. Establishment of Standard Terms and Conditions for Prequalification Categories

9.1 (Acknowledgment of Standard Terms and Conditions)

Each Prequalified Contractor agrees:

- (a) it has satisfied itself as to the Standard Terms and Conditions applicable to the Prequalification Categories for which it seeks Prequalification;
- (b) it will be bound by those Standard Terms and Conditions to the extent they are made applicable to an Energex Contract by the terms of that Energex Contract, or a direction given to the Contractor pursuant to that Energex Contract;
- (c) Energex may, in its discretion, at any time, add to, replace or amend the Standard Terms and Conditions applicable to the Contractor's Prequalification by notifying the Contractor of the addition, replacement or amendment; and
- (d) the Prequalified Contractor must provide Energex with written confirmation of its acceptance of the addition, replacement or amendment (in a form acceptable to Energex) within 14 days of receiving the notification in paragraph (c) failing which Energex may in its discretion terminate the Contractor's Prequalification in the relevant Prequalification Category.

9.2 (Effect of Standard Terms and Conditions)

Each Prequalified Contractor accepts that:

- (a) the Standard Terms and Conditions are intended to operate as part of the terms and conditions which will make up an Energex Contract relating to Prequalified Activities;
- (b) Energex may in its discretion propose additional or amended terms and conditions for any Energex Contract at any time before the Energex Contract is entered into; and
- (c) where a Prequalified Contractor seeks any addition or amendment to the Standard Terms and Conditions to apply to any Energex Contract, Energex may in its discretion (despite any other terms or conditions applying to any process for the selection of a Contractor or the formation of the Energex Contract):
 - (i) take the addition or amendment sought by the Contractor into account when assessing proposals, bids or tenders for the Energex Contract; or

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- (ii) exclude the Prequalified Contractor from further involvement in the selection process for or any further negotiations in connection with the Energex Contract.

10. Review of Prequalification

10.1 (Energex's Discretion)

Energex may at any time:

- (a) cancel or suspend (for any period determined by Energex) a Contractor's Prequalification;
- (b) change (including by adding) Prequalification Categories or Financial Levels for which a Contractor is or needs to be Prequalified;
- (c) change (including by adding) conditions applying to a Contractor's Prequalification (including under these Prequalification Terms); or
- (d) change (including by adding) any other details included in a Contractor's Prequalification Agreement,

in its discretion and must:

- (e) notify the Contractor of the suspension or cancellation; or
- (f) issue to the Contractor a replacement Prequalification Agreement to confirm the changes.

10.2 (Acceptance by Contractor)

Within 14 days after receiving a replacement Prequalification Agreement giving effect to a change referred to in clause 10.1, the Contractor must execute and provide it to Energex failing which Energex may in its discretion terminate the Contractor's Prequalification in the relevant Prequalification Category.

10.3 (Performance Review)

Without limiting Energex's discretion under clause 10.1, Energex may undertake, as it sees fit, monitoring and review of the Contractor's performance in accordance with the Performance Review Guidelines.

10.4 (Contractor's Reporting and Record Keeping)

During the period of a Contractor's Prequalification, the Contractor must comply with the requirements of the Performance Review Guidelines including, without limitation, by reporting to Energex and keeping records in accordance with the Performance Review Guidelines.

11. General

11.1 (Industry Policies and Energex Requirements)

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Where applicable, during the period of a Contractor's Prequalification, the Contractor must at all times comply with:

- (a) Queensland Code of Practice for the Building and Construction Industry;
- (b) if Prequalified for a Financial Level of F5 or greater and the relevant Contract Value exceeds \$2,000,000 (including GST), the Implementation Guidelines to the Queensland Code of Practice for the Building and Construction Industry;
- (c) Energex Safety Management System RED 00337
- (d) Energex Safety Manual RED 00338; and
- (e) Energex Environmental Management System: Environmental Standard RED 00310.

11.2 (Implementation Guidelines to the Queensland Code of Practice for the Building and Construction Industry)

The Queensland Government's Implementation Guidelines to the Queensland Code of Practice for the Building and Construction Industry may apply to the Prequalified Activities where the Contractor is Prequalified for By applying for and maintaining Prequalification, the Contractor acknowledges its understanding and agreement that it will maintain compliance with the Queensland Guidelines.

11.3 (Contractor's Related Entities)

A Contractor's Prequalification applies only to the Contractor named in the Prequalification Agreement and not to any related or other entity associated with the Contractor (whether as a result of ownership, partnership, joint venture or otherwise). Such business entities and venturers must apply for Prequalification in their own right, subject to clause 6.6.

11.4 (Energex's Associated Entities)

The Scheme given effect to by the Prequalification Terms applies to Energex and any of the Energex Associated Entities and references to Energex shall be read accordingly.

11.5 (No Assignment)

Contractor Prequalification's (including any rights arising from them) are personal to the Prequalified Contractor and cannot be assigned.

11.6 (Scheme Revisions)

Energex:

- (a) may in its discretion at any time vary the terms of or abort (in whole or in part) the Scheme given effect by the Prequalification Terms; and
- (b) must notify Prequalified Contractors accordingly.

11.7 (Withdrawal from Prequalification)

A Prequalified Contractor may withdraw from Prequalification at any time by giving Energex notice in writing of its withdrawal.

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11.8 (Publication of Prequalified Contractor List)

Energex may publish a list of Prequalified Contractors in any manner it sees fit.

11.9 (Disclaimer)

Energex will not be liable for any costs or damages incurred by a Contractor or any third party arising from:

- (a) the exercise by Energex of any discretion under the Prequalification Terms; or
- (b) reliance upon a Contractor's Prequalification for any purpose.

11.10 (Requests for Review of Decisions)

A Contractor may request a review of any decision made by Energex pursuant to the Prequalification Terms by submitting a detailed written request for review to:

Group Manager Procurement & Supply
Procurement, People & Services
Energex Ltd
26 Reddacliff Street
Newstead QLD 4006

Energex will inform the Contractor of the outcome of the review.

11.11 (Discretion of Energex)

Except to the extent the Prequalification Terms state otherwise, Energex may exercise any right or discretion given to it by the Prequalification Terms in its absolute discretion.

11.12 (Obligations of Energex Limited)

Energex's only obligations to a Contractor are those expressly set out in these Prequalification Terms and the Prequalification Agreement and all conditions, warranties or other obligations which would otherwise apply (by implication of law or otherwise) are excluded to the maximum extent permitted by law.

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Annexure A

Annexure A - Dictionary

Authorised Signatories means the individuals nominated in the Contractor's Prequalification Application and confirmed by the Contractor in a Prequalification Application as the Contractor's Authorised Signatories (as they may be changed at any time by notice in writing given by the Contractor to Energex);

Contract Value means the value of a contract as specified in the contract or where not specified or where subject to adjustment, as determined by Energex from time to time;

Contractor means any entity proposing to apply for, which has applied for or which has achieved Prequalification;

Contractor Registrations means all licences, certificates, registrations or other approvals required to be held by the Contractor or its key personnel under any law;

Dictionary means this dictionary comprising Annexure A to the Prequalification Terms;

Energex means Energex Limited;

Energex Contract means any:

- (a) contract, deed or other agreement between Energex and a Contractor relating to the provision by the Contractor of work, services or other things (whether or not any other person is also a party); or
- (b) any document (whether or not comprising a contract) setting out terms to apply to any process or activity in which the Contractor is to take part (including conditions of tendering);

Energex Associated Entities means each Related Body Corporate of Energex and any other entity notified from time to time by Energex;

Financial Levels means the separate levels (determined by reference to Contract Values) of Energex Contracts up to which a Contractor may be Prequalified as set out in Clause 4.3;

GST has the meaning given to that term in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth);

Information Schedules means the information schedules attached to and forming part of the Prequalification Application Form, which must be completed by all Contractors seeking Prequalification;

Performance Review Guidelines means the guidelines set out on the Prequalification Website;

Prequalification means the prequalified status (in respect of both Prequalified categories and Financial Levels) given to a successful Contractor under the Scheme allowing the Contractor to tender for and be awarded Energex Contracts for Prequalified Activities;

Prequalified Activities means the supply of goods or materials, provision of services or performance of work or related activities or other things comprised in the Prequalification Categories;

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Prequalification Agreement means the agreement to be entered between Energex and a Contractor confirming the Contractor 's Prequalification and Prequalification Details substantially in the form of the Proforma Prequalification Agreement set out on the Prequalification Website;

Prequalification Application means an application from a Contractor to Energex applying for Prequalification in the form of the Prequalification Application Form current as at the date of the application;

Prequalification Application Form includes an electronic application form made available through the Prequalification Website or a hard copy application form as the case may be (a proforma copy of is available on the Prequalification website);

Prequalification Categories means each separate category of Prequalified Activities for which a Contractor may be Prequalified as set out in Annexure B;

Prequalified Contractor means a Contractor who is Prequalified under the Scheme;

Prequalification Details means the details applicable to a Prequalified Contractor as set out in the Prequalification Agreement (including the Schedule of Prequalification Details);

Prequalification Requirements means for a particular Prequalification Category both:

- (a) Prequalification Requirements stated in Annexure B as applying to the Work Category of which the Prequalification Category forms part of; and
- (b) Prequalification Requirements stated in Annexure B as applying to that Prequalification Category;

Prequalification Terms means the terms giving effect to the Energex Contractor Prequalification Scheme comprising the documents referred to in clause 2.1;

Prequalification Website means any website used by Energex for the purposes of:

- (a) providing notifications or other information;
- (b) receiving expressions of interest, applications, tenders or notifications;
- (c) making software or other services available;
- (d) receiving or making any payments;
- (e) storing, receiving or transmitting any data,

in connection with the Scheme and includes any website, application or service in, linked with or available from any such website;

Queensland Code means the Queensland Code of Practice for the Building and Construction Industry;

Queensland Guidelines means the Implementation Guidelines to the Queensland Code of Practice for the Building and Construction Industry;

Renewal Date means the date stated in the Prequalification Agreement by which a Contractor's Prequalification is required to be renewed;

Related Body Corporate has the meaning given in the *Corporations Act 2001* (Cth).

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Annexure A

Schedule of Prequalification Details means the Schedule of Prequalification Details attached to and confirmed by the Contractor in a Prequalification Application as it may be amended with Energex's agreement at any time;

Scheme means the Contractor Prequalification Scheme established and governed by the Prequalification Terms;

Standard Terms and Conditions means for a particular Prequalification Category both:

- (a) Standard Terms and Conditions stated in Annexure B as applying to the Work Category of which the Prequalification Category forms part; and
- (b) Standard Terms and Conditions stated in Annexure B as applying to that Prequalification Category,

as they may be added to, replaced or amended by Energex and confirmed by the Prequalified Contractor under these Prequalification Terms.

Work Categories means the categories of work comprising one or more Prequalification Categories as described in Annexure B.

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Annexure B

Annexure B - Work Categories and Prequalification Categories Descriptions, Standard Terms and Conditions and Prequalification Requirements

The purpose of this document is to:

- (a) describe each Work Category and Prequalification Category (within a Work Category) including a description of the work involved;
- (b) set out the Standard Terms and Conditions applying to each Prequalification Category (which include both the Standard Terms and Conditions specific to that Prequalification Category (if any) and also Standard Terms and Conditions applicable to the Work Category of which the Prequalification Category forms part); and
- (c) set out the minimum Requirements for obtaining Prequalification in each Prequalification Category (which includes both the Prequalification Requirements specific to that Prequalification Category (if any) and also the Prequalification Requirements applicable to the Work Category of which the Prequalification Category forms part).

Contractors should note that:

- (d) the description of the Standard Terms and Conditions in this Annexure does not include the version number of the Standard Terms and Conditions document;
- (e) the versions of Standard Terms and Conditions applying to a Contractor's prequalification are those current at the time of its Prequalification Application as they appear on the Prequalification Website at that time; and
- (f) Energex may update the versions of any Standard Terms and Conditions document at any time and will advise the Prequalified Contractor of the changes to the terms. A Prequalified Contractor may be asked by Energex to acknowledge the updated document for the purposes of its Prequalification in accordance with the Prequalification Terms.

Energex intends in the future to include additional Work Categories and Prequalification Categories in its Prequalification Scheme. This Annexure will be amended to include new Work Categories and Prequalification Categories as they are established.

Current Work Categories covered by the Prequalification Scheme:

PQS – 1010 Construction Services

PQS – 1020 Distribution Network Services

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PQS – 1030 Major Projects Design & Construction Services

PQS – 2000 Plant & Equipment Hire

PQS - 4000 Professional Services

Work Category or Prequalification Category Description	Standard Terms and Conditions	Prequalification Requirements
<p>1. Work Category – Construction Services PQS - 1010</p> <p>The provision of services associated with the construction of Energex substations and commercial buildings. The works typically occur at sites with varying degrees of safe access and project type and complexity. This Work Category includes the following Prequalification Categories.</p>	<p>The documents listed in Table 1 below as referenced as PQS-001 apply</p>	<p>The following requirements apply to all Prequalification Categories which are sub-categories within this Work Category in addition to the requirements (if any) stated below as applying to a particular Prequalification Category:</p> <ul style="list-style-type: none"> • Minimum Financial Level: F4. • Minimum Insurance Requirements: see Table 2A and 2B below. • Energex WCQA and Licensing: see Table 3 below for WCQA Rating and licensing requirements. • Contractor Performance Report: Type CPR1 (Annexure D). • Management System Requirements: see Table 4 below. • Safety: Type S1 (see Table 5). • Environment: Type E1 (see Table 5). • Contractors Wages & Conditions: Type A (see Table 5).
<p>1.1 Construction Services Prequalification Category – Commercial & Industrial Construction PQS - 1011</p> <p>General building projects typically involving Energex commercial buildings such as offices and industrial buildings such as operational depots. These projects do not include any works at Energex substations.</p>	<p>The documents listed in below as referenced as:</p> <ol style="list-style-type: none"> a) PQS-001 in Table 1; b) Documents listed in Table 3 for this work category 	<p>The requirements applying to the Work Category (PQS 1010) and in addition:</p> <ul style="list-style-type: none"> • [N/A - reserved for future use]
<p>1.2 Construction Services Prequalification Category – Substation Site Construction Level 1 PQS - 1012</p> <p>Substation projects of low</p>	<p>The documents listed in below as referenced as:</p> <ol style="list-style-type: none"> a) PQS-001 in Table 1; b) Documents listed in Table 3 for this work category 	<p>The requirements applying to the Work Category (PQS 1010) and in addition:</p> <ul style="list-style-type: none"> • Suppliers prequalified for PQS-1012 will automatically qualify for PQS-1011

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Work Category or Prequalification Category Description	Standard Terms and Conditions	Prequalification Requirements
<p>complexity and with minimal requirements associated with working around energised electrical infrastructure (such as modular substations on greenfield sites).</p>		
<p>1.3 Construction Services Prequalification Category – Substation Site Construction Level 2 PQS - 1013</p> <p>Substation projects of medium to high complexity often involving multiple stages and may require work around energised electrical infrastructure (such as extensions to existing substations with multiple staging of civil and electrical construction).</p>	<p>The documents listed in below as referenced as:</p> <p>a) PQS-001 in Table 1;</p> <p>b) Documents listed in Table 3 for this work category</p>	<p>The requirements applying to the Work Category (PQS 1010) and in addition:</p> <ul style="list-style-type: none"> Suppliers prequalified for work category PQS-1013 will automatically qualify for work categories PQS-1012 and PQS-1011.
<p>1.4 Construction Services Prequalification Category – Substation Refurbishment and Minor Construction Works PQS – 1014</p> <p>Substation projects of high complexity often involving multiple stages, reinstatement work and may require work around energised electrical infrastructure (such as extensions to existing substations with multiple staging of civil and electrical construction).</p>	<p>The Short Form Terms and Conditions applying to the Work Category (PQS 1014) and any documents referenced in Table 3 for this work category (if any).</p>	<p>The requirements applying to the Work Category (PQS 1014 only) in addition to the Short Form Terms and Conditions for Work Category PQS1014:</p> <ul style="list-style-type: none"> Minimum Financial Level: F1 Minimum Insurance Requirements: see Table 2A and 2B below. Energex WCQA and Licensing: As per WCS116. See Table 3 below for WCQA Rating and licensing requirements. Contractor Performance Report: Type CPR1 (Annexure D). Management System Requirements: see Table 4 below. Safety: Type S1 (see Table 5). Environment: Type E1 (see Table 5). Contractors Wages & Conditions: Type A (see Table 5).

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Work Category or Prequalification Category Description	Standard Terms and Conditions	Prequalification Requirements
<p>2. Work Category – Distribution Network Services PQS - 1020</p> <p>The provision of services associated with the design, construction and maintenance of Energex’s distribution network. The works typically occur at sites with varying degrees of safe access and project type and complexity. This Work Category includes the following Prequalification Categories.</p>	<p>The documents listed in below as referenced as:</p> <p>a) PQS-001 in Table 1; b) Documents listed in Table 3 for this work category</p>	<p>The following requirements apply to all Prequalification Categories which are sub-categories within this Work Category in addition to the requirements (if any) stated below as applying to a particular Prequalification Category.</p> <ul style="list-style-type: none"> • Minimum Financial Level: F4. • Energex WCQA and Licensing: See Table 3 below • Contractor Performance Report: Type CPR1 (Annexure D). • Management System Requirements: see Table 4 below. • Safety: Energex WCQA rating required (see Table 5). • Environment: Energex WCQA rating required (see Table 5). • Contractors Wages & Conditions: Type B (see Table 5).
<p>2.1 Distribution Network Services Prequalification Category - Construction & Maintenance Overhead PQS - 1021</p> <p>Construction & Maintenance services associated with Energex’s overhead distribution network.</p>	<p>The documents listed in below as referenced as:</p> <p>a) PQS-001 in Table 1; b) Documents listed in Table 3 for this work category</p>	<p>The requirements applying to the Work Category (PQS 1020) and in addition:</p> <ul style="list-style-type: none"> • Minimum Insurance Requirements: see Table 2A and 2B below.
<p>2.2 Distribution Network Services Prequalification Category - Construction and Maintenance Underground PQS - 1022</p> <p>Construction & Maintenance services associated with Energex’s underground distribution network.</p>	<p>The documents listed in below as referenced as:</p> <p>a) PQS-001 in Table 1; b) Documents listed in Table 3 for this work category</p>	<p>The requirements applying to the Work Category (PQS 1020) and in addition:</p> <ul style="list-style-type: none"> • Minimum Insurance Requirements: see Table 2A and 2B below.
<p>2.3 Distribution Network Services Prequalification Category - Design and Construction PQS - 1023</p>	<p>The documents listed in below as referenced as:</p> <p>a) PQS-002 in Table 1; b) Documents listed in Table 3 for this work</p>	<p>The requirements applying to the Work Category (PQS 1020) and in addition:</p> <ul style="list-style-type: none"> • Minimum Insurance Requirements: see Table 2A and 2B below.

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Work Category or Prequalification Category Description	Standard Terms and Conditions	Prequalification Requirements
<p>Design and Construction services associated with Energex's distribution network.</p>	<p>category</p>	
<p>2.4 Distribution Network Services Prequalification Category - Civil Infrastructure Construction Services PQS - 1024</p> <p>Construction of the civil infrastructure for Energex's underground electricity distribution and sub-transmission networks.</p>	<p>The documents listed in below as referenced as: a) PQS-002 in Table 1; b) Documents listed in Table 3 for this work category</p>	<p>The requirements applying to the Work Category (PQS 1020) and in addition:</p> <ul style="list-style-type: none"> • Minimum Insurance Requirements: see Table 2A and 2B below.
<p>2.5 Distribution Network Services Prequalification Category - Overhead Sub-transmission Minor Construction & Maintenance PQS - 1025</p> <p>Minor construction and maintenance services on the Energex Sub-transmission network.</p> <p>Typically including (but not limited to):</p> <p>Minor Construction</p> <ul style="list-style-type: none"> • fitting components and their associated fittings such as post insulators to poles and other structures; • erecting poles and other structures; • fitting components for and erecting stays; • stringing overhead electricity conductors 	<p>The documents listed in below as referenced as: a) PQS-001 in Table 1; b) Documents listed in Table 3 for this work category</p>	<p>The requirements applying to the Work Category (PQS 1020) and in addition:</p> <ul style="list-style-type: none"> • Minimum Insurance Requirements: see Table 2A and 2B below.

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Work Category or Prequalification Category Description	Standard Terms and Conditions	Prequalification Requirements
<p>(mains);</p> <ul style="list-style-type: none"> • stringing of overhead earth conductors (OHEW) and overhead communications cables (OPGW); • installing and testing structure earthing systems; and • fitting components for and establishing 'landing spans' where lines enter substations. <p>The work may include the utilisation of live line techniques to establish infrastructure. Energex will supply all High Voltage Isolation Access (HVIA) on application from the Contractor, within the required time frames.</p> <p>Maintenance</p> <ul style="list-style-type: none"> • feeder patrols to assess infrastructure serviceability; • replacing and recovering poles and other structures; • replacing and recovering stays; • replacing and recovering insulators, hardware components and fittings from constructions; • re-tensioning overhead electricity mains conductors; • maintenance and testing of overhead earth conductors; • maintenance and testing of overhead communications cables; • maintaining landing spans where lines enter substations; • general maintenance of poles and structures; • maintenance and testing of structure earthing and 		

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Work Category or Prequalification Category Description	Standard Terms and Conditions	Prequalification Requirements
<p>earth grids; and</p> <ul style="list-style-type: none"> • tower leg inspection and maintenance. 		
<p>3. Work Category – Major Projects Design & Construction Services PQS - 1030</p> <p>The provision of design and construction services associated with the delivery of major network infrastructure projects. The works typically occur at sites with varying degrees of safe access and project type and complexity. This Work Category includes the following Prequalification Categories.</p>	<p>The documents listed in:</p> <p>a) Table 1 referenced as PQS-002 apply; and</p> <p>b) Documents listed in Table 3 for this work category</p>	<p>The following requirements apply to all Prequalification Categories which are sub-categories within this Work Category in addition to the requirements (if any) stated below as applying to a particular Prequalification Category.</p> <ul style="list-style-type: none"> • Minimum Financial Level: F6. • Minimum Insurance Requirements: see Table 2A and 2B below. • Energex WCQA and Licensing: See Table 3 below. • Contractor Performance Report: Type CPR1 (Annexure D). • Management System Requirements: see Table 4 below. • Safety: Type S1 (see Table 5). • Environment: Type E1 (see Table 5). • Contractors Wages & Conditions: Type A (see Table 5).
<p>3.1 Major Projects Design & Construction Services Prequalification Category – Commercial & Industrial Design & Construction PQS - 1031</p> <p>General building projects typically involving Energex commercial buildings such as offices and Industrial buildings such as operational depots. Work includes both design and construction. These projects do not include any works at Energex substations.</p>	<p>The documents listed in below as referenced as:</p> <p>a) PQS-002 in Table 1;</p> <p>b) Documents listed in Table 3 for this work category</p>	<p>The requirements applying to the Work Category (PQS 1030) and in addition:</p> <ul style="list-style-type: none"> • [N/A - reserved for future use]
<p>3.2 Major Projects Design & Construction Services Prequalification Category – Substation Design & Construction PQS - 1032</p>	<p>The documents listed in below as referenced as:</p> <p>a) PQS-002 in Table 1;</p> <p>b) Documents listed in Table 3 for this work category</p>	<p>The requirements applying to the Work Category (PQS 1030).</p> <ul style="list-style-type: none"> • Minimum Financial level of F7

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Work Category or Prequalification Category Description	Standard Terms and Conditions	Prequalification Requirements
<p>Substation design and construction projects from low to high complexity and with requirements associated with working around energised electrical infrastructure (such as modular substations on greenfield sites) to projects involving multiple stages, which may require work around energised electrical infrastructure (such as extensions to existing substations with multiple staging of civil and electrical construction).</p>		
<p>3.3 Major Projects Design & Construction Services Prequalification Category – Overhead Sub-transmission Network Design & Construction PQS - 1033</p> <p>Contractors must be capable of providing a full range of overhead sub-transmission line design and construction services on a mixture of greenfield and brownfield sites.</p> <p>Typically including (but not limited to):</p> <ul style="list-style-type: none"> • assessment of the environmental impacts (vegetation, flora and fauna and electromagnetic fields); • development & implementation of site management plans (safety, environmental, traffic, and quality of work); • identification of vegetation for removal and/or trimming; • site management & security of all overhead line materials; 	<p>The documents listed in below as referenced as:</p> <p>a) PQS-002 in Table 1;</p> <p>b) Documents listed in Table 3 for this work category</p>	<p>The requirements applying to the Work Category (PQS 1030) and in addition:</p> <ul style="list-style-type: none"> • [N/A - reserved for future use]

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Work Category or Prequalification Category Description	Standard Terms and Conditions	Prequalification Requirements
<ul style="list-style-type: none"> • provision of access tracks for heavy vehicles; • pegging of pole and stay positions; • removal and trimming of vegetation; • traffic management plans; • fabrication and supply of towers and poles and other materials as described in the project scope; • fitting of towers/poles (including drilling and installation of pole steps); • fitting of crossarms to poles; • fitting of insulators to crossarm or poles; • foundation earthworks; • structure and stay erection; • installation of conductors, earth wire / optical ground wire; • correct sagging of conductors and earth wires; • Installation of earthing system to ensure acceptable touch and step potentials; • testing of earthing system; and • installation of underground cables from termination structures to and within substations. 		
<p>3.4 Major Projects Design & Construction Services Prequalification Category – Underground Cable Network Design & Construction</p> <p>PQS - 1034</p> <p>Design and construction of the civil infrastructure for Energex’s underground electricity distribution and sub-transmission networks.</p>	<p>The documents listed in below as referenced as:</p> <p>a) PQS-002 in Table 1;</p> <p>b) Documents listed in Table 3 for this work category</p>	<p>The requirements applying to the Work Category (PQS 1030) and in addition:</p> <ul style="list-style-type: none"> • [N/A - reserved for future use]

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Work Category or Prequalification Category Description	Standard Terms and Conditions	Prequalification Requirements
<p>The services involve design, excavation, trenching, and installation of components for electricity distribution and transmission networks.</p>		
Work Category or Prequalification Category Description	Standard Terms and Conditions	Prequalification Requirements
<p>Work Category – Plant & Equipment Hire PQS – 2000</p> <p>The provision of services associated with the supply of plant and equipment for the excavation and reinstatement of trenches and associated materials-handling activities, including the loading of spoil into Tippers (on public roads, footpaths, private property and other nominated areas) and the removal of spoil from site.</p>	<p>Plant and Equipment Hire has its own unique set of General Conditions referenced as PQS-003.</p>	<p>The following requirements apply to all Prequalification Categories which are sub-categories within this Work Category in addition to the requirements (if any) stated below as applying to a particular Prequalification Category:</p> <ul style="list-style-type: none"> • Minimum Financial Level: N/A • Minimum Insurance Requirements: Product & Public Liability - \$20M; Workers Compensation: Unlimited; Motor Vehicle Liability Third Party Property Damage - \$20M; Contractor Equipment Insurance – value of equipment <p>Energex WCQA and Licensing: WCS 1.8: Vegetation Clearing by Plant and Associated Civil Works; WCS 36 – Excavation Plant; WCS 125 – Mobile Cranes; WCS 84 – Mobile plant operations; WCS 133 – General standards and conditions</p> <ul style="list-style-type: none"> • Contractor Performance Report: By exception only when required. • Management System Requirements: to the satisfaction of Energex • Safety: Type S2 (see Table 5). • Environment: Type E2 (see Table 5). • Contractors Wages & Conditions: Type C (see Table 5).
<p>Work Category – Professional Services PQS – 4000</p> <p>Sub category: PQ4001 – Engineering Services</p> <p>A panel arrangement with suitably qualified and accredited service providers to provide a</p>	<p>Professional Services will have a unique set of General Conditions</p> <p>PQS-004: available via the Energex Prequalification website.</p>	<p>The following requirements apply to all Prequalification Categories which are sub-categories within this Work Category in addition to the requirements (if any) stated below as applying to a particular Prequalification Category:</p> <ul style="list-style-type: none"> • Minimum Financial Level: N/A • Minimum Insurance Requirements: Product & Public Liability - \$10M;

Energex Contractor Prequalification Scheme

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Work Category or Prequalification Category Description	Standard Terms and Conditions	Prequalification Requirements
<p>range of engineering services for Energex. The range of services may include:</p> <ul style="list-style-type: none"> - Part A: General engineering services - Part B: Distribution design services - Part C: Protection system design services including electrical engineering for generators and fleet - Part D: Mechanical engineering services for generators and fleet - Specialist services may include: Telecommunications & SCADA; Asset Conditions Management Services; Power System Studies and Network Analysis Services 		<p>Workers Compensation: Unlimited; Professional Indemnity - \$5M</p> <ul style="list-style-type: none"> • Energex WCQA and Licensing: Part B – Distribution Design Services work: WCS 47.4 – Electrical Network Planning & Design • Contractor Performance Report: Monthly as required • Management System Requirements: to the satisfaction of Energex • Safety: Type S2 (see Table 5). • Environment: Type E2 (see Table 5). • Contractors Wages & Conditions: Type C (see Table 5).

Energex Contractor Prequalification Scheme

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Table 1 – Standard Terms and Conditions

Code	Documents
<p>PQS-001</p> <p>(Click on link above to view Standard Terms and Conditions for PQS-001)</p>	<p>The following Standard Terms and Conditions comprise PQS-001:</p> <ul style="list-style-type: none"> • Australian Standard General Conditions of Contract (AS2124 – 1992) [Construction] (<i>PQS001_EGX_AS2124 General Conditions for One Off Contract.DOC</i>) • Supplementary Conditions
<p>PQS-002</p> <p>(Click on link above to view Standard Terms and Conditions for PQS-002)</p>	<p>The following Standard Terms and Conditions comprise PQS-002:</p> <ul style="list-style-type: none"> • Australian Standard General Conditions of Contract for Design & Construct (AS4300 – 1995) [Design & Construction] (<i>PQS002_EGX_AS2124 General Conditions for One Off Contract.DOC</i>) • Supplementary Conditions
<p>PQS-003</p> <p>(Click on the link above to view Standard Terms and Conditions for PQS-003)</p>	<p>Specific Terms and Conditions are applicable to Plant & Equipment Hire under the Energex Prequalification Scheme. These Terms and Conditions are referenced in PQS-003: Plant & Equipment Hire.</p>
	<p>PQS-003A [N/A - reserved for future use]</p>
	<p>PQS-003B [N/A - reserved for future use]</p>
<p>PQS-004</p> <p>(Click on the link above to view Standard Terms and Conditions for PQS-004)</p>	<p>Specific Terms and Conditions are applicable to Professional Services under the Energex Prequalification Scheme. These Terms and Conditions are referenced in PQS-004: Professional Services</p>
	<p>PQS-004A [N/A - reserved for future use]</p>
	<p>PQS-004B [N/A - reserved for future use]</p>

Energex Contractor Prequalification Scheme

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Table 2A – Minimum Insurance Requirements

Insurance Type	PQS1010	PQS1021	PQS1022	PQS1023	PQS1024	PQS1025	PQS1030	PQS2000	PQS4000
Product & Public Liability	✓	✓	✓	✓	✓	✓	✓	✓	✓
Worker's Compensation	✓	✓	✓	✓	✓	✓	✓	✓	✓
Motor Vehicle Liability Third Party Property Damage	✓	✓	✓	✓	✓	✓	✓	✓	
Professional Indemnity				✓			✓		✓
Contractor Equipment Insurance	✓	✓	✓	✓	✓	✓	✓	✓	

Table 2B – Minimum Insurance Value Requirements

Insurance Type (Min Value)	Fin Level F1 - F3	Fin Level F4 - F5	Fin Level F6 - F7
Product & Public Liability	\$10M	\$10M	\$20M
Worker's Compensation	Unlimited	Unlimited	Unlimited
Motor Vehicle Liability Third Party Property Damage	\$10M*	\$10M	\$20M
Professional Indemnity	\$2M*	\$2M	\$5M
Contractor Equipment Insurance	Value of Equipment	Value of Equipment	Value of Equipment

NOTE - *Insurance limit can be discussed on a project by project basis. Any variations to limits will require authorisation by Energex Insurance team prior to award of agreement.

Energex Contractor Prequalification Scheme

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Table 3 – Specifications, Energex WCQA Rating and Licensing Requirements

Specifications

The embedded documents within the table below may be used to clarify the relevant scope, in addition to the information as per Work Category or Prequalification Category Description, as required by Energex to be prequalified for a particular Prequalification Category.

Energex Work Category Quality Assurance Rating

The Standard Work Procedures (being those identified with a 'SWP' prefix) set out below as applicable to any particular Work Category operates as both:

- (a) requirements against which contractors seeking Prequalification must achieve a WCQA Rating for the particular Work Category; and
- (b) Standard Terms and Conditions applying to the particular Work Category to the extent set out in Table 1 above or this Table 3.

Licensing

The relevant licences required for each of the Prequalification Categories are also listed in Table 3 below. NOTE – Energex WCQA Rated (column highlighted in yellow below) shows Prequalification Scheme (PQS) Work Category Specifications (WCS) that require an Energex Quality Assurance Rating in order to perform the work under that work category. Suppliers not rated for WCS will need to apply. Applications are available on the Energex internet page.

Work Category Specifications (WCS)	Energex WCQA Rated	Work Category													
		PQS1011	PQS1012	PQS1013	PQS1014	PQS1021	PQS1022	PQS1023	PQS1024	PQS1025	PQS1031	PQS1032	PQS1033	PQS1034	PQS4001
WCS 2 - Underground Construction*	✓						✓	✓							
WCS 5.1 – Poles Inspection and Test *	✓					✓	✓	✓							
WCS 12.3 -Overhead Low Voltage Service Lines*	✓					✓		✓							
WCS 25 – Overhead Mains Electrical Construction (up to 33kV)*	✓					✓		✓							

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Work Category Specifications (WCS)	Energex WCQA Rated	Work Category													
		PQS1011	PQS1012	PQS1013	PQS1014	PQS1021	PQS1022	PQS1023	PQS1024	PQS1025	PQS1031	PQS1032	PQS1033	PQS1034	PQS4001
WCS 29 – Underground Service Pillar and Pits*							✓	✓							
WCS 31 – Commissioning and Operation of the Distribution Network*						✓	✓	✓							
WCS 34 - Earthing Systems*	✓					✓	✓	✓							
WCS 37 – Public Lighting Installations*	✓					✓	✓	✓							
WCS 47.1 – Design of Residential Estates and Commercial/Industrial Estates by Consultants*	✓							✓							
WCS 47.3 – Design of Rate 2 Public Lighting Installations*	✓							✓							
WCS 47.4 – Electrical Network Planning and Design*	✓							✓							✓ Part B: Dist Design Engineering only
WCS 48 – Distribution Plant Maintenance*						✓	✓	✓							
WCS 61 (incl. 61.1) - Underground Infrastructure Civil Works*	✓								✓						

Energex Contractor Prequalification Scheme

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Work Category Specifications (WCS)	Energex WCQA Rated	Work Category													
		PQS1011	PQS1012	PQS1013	PQS1014	PQS1021	PQS1022	PQS1023	PQS1024	PQS1025	PQS1031	PQS1032	PQS1033	PQS1034	PQS4001
WCS 90 - Overhead Transmission Construction and Maintenance*	✓									✓					
WCS 91.3 - Overhead Transmission Tower Maintenance*	✓									✓					
WCS100 - Substation Site Construction*			✓	✓											
WCS 116 – Substation Minor Building Construction Maintenance and Testing*					✓								✓		
Principal Project Requirements for Overhead Sub-transmission***													✓		
Principal Project Requirements for Substation Design and Construct***												✓			
Principal Project Requirements for Design and Construction of Civil Works***														✓	
No Specification document available - refer to Prequalification Category description		✓									✓				
Licensing		PQS1011	PQS1012	PQS1013	PQS1014	PQS1021	PQS1022	PQS1023	PQS1024	PQS1025	PQS1031	PQS1032	PQS1033	PQS1034	
QBCC Open Builder's Licence		✓	✓	✓								✓			
DEIR Qld Electrical Contractors Licence						✓	✓	✓				✓			

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Work Category Specifications (WCS)	Energex WCQA Rated	Work Category													
		PQS1011	PQS1012	PQS1013	PQS1014	PQS1021	PQS1022	PQS1023	PQS1024	PQS1025	PQS1031	PQS1032	PQS1033	PQS1034	PQS4001
Specific trade licence / qualifications relevant to the work performed.		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

NOTES:

* If a Contractor is not subscribed to Energex's Standard Work Procedures website the information provided in the Prequalification Application will be used to automatically subscribe successful applicants to receive notification of relevant Work Category Specification updates.

** Req** means Energex WCQA Rating required for this Specification.

***Principal Project Requirements are specific to the project and will be supplied.

Table 4 – Management System Requirements

Management System type	Fin Level	Fin Level	Fin Level
	F1– F5	F6	F7
Energex Work Category Quality Assurance (WCQA)	Y	Y	Y
Operation of own third party accredited Quality Management System complying with AS/NZS ISO 9001 and covering the scope of services to be provided		Y	Y
Operation of own third party accredited OH&S system complying with AS4801 Quality Management System complying with AS/NZS ISO 9001 and covering the scope of services to be provided		Y	Y
Operation of own third party accredited EMS complying with ISO 14001			Y
Project Management in house corporate management system			Y

Energex Contractor Prequalification Scheme

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Table 5 – Prequalification Requirements

Prequalification Requirements	Description
Safety Type: S1	This Safety type requires a Safety schedule to be completed as part of the Application Form.
Safety Type: S2	Safety systems to the satisfaction of Energex.
Safety Type: S3	No additional Safety Questionnaire within the Application Form is required.
Environmental Type: E1	This Environmental type requires an Environmental schedule to be completed as part of the Application Form.
Environmental Type: E2	Environment systems to the satisfaction of Energex.
Environmental Type E3	No additional Safety Questionnaire within the Application Form is required.
Contractors Wages & Conditions Type: A	The prequalification category has been identified as Energex works that require a Schedule to be included as part of the Application Form.
Contractors Wages & Conditions Type: B	The prequalification category has been identified as Energex works that require a Type B Schedule to be included as part of the Application Form.
Contractors Wages & Conditions Type: C	No specific prequalification on contractor's wages and conditions required.

Energex Contractor Prequalification Scheme - Prequalification Agreement

Energex Limited (**Energex**)

<insert Contractor Name> ('Contractor')



PQSxxx – <insert work category number and
name>

Contractor Prequalification Scheme

Contract Number: PQxxx

Energex Contractor Prequalification Scheme

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DATE OF AGREEMENT _____

Between **Energex LIMITED ABN 40 078 849 055 ('Energex')**

Address 26 Reddacliff Street, Newstead, Queensland, 4006

Telephone (07) 3664 4000

Facsimile (07) 3664 9820

And **<Contractor name> ABN xxxxx ('Contractor')**

Address

Phone:

Email:

1. Offer of Prequalification

Energex confirms that it offers Prequalification to the Contractor for the Prequalification Categories and to the Financial Levels as set out in the attached Schedule of Prequalification Details.

2. Contractor's Agreement

The Contractor agrees that:

- a) it accepts Prequalification for the Prequalification Categories and to the Financial Levels set out in the attached Schedule of Prequalification Details;
- b) it agrees to be bound by the Prequalification Terms and the terms of this Prequalification Agreement;
- c) for the purposes of the Prequalification Terms, it acknowledges and agrees to be bound by the Standard Terms and Conditions applying to the Prequalification Categories for which it is to be Prequalified as set out in the Prequalification Terms as they appeared on the Prequalification Website as at the date of the Contractor's Prequalification Application (including those Standard Terms and Conditions referred to in the Schedule of Prequalification Details);
- d) Energex may update the versions of any Standard Terms and Conditions document at any time and a Prequalified Contractor will, upon request by Energex acknowledge the updated document for the purposes of its Prequalification in accordance with the Prequalification Terms;

Energex Contractor Prequalification Scheme

Annexure C

- e) it confirms to Energex that the Contractor's Prequalification Application was lodged on behalf of the Contractor with the Contractor's full authority and knowledge;
- f) it warrants to Energex the accuracy, currency and completeness of the Prequalification Details set out in the attached Schedule of Prequalification Details and all information provided to Energex or its representatives as part of or in connection with the Contractor's Prequalification Application; and
- g) it confirms that during the period of the Contractor's Prequalification, Energex may rely upon the Authorised Signatories referred to in the attached Schedule of Prequalification Details as having the authority to sign Energex Contracts and other documents for and on behalf of the Contractor (until the Contractor otherwise notifies Energex in writing).
- h) it confirms that during the period of the Contractor's Prequalification, the Contractor can update pricing under the pre-qualification by providing 30 days written notice to Energex of the amended prices.
- i) it may terminate its pre-qualification at any time by providing Energex 30 days written notice. For the avoidance of doubt, the Contractor terminating its prequalification does not remove the Contractor's obligation to provide any agreed services the subject of existing work or purchase orders.

3. Meaning of Terms

Terms used in this Prequalification Agreement have the meaning given to them by the Prequalification Terms. The Contractor confirms its acceptance of and agrees that it is immediately bound by this Prequalification Agreement upon its execution below.

Signed for and on behalf of Energex Limited (ABN 40 078 849 055) by its duly authorised representative in the presence of

Signature of witness

Signature of authorised representative

Name of witness (print)

Name of authorised representative (print)

Option 1: [No Common Seal]

Executed in accordance with section 127 of the Corporations Act 2001 by [* Limited]:

Director Signature

Director/Secretary Signature

Print Name

Print Name

Energex Contractor Prequalification Scheme

Annexure C

Option 2: [No Common Seal / Sole Director/Secretary]

Executed in accordance with section 127 of the Corporations Act 2001 by [* Limited] in the presence of:

Witness Signature

Sole Director and Sole Secretary Signature

Print Name

Print Name

Option 3: [With Common Seal]

The Common Seal of [* Limited] was affixed in the presence of:

Director Signature

Director/Secretary Signature

Print Name

Print Name

Option 4: [With Common Seal / Sole Director/Secretary]

The Common Seal of [* Limited] was affixed in the presence of:

Witness Signature

Sole Director and Sole Secretary Signature

Print Name

Print Name

Option 5: [Authorised Representative]

Energex Contractor Prequalification Scheme

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Signed for [*** Limited**] by its authorised representative in the presence of:

Authorised Representative Signature

Witness Signature

Print Name

Print Name

Position

Option 6: [**Individual**]

Signed by [*****] in the presence of:

Witness Signature

Signature

Print Name

Option 7: [**Power of Attorney**]

Each attorney executing this Agreement states that he or she has no notice of revocation or suspension of his or her power of attorney.

Signed for [*** Limited**] by its attorney [**under power of attorney**]**registered book** [*****]

No [*****]**dated** [*****] in the presence of:

Witness Signature

Attorney Signature

Print Name

Print Name

Energex Contractor Prequalification Scheme

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Option 8: [Partner]

Signed for and on behalf of [] by [] in the presence of:

Witness Signature

Partner Signature

Print Name

Print Name

Energex Contractor Prequalification Scheme

Annexure C

Schedule of Prequalification Details

Contractor Details

Contractor's Prequalification Application Number and Date:	
Contractor's Number:	
Contract Number:	PQS 2000 – Plant & Equipment Hire
Renewal Date:	30 September 2020

Prequalification Categories and Financial Levels

Work Category	Pre-Qualification Category	PQS Category Description	Financial Level
PQS 2000	N/A	Plant & Equipment Hire	N/A

Standard Terms and Conditions and Document Versions

Standard Terms and Conditions and Document Versions	Date Released	Version Number
The following Standard Terms and Conditions comprise PQS-003 for services under Work Category PQS 2000	2015	1

Contractor's Authorised Signatories

Name	Position

Contractor's Contacts

Contact Type	Name	Phone	Email

Energex Contractor Prequalification Scheme

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Insurance Held by Contractor

Insurance Type	Value
WorkCover Queensland Certificate of Currency	Unlimited
Product & Public Liability	\$20M
Contractor Equipment Insurance	To the value of equipment
Motor Vehicle Insurance Certificate of Currency	\$20M

Licences, Permits, Registrations Held by Contractor

Licence Type
Contractors need to ensure all operators and plant under this arrangement complies with the relevant licensing requirements.

Contractor's Key Personnel

Name	Position

Contractor's Address Details for Notices

Address

Energex Contractor Prequalification Scheme

Annexure D

Performance Review Guidelines

1. Performance Management of the Scheme

As stated in the Prequalification Terms the purpose of the Scheme is to effectively and efficiently procure goods, works and services at Energex. Clause 1.6 of the Prequalification Terms provides a list of the key objectives of the Scheme. Performance review and ongoing performance management of the Prequalified Contractors will be conducted as part of the overall management of the Scheme to ensure that these objectives are achieved.

2. Monitoring Contractor Performance

As stated in clause 1.9 of the Prequalification Terms Contractor performance will be monitored by Energex using Contractor Performance Reports. The monitoring may include, but is not limited to:

- (a) Safety performance, including preparation of proper and conclusive accident and incident reports;
- (b) The level of appropriateness of corrective actions implemented by the Contractor following the report of a serious OHS event on the Contractor's sites;
- (c) Maintenance of appropriate licences and certifications as required to maintain a Contractor's prequalification status;
- (d) Results of any Quality Assurance Audit, or Environmental Management System Audit, or OHS Management System;
- (e) Project outcomes; and
- (f) Client satisfaction, including management of customer service;

3. Performance Management System

As part of the Performance Management System, pursuant to clause 1.9 of the Prequalification Terms, performance will be assessed using a number of criteria.

Prior to completing a Contractor Performance Report the Energex project manager will consult directly with the Contractor (generally face-to-face). In this process views and details of the actual performance on a contract are openly discussed based on the performance criteria. Under the system, the Contractor is provided with a copy of the report and the Contractor may also provide the project manager with evidence to support the Contractor's own views. This may lead to an amendment of the report by the project manager.

The performance criteria for the Scheme are listed below. To suit its needs, Energex may choose to change the performance criteria and other elements used in the reporting system. Prequalified Contractors will be notified of any changes.

Energex Contractor Prequalification Scheme

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Contractor Performance Report

The Contractor Performance Report will include an assessment of compliance to the following Energex requirements:

CPR1	
Performance Standard	Scoring
Safety Performance	0 – 5
Environmental Performance	0 – 5
Work Quality Performance	0 – 5
Rectification of Defects	0 – 5
On Time Performance	0 – 5
Customer Complaints	0 – 5
Timely submission and accuracy of Invoices	0 – 5
Compliance to Audit Programs	0 – 5
Energex Dealings	0 – 5

Scoring is based on the Score Descriptions as listed below.

Score Description	Score
Excellent – Exceeds requirements	5
Very Good – Meets requirements	4
Satisfactory – Meets requirements except for minor aspects	3
Borderline – Does not meet requirements, but may be adaptable	2
Poor – Major non-compliance with requirements	1
Unacceptable – No opportunity to be able to meet requirements	0

Unsatisfactory performance or behaviour may lead to suspension or loss of a Contractor's Prequalification.

4. Temporary Suspension Guidelines

Under clause 10 of the Prequalification Terms Energex may take certain actions as a result of any performance issues related to the carrying out of Prequalified Activities under the Scheme.

Energex Contractor Prequalification Scheme

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Pursuant to clause 10.1(a) Energex will advise a Contractor of the reasons for the suspension and of the actions required by the Contractor before Energex will lift the suspension. A Contractor suspended from the Scheme must inform Energex when the actions required to address the reasons for the suspension have been implemented. Where a Contractor, who has been suspended, believes that there are substantive grounds for a review of the decision, the Contractor may request such a review in writing.

Energex will regularly review the status of a suspended Contractor. If the action taken by the Contractor is considered by Energex to be insufficient, the suspension period may be extended and the Contractor will be notified accordingly. Alternatively, Energex will revoke the suspension if it is satisfied that the Contractor has taken appropriate action to address the reasons for the suspension.

5. Downgrading of Status

Pursuant to clause 10.1(b) of the Prequalification Terms Energex may downgrade a Contractor's Prequalification under the Scheme, including when Energex considers that a Contractor has:

- (a) demonstrated unsatisfactory tendering performance with tenders under the Scheme, for example declining tendering opportunities without providing valid reasons, accepting a tendering opportunity but not lodging a tender, lodging late tenders or lodging uncompetitive tenders;
- (b) experienced an adverse change in capacity; or
- (c) experienced an adverse change in business status.

Before the Prequalification status of a Contractor is downgraded Energex will advise the Contractor of the matters prompting the proposed action and will give the Contractor the opportunity to give reasons why its Prequalification should not be downgraded.

6. Cancellation of Prequalification

Pursuant to clause 10.1(a) of the Prequalification Terms of the Scheme Energex may cancel a Contractor's Prequalification when Energex considers that a Contractor has not met one or more of the Scheme requirements including (but not limited to):

- (a) breach of any of the conditions for Prequalification;
- (b) serious accidents or OHS incidents on any of the Contractor's Energex contracts;
- (c) failure to maintain appropriate insurances and licences;
- (d) failure to meet financial requirements;
- (e) failure by the Contractor to promptly and adequately resolve the reasons for a temporary suspension from the Scheme;
- (f) failure to maintain appropriate contract administration systems and processes (including invoicing and work administration);
- (g) being or having been the subject of substantiated reports of unsatisfactory performance;

Energex Contractor Prequalification Scheme

Annexure D

- (h) being determined by Energex's Panel of Assessors as not suitable for future Prequalified Activities;
- (i) unsatisfactory tendering performance with tenders with an Energex Associated Entity;
- (j) adverse changes in capacity or capability;
- (k) adverse changes in business status;
- (l) convictions for OHS law breaches;
- (m) a pattern of unsatisfactory results of OHS Management System audits or Quality Management System audits or Environmental Management System audits conducted for or on behalf of Energex or an Energex Associated Entity. (Note: There is no suggestion or requirement that audits for each of the above three separate disciplines are to be done concurrently);
- (n) precluded from performing works to which the Queensland Code and Queensland Guidelines apply; or
- (o) the Contractor's project outcomes, business management systems, client satisfaction and ethical business practices do not meet the standards required of a Contractor Prequalified under the Scheme.

Before the Prequalification of a Contractor is cancelled Energex will advise the Contractor of the matters prompting the proposed action and will give the Contractor the opportunity to give reasons why its Prequalification should not be cancelled.