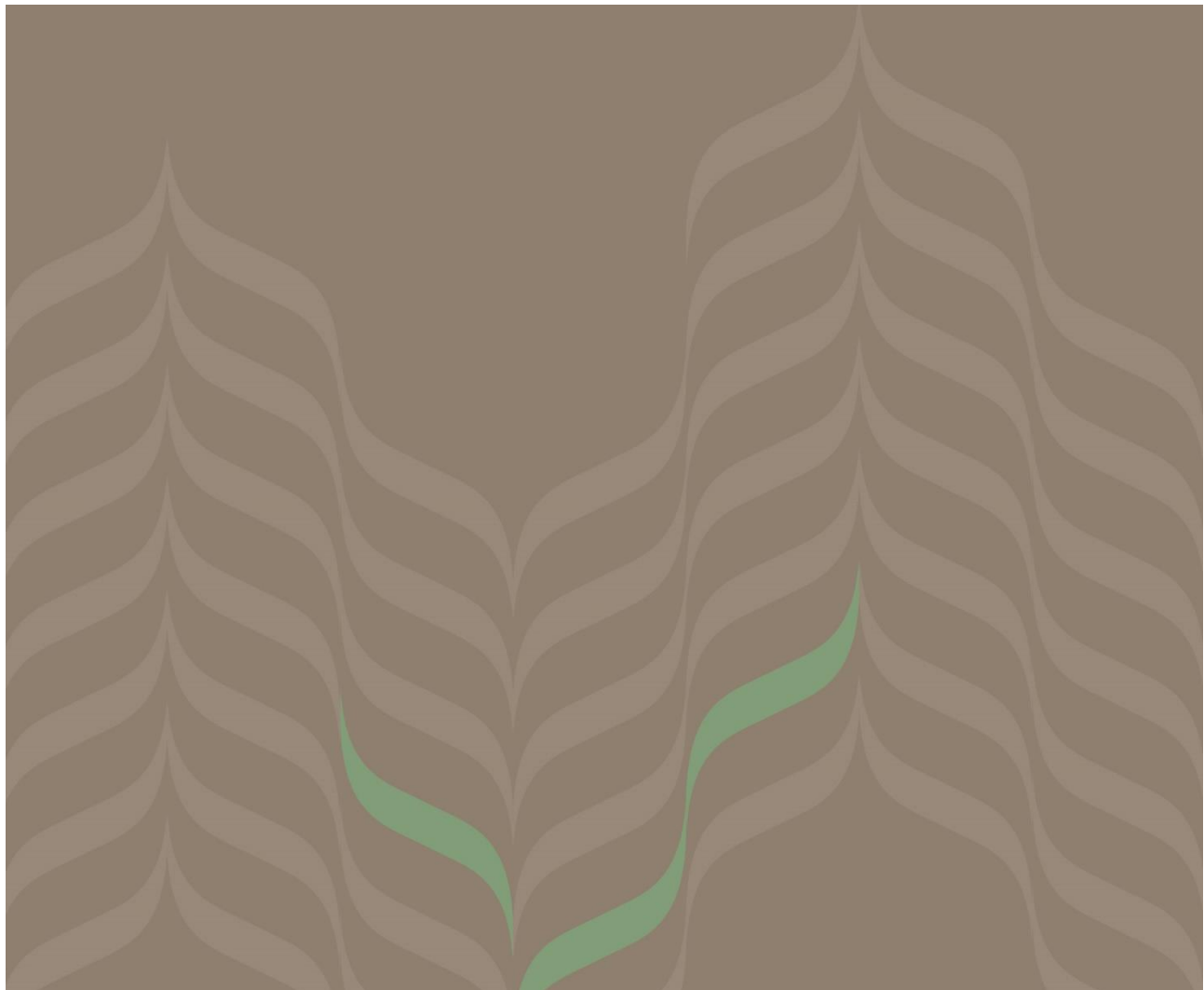

State Highway Professional Services Contract Proforma Manual

March 2021

Version 9.1

Manual number: SM030



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More information

NZ Transport Agency
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This document is available on the NZ Transport Agency's website at www.nzta.govt.nz

DOCUMENT MANAGEMENT PLAN

Purpose

This is the Manual Management Plan which details updates, amendments and contact points for the *State Highways Professional Services Contract Proforma Manual (SM030)*.

This Manual is the property of the NZ Transport Agency and its issue is controlled. No part of it may be communicated to any person outside the organisation without written authority. Any copy released outside the Transport Agency is not a controlled copy and will not be updated.

Document Information

This document has the status of a standard as defined in the Transport Agency's *Register of network standards and guidelines manual*.

The objectives of this manual are to set out the standards for professional services contracts for the Transport Agency's business in a best practice manner that meets the Transport Agency's goals.

The content is based on the Transport Agency's current best business practices and those developed in the past from managing professional services contracts.

While all care has been taken in compiling this document, the Transport Agency accepts no responsibility for failure in any way related to the application of this standard or any reference noted in it.

DOCUMENT NAME	State Highway Professional Services Contract Proforma Manual
MANUAL NUMBER	SM030
MANUAL OWNER	Procurement Strategy and Methods
MANUAL SPONSOR	Senior Manager Procurement
REVIEW TEAM MEMBERS	

Amendment and Review Strategy

This document is subject to review and amendment from time-to-time. Document revisions will be issued to the registered copyholder with an Amendment Notice detailing the changes and section(s) affected.

All Corrective Action/Improvement Requests (CAIRs) suggesting changes will be acknowledged by Manual Owner.

A summary of amendments for each publication is available for viewing on the [Transport Agency's internal files server](#)

	COMMENTS	FREQUENCY
Amendments (of a minor nature)	Incorporate in Annual Review may require coordinating with NZ Transport Agency Board meetings	Annual: January – March Quarter
Review (major changes)	Urgent amendments fundamentally changing the content or structure of the manual will be incorporated as soon as practicable	As required
Notification	Technical Advice Notice is published on the Highways Information Portal and emailed to subscribers.	Annually or as required

Other Information (at Manual Owner’s discretion)

There will be occasions, depending on the subject matter, when amendments will need to be worked through by a Knowledge Community under the direction of the Steering Group before the amendment is actioned. This may cause some variation to the above noted timeframes.

Feedback

If you have any comments with regard to this manual, please email sm030@nzta.govt.nz with the subject line of “**Feedback for SM030**”. Your request will be forwarded to the Steering Group for review.

Distribution

The Manual Management Plan is included in the manual and sent to the Transport Agency’s Information Management team.

RECORD OF AMENDMENT

This document is a controlled document is therefore subject to review and amendment from time to time. Amendments will be recorded on this Amendment Control Sheet. Amendment Notices, detailing the changes, will be issued, via email, to registered manual holders, and should be inserted behind this page.

If you wish to be notified by e-mail as and when any amendment is made, please e-mail: procurement@nzta.govt.nz with your contact details – name, organisation and e-mail address. Please ensure that any subsequent changes to these contact details are notified.

All individuals seeking to rely on, or implement, the Transport Agency's *State Highway Professional Services Proforma Manual*, or any other manual referred to in this document, have a duty to ensure that they are familiar with the most recent amendments.

AMENDEMENT NUMBER	DECIPTION OF CHANGE	EFFECTIVE DATE	UPDATED BY
1	Entire Manual Update	1 March 2009	U Cardiff
2	Request for Tender changes incorporating new Procurement Manual rules	1 October 2010	U Cardiff
3	Refer to manual documentation lists for latest edition / amendment / versions	1 March 2011	U Cardiff
4	Refer to manual documentation lists for latest edition / amendment / versions	1 March 2013	P Alkema
5	Update to reflect issue of Minimum Standard Z/44 – Risk Management	1 September 2013	P Alkema
6	Entire Manual Update to reflect Business Case Approach	1 April 2015	P Alkema
7	Entire Manual Update	31 March 2016	P Alkema
8	Etendering and single stage business case changes	31 March 2017	P Alkema
9	Update to reflect changes in terminology and technical content	1 September 2019	P Alkema
9.1	Interim update to privacy clauses, communicable disease event clauses, 10 Working Day clauses, to clarify pre-letting meeting clause, update to cost	8 March 2021	Bernard Cuttance, Laura Macready

	fluctuation clauses to reflect current practice		
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INTRODUCTION

1. HOW TO USE THIS MANUAL

1.1 Purpose

- 1.1.1 The purpose of this manual is to hold the Transport Agency's standard professional services contract documentation and to provide a guide to staff preparing professional services contract documents for the Transport Agency.
- 1.1.2 The manual contains the Transport Agency's *Request for Tender* (RFT) document relating to professional services. The manual includes relevant Minimum Standard documents, Guidelines and Standard Forms as appendices. The manual also references supporting specifications and guidelines that are to be found on the Highways Information Portal.
- 1.1.3 This manual forms the basis of all formal contract documentation used to engage a consultant for professional services, including the investigation, development, design and surveillance of any construction or improvement project, maintenance management, bridge and other structures management and traffic monitoring.

1.2 Highways Information Portal

- 1.2.1 The [Highways Information Portal](#) is a comprehensive central hub, which accommodates all current standards, advice notes and other published documents relating to the design, assessment, operation and maintenance of state highways.
- 1.2.2 The Portal has been developed from a number of separate series of documents previously published by the Transport Agency. These documents, together with new material, have been gathered together in a single website to help in meeting our quality assurance procedure requirements and is intended for use by New Zealand Transport Agency staff and our suppliers.
- 1.2.3 The link between content on the Portal and SM030 is discussed further in section 4 below.

1.3 Interrelationships with other manuals

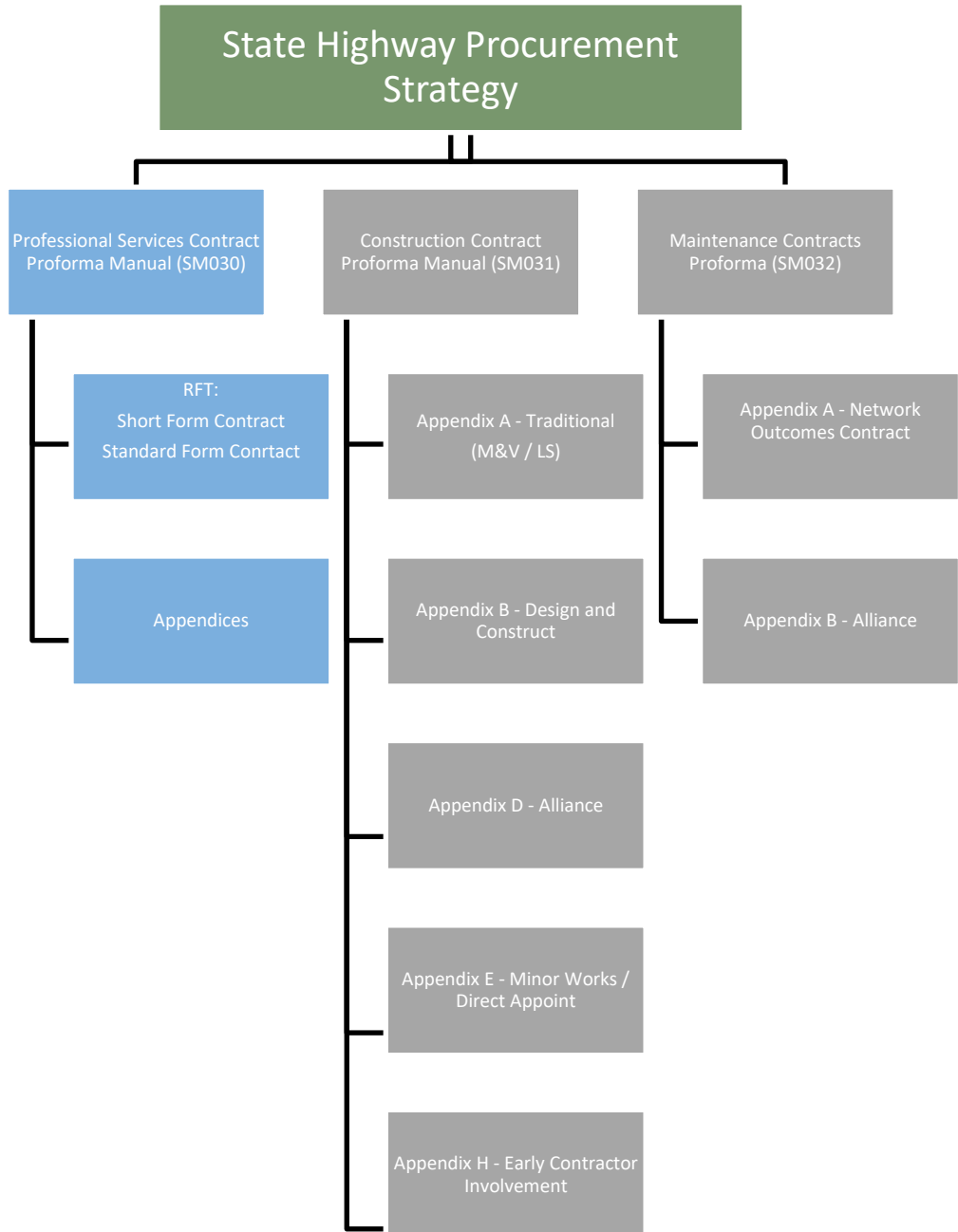
- 1.3.1 This manual contains the Transport Agency's proforma contract documentation for preparing professional services RFTs. In addition staff shall refer to other Transport Agency manuals, standards and guidelines in the preparation of RFTs, including, but not limited to the following:
 - a) *Procurement Manual*
 - b) *State Highway Procurement Strategy*
 - c) *Contract Procedures Manual (SM021)*
 - d) *State Highway Construction Contract Proforma Manual (SM031)*

1.4 Document availability

- 1.4.1 SM030 is available in pdf form on the [Transport Agency's website](#).
- 1.4.2 The following sections of SM030 are available to Transport Agency staff in MS Word format for use in preparing contracts for the engagement of professional services suppliers:
- a) *Short Form Contract*
 - b) *Standard Form of Contract*
 - c) *Tender Form*
 - d) *Pricing and Personnel Schedules*
 - e) *Scope of Services*
- 1.4.3 The proforma manual (word and pdf versions) are held electronically on the [Transport Agency's fileserver](#) .

1.5 State highway procurement strategy

- 1.5.1 The following chart summarises the State Highway Procurement Strategy referenced suite of contract proforma manuals, currently in use by the Transport Agency.



2. PROFORMA DOCUMENT USE AND STRUCTURE

2.1 Overview

2.1.1 The Transport Agency have developed two proforma contract documents, with the objective of providing a consistently high quality of tender documentation, incorporating national and international best practices.

2.2 Roles and responsibilities

2.2.1 The Transport Agency is responsible for the following tasks relating to document preparation and tender evaluation:

- a) Prepare and review draft tender documentation;
- b) Lead or participate in the interactive tender process, as outlined in the *Contract Procedures Manual* (SM021) and the *Project Management Manual* (SM011);
- c) Lead or participate in the tender evaluation and contract award process, as outlined in SM021 and SM011.

2.2.2 The Procurement Officer is responsible for administering the tender documents in accordance with this manual, and shall ensure that all procedures followed are in accordance with the Transport Agency's *Contract Procedures Manual* (SM021). The following tasks relate to document preparation and tender evaluation:

- a) Develop the proforma into a project specific document for tendering;
- b) Update tender documentation through notice to tenderers;
- c) Lead or participate in the interactive tender process, as required by the tender documents;
- d) Carry out tender evaluation and contract award.

2.3 Short form contract

2.3.1 The Short Form Contract should be used for any State Highway professional services contract where the supplier is selected by the negotiation method (expedited procedures) as described in the Transport Agency's *Procurement Manual*. The Short Form Contract is primarily used for contracts less than \$200,000, and must be issued with a contract number. Short Form Contracts are valid for a 12-month period, and shall be reviewed prior to the expiration date.

2.3.2 The standard conditions of contract are ACENZ's *Conditions of Contract for Consultancy Services, Fourth Edition* (CCCS) – December 2017. These conditions of contract can be freely downloaded from ACENZ's website.

2.3.3 The Annexure section contains specific information to the contract. The format of the information is left to the Project Manager, but will usually either be an exchange of letters (being careful to ensure that all the required information is included), or a typed-up version.

The Project Manager can either post two copies the Short Form Contract including Annexure to the Consultant or e-mail the document with instructions to print two copies and duly execute them. The Consultant must send the two signed copies of the contract to the Project Manager for signing who will then return one copy (signed by both parties) to the Consultant, the other copy to be put in the Transport Agency file system.

2.4 Standard form contract

- 2.4.1 The Standard Form Contract is primarily used for any State Highway professional services contracts in excess of \$200,000, and must be issued with a contract number.
- 2.4.2 The standard conditions of contract are ACENZ's *Conditions of Contract for Consultancy Services, Fourth Edition* (CCCS) – December 2017. These conditions of contract can be downloaded from ACENZ's website.
- 2.4.3 The process for customising the contract RFT proforma and the subsequent compilation of the signing contract document sets is described below. The Project Manager is responsible for ensuring the various tasks comprising this process are professionally executed in accordance with the requirements of this manual and other Transport Agency reference and policy manuals (for example *SM021 Contract Procedures Manual*).
- 2.4.4 The RFT contains is structured in the following order:
- a) Contract Cover Sheet; Table of Contents;
 - b) Section A: Contract Agreement Form
 - c) Section B: Instructions for tendering
 - d) Section C: Tender Form, Pricing and Personnel Schedules.
 - e) Section D: Contract Scope, Deliverables and Time Schedule
 - f) Section E: General and Special Conditions of Contract
- 2.4.5 The following are for the signing sets only
- g) Section F: Additional Tender / Contract Documentation

2.5 How to use the proforma RFT

- 2.5.1 The contract proforma documents are accessed using MS Word.
- 2.5.2 The document compiler is required to enter a number of details in creating an RFT. This data will include, but is not limited to, the following:
- a) Contract name;
 - b) Contract number (supplied by the Transport Agency's Procurement Officer);
 - c) Supplier selection method (only for standard form contract);
 - d) Project Specific data including scope, contact details, tender close, and other key contract data.

- 2.5.3 The document creator will note that this manual copy uses a number of coloured text within the proforma. These colours have the following meanings:

COLOUR	STATUS
Black text	Is mandatory and may not be changed.
Red text	Is used for data which requires fields to be updated or at least considered for each contract and marked at the beginning with [and the end with]. Text can be used as is, modified or replaced.
Blue text	Is used for optional clauses which can be included as is, or deleted in full.
Pink Text	Is used for required clauses and fields to be included for geotechnical tender documentation.
<<Guidance notes>>	Is used for guidance notes for the tender document creator and marked at the beginning with << and the end with >>. These must be removed prior to tender document release.

- 2.5.4 **The text colour should be reset to black, and all guidance notes removed prior to printing the final document.**
- 2.5.5 As a guide for the document creator, the proforma RFT has been developed to comprise a typical layout with examples of a tender schedule, payment schedule, headings for the scope of services, etc. Much of this information is in blue or red text and may be used, modified or replaced as the document creator sees fit.
- 2.5.6 The draft RFT is normally prepared by the Project Manager and then reviewed and approved by the Project Sponsor, and subsequent to any amendments, is then copied, bound and issued.
- 2.5.7 Any standard specifications are not required to be bound into RFTs when issued for tender.
- 2.5.8 Where, during the tender period, a page of the RFT is reissued, the replacement page should be tagged with a footer identifying the notice number and date, eg “Revised by NTT #3 – 1 May 2017”.
- 2.5.9 The signing sets will include full copies of the Standard Specifications with appendices, and any NTTs or additional documentation as specified.
- 2.5.10 The contract documents are ultimately compiled for signing as required in the *Contract Procedures Manual*.

3. CONTRACT DOCUMENT PREPARATION

3.1 General information

3.1.1 The proforma has been developed with default values and supporting guidance that should be used in order to develop the RFT document.

3.2 Electronic tender documentation

3.2.1 Where practicable tender documentation should be made available, in an appropriate electronic form, for example an excel spreadsheet for the schedule of prices, or a word document for sections the tenderer is required to complete, or.pdf format for tender documents.

3.2.2 Electronic documents are provided in good faith, to assist tenderers. No hard copy documentation will be provided.

3.2.3 It is the Project Manager's responsibility to have procedures in place for managing and checking any electronic information sent to and/or received for tendering purposes.

3.2.4 An electronic copy (.pdf) of the RFT document and appropriate electronic versions of forms and schedules shall be provided to the Procurement Officer to issue with the GETS tender advertisement.

3.3 Checklist

3.3.1 The proforma RFT will require the document creator to enter a considerable number of details prior to producing the RFT in final format. Details will include, but are not limited to, the following:

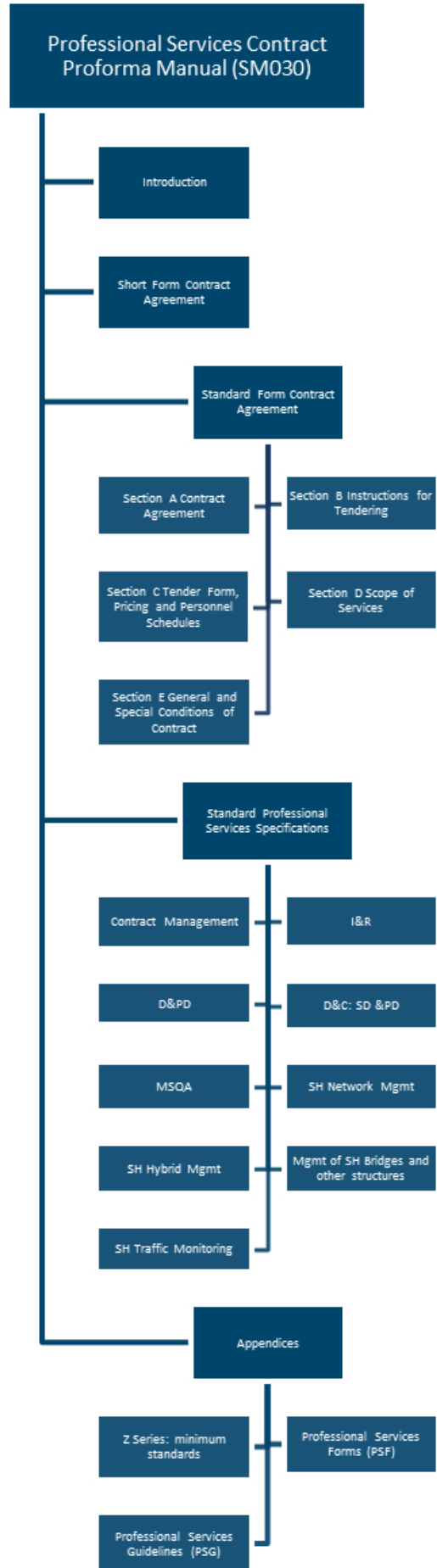
- Contract name.
- Number.
- Tender evaluation method.
- Yes/no for geotech inclusion.
- Phases/type of project (e.g. PBC, SSBC, Pre-Implementation, Implementation, Management of Bridges, etc).

4. MANUAL STRUCTURE

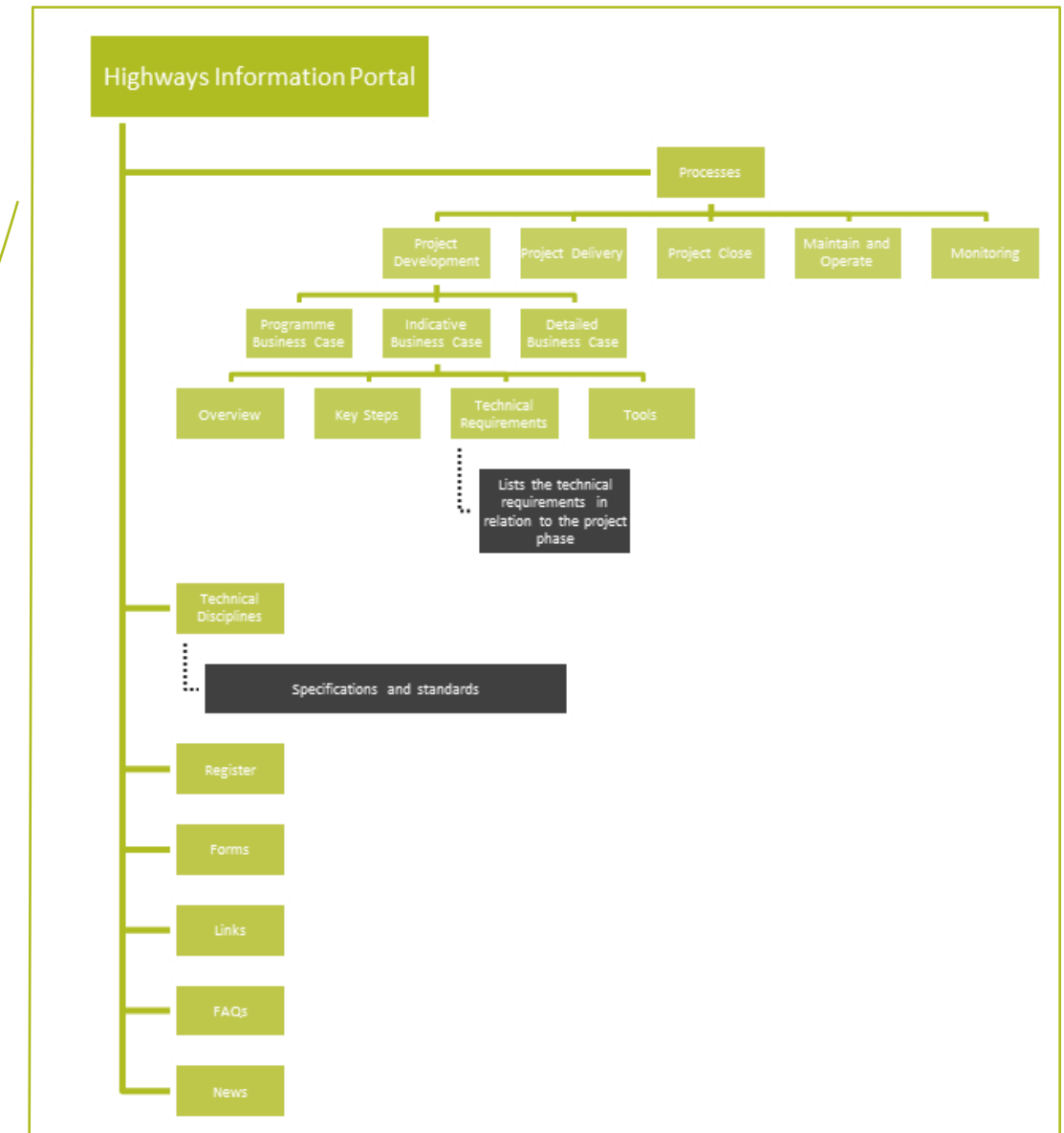
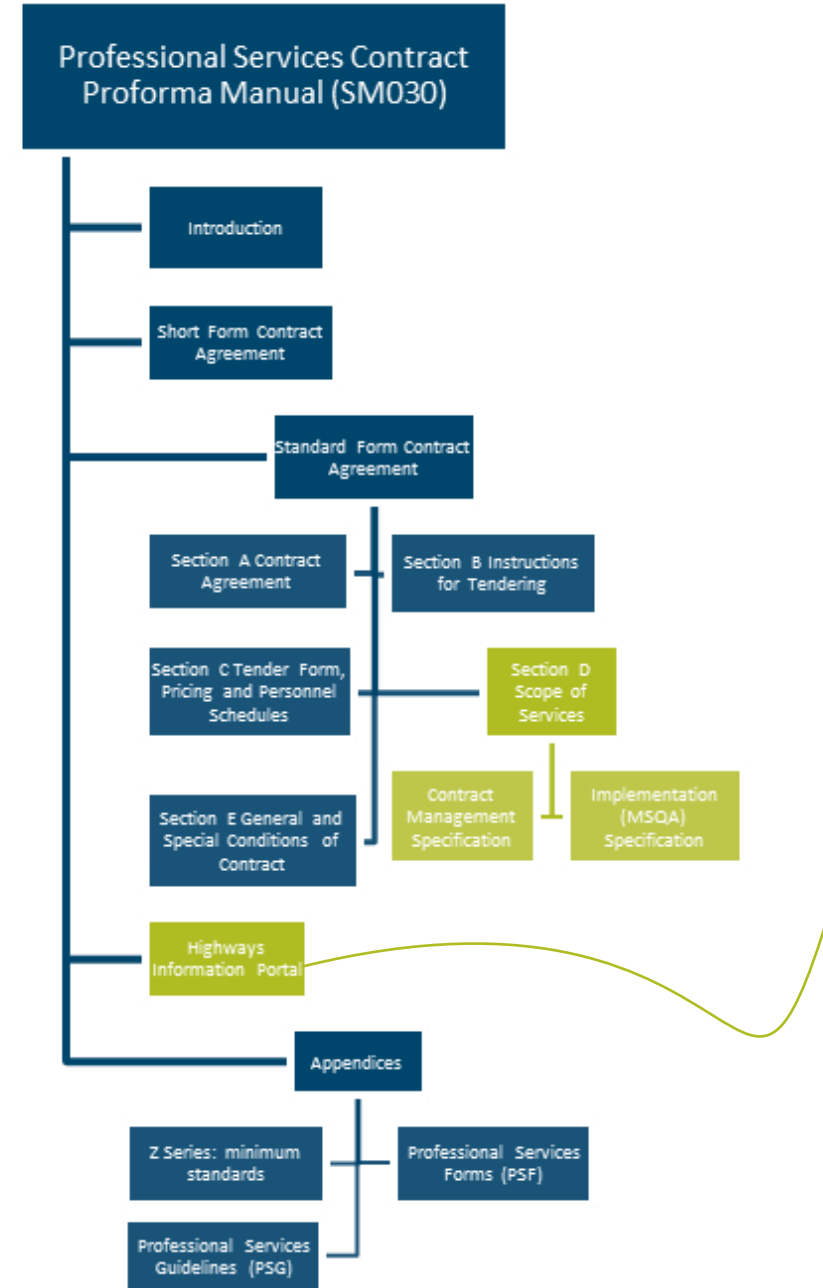
4.1 Business case approach

- 4.1.1 Following the adoption of the Business Case Approach by the Transport Agency, there has been a significant restructuring of this manual to account for the new templates and guidance housed on the Highways Information Portal.
- 4.1.2 In order to leverage off the Highways Information Portal platform, a number of the professional services specifications have been decoupled from SM030 and housed under their associated technical discipline. However SM030 still serves as the contractual link between the service requested in our RFT documentation and the Highways Information Portal.
- 4.1.3 The diagrams on the following pages illustrate the historic and updated structure of SM030 to provide some clarity as to the pathways of information.

2013 Structure



2015 Structure



STANDARD PROFESSIONAL SERVICES SPECIFICATIONS LIST

The Standard Specifications are available from the Highways Information Portal

STANDARD SPECIFICATION TITLE	LATEST EDITION	LATEST AMENDMENT	DATE
Contract Management (CM)	Now incorporated into Contract Scope		
Design and Project Documentation (D&PD)	RENAMED Pre-Implementation (PI). Now incorporated into Contract Scope		
Design and Construct Contracts – Specimen Design and Project Documentation (D&C)	RENAMED Pre-Implementation (PI). Now incorporated into Contract Scope		
Management, Surveillance and Quality Assurance (MSQA)	RENAMED Implementation (I). Now incorporated into Contract Scope		
Management of State Highway Bridges and Other Structures (Bridges)	REMOVED. Placed on the Highways Information Portal, under the Structures technical discipline		
State Highway Traffic Monitoring (TM)	REMOVED. Placed on the Highways Information Portal, under the Data Collection technical discipline		

APPENDICES

Z Series: minimum standards

The following Minimum Standards have been developed for use in the standard contract environment. They are available in the Appendices of the Manual, via the Transport Agency's website, or electronically on the [Transport Agency's fileserver](#).

MINIMUM STANDARD NUMBER	MINIMUM STANDRD TITLE	CONTRACT SCOPE REFERENCE	LATEST VERSION	DATE
Z/1	Quality Management Plan	CM	3	October 2017
Z/2	Consultants Programme	CM	3	31 March 2015
Z/5	Health and Safety Compliance Notice	REPLACED by NZ Transport Agency Contractor Health and Safety Expectations CM	2	June 2019
Z/7	Physical Works Contract Documentation	PI	3	31 March 2016
Z/8	Inspection, sampling and testing	PI	4	October 2017
Z/11	Performance Evaluation	CM	4	31 March 2015
Z/13	Incident management reporting	REPLACED by NZ Transport Agency Contractor Health and Safety Expectations	1	March 2009
Z/14	Liquidated Damages	CM PI I	2	31 March 2015

Z/15	Asset Owner's Manual	I	3	31 March 2016
Z/16	Survey Specification	PI	2	31 March 2015
Z/17	Branding and Communications	CM	4	31 March 2015
Z/19	Environmental and social responsibility standard	SSBC PI I		February 2016
P/45	Accidental archaeological discovery specification	CM PI I		August 2018
Z/44	Risk management practice guide	All	5	February 2018

Professional services forms list

The following forms have been developed for use in the standard contract environment. They are available in the Appendices of the Manual, via the Transport Agency's website, or electronically on the [Transport Agency's fileserver](#) .

Consultants can request relevant Professional Services forms in electronic format from the Client's Representative (Transport Agency Project Manager).

FORM NUMBER	FORM TITLE	CONTRACT SCOPE REFERENCE	LATEST VERSION	DATE
PSF/3a	Presentation of Survey Data	DBC	2	31 March 2015
PSF/3b	Road Construction Information Form	PI	3	31 March 2015
PSF/3g	Capital Project Handover Checklist	PI	5	31 March 2016
PSF/4a	Justification of Additional Services	CM	3	31 March 2015
PSF/4b	Request for Extension of Contract Budget – Physical Works	CM I	3	31 March 2015
PSF/4d	Notice to Contractor	I	3	31 March 2015
PSF/5b	Project Completion Certificate	CM	2	31 March 2015
PSF/6a	Liquidated Damages Pre-Assessment	PI I	3	31 March 2015
PSF/6b	Agreement for Entry onto Land	CM	2	31 March 2015
PSF/9a–9e, Guidelines (xls format)	9a – Performance Evaluation of Consultant 9b – Performance Evaluation of Contractor 9c – Performance Evaluation of Contractor (Maintenance)	CM	3	31 March 2013

	9d – Performance Evaluation of Consultant (Maintenance) 9e – Performance Evaluation of Non Engineering Consultant			
PSF/10b	Traffic Counter Operational Check	TM	2	31 March 2015
PSF/10c	Traffic Classification Operational Check	TM	2	31 March 2015
PSF/10d	Acceptable Data Submission Formats	TM	3	31 March 2015
PSF/14	Travel Demand Management	DBC	2	31 March 2015
PSF/15	Maintenance Responsibilities During Construction	PI I	3	31 March 2015

Professional services guidelines list

The following guidelines have been developed as references for the Project Manager, to assist in the development and use of standard contract documents. They are available in the Appendices of the Manual, via the Transport Agency's website or electronically on the [Transport Agency's fileserver](#) .

PSG NUMBER	GUIDELINE TITLE	CONTRACT SCOPE REFERENCE	LATEST VERSION	DATE
PSG/2	Performance Evaluation (refer to PSF9a–9e and Guidelines)	CM	4	31 March 2015
PSG/3	Asset Management Guide for Project Design	PI	2	31 March 2015
PSG/4	Risks Known to the Client	RFT	3	31 March 2015
PSG/5	Pavement Life Assessment	PI	2	31 March 2015
PSG/7	Traffic Monitoring	TM	2	31 March 2015
PSG/9	Delivery of As-Built Documentation	I	4	31 March 2016
PSG/10	Coding, Symbols and Line Types Guideline for Presentation of Detailed Survey Data	DBC PI	3	31 March 2015
PSG/11	Preferred Framework for Positioning/Branding Capital Projects	CM	3	31 March 2015
PSG/14	Travel Demand Management Guide	DBC	3	31 March 2015

PSG/15	Asset Owner's Manual	I	5	31 March 2016
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