

4 September 2023

RNZ
[Redacted]

REF: OIA-13174

Dear [Redacted]

Request made under the Official Information Act 1982

Thank you for your emails of 24 July 2023 requesting the following information under the Official Information Act 1982 (the Act):

RNZ requests to know if WK has at any time received any advice, or consultancy services or professional services of any kind, or assistance, or similar, pertaining to either Transmission Gully, Pūhoi to Warkworth or any other PPP project, or any project involving Acciona, including the Eastern Busway, that is current or has had work done on it since 2016, from any of the following or their proxies:

- *Graham Darlow*
- *Frequency consulting firm (<https://frequency.nz/>)*
- *Brockway Consulting*

If so pls provide up to date details

And re any of the above

is WK aware of any conflicts of interest that were declared at any time with respect to that advice, or consultancy services or professional services of any kind

What were they

How were they managed, if at all

In your email of 25 July 2023, you clarified your request to be for the following information:

RNZ requests to know if WK has at any time received any advice, or consultancy services or professional services of any kind, or assistance, or similar, pertaining to either Transmission Gully, Pūhoi to Warkworth or any other PPP project, or any project involving Acciona, including the Eastern Busway, that is current or has had work done on it since 2016, from any of the following or their proxies:

- *Graham Darlow*
- *Frequency consulting firm (<https://frequency.nz/>)*
- *Brockway Consulting*

Impartiality and transparency are essential to maintaining the integrity of the public sector. Waka Kotahi NZ Transport Agency operates in a public environment, with high expectations of the honesty and integrity of its employees and contractors from its many stakeholders and customers. As a public agency, Waka Kotahi has a statutory and ethical responsibility to be fair and impartial in all circumstances, and avoid preferential treatment, bias or discrimination.

To manage conflicts of interest, Waka Kotahi requires the identification, management and monitoring of conflicts of interest. Employees and contractors are required to disclose any current or past relationships or connections that may have actual or perceived influence on their roles and decision-making.

Other than the Eastern Busway project, Waka Kotahi has identified two projects falling in scope of your criteria. These are the Transmission Gully and Ara Tūhono – Pūhoi to Warkworth public-private partnerships (PPPs). The Eastern Busway component of your request was transferred to Auckland Transport for response on 3 August 2023. I will set out my responses in respect of the PPPs below.

Transmission Gully (TG)

Mr Darlow, operating under his own company, Brockway Consulting Limited, has provided professional engineering services to the TG project since March 2021 as part of the Site Monitoring team which monitors site construction works. Brockway Consulting Limited was more involved up until the opening of TG to traffic in March 2022, and is less involved now that most of the construction has been completed.

Mr Darlow completed a conflict of interest declaration at the time of his engagement under Brockway Consulting Limited. Potential conflicts were noted with supplier companies that Mr Darlow was involved with. These were managed by Mr Darlow not being involved with conversations or decisions relating to the supplier companies or the Ara Tūhono – Pūhoi to Warkworth project.

Frequency was engaged for a limited amount of TG work from 2020 to 2022 to assist with risk management processes and some work on developing a Price Level Adjustment. No conflicts of interest were identified.

Ara Tūhono – Pūhoi to Warkworth (P2Wk)

Frequency provides financial support services to the P2Wk project team. This includes assisting with the administration of forecasts developed by the team, tracking of costs and developing internal monthly governance reporting.

In mid-2022 Frequency raised a potential conflict whereby one of its staff members was asked to undertake some work for Acciona. This was noted, and determined there was not a conflict as the staff member involved was not engaged on P2Wk.

Waka Kotahi does not consider a conflict of interest exists, as the role Frequency performs is a financial support role and has no delegated financial authority, including for any awarding of contracts and engagement of suppliers.

In line with Waka Kotahi policy, this response will soon be published on our website, with personal information removed.

If you would like to discuss this reply with Waka Kotahi, please contact Andy Knackstedt, Senior Manager, Media, by email to andrew.knackstedt@nzta.govt.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'A Robertson', is centered on the page. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andrew Robertson
National Manager – Commercial Delivery