

MINO-0440 Waikato Expressway update

3 August 2022

To provide an update on the process for granting Practical Completion to projects, within the context of the Waikato Expressway.

Waka Kotahi NZ Transport Agency's response:

- A road can be opened for public use before Practical Completion (PC) is granted. As at 2 August 2022, PC has not been granted for the Hamilton Section of the Waikato Expressway. PC is part of the contractual agreement between Waka Kotahi and the Cite Edge Alliance (the Alliance) of contractors who carried out the works. The main alignment for the Waikato Expressway itself was assessed as safe and ready to be opened to traffic on 13 July 2022. However, works on Resolution Drive, a feeder road, are yet to be completed. Resolution Drive is currently open to the public under a temporary speed limit.
- The granting of PC requires all parties to agree that all works are completed to a satisfactory level, which is outlined in the terms of the contract. For the Hamilton Section of the Waikato Expressway, the parties must agree that the works on Resolution Drive are completed to a level that *'will not prejudice the convenient use'* of the road. Currently, there are minor defects and omissions on this stretch of road which are yet to be completed by the contractor. Please see Appendix 1 for the full terms of what is required for PC to be granted.
- The contractual discussions between the Alliance and Waka Kotahi are ongoing, and if it is decided that Resolution Drive does meet the requirements by the Project Alliance Board, the PC will be backdated to 14 July 2022. The Board consists of Alliance representatives including staff from Waka Kotahi, and the decision must be unanimous.
- Waka Kotahi also uses a different delivery contract model, called an NZS391X contract, for some of its other projects. Under a NZS391X contract, the Independent Engineer certifies the contract as Practically Complete after the application is made by the contractor. Clauses are set out in the contract that must be met by the contractor before PC is granted. Please see Appendix 2 for the full terms of what is required for PC under a NZS391X contract.
- It is common for roads to be opened before PC is granted, sometimes with a significant gap in time between opening and the granting of PC. For example, if a road is opened and has a chip seal surface, the road is opened to the public until the second layer of chip seal is applied. Once the second layer is applied, usually a year later, PC is granted.
- In our response to WPQ 20018 (2022), a list of projects was provided. A number of these roads are now open to the public with PC not yet granted, including SH3 Awakino Tunnel Bypass, SH05 & SH36 Ngongotaha Improvements and SH1 Ashley to Belfast (SH71 to Tram Rd).

- Before Waka Kotahi opens a road to the public it completes a *Pre-opening Fit for Purpose Report*. This report confirms that:
 - all issues related to road safety have been addressed,
 - all compliance certificates required are completed,
 - the completed work complies with the quality requirements of the contract,
 - the road has been inspected by the appropriate Waka Kotahi staff.

Appendix 1: Practical Completion requirements for an Alliance contract

Practical Completion	<p>That stage in the execution of the Work under the Alliance when:</p> <p>a) The Alliance Works are complete except for minor omissions and minor defects:</p> <ul style="list-style-type: none"> i) Which do not prevent the Alliance Works from being reasonably capable of being used for their intended purpose; ii) Which the PAB determines the Alliance Participants have reasonable grounds for not promptly rectifying; and iii) Rectification of which will not prejudice the convenient use of the Alliance Works; and <p>b) Documents and other information required in relation to the Alliance Works, which in the opinion of the PAB are essential for the use operation and maintenance of the Alliance Works, have been supplied.</p>
-----------------------------	--

Released under the Official Information Act 1982

Appendix 2: Practical Completion requirements under a NZS391X contract

2.3 Practical Completion

2.3.1 The Practical Completion Certificate will not be issued until:

- 1 All elements of the Contract works are complete;
- 2 All lanes are open to traffic over the full project length at a permanent speed limit;
- 3 All activities requiring temporary traffic management are complete;
- 4 Pavement post-construction verification testing is completed and full compliant;
- 5 Stage IV Road Safety Audit is completed and closed out;
- 6 All Producer Statements (PS1, PS2, PS3, PS4) are completed, delivered and accepted by the Engineer;
- 7 All Consultation Certificates are completed, delivered and accepted by the Engineer;
- 8 All compliance certification required in respect of statutory approvals is delivered;
- 9 Bridge Data System Input Forms are completed and delivered two months prior;
- 10 Completed RAMM update tables and network change forms delivered to Network Outcomes Contractor
- 11 Draft as-built drawings are delivered;
- 12 Draft operations and maintenance manuals are delivered;
- 13 Accommodation works are complete.

Appendix 3: Table for WPQ response 20018 (2022)

20018 (2022) - What is the estimated completion date for the projects currently in the implementation phase listed in Reply 14997?

Waka Kotahi NZ Transport Agency projects currently in the implementation phase and the estimated completion dates.

Note: The completion dates for these projects as noted are the practical completion date. Some of the projects listed below are in-use by the public but still have some works (incl. paperwork) or costs to be finalised.

Project Name	Estimated completion date
Manukau Harbour	August 2022
Northern Corridor Improvements (Overall Package)	Late 2023
Petone to Melling Walking Cycling Link	May 2023
Prebensen Hyderabad Intersection upgrade	December 2022
Puhoi to Warkworth	2023 (month still to be finalised)
SH02 College Rd-Silverstream Improvements	December 2022
SH05 & SH36 Ngongotaha Improvements	Completed
SH06 & SH08B Cromwell Improvements	November 2022
SH43 Manawawiri Stream Culvert Improvements	Completed
SH43 Passing Opportunities & Wayfinding	Completed
SH43 Safety Improvements	December 2023
SH1 Ashley to Belfast (SH71 to Tram Rd)	Completed
SH1 Ashley to Belfast SSI (William St to SH71)	Completed
SH1 Dome Valley Safety Improvements	June 2023
SH1 Waikato Expressway Hamilton Section	July 2022
SH1 Waikato Expressway Te Rapa Section	Completed
SH1/SH57 - Otaki to Levin Safety Improvements	December 2023
SH1S Bluff Highway/Elles Road Improvements	June 2023
SH3 Awakino Tunnel Bypass	Completed
SH2 Baypark to Bayfair Link Upgrade	Late 2023
SH2 Wainui Rd to Opotiki	May 2025
SH22 SH1 Drury to Paerata (Glenbrook)	September 2022
SH3 Awakino Gorge to Mt Messenger Corridor	Completed
SH33 Te Ngae Junction to Paengaroa	March 2023
SH35 and connecting routes: Resilience	N/A. This project is currently being reprogrammed in light of the weather event damage earlier in the year.
SH88 Dunedin - Port Chalmers Safety Improvements	June 2023
Transmission Gully	June 2023*
Mackays - Peka Peka Expressway	August 2022
Whirokino Trestle Bridge Replacement	November 2022

*This is the end of the current contract date. Subject to change.