

**GUIDELINE ON THE ROLES OF THE CLIENT,
CONSULTANT AND CONTRACTOR IN QUALITY ASSURANCE**

These notes are for the guidance of Transit New Zealand's staff and consultants, and must not be included in the contract documents.

1. SCOPE

This guideline covers the roles of the client, consultant and contractor in the application of quality assurance provisions in roading contracts.

The guideline is to be applied to all contracts on state highways which incorporate formal quality assurance requirements including any of the following activities:

Grouping	Activity
SURFACINGS	Chipsealing and Paving
ROAD CONSTRUCTION	Earthworks and Drainage Basecourse and Kerbing Seal Widening Shape Correction and Rehabilitation
ROAD MAINTENANCE	Vegetation Control and Grass Mowing Sealed and Unsealed Road Repairs Drainage Maintenance Bridge Maintenance Litter & Detritus Control Snow Removal & Gritting Surface Boxes Traffic Signs and Marker Posts Reinstatement of Raised Pavement Markers
STRUCTURES	Bridge Repairs Bridge Construction Corrosion Repair Minor Structures Guard Rails and Medians
ROAD MARKING	Pavement Marking Raised Pavement Markers

The guideline should be read in conjunction with the appropriate specifications and notes. Refer also to the latest Transit New Zealand Specification Index List.

2. INTRODUCTION

The purpose of this guideline is to foster a common understanding of the roles of the client, consultant and contractor in the quality assurance environment now established for roading works.

Transit New Zealand (Transit) policies and programmes for mandatory quality assurance for physical works contracts were subject to extensive consultation with industry groups. However, Transit recognises that the practical application of quality assurance requirements by client, consultant and contract personnel is in a transitional phase.

One of the key benefits of contractor quality assurance systems in roading is that there is a basis for confidence in assigning responsibility for performance of the work to contractors. Consultancy personnel need to relinquish the whole of the supervisory role, while retaining responsibility for surveillance of the work. The division of responsibilities is clear and the likelihood of disputes is consequently reduced.

With the move towards performance-based contracts, selected aspects of road design (e.g. of surfacing) may be more appropriately included in contractor, rather than consultant, responsibilities, provided that contractors' quality assurance systems contain adequate control of design processes. The scope of contractor work is therefore increasing in the quality assurance environment.

At the same time, roading clients are engaging consultancy services for an increased scope of research, planning and concept development work. The quality assurance environment is enabling a shift in the scope of work (and responsibility for performance) of both consultants and contractors towards more complex and demanding levels.

3. KEY ISSUES

3.1 Co-operative basis, contractual safety net

Co-operation, openness and trust between the parties will enable free exchange of information, so that everyone can work towards the quality objectives of the project. An adversarial relationship needs to be avoided at all levels.

3.2 Confidentiality

The contractor needs to have confidence that the consultant will not, deliberately or inadvertently, transfer information about their work systems to their competitors. Similarly, client representatives need to respect the confidentiality of information from consultants.

3.3 Independence of the consultant

The consultant is the intermediary between the client and the contractor. The consultant therefore needs to be even-handed and impartial in dealing with issues affecting the client and contractor.

A related issue is clarity in the roles of Engineer, Engineer's Representative and Team Leader to the contract. The client needs to accept the independence of the Engineer's judgement within the bounds of NZS 3910. The Engineer needs to accept the responsibility of that independence in regard to contractual decisions, rather than asking the client to rule on them. The Engineer's Representative has a particular responsibility for even-handed communication between the client, the Engineer and the Contractor.

3.4 Communication

Good communication is vital in achieving the quality objectives of the project – in specific instances clients, consultants and contractors may need to be flexible in regard to communication paths, provided that the intent of NZS 3910 is maintained.

4. TENDER AND CONTRACT PHASES

4.1 Tender Specifications

- the consultant should identify project risks, design issues and performance measures which need to be considered by the client in assessing funding needed for the project and subsequently in the contractor's quality plan.
- the quality plan specification should be brief, but should specify key quality aspects, acceptance levels, quality records and access requirements, so that the consultant can monitor the performance of the work effectively.
- where contractor tests relate to design issues (e.g. earthworks), the consultant should specify minimum test frequencies.
- specification of minimum test frequencies where design is not an issue (e.g. roadmarking) should be avoided, since it may restrict contractor innovation.
- the consultant should not specify quality system methodologies such as check sheet formats, since this is likely to cause duplication and complexity within the contractor's system.
- the consultant should specify submission of quality records only where needed for confirmation of design aspects, and allow for site monitoring of contractor records within surveillance activities.
- given the importance of quality plans as a basis for agreement and surveillance, the time allowed for submission after award of contract should be reasonable.

4.2 Pre-Letting Meetings

- the purpose of pre-letting meetings is to ensure that the tenderer has fully understood the project scope and responsibilities – this meeting must be held within the constraints of the contract and the price adjustment rules

contained in the Manual of Competitive Pricing Procedures Volume 1, and other Transit manuals and instructions.

- pre-letting meetings should be used to clarify any issues in the documents or tender submission, check quality systems, discuss tags or alternatives if appropriate, confirm resources, programme and likely start dates, and present contractors key proposed staff for client/consultant assessment.
- it is recommended that the client attend these meetings.
- the meetings must be minuted by the Engineer and agreements incorporated in the contract.

4.3 Kick-off Meetings

- kick-off meetings at the commencement of the contract are an excellent forum for establishing an expectation of openness and “no surprises” for all parties – attendance by the client is recommended.
- during the kick-off meetings a number of project issues will be discussed, including the contractor’s quality plan and the consultant’s intended approach to surveillance.
- the consultant may take the opportunity to assure the contractor of confidentiality, recognising that contract quality plans and work records may demonstrate innovative methods, e.g. for information collection and processing.

4.4 Contract Quality Plans

- the quality plans prepared by both consultants and contractors should explain how quality will be achieved, i.e. provide confidence to those responsible for monitoring the contract.
- consultants need to take account of the complexity of the work in judging the depth of contractor quality plans – where the work is not complex a simple, standard plan can be very effective and may be more likely to be used successfully by the contractor’s staff than a comprehensive document.

4.5 Contract Surveillance

- the attitude of the consultant to contractor personnel in surveillance activities is vital in establishing cooperation and openness on quality.
- consultants and contractors both need to make efforts to maintain close communication on programme, reasonable availability of the consultant, accessibility of contractor records, and openness by the contractor to observation of work processes.

- a supportive approach by consultants allows contractors to take responsibility for the health of their own quality systems – where there are deficiencies the consultant can often prompt the contractor to propose corrective actions, together with the dates by which those actions will be completed, rather than needing to impose requirements.
- consultants should carry out occasional quality checks on site, for example check sampling and on-site tests.
- consultants cannot assume that certified quality assurance systems are all equally effective and therefore they need to be prepared to modify their plan for surveillance activities, based on their observations on the likelihood of non-conforming work and delays to schedules.
- observing the quality system in action can provide either confidence that the contractor has good control of the work or an indication of poorly managed processes, e.g. in control of work set-up, monitoring of process characteristics and recording of inspection and test results.
- the consultant may review minimum test frequencies on the basis of observed consistency of results being higher or lower than expected.
- provided that accurate records are maintained, flexibility and openness on the part of both the consultant and contractor can allow work to proceed without the use of excessive contract formalities.
- formal quality audits can sometimes be useful as “health checks” to review compliance with contract specifications and quality plans – so as not to duplicate quality certification the focus needs to be on operational processes and records, rather than the underlying quality system.

4.6 Progress Meetings

- progress meetings are recommended, with client involvement where appropriate.
- the objectives should include exchanging information, reinforcing understanding of project priorities, reviewing implementation of the contractor’s quality plan and refining the consultant’s surveillance programme.

4.7 Completion and Handover

- two-way feedback by the consultant and contractor provides opportunities for improvement of future performance of contract works and surveillance activities.
- issues raised in feedback may also lead to improvements in client contract and technical specifications.

- the consultant is encouraged to offer the contractor a copy of the project report at the wind-up meeting.

5. CONCLUSION

Transit recognises its role in the transition phase to progressive implementation of quality assurance in state highway contracts. Transit's commitment to this role is expressed through monitoring the implementation, fostering consistency in contract documentation, encouraging feedback from contractors and consultants, and initiating co-operative responses within and between industry groups. Comments on the effectiveness of client, consultant and contractor relationships are welcomed.