

Local Government Procurement of State Prequalified Designers

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The Government Architect's Strategy and Design Prequalification Scheme offers over 200 prequalified suppliers. The scheme is available to support state government and other public authorities to achieve good design and strategic outcomes.

Recent amendments to the Local Government Act have made it easier for councils to use state prequalification schemes like this one.

Councils can register online to use this scheme and its benefits. There are no fees or commissions payable.

Introduction

The NSW Local Government Act [the Act] has recently been amended to make it easier for councils to use state prequalification schemes. This opens opportunities for councils to procure consultants via the Government Architect's Strategy and Design Prequalification Scheme [the Scheme].

This Advisory Note outlines the legislation that enables local governments to use the Scheme, explains how services can be accessed and answers frequently asked questions for councils.

About the Scheme

The Scheme lists prequalified architects, landscape architects and urban designers to support the design and delivery of capital works.

Council projects that would benefit from using the Scheme include civic buildings, parks, reserves, streetscapes and design review.

The Scheme also enables early engagement of strategic services and offers an Aboriginal Cultural and Spatial Intelligence capability.

What legislation enables local governments to use the Scheme?

The Local Government Act 1993 Section 55(3) g outlines Council procurement obligations.

Local Government (General) Regulation 2005 Part 7, Clause 169 (8) permits a council to adopt a contractor list prepared by another public authority.

How does using the Scheme impact council procurement processes and limits?

The June 2019 amendment to section 55(3)g of the Act states that Councils are exempt from requirements to tender when procuring suppliers through NSW government prequalification schemes. Councils must comply with the Scheme rules for this exemption to apply.

Using the scheme impacts council procurement processes in two ways:

- 1) Councils may procure suppliers directly through the Scheme by single invited appointment (up to \$250,000 including GST) or by invited requests for quotation. Tenders are not required.
- 2) Public notifications (in newspapers or online) are not required when using the Scheme.

This exemption recognises that state prequalified suppliers have already undertaken competitive processes to join the Scheme and are deemed ready to work for government.

How do Local Governments register to buy from the Scheme?

The Public Works and Procurement Regulation 2019, Part 2, Clause 6 identifies public bodies that are eligible to access state procurement services, including the Scheme.

Local Councils are eligible and can register online at: <https://buy.nsw.gov.au/buyer-guidance/before-you-buy/other-considerations/non-agency-buyers>.

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Cost of using the Scheme

There are no fees associated with using the Scheme for buyers or suppliers. There are no application fees, subscription fees or commissions charged.

Using the Scheme does not preclude local councils from using other procurement methods, including commercial panels or open tenders.

How do Councils access the Scheme?

Councils that are already registered buyers can purchase from the Scheme online at: buy.nsw.gov.au or tenders.nsw.gov.au. The scheme reference number is: SCM 0801.

Procurement through these NSW government portals enables councils to use the Scheme in full, including all related Terms and Conditions. The current scheme list is also available to download.

Can Councils recommend new suppliers to the Scheme?

The Government Architect's Strategy and Design Prequalification Scheme accepts applicants all year round and welcomes new suppliers.

Councils can direct suppliers to the Government Architect's website to follow links to the application process. Three referees are required for each category applied for, so Council may assist by providing a client reference.

GANSW advice

Government Architect NSW can provide advice to local government on procurement for significant projects. Contact: government.architect@planning.nsw.gov.au.

The information contained here is advisory only. Agencies should seek independent advice for specific projects.

Further information

Details of the Government Architect's Strategy and Design Prequalification Scheme are located here:

<https://www.governmentarchitect.nsw.gov.au/review/prequalification-scheme>

Advisory Notes by Government Architect NSW such as 'How to Select Consultants' and 'How to Develop a Design Brief' are here:

<https://www.governmentarchitect.nsw.gov.au/resources/advisory-notes>

Information about how local Councils can become eligible buyers for state prequalification schemes is here:

<https://buy.nsw.gov.au/buyer-guidance/before-you-buy/other-considerations/non-agency-buyers>

The NSW Local Government Act 1993 is located here:

<https://www.legislation.nsw.gov.au/#/view/act/1993/30/chap17/part2/div3/sec710>