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Business Rules for ARTC Contractor Compliance System

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ARTC Network Wide SMS

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2	25/8/2021	1	Redefined works performed for ARTC for Avetta registration are high risk and high risk construction works
		1.6	Numerous definitions added and updated
		2	Renamed Prequalification Process to Contractor Compliance Process
		2.2.3.1	Renamed Safety Manual to Safety Management Plan
		Various	Editorial and typographical updates
		1.6 / 2.2	Updated Avetta defined terms
		2.3	Updated amber and red flag status advice
		4	Updated Conflict of Interest section

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1 Introduction

1.1 Purpose

The purpose of this document is to give guidance to businesses directly engaged by ARTC that meet the requirements to be registered and compliant in ARTC's Contractor Compliance System, Avetta.

1.2 Scope

The scope of this guideline relates to all businesses directly engaged by ARTC, with the following exclusions:

- Engaged to provide goods or services that do not involve high risk construction work on ARTC premises.
- Contractors who perform less than \$50,000 in value per annum and/or who have been granted an exclusion by an ARTC Approving Authority.
- Subcontractors of contractors to ARTC.

1.3 Procedure Owner

The General Manager Procurement & Supply is the Procedure Owner. The Supplier Risk Monitoring Lead is the initial point of contact for all queries relating to this procedure.

1.4 Responsibilities

The General Manager Procurement & Supply is accountable for the implementation of this procedure.

The Procurement & Contracts Support Manager is responsible for ensuring adherence to the procedure and its processes. The Supplier Risk Monitoring Lead is responsible for administering the procedure and its processes.

ARTC Managers are responsible for communicating this procedure and only engaging contractors who are registered and compliant within the contractor compliance system.

Businesses engaged by ARTC are responsible for:

- Ensuring that they are registered and compliant within Avetta before commencing work with ARTC.
- Ensuring the information provided in Avetta is accurate, correct, current and representative of the trades and services they provide to ARTC.

1.5 Reference Documents

The following documents support this procedure:

- ARTC Contractor Handbook
- RLS-PR-003 Protocol for Entering the ARTC Rail Corridor
- PEO-GL-001 Business Rules for Working in ARTC Rail Corridor

1.6 Definitions

The following terms and acronyms are used within this document:

Term or acronym	Description
ARTC	Australian Rail Track Corporation Ltd.
Avetta	ARTC's Third party contractor pre-qualification and compliance management service.
Contractor	A person conducting a business or undertaking (PCBU) who is engaged by ARTC to perform work, carry out a service, provide labour hire or supply goods.
Flag Status	Avetta define a contractor's compliance status by coloured flags Red flag – major problem and cannot be used Amber flag – minor problem or incomplete registration and cannot be used Green flag – compliant and can be used
High Risk Construction Work	As defined in WHS Regulation 291, high risk construction work means construction work that: <ul style="list-style-type: none"> • involves a risk of a person falling more than 2 metres, or • is carried out on a telecommunication tower, or • involves demolition of an element of a structure that is load bearing or otherwise related to the physical integrity of the structure, or • involves, or is likely to involve, the disturbance of asbestos, or • involves structural alterations or repairs that require temporary support to prevent collapse, or • is carried out in or near a confined space, or • is carried out in or near: <ul style="list-style-type: none"> ○ a shaft or trench with an excavated depth greater than 1.5 metres, or ○ a tunnel, or • involves the use of explosives, or • is carried out on or near pressurised gas distribution mains or piping, or • is carried out on or near chemical, fuel or refrigerant lines, or • is carried out on or near energised electrical installations or services, or • is carried out in an area that may have a contaminated or flammable atmosphere, or • involves tilt-up or precast concrete, or • is carried out on, in or adjacent to a road, railway, shipping lane or other traffic corridor that is in use by traffic other than pedestrians, or

Term or acronym	Description
	<ul style="list-style-type: none"> • is carried out in an area at a workplace in which there is any movement of powered mobile plant, or • is carried out in an area in which there are artificial extremes of temperature, or • is carried out in or near water or other liquid that involves a risk of drowning, or • involves diving work.
High Risk Work (HRW)	<p>High Risk Work (HRW) refers to work that requires a person to have a high-risk work licence to perform that work, this includes (but not limited to):</p> <ul style="list-style-type: none"> • basic, intermediate and advanced scaffolding • dogging • basic, intermediate and advanced rigging • crane and hoist operation • reach stacker operation • forklift operation • pressure equipment operation • boom-type elevating platform operation.
Safety Management Plan	<p>Covers the requirements of a WHS management plan. A WHS management plan is a written plan that sets out the arrangements for managing aspects of the site health and safety matters.</p> <p>See WHS Regulation reg 309</p> <p>Note: The Avetta system uses the term "Safety Manual"</p>
Subcontractors	<p>A person conducting a business or undertaking (PCBU) who is engaged by a contractor to perform work, carry out a service, provide labour hire or supply goods. A subcontractor is not directly engaged by ARTC.</p>

2 Contractor Compliance Process

2.1 Contractor Compliance System

ARTC has partnered with a Avetta to collect and audit safety and commercial data, to ensure businesses conducting work for ARTC are compliant. Data to be collected include:

- Insurance details
- Safety Management documentation
- Technical capability details, and
- Safety statistics such as: fatalities, hours worked, Lost Time Injury Frequency Rate, Total Recordable Injury Frequency Rate

2.1.1 How do I know if I need to register with Avetta?

ARTC will notify each business as their contracts are created.

2.1.2 What if I'm already a member of the Avetta?

Log into your existing account, connect with ARTC to review our specific requirements and ensure your company information is updated. This will be highlighted on your homepage as Open Tasks, and your Avetta Customer Service Representative will support you through the process.

2.1.3 Contact

For general enquiries about the ARTC Contractor Compliance System, contact ARTC directly via ARTCContractors@artc.com.au

All enquiries regarding registration and billing should be directed to Avetta on 1800 502 142 or registrations@avetta.com.

2.1.4 Contractor Registration Process

If the business is not in Avetta, the following steps need to be applied

Step 1: ARTC will send the business a registration request through the contractor compliance system to join. Alternatively, they can click on “*Join Avetta*” on ARTC’s landing page / Avetta <http://pages.avetta.com/artc>.

Step 2: The business will fill out the relevant information to create an account such as primary account holder, business legal name as well as the trading name under the Doing Business As (DBA) field as ARTC Ci system registers Contractors by their DBA name.

Read the terms and conditions of the contractor compliance system; once the contractor agrees to the terms, click on “*Get Started*”.

Step 3: Select the services the business performs from the pre-set list.

Step 4: Complete a series of service safety evaluation questions based on the business’s full service capability. This will determine the safety profile in Avetta.

Step 5: Finalise membership plan and select credit card as the payment method, fill out billing information and select “*Submit Payment*” button to become a registered member of Avetta.

Step 6: Avetta will issue a receipt via email and will generate a new invoice on the 11th month of subscription for renewal on the 12th month (1-year anniversary).

Step 7: Review business dashboard which includes Contractor Flag status, Contractor information including ID, membership certificate, customer details, contact details and description of services provided.

2.1.5 What are the costs for Avetta?

For businesses that are not already active in the Avetta contractor ecosystem, there is a one-time registration fee. In addition to the registration fee, there is an annual membership fee based on the number of client sites with which you are associated, the services you provide, and the documents ARTC is requesting from their contractors.

When payment has been made, the contractor enters into an agreement with Avetta. The costs are set by Avetta and ARTC has no influence over the subscription costs.

2.2 Avetta Forms to complete

2.2.1 Profile

Profile information includes legal company name, DBA (doing business as) and primary contact information.

Your legal business name is to be entered as per your ABN entity name, see link below <http://www.abr.business.gov.au/>

Trading names are entered in the DBA (doing business as) field and must be included to check against ARTC Ci system.

Primary contact for your business must be always up to date for all ARTC communication.

Updating your profile can be completed online at any time. Other documents outlined below, "Advantage" and "Premier" can only be updated each January annually for up to 90 days. Therefore, any changes or amendments required during the year are to be submitted to the Avetta team for updating or contact ARTC for assistance.

2.2.2 "Advantage"

2.2.2.1 Pre-Qualification Form

Answer the Pre-qualification Form (PQF) which is a standard set of questions asked globally by Avetta to provide company business information.

Subsidiaries are to be listed in this section which must be included for ARTC to link the correct Avetta ID to the subsidiary. Failure to complete this will result in ARTC sending multiple registration requests where additional payment is possible.

2.2.2.2 ARTC Client Specific

Complete the set of ARTC's Client Specific questions which are specific to the service you provide to ARTC.

2.2.2.3 Annual Updates

The annual updates are a series of questions to provide important performance data and statistics relating to employees, hours worked and incidents.

2.2.2.4 Insurance Documents

Upload your insurance documents. Avetta will confirm that your insurances meet the criteria set by ARTC.

2.2.3 “Premier”**2.2.3.1 Safety Management Plan**

Avetta will conduct an audit of your safety management plan to ensure safety requirements are being met and to determine if the risks associated with the services you provide are adequately addressed.

2.3 Flag Criteria

Avetta uses coloured flags to indicate levels of compliance:

- Green means fully compliant and may be engaged for work.
- Amber means minor non-conformances, outstanding tasks to be completed or unsatisfactory responses to audit or insurances and citations
- Red means major compliance issue and cannot be used.

2.3.1 What happens if my business is ‘amber’ flagged?

Typical reasons for triggering an amber flag in the contractor compliance system include; outdated insurance details, citations, unresolved corrective actions, outdated SafeWork certificates, providing incomplete responses, and certain responses to the questionnaire that need to be reviewed by ARTC subject matter specialists.

If your business has been amber flagged there are several ways in which you can check the reason(s) for this status.

You can log into Avetta using your business login and review your business dashboard. There will be a list of outstanding tasks that need to be addressed to resolve the amber flag status. You may be able to resolve these issues yourself by working through the outstanding tasks and resubmitting for the contractor compliance system review.

Alternatively, you can contact the the contractor compliance system Customer Service Representative to seek advice and guidance on the issue.

If your business has received a declared citation that has triggered an amber flag, ARTC will contact your business contact to assist you to resolve the matter.

2.3.2 What happens if my business is ‘red’ flagged?

Red flags are only triggered for matters that are so serious in nature that your business cannot be engaged by ARTC until the matter(s) have been resolved. This may be due to circumstances such as; a fatality, a conflict of interest notification, or, a serious safety breach.

If your business has been 'red' flagged there are several ways in which you can check the reason(s) for this status.

You can log into the contractor compliance system using your business login and review your business dashboard. In your flag details it will show the reason of your red flag.

As red flag matters are serious in nature you will need to contact the ARTC to seek advice and guidance on the issue and to determine if the red flag can be addressed and resolved.

The red flag may only be cleared if the ARTC approving manager is satisfied with the results of investigations into the matter triggering the red flag.

2.3.3 Citations

Citations are serious issues that have been recorded by a regulatory agency and include violations and notices. ARTC will review each citation and action accordingly to manage risks that the circumstances leading to the citation do not pose unacceptable risks to ARTC.

2.4 Insurance Criteria

2.4.1 Public Liability

A limit of liability of not less than AUD 20,000,000 per any one occurrence.

2.4.2 Statutory Workers' Compensation

Coverage in accordance with the relevant State and Commonwealth Workers Compensation legislation.

2.4.3 Professional Indemnity (if applicable)

A limit of liability of AUD 10,000,000 per any one claim and in the aggregate during the period of insurance.

2.4.4 Contract Works (if applicable)

Coverage to an amount not less than the total value of the Works (which shall include the value of all supplied materials including ARTC supplied materials).

The Contract Works policy shall note ARTC as a joint insured and must also note as a joint insured any other interested party required by ARTC to be so noted.

2.4.5 Industrial Risk Insurance (if applicable)

A limit of liability of not less than AUD 20,000,000 per any one occurrence.

2.4.6 Motor Vehicle Liability (if applicable)

A limit of liability stated on policy in respect of Third Party Property Damage and/or Dangerous Goods

3 Exemptions

3.1 Emergency Works

There may be occasions where ARTC requires the services for urgent or emergency works who are not registered or fully compliant within Avetta Connect. The urgency of the situation may include a derailment or geographical isolation.

ARTC will execute an internal exemption process and notify the relevant ARTC Manager if the works can proceed pending full compliance.

4 Conflict of Interest

Conflicts of interest are potentially serious matters that can compromise the integrity of business dealings between ARTC and businesses that it engages with. An example of a conflict of interest would be a personal relationship between an employee of ARTC and an individual employed by a contractor seeking to do business with ARTC.

If a potential conflict of interest has been identified the Avetta flag status will automatically be flagged red. Refer to Section for advice on what to do if your business has been “red flagged”.

ARTC will reach out to your business to commence an investigation into the potential conflict of interest.

5 Joint Ventures

The ARTC contracts system considers Joint Ventures as separate legal entities with their own ABN and insurances. Contracts are executed with the Joint Venture, rather than with individual parties that make up the Joint Venture.

Joint Ventures are required to register and pre-qualify in Avetta Connect with a new account.

The Joint Venture must provide all the relevant safety documentation unique to the Joint Venture which will be audited independently.

At the termination of the Joint Venture, the Avetta account will need to be deactivated by the Joint Venture.

6 Sole Trader

Sole traders are treated the same as any business. If identified as performing high risk construction work or providing Safeworking services, they will need to complete all forms and become compliant before works commence.