Prequalification Scheme:
Employment Related Medical Services

Guide for Applicants
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This document is available at:
Introduction

Prequalification schemes assist NSW Government agencies to find service providers who are prequalified to work with government.

This guide is designed to assist applicants seeking prequalification in the Prequalification Scheme: Employment Related Medical Services (the Scheme) to understand the requirements and operation of the Scheme.

Applicants are encouraged to read this document in conjunction with the Scheme Conditions: Employment Related Medical Services (Scheme Conditions) and the Standard Form of Agreement in Schedule 1 of the Scheme Conditions.

Terms and conditions established for the Scheme are set out in the Scheme Conditions, which are available from ProcurePoint.

About the Scheme

The Scheme is established by the Public Service Commission (PSC) and Department of Finance, Services and Innovation (DFSI) to prequalify medical service providers to provide the NSW Government with impartial medical assessment and health services.

Services covered by the Scheme comprise:

_**Tier One (core) services**_
- Medical assessments
- Administrative support to the Review Panel\(^1\)
- Validation of medical certificates
- Pre-employment and periodic health assessments

_**Tier Two (optional) services**_
- Functional capacity assessments and advice
- Vaccinations
- Drug and alcohol testing
- Employee health and wellbeing programs.

Further information about service requirements under the Scheme is set out in Schedule 2 (Description of Service requirements) of the Scheme Conditions.

\(^1\) The independent Medical Assessment Review Panel (Review Panel) is a three-member panel contracted by the PSC to review medical assessments where an employee disagrees with a medical assessment outcome or recommendation. The Service Provider will only be required to provide administrative support to the Review Panel for those assessments it has arranged. Details of the processes involved are set out in Schedule 2 of the Scheme Conditions.
Benefits

The Scheme offers service providers the opportunity to:

- work with some of the nation’s largest employers in locations across New South Wales;
- streamline and align medical service categories with the needs of government employers;
- reduce red tape and cost in doing business with government;
- be exempt from management fees previously applicable to service providers;
- directly negotiate the provision of enhanced services and/or other medical services at competitive rates with government agencies;
- more easily liaise with government agencies through the eQuote system;
- provide services to government across all regions of NSW; and
- be invited to submit a quote to government agencies regardless of the size of the business.

Duration of the Scheme

Scheme commences: 17 October 2016
Scheme expires: 17 October 2021
Initial invitation period: 4 April 2016 to 20 May 2016
Further invitation periods:
  17 October 2016 to 17 November 2017
  15 October 2018 to 17 November 2018
  14 October 2019 to 15 November 2019
  12 October 2020 to 14 November 2020

Management fees

Management fees do not apply in this Scheme.

Scheme coverage

The Scheme covers only those services set out on page 4 and does not cover areas of procurement already addressed by other prequalification schemes or panel contracts. A list of prequalification schemes and contracts is located on the ProcurePoint website, the online portal for procurement information, tools and support for NSW government agencies and their service providers.

Other employment related medical and health services offered by a service provider may be used by agencies but are not covered by the Scheme.

Operation of the Scheme

A list of prequalified service providers and their services will be published on ProcurePoint.

Agencies may browse through the information available on ProcurePoint to identify provider/s that best meets their service needs and request a quote from the provider/s using eQuote.

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2 eQuote is a function within NSW eTendering which enables agencies to request a quote for service directly from a prequalified service provider. Service providers will be able to view requests, send intention to respond, respond to a request, ask questions, withdraw a response or decline an invitation online. Agencies will evaluate the responses they receive and select their preferred service provider.
There are no contract financial thresholds or minimum levels of competition under this Scheme.

Each referral to a service provider on the Scheme will be considered a separate engagement. Agencies must complete an Agency Referral for Medical Services form (Form 1 in Schedule 4 of the Scheme Conditions), which is taken to incorporate all terms and conditions of the Scheme Conditions and the Standard Form of Agreement, as if repeated in full.

Where bulk services are agreed to between the agency and service provider, such as, an ongoing arrangement for referral of employees for medical assessments, periodic health assessments or pre-employment health assessments the agency and service provider may enter into an agency agreement using the Standard Form of Agreement in Schedule 1 of the Scheme Conditions.

Agencies may further negotiate services, requirements, fees and standards directly with service providers, with details of any agreement to be documented in Agreement Details of the Standard Form of Agreement.

**Requirements for engagements under the Scheme**

Requirements for engagement under the Scheme are set out in the Scheme Conditions and Standard Form of Agreement.

In particular, service providers will be expected to comply with:

- all applicable statutory requirements;
- relevant laws, regulations, privacy principles, codes of practice, Australian and/or ISO standards; and
- any NSW Government policies, guidelines and code of conduct communicated by the agency that has engaged their services.

Service providers should also note clauses 28 and 29 of the Scheme Conditions in relation circumstances where they may be suspended or removed from the Scheme.

**Support for regional enterprises**

Regional enterprises are encouraged to participate in the Scheme as NSW Government agencies and employees are located across all regions in the state.

Regional providers should indicate the region/s in which they operate in their application for prequalification.

**No guarantee of work**

Applicants should note that prequalification on the Scheme does not guarantee:

- continuity of prequalification for the duration of the Scheme;
- receipt of opportunities to tender; and
- engagement or work of any kind or quantity.
Applying for prequalification

Eligibility

The following are eligible to apply for prequalification for the Scheme:

• a registered (public or proprietary limited) Australian company; or
• a foreign (overseas) company registered in Australia; or
• individuals trading as a partnership.

The following are not eligible to apply:

• sole traders;
• a group of companies and/or consortium that is not, of itself, a legal entity; and
• trusts.

Assessment criteria

In order to prequalify for the Scheme, applicants must meet the requirements set out in the Scheme Conditions, and:

(a) demonstrate experience, capability and capacity to provide fair and objective Tier One (core) services and any nominated Tier Two (optional) services;
(b) offer competitive pricing of core services;
(c) demonstrate business and financial sustainability;
(d) meet account management and governance requirements; and
(e) agree to be bound by the Scheme Conditions.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Description</th>
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<tr>
<td>Experience</td>
<td>• Demonstrated good track record and depth of experience in the fair and</td>
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<td>objective delivery of Tier One (Core) services (employment related</td>
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<td></td>
<td>medical assessments, medical certificate validation, and pre-employment</td>
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<td></td>
<td>and periodic health assessments) across metropolitan Sydney and/or regional</td>
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<td>NSW.</td>
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<td></td>
<td>• Experience in supporting review of medical assessments, or similar,</td>
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<td>would be beneficial but not essential.</td>
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<td></td>
<td>• Demonstrated track record in provision and delivery of relevant Tier Two</td>
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<td>(optional) services, where applicable.</td>
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<td>• Experience in providing all services nominated by the applicant is</td>
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<td>supported by solid evidence/references.</td>
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<td>Capability and capacity</td>
<td>• Ability and authority to contract with agencies.</td>
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<td>• Breadth and depth of capability to provide Tier One core services,</td>
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<td>including access to medical specialist services.</td>
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<td>• Ability to support the needs of the Review Panel, as described in</td>
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<td>Schedule 2 of the Scheme Conditions.</td>
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<tr>
<td>Criteria</td>
<td>Description</td>
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<tr>
<td>• Breadth and depth of capability to provide Tier Two optional services (where applicable).</td>
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<td>• Personnel (staff or contractors) have the necessary expertise and qualifications to deliver the required services.</td>
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<td>• Demonstrated ability to meet fair and objective delivery of services requirements described in Schedule 2 of the Scheme condition.</td>
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<td>• Ability to provide required services to support multiple large and diverse businesses (over 500 referrals per annum across metropolitan Sydney and/or regional NSW), including:</td>
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<td>- Delivery infrastructure (e.g. facilities, technology, and equipment), processes and systems; and</td>
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<td>- Resources, including personnel.</td>
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<td>• Ability to meet service levels set out in the Scheme Conditions.</td>
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<td><strong>Competitive pricing of core services</strong></td>
<td>• Ability to provide the required (core) services at a market competitive price(^3) based on service levels in the Scheme Conditions.</td>
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<td>• Provision of a transparent cost structure that ensures cost predictability throughout the life of the scheme.</td>
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<td>• Minimal out-of-scope services through provision of comprehensive list of services offerings and fees.</td>
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<td><strong>Business and financial sustainability</strong></td>
<td>• Demonstrated business sustainability and financial solvency.</td>
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<td><strong>Account management and governance</strong></td>
<td>• Demonstrated sound governance in place around:</td>
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<td>(a) delivery infrastructure (facilities, technology, equipment etc), quality control, management of services, record keeping and maintenance of privacy and confidentiality;</td>
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<td></td>
<td>(b) contract management, including, relationship management, business/operations planning, risk assessment and management of personnel and operations, quality assurance of service delivery;</td>
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<td></td>
<td>(c) personnel adherence to Scheme Conditions, including maintaining privacy and confidentiality and standards of professional and ethical conduct and performance management; and</td>
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<td></td>
<td>(d) systems and processes to ensure fairness and objectivity in service delivery.</td>
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<td>• Demonstrated track record in compliance and commitment to monitoring and adhering to regulatory responsibilities.</td>
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<tr>
<td><strong>Acceptance of Scheme Conditions and Standard Form of</strong></td>
<td>• Indicated acceptance of Scheme Conditions (which includes the Standard Form of Agreement).</td>
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\(^3\) In assessing market competitive pricing the Assessment Committee (AC) will compare applicant fees for Tier One (core) services against the average fees across all applications. Those applications where fees charged are no more than 50% above the average fees for core services will be considered to offer a ‘market competitive price’.
### Application process

Application for the Scheme is simple, but applicants should allow adequate time to review the requirements, gather the necessary information and plan responses to questions.

**Step 1** Review the Scheme Conditions and Standard Form of Agreement (Schedule 1 of the Scheme Conditions) to understand the requirements and obligations under the Scheme.

- **Registered NSW eTendering users** can access these documents by either logging in to NSW eTendering and selecting ‘Schemes’ or clicking the link if the user has elected to receive email notifications.

Select ‘Full Details’ and go to ‘Documents’ to access the Scheme Conditions and other supporting documents.

**Step 2** Assess requirements and plan the approach and responses to questions.

Read the application questionnaire carefully, especially guidance provided to assist with responses.

**Step 3** Complete the application online at NSW eTendering, ensuring required documents are attached (e.g. company profile information, copies of insurance policies, referee reports, fee schedule), and submit the completed application by the specified tender close date and time.

Applications will be assessed by an assessment committee (AC), comprising representatives from the PSC, DFSI and two other agencies. Applicants may be contacted by the committee if further information is required or to clarify information provided in their application. Applicants may also be invited to meet with the committee to discuss their application.

The AC will notify all applicants of the final decision in writing.

If any applicant believes that there are substantive grounds for the AC to reconsider its decision, they may request a review of the decision by writing to the Scheme Manager, Employment Related Medical Services at whs@psc.nsw.gov.au or at Public Service Commission, GPO Box 3988 Sydney, NSW 2001.

Service Providers which have been accepted to the Scheme are expected to be capable of providing services nominated in their application when the Scheme commences.
Indicative procurement schedule for initial applications

Following is an indicative schedule for the establishment of the Scheme:

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<th>Activity</th>
<th>Indicative timeframe</th>
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<tr>
<td>Initial opportunity to apply for the Scheme opens</td>
<td>4 April 2016</td>
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<tr>
<td>Initial application opportunity closes</td>
<td>20 May 2016</td>
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<tr>
<td>Assessment of applications</td>
<td>May – July 2016</td>
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<tr>
<td>Applicants advised of outcome</td>
<td>August 2016</td>
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<tr>
<td>Service Provider on-boarding and systems set up</td>
<td>August – October 2016</td>
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<tr>
<td>Scheme commences</td>
<td>17 October 2016</td>
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Further information

Schedule 2 of the Scheme Conditions provides a detailed description of core service requirements.

For further information contact the Scheme Manager at the Public Service Commission on (02) 9272 6000 or email whs@psc.nsw.gov.au
Frequently Asked Questions

Q. What does the service ‘Administrative support of the Review Panel’ involve?
A: Employees who have been referred for a medical assessment for a non-work related injury or health condition may request a review of their medical assessment by the independent Medical Assessment Review Panel (Review Panel).

Currently, the Review Panel comprises three members contracted by the PSC to undertake reviews of medical assessments where an employee disagrees with a medical assessment outcome or recommendation.

A service provider will only be required to provide administrative support to the Review Panel for those assessments it has arranged. The service provider will assess if an employee’s request meets criteria for a medical assessment review set by the PSC; collate and provide assessment information to members of the Review Panel; and advise the employee and their employer of the Review Panel determination.

A detailed description of this service requirement is set out in Schedule 2 - Service requirements of the Scheme Conditions.

Q. How many reviews are undertaken each year by the Review Panel?
A. The number of reviews undertaken by the Review Panel varies from year to year. As an indication, in 2014 and 2015 there were over 500 medical assessments performed each year, with approximately 15 requests for review referred to the Review Panel.

Q: What insurance is required if the organisation sub-contracts its medical service delivery?
A: Clause 5 - Insurance of the Scheme Conditions sets out insurance requirements. Applicants should also note clause 4.16 - Insurances and clause 12 - Indemnity in the Standard Form of Agreement in relation to liability, claim, injury, damage loss or expense in relation to their employees, agents and contractors, including sub-contractors.

A service provider, who, instead of delivering any of the services itself, subcontracts their delivery, need not hold professional indemnity insurance for those services provided that they can demonstrate that they have appropriate mechanisms and/or processes in place to ensure that subcontractors delivering the services hold and maintain the necessary insurance.

Q. Can a service provider approach agencies to promote its services once it has been accepted on the Scheme?
A: Service providers may advise agencies that they have been prequalified for the Scheme but should have regard to clause 11 - Publicity in the Scheme Conditions which provides that they must not advertise, promote or publicise in any form their admission to the Scheme without the written consent of the PSC and DFSI.

Q: Can agencies access other services offered by the service provider?
A: Yes, agencies may access other services offered by the service provider which are not listed in the Scheme. These services will not be covered by the Scheme Condition and should be negotiated independently between the agency and service provider, and according to NSW Government procurement policy, including the NSW Government Procurement Policy Framework and Procurement Board Direction 2013-03.