

**Questions raised at the Low Value Maintenance Panel  
Tender Briefings held on  
4 and 5 February 2014**

1. Will confirmation of receipt of submission be sent to contractors?
  - If a Respondent uploads its Offer onto Tenders WA, an automatic email which provides a receipt number, will be sent to advise that the Offer has been received. Confirmation of receipt will generally not be provided for submissions submitted by hand or post.
2. Is the Pricing Schedule for labour only?
  - Yes, the Price Schedule (Schedule 3) only requests labour rates for Business Hours and After Hours.
3. Can Contractors charge travel allowance, and mark-up for materials etc?
  - For work undertaken and charged on a labour and materials basis, the Request does not provide for a travel allowance. The Respondent's labour rates will be deemed to include the cost of complying with the specified services (e.g. travel, tools of trade, etc.).
  - For work undertaken and charged on a labour and materials basis Contractors are expected to charge a competitive price for materials, which may be inclusive of administration costs. It should be noted that the overall cost of the job including labour and materials will be periodically reviewed on a value for money basis. This forms part of the KPI measures and will be considered in determining future distribution of work to Contractors.
4. Is the minimum charge for attending the site one hour?
  - The Request provides for minimum times for Business Hours and After Hours for Breakdown Repairs in Schedule 2, clause 2.8 (page 37).
5. Are there any other provisions for hourly rates for different priorities?
  - There is only the provision for Business and After Hour labour rates. Responses to priority 1 work will have to be factored into these rates.
6. Do we need to submit different hourly rates for apprentices depending on their year of apprenticeship?
  - No, only one hourly labour rate for apprentices should be submitted. It is anticipated that Contractors will only charge for an apprentice where

such justification exists for an additional person to undertake part of the work

7. Is there a cost provision for OHS assessment on the site?
  - The offered labour rates is to be fully inclusive of all costs associated with delivering the services including OHS assessments.
8. Are there any cost provisions for attending agency induction sessions?
  - Agency induction sessions, and any other contract meetings, if required, are to be at the Panel member's own expense.
9. Can the price a Respondent submits be adjusted later?
  - The hourly labour rates provided by Respondent in their Offer will be the Price upon which the Offer will be evaluated. Any price variations or adjustments once the Panel has been established will be in accordance with the terms and conditions of the Price Variation mechanisms.
10. Do the contractors need to factor in equipment in the trades person labour rate?
  - Only tools of trade need to be factored in the hourly labour rates. Contractors can charge for additional equipment not normally considered (or included in the specification) as tools of trade.
11. Can Offers be submitted for multiple rates for different zones e.g. a higher rate for the Peel zone?
  - Respondents are only able to submit one hourly labour rate for Business Hours and After Hours respectively, regardless of the number of zones they nominate for service delivery. The intent of the Panel is to promote and allocate work to businesses located close to the areas of operation. Respondents should assess where they can deliver the Services effectively, efficiently and at a competitive price and therefore should select the zones accordingly.
12. Can I provide different hourly labour rates for individual trade categories within a grouped Trade Category? E.g. Mechanical Fitter Services.
  - No, any Trade Category within any of the grouped Trade Categories must have the same hourly labour rate applied to each of the Trade Categories. E.g. If you select "Generators" and "Manual Arts Equipment" within the Mechanical Fitter Services then the same hourly labour rate must apply for both Trade Categories.

13. Is there a rate increase other than the CPI considering that the Panel may potentially run for 10 years with all the extension options?

- In accordance with the Request conditions in Schedule 1, Panel members may seek to apply for a price variation if an adequate rationale can be provided.

14. It states in the Request that CPI is only for Routine Maintenance, not Breakdown Repairs. Does that mean Breakdown Repair work will not receive CPI?

- The Head Agreement states that the Price is fixed for the first year of the Term and subsequently that prices may be varied by CPI on application. This applies to all Service Types.

15. If an Offer is submitted and an addendum is issued after the submission how does BMW handle this?

- Respondents will be given the opportunity to clarify or add to their Offer if it is necessary to do so. The Respondent may submit the additional information to Tenders WA or the Tenders Office and this will be added to their original Offer and evaluated. If the Respondent submits such supplementary information, it should clearly mark it as such to aid BMW in identifying the nature of the information being provided.

16. Will the LVMP evaluation panel include people involved in the establishment of the Schedule of Rates Zone contracts?

- The LVMP evaluation panel will include persons with suitable background, experience and/or capacity to assess submissions effectively.

17. Will there be any favouritism towards contractors that are on existing BMW panels/contracts?

- No favouritism will be shown to any contractor. All Offers will be evaluated in accordance with the requirements and processes set out in the Request document.

18. How will BMW approach multiple Trade Category responses?

- Each Trade Category response will be evaluated and scored separately.

19. If a large company submits an offer for all zones for multiple Trade Categories will they have preference over smaller contractors?

- All Offers will be evaluated in accordance with the processes and requirements set out in the Request document.

20. What is the rating/ranking system used to determine whether a contractor becomes a preferred contractor?
- At the commencement of the Panel, BMW will determine the contractor preferences based on the results of the evaluation process.
  - Subsequently, BMW will undertake periodic reviews of Contractor performance including KPI reports, which may result in preferences being adjusted accordingly.
21. Who makes the decision on work allocation for a particular site, and will this be on a rotational basis or round robin?
- As stated above, BMW will initially allocate preferences based on the outcome of the tender evaluation process. The allocation of preferences will periodically be reviewed based on Contractor performance as specified in the Request. It is not BMW's intention to allocate work on a rotational basis.
22. Will there be any weighting put on the price submissions?
- Price is just one of the considerations in evaluating offers based on value for money. It is not weighted, but may be used when comparing offers as part of the evaluation.
23. What are the requirements for referees?
- Referees must be able to provide relevant information relating to the type of work the Respondent has given as an example in its response to Module 2.
24. How long will the evaluation take and what is the timeframe for notification of Panel membership?
- The evaluation, short listing and award process may take up to 4 months after the Request closes due to the large number of responses that BMW is expecting to receive. Successful Respondents will be notified of their Panel membership as soon as practicable after the evaluation process has been completed as BMW intends to have the Panel operational by July 2014.
25. Will we know who else will be on the Panel in our Trade Category?
- The details of Respondents awarded Panel Membership as a result of the tender process will be published on the Tenders WA website.

26. How will BMW determine the number of contractors required for each Trade Category and in each zone?

- The number of Panel members required for each Trade Category will be determined by the number of Respondents who are deemed suitable and capable to deliver the work, their capacity and the anticipated volume of work for each Trade Category and zone.

27. Who determines the number of tradespeople used for a particular job?

- BMW does not make this decision. This will need to be determined by the Contractor and may require justification if more than one Contractor Personnel attends the site to undertake the required work.

28. Can Contractors turn down jobs if they are too far away?

- A Contractor can choose not to accept work, however this may be taken into consideration when assessing the performance of the Contractor and impact on the allocation of future work.

29. Will agencies be able to request particular contractors through the BMW Call Centre?

- The allocation of work is solely at the discretion of BMW. As such the Call Centre will allocate Breakdown Repairs to Contractors in accordance with BMW's instructions. Should an agency have specific requirements BMW will work with that agency to determine the most appropriate solution.

30. Are independent schools able to source their own contractors and if they use the Call Centre can they stipulate a particular contractor?

- Independent schools can choose to engage contractors without going through the Panel. However if they contact the Call Centre to report Breakdown Repairs they must accept the Contractor that is allocated work through the Panel.

31. Will larger zones be split into smaller sections?

- The zone boundaries are indicated on the zone map provided as Schedule 4 to the Request. Whilst the zones will not specifically be split into smaller sections, BMW will endeavour to distribute work across multiple contractors within each Trade Category in a zone. It is the intention that work will be allocated to Panel members that are located or operate in areas local to the service delivery requirements within each zone in order to increase efficiency and reduce the travel requirements.

32. How will work on sites bordering between two zones affect KPIs?
- It is unlikely to influence KPIs as it is intended that KPIs will be applied and measured across all relevant work undertaken by the Contractor, regardless of zone.
33. How will current panel members and contractors be notified as current contracts expire?
- Current contractors will be advised of the expiry dates of current contractual arrangements in accordance with the provisions of these arrangements.
34. What happens when a contractor is engaged to do work under the current arrangements and this work continues when the new Panel commences? Will the contractor be expected to hand over this work or will they complete the job?
- The contractor will continue to undertake the work defined in the contract until it has been completed.
35. If any issues are raised by Respondents concerning conditions e.g. invoicing requirements, will our offer be deemed not to comply?
- You are at liberty to disagree with any of the provisions in the Request, but if you do, you may be eliminated. If you disagree with anything make sure you give a reason and/or alternative wording. BMW may be willing to accept the proposed changes and/or be willing to negotiate with you.
  - BMW does however retain the discretion to eliminate you should you not comply. An example of a compliance requirement is whether you comply with the terms and conditions of the contract.
36. What commitment can BMW make towards timely payment of invoices and how soon after work is complete must the contractor provide invoices?
- the General Conditions of Contract state that BMW must pay the amount specified in an invoice within 30 days after the date the invoice is received if the amount claimed is correct.
  - The Breakdown Repairs Customer Contract requires that the Contractor provide invoices within 14 days of completion of the work.
  - For Planned Maintenance, the General Conditions of Contract require that the Contractor provides invoices no later than 20 Business Days

after the expiration or termination of the Customer Contract unless otherwise specified.

37. If Contractors engage subcontractors will there be any other information required other than what is required in the disclosure requirements? How is that information weighted?

- Information relating to this disclosure requirements are not weighted. However, the information provided in the disclosures is to alert BMW to whether or not the person applying to deliver the Services in a particular Trade Category will be the Contractor who delivers the Services or whether they intend to subcontract all the services out to a subcontractor.
- Should a Contractor require the services of a subcontractor in addition to their own workforce then there are further subcontracting requirements in Schedule 2, clause 2.12 - Requiring Additional Trades.

38. Is there a requirement for contractors to provide Contract Work insurance?

- Contract Works (or equivalent) insurance may be required in some but not all instances. It is anticipated that where it is required (for instance, in some Planned Maintenance projects), it will be specified on a case by case basis. If such insurance is required, it will generally be specified in the Quote form for the particular project.

39. Can you clarify "Right of Set Off" at clause 28.12 of the General Conditions of Contract?

- If there is a claim by BMW against a Contractor on any piece of work or project undertaken through the Panel, then BMW may deduct or withhold payment for any amount owed by the Contractor against other works that may be held by or granted to that Contractor.

40. Are there provisions in the Request that define Business Hours and priorities and what happens when work cuts across Business Hours into After Hours?

- Yes, the Request defines Business Hours, After Hours (Part B Definitions).
- Priorities and information relating to work cutting across Business Hours into After Hours for Breakdown Repairs are referred to in Schedule 2, clause 2 - Breakdown Repairs.

41. Will the Contractors still get KPI reports?

- Yes, the Contractor will receive KPI reports on a regular basis and have the right of response to reply to scores or comments.

42. Will the monetary limits for Breakdown Repair work be increased?

- The prescribed financial limits for Breakdown Repairs have not been increased at this time but they may increase in the future if it is deemed appropriate to do so.

43. How is a Complex Building classified?

- Complex Buildings are defined in Section 1.8 of the Request where some examples are also listed.

44. How many Contractors does BMW expect to quote for projects?

- The minimum number of Panel members that BMW will invite to quote for projects is stated in Schedule 6 - Buying Rules.

45. Will the Maintenance Advice Form be supplied by BMW?

- Yes, BMW will provide Maintenance Advice Forms.

46. What will BMW do if an agency requires a service that is not a Trade Category listed in the Request?

- BMW will engage contractors who provide services outside the scope of the LVMP through its normal procurement processes. If a particular service is required frequently BMW may decide to add a further Trade Category(ies).

47. Will the LVMP be refreshed and how often?

- If BMW determines there is a need for additional Panel members in a particular Trade Category, it will undertake the necessary procurement processes to supplement the Panel. This will be done on an ad-hoc as required basis.

Respondents should note that the above responses to questions are of a general nature only and are intended to provide a high level overview in response to the questions posed. The responses may not contain or reflect all details contained in the Request document, and the Respondent is advised to carefully consider the contents of the Request when preparing a submission.