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## Guidelines for Principals – standard contracts

This TECHguide describes procedures for the production and management of comprehensive documentation for standard contracts. It addresses the contracting process, the compilation of contract documents and the tender process.

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## GUIDELINES FOR PRINCIPALS – STANDARD CONTRACTS

### 1 GENERAL

#### 1.1 Introduction

This TECHguide addresses the preparation and management of comprehensive tender and contract documentation for standard contracts. Procedures and checklists are included for preparing quality, concise and consistent tendering and contract documentation using the AUS-SPEC contract document system. Australian and other national standards are incorporated by reference. Local, statutory and regulatory requirements and project specific requirements also will need consideration.

The AUS-SPEC TECHguides provide an overview of the AUS-SPEC contract document system to assist users to manage each stage of the contract cycle:

- Project initiation.
- Project delivery.
- Compilation of contract documents.
- Contract management and contract administration.
- Operation; maintenance and asset management.

See NATSPEC GEN 019 for a summary of using AUS-SPEC for contract documentation. Refer to NATSPEC TECHnote GEN 005 *Specifications* for an overview of the importance, roles and forms of specifications and *TECHnote GEN 029 Design and specifications guidance in NATSPEC*.

#### 1.2 Referenced documents

The following documents are referred to in this guide:

##### **TECHguide**

*AUS-SPEC TG 104 Guidelines for Principals – sample documents*

##### **Worksections**

The following worksections are referred to in this guide by reference:

*0120 Pre-tendering contract preparation*

*0122 Information for tenderers*

*0123 Conditions of tendering*

*0124 Tender submission documents*

*0125 Standard contract checklists*

*0136 General requirements (Construction)*

*0147 Conditions of contract*

*0152 Schedule of rates (Construction)*

*0161 Quality management (Construction)*

##### **Australian standards**

AS 2124-1992	General conditions of contract
AS 2125-1992	General conditions of tendering and form of tender
AS 2127-1992	Form of formal instrument of agreement
AS 4000-1997	General conditions of contract
AS 4120-1994	Code of tendering
AS 4905-2002	Minor works contract conditions (Superintendent administered)
AS 4906-2002	Minor works contract conditions (Principal administered)
AS/NZS 4911:2003	General conditions of contract for the supply of equipment without installation
AS 4912-2002	General conditions of contract for the periodic supply of goods
AS/NZS ISO 9001:2016	Quality management systems – Requirements
GC 21 2022	New South Wales Government GC21 General Conditions of Contract
NCW4-2019	General conditions of contract for construction
NPWC 3-1981	National Public Works Contract - General Conditions of Contract

##### **Other publications**

###### **AUSTROADS**

AGPD01-2014	Guide to project delivery – Overview
AGPD02 – 2022	Guide to project delivery – Planning and control
AGPD03 – 2022	Guide to project delivery – Contract management

## GUIDELINES FOR PRINCIPALS – STANDARD CONTRACTS

AP-G92 – 2014 Building and construction procurement guide – Principles and options  
 AP-C96 – 2022 National prequalification system for Civil (Road and Bridge) Construction

### **IPWEA**

IIMM-2020 International Infrastructure Management Manual. 6<sup>th</sup> edition

### **NATSPEC**

NATSPEC TR 06 Procurement: Past and present

NATSPEC TECHnote GEN 05 Specifications

NATSPEC TECHnote GEN 019 Using AUS-SPEC for contract documentation

NATSPEC TECHnote GEN 022 Using AUS-SPEC for asset delivery

NATSPEC TECHnote GEN 029 Design and specification guidance text in NATSPEC

## **1.3 Definitions**

### **Project delivery**

The process by which the aim or goal of an infrastructure project is achieved. It includes all the activities required to complete the project.

### **Tendering**

A formal process for seeking offers for the supply of goods or services and the disposal of property. It includes an invitation, offers made and offers considered according to a set of pre-determined assessment criteria.

### **Value for money**

It is a concept that allows the relative benefits of different procurement options for goods and services to be measured by taking into account all the costs incurred including installation, training, maintenance and disposal costs. It is also referred to as whole-of-life costing.

## **2 PROCUREMENT STRATEGY**

### **2.1 General**

A project has the following stages:

- Project initiation.
- Project delivery.
- Operation and asset management.

Project delivery includes project planning, project brief, governance, project delivery plan and delivery, project management, environmental assessment, design and construction. Refer to Austroads AP-G92 for guidance on developing procurement strategies, AGPD01 for an overview of project delivery frameworks and AGPD02 for a project delivery model that sets out the project management processes required to take a project through the delivery phase. This guide also includes information on risk management, community engagement, procurement strategy, tendering, contract award and project completion and handover.

Every Council across Australia uses contracts for ongoing supply and services relating to Council's operations, as well as for community services, construction, maintenance and operations. Services can be:

- Building and construction services: These services may involve major works procurement, (e.g. construction of an aquatic centre) or minor works procurement (e.g. construction of a road, repairing a footpath or resurfacing a car park).
- Supply services: These services can be supply of equipment or material.
- Period supply and services: These services can be construction or non-construction services based on a certain period. (e.g. linemarking of roads, security surveillance, bituminous surfacing or weed treatment).
- Consultancy services.

Procurement systems used for capital works projects include:

- Traditional (separated) e.g. In-house; Design only and Construct only.
- Design and construct (integrated) e.g. Design; Novate and construct; Design, construct and maintain.
- Management (packaged) e.g. Design and build; Design, build and operate.
- Collaborative (relational) e.g. Alliance; Public Private Partnership. (Not covered by AUS-SPEC).
- NATSPEC TR 06 provides more information on the major procurement systems used in the construction industry.

## GUIDELINES FOR PRINCIPALS – STANDARD CONTRACTS

Each procurement system involves choosing a management system and a contract system. Select the most appropriate procurement strategy to:

- Align with the key objectives and constraints of the project.
- Deal with the identified risks.
- Suit the level of complexity of the project.

Prepare clearly written and unambiguous specifications, so that prospective suppliers/contractors can offer to provide the goods, services, or works as requested by the Councils.

Manage and carry out all services in conformance with an approved contract management system which integrates all the tasks and activities required to carry out the services in a safe and effective manner.

Develop and implement an integrated system which will define the management of the contract and assure all the obligations under the contract are met.

### 2.2 Principles of procurement

The basic principles applied to all procurement, irrespective of the value and complexity of procurement, include the following:

- Value for money.
- Open and fair competition.
- Accountability.
- Risk management.
- Probity.
- Ethics.

#### **Value for money**

Aim for the optimum quality and value for the price paid for works/services that meet the Councils criteria and cost constraints.

#### **Open and fair competition**

Treat all prospective tenderers fairly in an open and transparent manner with same access to information of the proposed procurement.

#### **Accountability**

Establish a robust procurement framework and process. Clearly assign responsibilities and accountability to the appropriate personnel within the Council.

#### **Risk management**

Develop appropriate strategies to manage risk depending on the size and complexity of the project. Risk management includes:

- Risk identification.
- Risk analysis.
- Risk evaluation.
- Risk treatment: Develop containment strategies to mitigate loss/liability and incorporate contingency planning to respond to risk that might emerge.

Provide simple and concise documents for contracts involving low risk of default or low risk of quality in goods or services.

Provide formally structured and comprehensive documents to reduce the risk of unsatisfactory performance. The risk of consequential damages can be very significant if poor contract delivery puts the public at risk of injury in public buildings or sports facilities. Provide a risk management plan and a risk register as mentioned in AGPD02 Appendix B.

#### **Probity**

Each state or territory has standards of behaviour and ethical principles for tendering and contracts that need to be followed. The Principal has probity obligations during the tendering and subsequent contracting process.

Address the following:

- Transparency of the process.
- Dealing with conflicts of interest.

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- Accountability.
- Obtaining value.
- Evaluating performance.

It is recommended that the Principal complete the – **PROJECT CONTRACT JUSTIFICATION** provided in **Annexure A** prior to the commencement of the tendering process. This form can be used for reference purposes throughout the duration of the contract.

### **Ethics**

Address these key ethical issues in the tender process:

- All aspects of the tender process must be conducted with honesty and fairness.
- Parties must conform to all legal obligations.
- Parties must not seek or submit tenders without a commitment to proceed and an identified funding provision.
- Parties must not engage in any practice which gives one party an advantage over another.
- Conditions of tendering must be the same for each tenderer on any particular project.
- Principals must clearly specify their requirements in the tender documents and indicate criteria for evaluation.
- Evaluation of tenders must be based on the conditions of tendering and selection criteria defined in the tender documents.
- The confidentiality of all information provided in the course of tendering must be preserved.
- Any party with a conflict of interest must declare that interest as soon as the conflict is known to that party.

## **3 PREPARATION OF TENDER AND CONTRACT DOCUMENTATION**

### **3.1 Planning and defining the contract**

Before compiling the various worksections into the Technical Specifications, identify the following Contract requirements for the project:

- Conditions of tendering: For tender documentation only.
- Conditions of Contract: General conditions, Annexures and Special conditions of contract.
- Quality management system: Quality Assured or Integrated Management.
- Method of payment: Schedule of Rates or Lump Sum or a combination of both.

### **3.2 Quality management system**

#### **Quality assured system**

A quality assured contract requires the implementation of all the planned activities within a Contractor's/Supplier's Quality management system which is required to conform to AS/NZS ISO 9001. The Contractor is required to submit a project specific Quality plan. Particular documentation is required from the Contractor during the tender process, with the remaining information generally required within 21 days of the date of tender acceptance.

Relevant worksection – Design: *0010 Quality requirements for design.*

Relevant worksection – Construction: *0161 Quality management (Construction).*

#### **Integrated Management system**

An integrated management contract requires the implementation of a Project management plan to make sure WHS, environmental and quality control applies to all work under the contract, both on-site and off-site.

Typically control testing and surveys are arranged by the Contractor and the results are submitted to the Superintendent to demonstrate conformance to the requirements of the worksections. The cost of control testing as documented is met by the Contractor.

Relevant worksections: *0161 Quality management (Construction) and 0167 Integrated management.*

**GUIDELINES FOR PRINCIPALS – STANDARD CONTRACTS****3.3 Method of payment****Schedule of Rates**

A Schedule of Rates is applicable if individual activities in the work are well defined, but the extent of work required may vary in quantity and/or time. Examples include bituminous sprayed sealing, pavement patching and landfill waste services. The Schedule of Rates can have provisional quantities where the accuracy is less certain.

All AUS-SPEC construction worksections are suitable for direct application to a Schedule of Rates Contract.

**Pay items** are listed in the **ANNEXURES** of each worksection.

Delete **Pay items** that are not required for the project from the Schedule of Rates.

Provide estimated quantities for **Pay items** within a range of  $\pm 20\%$ . Nominate specific prime cost items where this level of accepted accuracy is not available.

Each tender submission includes a Schedule of Rates completed with unit rates for the estimated quantities. These rates and quantities are used to produce the tender price.

**Lump Sum**

A Lump Sum Contract is applicable if the work is well defined and significant variations in either quantities or the nature of the work are unlikely to occur. Examples include road and recreational facilities construction.

The Contractor is responsible for the following:

- Completing the works as documented for a total Contract Lump Sum price.
- The accuracy of the quantities involved in the works.

Each tender submission includes a priced Bill of quantities consisting of a price break-down for each significant item of work. This is used to assess the Tenderer's understanding of the works, as a guide for progress payments and the evaluation of variations.

Amend *0123 Conditions of tendering* to advise tenderers to ignore any restriction on the use of Lump Sums and clarify the context for any references to Schedule of Rates, scheduled rate or deductions. Include the following text in the Technical specification for construction for Lump Sum Contracts.

- *This Contract is a Lump Sum Contract. Scheduled rates and Pay items mean components of the Lump Sum price. If a worksection allows for recognition of a deduction in payment, apply the percentage deduction to the cited Pay item component of the Lump Sum.*

For a Lump Sum Contract, it is recommended that **Pay items** are included in the in the **ANNEXURES - Pay items** of each worksection with the following text:

- *The Pay items listed in this worksection have no direct relevance to this Lump Sum Contract, except for the purpose of evaluating the quantum of progress payments and variations when the Pay items are included in the Bill of quantities. Additionally, the Pay items included below and in the Bill of quantities constitute a basis for the calculation of deductions when applicable.*

**Combination of Lump Sum and Schedule of Rates**

A contract which combines Lump Sum and Schedule of Rates is applicable if part of the work is well defined and unlikely to vary in either the quantity or nature of the work. It may also be applicable to contracts containing separable portions. Example is a maintenance contract where establishment and management costs are annual Lump Sum and actual maintenance work is based on a Schedule of Rates.

**Combination of Lump Sum, Schedule of Rates and Daywork rates**

This is a variation to the above and is applicable if significantly different amounts of work may be required than indicated in the Schedule of Rates or if there are item(s) that cannot be forecast at the time of compiling the Schedule of Rates.



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**4 MANAGEMENT OF CONTRACT DOCUMENTATION**

Provide a management procedure that ensures the compilation of contract documents is effective and efficient, and adequate to realise the commissioned Works in relation to an assigned timeframe and budget whether undertaken in-house or by use of consultant services. Assign the responsibility for supervision of conformance with an appropriate contracts policy across all contracts.

**Responsibilities table**

Title	Responsible to	Responsible for
Director of Technical Services	General Manager	<ul style="list-style-type: none"> <li>• Procurement of effective infrastructure</li> </ul>
Manager – Contracts	Director of Technical Services	<ul style="list-style-type: none"> <li>• Management of Council’s infrastructure in conformance with standards and provided program.</li> <li>• Supervision of consistency across all Council contracts.</li> <li>• Security of all copies of the contract documents.</li> <li>• Avoidance of information release in advance of formal release of Tender documents.</li> <li>• Securing of electronic copy of all documentation to Council’s archiving policy.</li> <li>• Certification of conformance with Contract documentation compilation procedures policy as independently verified.</li> </ul>
Design Manager	Manager – Contracts	<ul style="list-style-type: none"> <li>• Production of design drawings which are appropriate for construction, complementing the specification and in conformance with the requirements and standards of the Director of Technical Services.</li> <li>• Calculation of quantities in the specified activities for inclusion in the Schedule of Rates or Bill of quantities dependent on the contract method of payment.</li> </ul>
Project specifier		<ul style="list-style-type: none"> <li>• Production of appropriate specification documentation complementing the design drawings and conforming to the requirements and standards of the Council.</li> </ul>

The Management Titles included above may vary from Council to Council due to differing management structures, however, there will generally be professional officers in each Council with one or more of the assigned responsibilities described above.

The above assigned responsibilities are described for a roadworks contract. Equivalent officers and/or managers of Council, dealing with Contracts for other Council activities (e.g. Library Services, Information Technology Services), will be recognised with equivalent responsibilities.

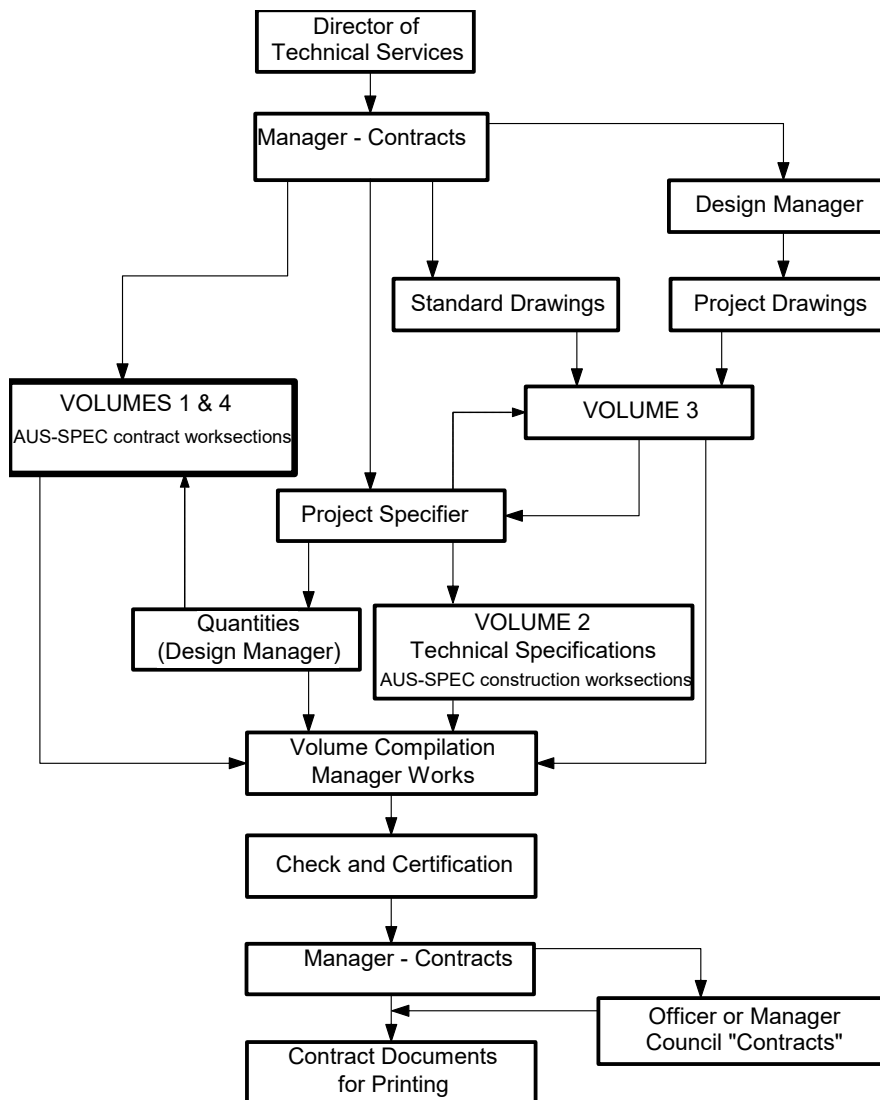
The **Typical flow diagram – contract documentation for roadworks** shows the sequence of activities and personnel involvement required for the full contract document compilation and the point of incorporation in Volumes 1 to 4. Identify personnel responsible for each process.

If a business unit or like entity of Council may tender for the works, isolate all personnel associated with that entity from the document preparation and approval processes, maintain confidentiality and avoid early notice of contract information to any tenderer.



**GUIDELINES FOR PRINCIPALS – STANDARD CONTRACTS**

Typical flow diagram—contract documentation for roadworks



## GUIDELINES FOR PRINCIPALS – STANDARD CONTRACTS

### 5 COMPILATION OF CONTRACT DOCUMENTS FOR STANDARD CONTRACTS

Standard contracts documentation is in two sections:

- **Section A – Tender documents:** Assemble *0122 Information for tenderers* and *0123 Conditions of tendering* separately.
- Section B – Contract documents: Assemble contract documentation in 4 volumes as noted in the **Contract documentation volumes table**.

Refer to the [National Worksection Matrix](#) for the following:

- Tendering and contracts: See workgroup 01 *GENERAL*.
- Technical specifications of Site, Urban and open spaces, Buildings, Road reserve and Public utilities: See Workgroups (02 to 13).

Responsibility: Make sure the documents are free of discrepancies and omissions.

### 6 SECTION A – TENDER INFORMATION

The following section applies to traditional paper-based methods of tendering. Similar principles apply for eTendering, but production techniques are adapted to suit the digital means of distribution. Detailed guidance, and in some instances, purpose-made software is provided by the developers and administrators of the eTendering system to assist users. See **eTendering**.

#### **0120 Pre-tendering contract preparation**

Refer to *0120 Pre-tendering contract preparation* which provides a framework for the development of request for tender documents based on AUS-SPEC worksections. It includes a cover page and sets out the documents required for Part A Tender information and Part B Contract documentation volumes.

*AUS-SPEC TECHguide TG 104* includes sample contracts and provides guidance for completing the tender documentation in the following worksections.

#### **0122 Information for tenderers**

Provides a brief project description consistent with the complete scope and description of the works given in the Technical specifications. Provide all relevant information for evaluating the requirements and risks in the project.

*0122 Information for tenderers* is a separate introductory document to enable prospective tenderers to determine whether the scope and type of works in the proposed contract is within their capability.

#### **0123 Conditions of tendering**

Complete *0123 Conditions of tendering* worksection to align with *0122 Information for tenderers* including:

- Tendering method to AS 4120 or the code of tendering for the construction industry in the relevant State or Territory.
- Prequalification requirements.
- Site inspection and briefing meeting.
- Closing date and place for tender lodgement.
- Councils contact person for enquiries.

Austrroads research report AP-C96 *National prequalification system for civil (road and bridge) construction* introduces a uniform set of road and bridge construction prequalification categories along with a set of financial levels. This will assist in providing greater certainty and consistency for the civil construction industry. It also provides a national prequalification system to create a harmonised framework for roadworks and bridgeworks construction contracts.

Alternatively, refer to AGPD03 Appendix A for the standard arrangement of tender information documents for major contracts.

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**7 SECTION B – CONTRACT COMPILATION**

**7.1 Contract documentation volumes table**

Contract volumes	Include the following AUS-SPEC worksections and related documents	Notes
<b>Volume 1 CONDITIONS OF CONTRACT</b>	<i>0147 Conditions of Contract</i>	This worksection outlines the general conditions of contract AS 2124, the annexures to the contract and the special conditions of contract. The General conditions of contract (e.g. AS 2124) is included in the contract documents by reference in <i>0147 Conditions of contract</i> .
	Annexure to General conditions of Contract	Pre-printed forms of Annexure Part A and B for standard contracts are available from SAI Global.
	Special conditions of Contract	
<b>Volume 2 TECHNICAL SPECIFICATIONS</b>	<i>General: 0136 General requirements (Construction)</i>	This worksection is applicable to the site requirements of the Principal and includes a description of the project, specific requirements, work not in the contract, site investigations, signage, survey control, environmental planning, noise and vibration controls, utilities and authorities and site facilities.
	<i>Quality: 0161 Quality management (Construction) or 0167 Integrated management.</i>	Select worksections based on the Quality management system for the project. For quality assurance system: <i>0161 Quality management (Construction)</i> For integrated management system: <i>0161 Quality management (Construction)</i> and <i>0167 Integrated management</i> .
	Specific requirements: Other worksections	Select other worksections as required. Refer to the <a href="#">National worksection matrix</a> . Construction services: Workgroups 2, 3, 11 and 13. Maintenance services: Workgroups 14-18
	Checklists: <i>0125 Standard contract checklists</i> .	This worksection consists of all checklists provided in Annexures of this guide in MS Word format.
<b>Volume 3 DRAWINGS AND SCHEDULES</b>	Project drawings	Separate compilation not covered by this guide.
	Standard drawings	
	Schedules	
<b>Volume 4 TENDER SUBMISSION DOCUMENTS</b>	<i>0124 Tender submission document</i>	This worksection outlines the tender submission documents required for the contract such as: <ul style="list-style-type: none"> <li>• Tender forms</li> <li>• Schedule of rates or Bill of quantities</li> <li>• Tenderer’s particulars</li> <li>• Declarations</li> <li>• Separate compilation not covered by this guide</li> </ul>
<b>ADDITIONAL INFORMATION DOCUMENTS</b>		These documents are not included in Volumes 1-4, for example: <ul style="list-style-type: none"> <li>• Geotechnical information</li> <li>• Environmental protection agency information</li> <li>• Council’s WHS policy</li> <li>• Council Handbook (Water)</li> </ul>

**GUIDELINES FOR PRINCIPALS – STANDARD CONTRACTS****7.2 Volume 1 – Conditions of contract****General conditions of contract**

The General conditions of contract detail the standard contracting provisions. There are several recognised standard General conditions of contract including AS 2124, AS 4000, NCW4, NPWC3, GC21, AS 4905, AS 4906.

Use the appropriate contract for the particular works. Some of the major differences within the various standard General conditions of contract concern the following:

- The empowerment of the Contract Superintendent.
- Procedures for variations or change orders.
- The definition of latent conditions.
- The method of dispute resolution.
- The time frame of dispute notification and resolution.

*0147 General conditions of contract* can be used with the Council agreed General conditions of contract e.g. AS 2124 and AS 4000.

A copy of the General conditions of contract is not necessarily bound into the contract documents. It is assumed that the tenderer will have access to the nominated General conditions of contract and Council has a copy available for perusal by Tenderers.

AS 4905 and AS 4906 can be used for projects of a simple and short-term nature. They are not suitable in the following instances:

- If a Bill of quantities has been prepared.
- If the Contract contains separable portions.
- If selected subcontractors are nominated.

Many of the guidelines given for completing the Annexure to AS 2124 can be used for completing the Annexures to AS 4905 and AS 4906 also.

Make a legal decision as to whether a Superintendent or Principal is to administer the Contract. There may be legislation involving security payments and the Council's rights and obligations regarding this may need to be considered.

**Annexure to the General conditions of contract**

There are a number of optional clauses in AS 2124 and AS 4000 that may be deleted and a number of clauses which have alternative sub-clauses which can be selected. **Part A options** and **Part B options** have been prepared as a guideline for use in Local Government and make some recommendations regarding deletion of optional clauses and selection of alternative subclauses.

Parts A and B of the Annexure to AS 2124 and AS 4000 are copyright to Standards Australia or their distribution partners. Pre-printed loose leaf pads of Parts A and B may be purchased from Standards Australia [www.standards.org.au](http://www.standards.org.au) for use in compiling individual contracts.

**GUIDELINES FOR PRINCIPALS – STANDARD CONTRACTS**

**Part A: AS 2124 and AS 4000**

Suggested options for Part A of the Annexure to AS 2124 and AS 4000.

AS 2124 Clause No.	Clause titles	AS 4000 Clause No.	Clause titles	Recommended action
5.7	Reduction of Security and Retention Moneys	5.4	Reduction and release	This clause is optional. Consider deletion based on nature and value of work.
5.9	Interest on Security and Retention Moneys	5.5	Trust and interest	One of the two alternatives must be chosen.
18	Insurance of Works	16	Insurance of the Works	One of the alternatives must be chosen. Alternative 1 involves less administration for the Principal. The choice of alternative should be made with advice from Council's Insurance Broker.
30.2	Quality assurance	29.2	Quality assurance	This clause is optional and may be deleted. A suggested replacement for this clause is given in PART B.
35.7	Limit on Liquidated Damages	34.7	Liquidated damages	This clause is optional and may be deleted.
35.8	Bonus for early practical completion	34.8	Bonus for early practical completion	This clause is optional.
42.4	Unfixed plant and materials	37.3	Unfixed plant and materials	One of the 3 alternatives must be chosen. Alternative 2 provides the most flexibility for the Principal.
45	Termination by frustration	40	Termination by frustration	This clause is optional.
47.2	Further steps required before proceeding	42.2	Conference.	One of the two alternatives needs to be chosen.

**Part B: AS 2124**

List, by number, the clauses that are to be deleted, modified or added.

Additional text is recommended to adequately describe the amendments and additions to AS 2124 on a clause-by-clause basis and draft recommended clauses are provided in *0147 Conditions of Contract*.

Make decisions regarding to the following:

- Dispute resolution procedures.
  - . One of the more prominent differences between AS 2124 and NPWC 3, is the expeditious timetable for the dispute resolution procedures of the latter document. For example, the reduction in time to lodge dispute from 56 days (AS 2124) to 28 days (NPWC 3) after Principal's response to initial grievance.
  - . There are other subtle differences listed in the alternate dispute resolution and it is suggested that the Principal becomes acquainted with the full ramifications of the amendments in considering the changes in the Contract as set out here. There are alternative dispute resolution processes such as mediation and expert determination which the Principal may consider for inclusion.
  - . A procedure has been outlined for those Principals using AS 2124 but preferring to opt for the dispute resolution procedure contained within NPWC 3. The procedure suggests appropriate changes to documents to effect the substitution. Make sure the final document set is compatible and consistent for the particular project.
- Additional clauses are suggested for the following and they require input from the Principal:
  - . Quality requirements.
  - . Work Health and Safety.
  - . Environmental Systems Planning.
  - . Hours of Work.

Using *0147 Conditions of Contract*, select from two options for the following scenarios:

- The AS 2124 dispute resolution clause plus suggested additional clauses.
- The NPWC 3 dispute resolution clause plus suggested additional clauses.

## GUIDELINES FOR PRINCIPALS – STANDARD CONTRACTS

### Special conditions of contract

The Special conditions of contract reference specific directives that are not noted by the General conditions of contract. They are specific contractual, legal, financial or technical requirements arising from Council, geographical site, or design specific needs.

The Special requirements cited in this specification part are executed under AS 2124 as an addendum, not as a substitute to the *General Conditions of Contract*. Make sure that the *Special conditions of contract* are compatible with the *General conditions of contract*. A reference to AS 4120 is recommended.

Typical special conditions may relate to the following:

- Rise and fall of Contract prices: Applicable to Contracts that run over a significant period or contain elements subject to significant price variations.
- Fire hazard: Special precautions are necessary to prevent the risk of fire.
- Noise limitations for sensitive areas.
- Separable portions: A special condition may be required to define the order that separable portions are to be completed or any special provisions regarding the amount of security money, retention money or liquidated damages applicable to the separable portions.
- Alternative dispute resolution processes such as mediation and expert determination.
- Time constraints such as seasonal time constraints or time limitations imparted by other activities.
- Specific requirements relative to Work Health and Safety and/or Environmental Management, e.g., high risk operations such as weed spraying.

### 7.3 Volume 2 – Technical specifications

Assemble the Technical specifications using the AUS-SPEC worksections from the [NATSPEC classification system](#). Edit the technical worksections and complete any Annexures to suit the needs of a particular project.

### 7.4 Volume 3 – Drawings and schedules

Compile and bind separately plans and drawings defining the project.

### 7.5 Volume 4 – Tender submission documents

#### General

Bind Volume 4 separately, using *0124 Tender submission documents*. This worksection comprises of a series of forms and declarations for completion by the Tenderer which, together with supporting information requested by the Principal, demonstrates the Tenderer's ability to carry out the works.

Consider including a requirement for Tenderers to provide the nature and quantity of key resources planned for dedication to the contract.

Select the appropriate forms and nominate the supporting information required for a particular project.

Confirm the selection in *0124 Tender submission documents*, **Nomination of Required Tender Submissions**. Tenderers must acknowledge the listing by signature.

#### Part A – Tender Form

The Tenderer acknowledges all the documents contained in the Contract and formally submits a price to complete the works. A standard form is included in Volume 4; however, pre-printed pads of tender forms (AS 2125) are available from Standards Australia at [www.standards.org.au](http://www.standards.org.au).

#### Schedule of rates

If required, include a schedule of all the activities (Pay items) with estimated quantities based on *0152 Schedule of rates – supply projects*. The Tenderer applies rates to these quantities and extends them to produce the tender price. A Schedule of rates is applicable, if a significant number of items of work in the Schedule of quantities may vary.

#### Bill of quantities

If required, include a list of each significant item of work, or specification part, which when amounts are applied and added together makes up the tender lump sum. A Bill of quantities is applicable, if a significant number of items of work in the Schedule of quantities will not vary.

#### Tenderer's particulars – Current commitments

A list of projects to which the Tenderer is currently committed showing details of client, contract amount and estimated completion date.

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### **Non-collusive tender declaration**

A declaration that, in the event of a winning tender, the Tenderer has not entered into any agreement to offer payment to any representative of the Principal, trade association or unsuccessful Tenderer.

### **Bank guarantee requirement**

Declaration by the Tenderer's financial institution that the Tenderer is capable of meeting the financial requirements of the project.

### **Selected and nominated subcontractors**

A list of Selected and Nominated Subcontractors supplied by the Principal in conformance with AS 2124 clause 10 is provided by the Principal when appropriate.

### **Register of tenderer's subcontractors and suppliers**

A list of subcontractors and suppliers which the tenderer expects to use to execute the works under the terms of the contract (AS 2124 clause 9).

### **Instrument of agreement**

Signed by the Principal and the Contractor at the award of the contract agreeing that a contract exists between the two parties to carry out the works. A standard form is included in *0124 Tender submission documents* for the Tenderer's information. The instrument is completed by the Principal and Contractor after acceptance of the Tender. Pre-printed pads of agreement forms (AS 2127) are available from Standards Australia.

## **7.6 Cover sheets**

The information on a cover sheet identifies and describes the project and the contents within each volume. Suggested information and order for the contract cover page:

- Council name and logo (logo optional).
- Contract number.
- Contract type.
- Project description.
- Volume number and title.
- Documentation author.
- Closing date and time.
- Documentation control.

Volumes 1, 2 and 4 are prepared at A4 size using the same cover sheet layout with only the volume number and title changing as appropriate.

Volume 3 Drawings use A4, A3, and A1. Alter the cover sheet layout to suit the information as the other volumes.

A typical A4 size, centre justified, cover sheet *Template* is provided in *0125 Standard contract checklists*.

- Volume 1 cover sheet: *0147 Conditions of contract*.
- Volume 2 cover sheet: *0125 Standard contract checklists*.
- Volume 4 cover sheet: *0124 Tender submission documents*.

## **7.7 Assembly and binding**

Assembly: Assemble contract documentation in 4 volumes as noted in the **Contract documentation volumes table**. Make sure the documents are free of discrepancies and omissions.

Volumes: Bind volumes separately.

Exhibit copies: Spiral bind to fix editions for legal and contractual reasons.

Working copies: Assemble in ring binders.

Associated documents: Bind separately without volume status to indicate their exclusion from the formal contract documents.

## **7.8 Quality check of contract documents**

Complete COMPCHECK (**Annexure C** proforma available in *0125 Standard contract checklists*).

The Manager-Contracts must review contract and specification compilations and provide a certification for the Director of Technical Services that contract documentation is as follows:



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- Adequate for the scope and nature of the work.
- Expressed in plain English.
- Documented requirements which are practical to build to a program and budget.

Establish a Hold point on advertising of tenders based on the prerequisite that a satisfactory check of the contract documentation has been executed and a certification provided for the Director of Technical Services.

### 7.9 Registration of contract document preparation

The preparation of contract tender documents for a contract of estimated value exceeding \$50,000 will require the following:

- Approval by the Director of Technical Services.
- Registration with the General Manager/Director of Technical Services.
- Assigned contract title and number for consistent use throughout project management.

Cite the title and number when arranging access to up-to-date technical specification parts by application to the Manager-Contracts and registering the project on the Council Contract Administration System. This contract threshold may vary with Council's financial delegations register.

### 7.10 Review of Council documentation (major works)

The preparation of contract tender documents for a contract of estimated value exceeding \$250,000 requires the following:

- Completion of the PREPCHECK checklist given in **ANNEXURE D** (available in *0125 Standard contract checklists*) by a party independent of the compilation team.
- Certification by the Manager - Contracts that Council's procedures have been followed and that this has been verified by the independent check.
- Approval and authorisation by the Director and the General Manager to make sure that sufficient allowance has been made in Council's adopted annual operation and budget.

It is suggested that a Tender Assessment/Evaluation Panel review the documentation at this stage and provide input as necessary. A sample for a Tender Assessment Report is available in AGPD02 Appendix I. Determine evaluation criteria at this stage.

### 7.11 Security of documentation

The Contracts Manager is responsible for the security of documentation as detailed in the **Responsibilities table**.

### 7.12 Implementation of documentation

#### General

TECHnote GEN 019 provides guidance on using AUS-SPEC for contract documentation and TECHnotes GEN 022 provides guidance on using AUS-SPEC for asset delivery.

#### Case studies

TECHguide TG 104 includes three sample documents to demonstrate tendering and contract documentation for different types of projects using the AUS-SPEC specification system. The sample documents included are for supply, delivery and placement of sprayed bituminous surfacing, construction of a road and external surveillance services.

IIMM Case study 4.5.5a Contract scoping and packaging, demonstrates an example of contract scoping and documentation of a major construction project by Liverpool City Council implementing the AUS-SPEC contract documentation system.

More AUS-SPEC Case studies are also available at [www.aus-spec.com.au](http://www.aus-spec.com.au).

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### 8 THE TENDER PROCESS

#### 8.1 eTendering

Many government agencies are encouraging suppliers and contractors to submit tenders on-line with eTendering (electronic tendering) systems because of the advantages they offer in terms of speed, cost and procedural transparency over traditional paper-based methods. The principles that apply to traditional paper-based methods of tendering also apply to eTendering. The primary difference lies in the medium used to implement them.

eTendering websites usually incorporate the following features:

- Details of current invitations to tender, known as RFTs (Requests for Tenders), including location, scope of works, tender closing dates, project commencement and completion dates, contact details, etc. as found in *0122 Information for tenderers*.
- Forms for suppliers or contractors to submit their details, including expertise, project experience and capacity.
- Provision for registration of interest in future projects, depending on type, scale, value and location.
- Automatic notification by email of RFTs that match the criteria nominated by suppliers or contractors when they registered interest.
- Downloadable Tender documents.
- Provision for Tenderers to submit their Tender documents in the form of digital files (PDF, Excel, etc.).
- Notification of Tenderers of amended requirements, additional information, and tender process outcomes.
- Provision of related information about use of the system, including policy and guidelines about tender procedures, submission requirements, etc.

For those initiating the tender process, these systems also offer significant administrative advantages for communication, record keeping, tender assessment, and reporting.

Examples of federal and state eTendering websites include:

Australian Government	<a href="http://www.tenders.gov.au/">www.tenders.gov.au/</a>
NSW	<a href="http://tenders.nsw.gov.au/nsw/">tenders.nsw.gov.au/nsw/</a>
NT	<a href="http://nt.gov.au/industry">nt.gov.au/industry</a>
QLD	<a href="http://etender.hpw.qld.gov.au/">etender.hpw.qld.gov.au/</a>
SA	<a href="http://www.tenders.sa.gov.au">www.tenders.sa.gov.au</a>
TAS	<a href="http://www.tenders.tas.gov.au">www.tenders.tas.gov.au</a>
VIC	<a href="http://www.tenders.vic.gov.au">www.tenders.vic.gov.au</a>
WA	<a href="http://www.tenders.wa.gov.au">www.tenders.wa.gov.au</a>
Tenderlink	<a href="http://www.tenderlink.com">www.tenderlink.com</a>

Local government eTendering links are usually found on Council websites.

#### 8.2 Other tender methods

Conduct the tender process in conformance with AS 4120, and local statutory requirements. Make sure the tendering process is transparent and all records of the process are accessible to the public in line with the Freedom of Information legislation.

Compile the tender documents including Section A: Tender information and Section B: The Contract.

Select from the following tendering methods:

- **Open tendering:** Advertisements for Invitation to Tender in relevant newspaper(s). Provide project details, invite the public to tender and inform prospective tenderers of the deadline of tender submission and how to submit. The deadline is set minimally at 21 days after the initial date of advertisement to allow the Tenderer time to inspect and respond to the Tender Invitation. The advertisement must inform the potential tenderer of the purchase price, location of the documents, and person from whom the documents may be acquired.
- **Selected tendering:** Similar to Open Tendering except that only those tendering organisations that have shown prior competence in similar Council projects may tender the project. Alternatively, the tendering

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organisation may be able to prove their ability to execute similar projects. In this case the Council must assess and accept the previous experience prior to council inviting a tender. A register is maintained by Council and regularly reviewed.

- **Pre-registered (Selective) tendering:** This is a two-stage process involving an advertised invitation to respond to an *Expression of Interest* in lieu of an invite to tender. Tenderers are chosen by the Principal to submit tenders for the project. A posting of the closing date for the submission of response to the *Expression of Interest* is required within the advertisement.

Show the method of tendering in the *0122 Information for tenderers* worksection. A PREPCHECK checklist for tender preparation and advertising is provided as **Annexure D** to this guide.

Direct all inquiries regarding the Tender to the Council's contact person as shown in the *0122 Information for tenderers*. Keep a register of all queries including the name, time, date and response of the principal's contact person. Any information that is given to one Tenderer must be supplied to all other Tenderers. The evaluation process is available to the public; do not release any other information or specific details pertaining to the other tenderers.

### 8.3 Published addenda after release of the original tender

Any Addenda to the tender document published after initial release of the tender documents must be provided to each Tenderer and the Tenderer must acknowledge receipt of the Addendum in writing, included with the tender submission. Consider whether the additional works require inspection or an extension of the original closing date of tender. Include information on the effect on the contract and any revised date in the Addendum.

### 8.4 Receipt and opening of tenders

Receive all tenders in a sealed envelope by the date and time stated within the *Invitation to Tender* advertisement and in the *0122 Information for Tenderers* worksection.

The General Manager's appropriate person will open the tender box on the advertised date and time in the presence of at least two other persons designated by the General Manager in addition to any member of the public who wish to be in attendance.

The Appropriate person will compile a list of the respondent tenderers in alphabetical order and display the list of respondent tenderers in a place accessible to public viewing within the same day or next working day. All other information is considered confidential and available only to the tender evaluation panel.

TBOXCHECK, a checklist for opening of tenders, can be found in **Annexure E** of this guide and *0125 Standard contract checklists*.

### 8.5 Tender evaluation and acceptance

The Principal will determine which, if any of the tenders is chosen for the project. If the Principal resolves not to accept any tender then it must take onto account its statutory obligations for any further negotiations to let a contract.

Evaluate the tender based on several criteria such as those suggested below (Some other example criteria are included in AS 4120):

- Conformance with tender documents.
- Previous experience.
- References.
- Personnel (management and field).
- Financial capacity to complete the work.
- Industrial relations track record.
- Proposed construction period.
- Quality system.
- Work Health and Safety (WHS) policy and record.
- Environmental systems.
- Equal Employment Opportunity (EEO) Policy.
- Value for money.

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Use a predetermined approach to assign weightings to the criteria, for example:

Criteria	Weighting
Compliance with tender documents	15%
Previous experience	20%
Financial capacity to complete the work	30%
Proposed construction period	20%
Value for money	15%

Decide on the policy for disclosure of the weightings during the tender process. **Annexure F** shows the scores and totals assigned by each reviewer as well as the tender committee’s consensus total. Each member of the tender evaluation panel will have a checklist for tender assessment of each tenderer. This information is strictly confidential.

Members of the tender evaluation panel are selected based on their expertise and experience relative to the project. Consider including an independent panel member who can make sure that decisions are impartial.

All members of the tender evaluation panel need to disclose any potential conflicts of interest, both prior to their appointment and as may arise during the evaluation process.

ASSESSCHECK, a checklist to assist with tender assessment, is provided as **Annexure F** to this guide and *0125 Standard contract checklists*.

If the value of the tender exceeds \$250,000 or other value, as required by Councils financial authority policy, a report is required for referral to Council. It includes an evaluation of tenders and the Director of Technical Services recommendation for consideration and is provided to Councillors on a confidential basis. Action is determined by Council resolution.

If the value of the tender is less than \$250,000 the report is referred to the General Manager for approval. This procedure can be varied to comply with different management procedures, and policies adopted by specific Councils or statutory requirements.

Notify all Tenderers of the decision in writing upon reaching a decision to select the successful tender. Document the name and successful bid price of the winning tenderer and post those details along with any other information the appropriate in a place accessible to public viewing.

**8.6 Contract administration after tender acceptance**

After a tender has been accepted and before work commences on the Contract, complete the following procedures in conformance with the *General Conditions of Contract*. The procedures are based on AS 2124 and AS 4000 as a guide.

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**Contract administration prior to the date of commencement of work in Conformance with the General conditions of contract AS 2124 and AS 4000**

AS 2124 Clause No.	Activity	AS 4000 Clause No.	Activity	Action by		
				Superintendent	Principal	Contractor
5.4	Lodgement of Security					Within 28 days of tender acceptance
5.10	Deed of Guarantee	5.6	Deed of Guarantee	Request within 7 days of tender acceptance		Reply within 14 days of request
6.2	Formal Instrument of Agreement	6	Evidence of contract		Requests execution within 28 days of tender acceptance	Must execute within 14 days of request
18	Insurance	16	Insurance of the works	Either: 1. Check Contractors Insurance (Alternative 1) 2. Take out suitable insurance (Alternative 2)		
19	Public Liability Insurance	17	Public Liability Insurance	Either: 1. Check Contractors Insurance (Alternative 1) 2. Take out suitable insurance (Alternative 2)		
20	Insurance of Employees	18	Insurance of Employees	Check Contractors insurance		
21.1	Proof of Insurance	19.1	Proof of Insurance	Make sure evidence of insurance is produced		
27.1	Possession of Site	24.1	Possession of Site	Make sure site is available to Contractor on the date specified in the Annexure A of General Conditions of Contract		
<b>Special conditions of contract</b>						
Option 1 49	Quality Assurance	Option 1 44	Quality Assurance		Make sure Contractor submits Quality Plan	Prior to commencement of work
Option 1 50	WHS	Option 1 45	WHS		Accept certification of capability	Prior to commencement of work
Option 1 51	Environmental	Option 1 46	Environmental		Accept certification of capability	Prior to commencement of work

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**9 ANNEXURES**

The Annexures A, B, C, D, E, and F are available in Word format in *0125 Standard contract checklists*.

**9.1 Annexure A – Project contract justification**

Contract Name:		Contract No:	
----------------	--	--------------	--

Project description Describe project.

1. Project definition

Define the need for the project and prepare a statement of objectives (Intent).

2. Define expected outcomes

Define the physical, legal, financial and environmental outcomes expected from the project.

3. Estimated cost of the project and funding

Define all aspects of the estimated cost (e.g. Council’s contract preparation, design, construction, Council supervision, consultants, etc.).

4. Define options

Define the options for carrying out the project; give a preferred option and reasons.

5. Approval

Define who will approve the project.

6. Conditions of contract

Define the type of Contract e.g. Construct only, Design and Construct, Design Development and Construct, Supply, Supply and install, Consultant Engagement Agreement for professional services etc.

7. Method of payment

Define the Method of payment e.g. Schedule of rates, Lump sum, Combination of Lump sum and schedule of rates, Combination of Lump sum and schedule of rates and Daywork rates etc.

8. Managing the project

Who will manage the project on Council’s behalf?

9. Reporting

What will be the reporting mechanism to report progress? (By whom, to whom, frequency)

10. Tender advertisement

Define the method of advertising for tenders (e.g. Open tendering, selected tendering, and pre-registered tendering).

11. Tender evaluation

Define the criteria and weighting for evaluation of tenders (see TECHguide TG102 clause 8.5 **Tender evaluation**).

12. Performance evaluation

Define criteria for post-project evaluation (e.g. quality, performance, timeliness, cost and nominate who will carry out the evaluation).

Prepared by:

Date:

Approved by:

Date:

**GUIDELINES FOR PRINCIPALS – STANDARD CONTRACTS**

**9.2 Annexure B – Project contract justification (Sample)**

Contract Name:	North Compass Recreation Centre	Contract No:	
----------------	---------------------------------	--------------	--

Project description	<i>2 storey multi-purpose recreation centre proposed to be constructed at the northern end of North Compass Reserve.</i>
---------------------	--

1. Project definition

<p>The Recreation Centre is needed because:</p> <p>a) A growing number of 10 y/o to 18 y/o youths are living in the area.</p> <p>b) The nearest similar centre is 80 km away.</p> <p>c) It may be used for the Olympics.</p> <p>d) It can be funded from loan borrowings as entry fees will provide a cash flow to pay back the loan.</p> <p>OBJECTIVES</p> <p>a) Provide all year, all weather recreation space.</p> <p>b) Be multi use to provide indoor recreation for all age groups.</p> <p>c) Be effectively self-funding.</p>
--

2. Define expected outcomes

<i>Physical:</i>	<i>A building at harmony with its environment and providing a positive Community benefit.</i>
<i>Legal:</i>	<i>Contract arrangements to be clear and concise and minimum risk to Council.</i>
<i>Financial:</i>	<i>No worse than the project being completed on time and on budget.</i>
<i>Environmental:</i>	<i>To have no deleterious effect on the environment.</i>

3. Estimated cost of the project and funding

<i>Design:</i>	<i>\$ 100,000</i>	Budget of \$1,500,000 available as allocated in the 2006/2007 Capital Works Program.
<i>Construction:</i>	<i>\$1,000,000</i>	
<i>Supervision</i>	<i>\$ 250,000</i>	
<i>Consultants:</i>	<i>\$ 100,000</i>	

4. Define options

Option 1:	North Compass Reserve – owned in fee simple by Council. Remote from adjacent houses.
Option 2:	Across Road – not preferred site due to proximity to houses.
Option 3:	Next to North Compass Swimming Pool – not preferred site due to cost of site works and parking congestion.
Preferred Site:	Option 1

5. Approval

<i>Approval by Director – Community operations.</i>
---

6. Conditions of contract

Conditions of contract: Construct only.
---

7. Method of payment

<i>Method of payment: Combination of Lump sum and schedule of rates.</i>
--

8. Managing the project

<i>Managing Project: Manager – Special Projects.</i>
--

9. Reporting

<i>Reporting:</i>	<i>Monthly reports on progress and costing by Manager – Special Projects to Director – Community Operations.</i>
-------------------	--



**GUIDELINES FOR PRINCIPALS – STANDARD CONTRACTS**

10. Tender advertisement

<i>Tender Advertising:</i>	<i>Open Tendering.</i>
----------------------------	------------------------

11. Tender evaluation

Criteria	Weighting
1. Compliance with tender documents	15%
2. Previous experience	20%
3. Financial capacity to complete the work	30%
4. Proposed construction period	20%
5. Value for money	15%

12. Performance evaluation

<i>Evaluation of performance monitored by Manager – Special Projects.</i>	
Criteria scaled in regard to	<ul style="list-style-type: none"> <li>• Quality</li> <li>• Performance relative to program</li> <li>• Timeliness relative to program</li> <li>• Cost Control relative to budget</li> </ul>

Prepared by: John Smith Date: 15/9/2020

Approved by: Bill Bunter Date: 20/9/2020

**GUIDELINES FOR PRINCIPALS – STANDARD CONTRACTS**

**9.3 Annexure C – Compilation Checklist (COMPCHECK)**

Contract Name:		Contract No:	
----------------	--	--------------	--

Compilation Dates:

- |   |   |  |                          |
|---|---|--|--------------------------|
| 1. Confirm that all documents used are current approved versions.   | Technical Specification<br>Standard Roadworks Drawings<br>Conditions of Contract<br>Submission Document Proformas | ...../...../.....<br>...../...../.....<br>...../...../.....<br>...../...../..... |                          |
|   |   | Yes      No  |                          |
| 2. Scope of Contract clearly defined.   |   | <input type="checkbox"/>   | <input type="checkbox"/> |
| 3. Physical location and Extent of work clearly defined.  |   | <input type="checkbox"/>   | <input type="checkbox"/> |
| 4. Type of Contract payment clearly indicated (e.g. SOR, Lump Sum).   |   | <input type="checkbox"/>   | <input type="checkbox"/> |
| 5. Quality System requirements clearly stated, minimum lot sizes and Frequency of testing checked for appropriateness to project.         |   | <input type="checkbox"/>   | <input type="checkbox"/> |
| 6. Measurement and payment method clear and comprehensive, and Bill of Quantities/Schedule of Rates checked.                              |   | <input type="checkbox"/>   | <input type="checkbox"/> |
| 7. Change control procedures utilised correctly for any editing of technical specifications and all project specific annexures completed. |   | <input type="checkbox"/>   | <input type="checkbox"/> |
| 8. Cross referencing to drawings correct.   |   | <input type="checkbox"/>   | <input type="checkbox"/> |
| 9. Security of documentation assured.   |   | <input type="checkbox"/>   | <input type="checkbox"/> |
| 10. Documentation checked by Council’s Contracts Manager/Officer.   |   | <input type="checkbox"/>   | <input type="checkbox"/> |

Check undertaken by: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**CERTIFICATION**

Projects of estimated capital cost exceeding \$250,000 require Manager-Contracts certification as below:

The contract tender document master copy has been checked by a suitably qualified and experienced person(s) who is independent of the project compilation team. The checking result is a valid reflection of the checklist entries above.

Final adjustments have been made where necessary and the documentation is expected to prove adequate for the project construction.

Independent checking has been provided by: \_\_\_\_\_  
(Title)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

CHECKLIST CERTIFIED BY: \_\_\_\_\_  
(Signature, Manager-Contracts)

**GUIDELINES FOR PRINCIPALS – STANDARD CONTRACTS**

**9.4 Annexure D – Tender preparation Checklist and advertising (PREPCHECK)**

Contract Name:				Contract No:			
				Yes	No		
1.	Confirm that Project Contract Justification Report has been completed.			<input type="checkbox"/>	<input type="checkbox"/>		
2.	Project Contract Justification reviewed and approval to advertise:						
		Estimate	< \$15,000				
				Project Manager			
	\$15,000	< Estimate	< \$250,000				
				Manager Contracts			
	\$250,000	< Estimate	< \$300,000				
				Director Technical Services			
		Estimate	> \$300,000				
				General Manager			
3.	'Appropriate Person' designated to supervise the tender process.		Name:				
			Position:				
4.	Person assigned to respond to tender queries.		Name:				
			Position:				
				Yes	No		
5.	Annexure Parts A and B for General Conditions of Contract completed and included.			<input type="checkbox"/>	<input type="checkbox"/>		
6.	Independent review of Tender Submission Forms (Volume 4), by Council's Contracts Manager/Officer, complete and satisfactory.			<input type="checkbox"/>	<input type="checkbox"/>		
7.	Confirmation of number of available Tender Documents and price.		Number:				
			Price:\$				
8.	Tender evaluation panel installed and tender appraisal criteria determined and filed.			<input type="checkbox"/>	<input type="checkbox"/>		
COMMENTS:							
ADVERTISING PROGRAM:		Dates:		Medium:			
		Dates:		Medium:			

I have reviewed the entries on this checklist and certify that Council is justified in advertising tenders for the subject contract and tender documents are appropriate to the purpose.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
 Manager-Contracts

**GUIDELINES FOR PRINCIPALS – STANDARD CONTRACTS**

**9.5 Annexure E – Receipt of tenders Checklist (TBOXCHECK)**

Contract Name:		Contract No:	
----------------	--	--------------	--

1. Personnel present at Tender Box opening:

Appropriate Person	Name: _____	Initials: _____	
Other	Name: _____	Initials: _____	
Other	Name: _____	Initials: _____	
	Date: _____	Time of Day: _____	

Satisfactory action taken

	Yes	No
2. Secure filing of Tenders.	<input type="checkbox"/>	<input type="checkbox"/>
3. Conformity of Tenders checked and recorded. (Refer Contract Documents Volume 4).	<input type="checkbox"/>	<input type="checkbox"/>
4. Requests for supplementary details determined and actioned.	<input type="checkbox"/>	<input type="checkbox"/>
5. Mathematical price extensions verified correct or reported.	<input type="checkbox"/>	<input type="checkbox"/>
6. Preliminary Report on Tenderers in order lowest to highest without appraisal forwarded to the Project Manager.	<input type="checkbox"/>	<input type="checkbox"/>
7. Report displayed in an appropriate public place.	<input type="checkbox"/>	<input type="checkbox"/>
8. Documents with reports provided to Tender Evaluation Panel.	<input type="checkbox"/>	<input type="checkbox"/>

Financial capacity of the Tenderer to complete the work.

Delivery Date: \_\_\_\_\_

Checklist completed by:

\_\_\_\_\_

Signed:

Date:

\_\_\_\_\_

**GUIDELINES FOR PRINCIPALS – STANDARD CONTRACTS**

**9.6 Annexure F – Tender assessment Checklist (ASSESSCHECK)**

Contract Name:		Contract No:	
----------------	--	--------------	--

**1. CONTRACTOR’S DETAILS**

Name: _____	Contact Person: _____
Address: _____	Telephone: _____
_____	Email: _____
_____	Fax: _____

**2. TENDER EVALUATION PANEL NOMINATION AND DECLARATION**

PANEL MEMBER’S NAME	CONFLICT OF INTEREST		IF YES, SPECIFY	SIGNATURE
	YES	NO		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		

**3. NOMINATION AND DECLARATION ACKNOWLEDGMENT**

I acknowledge the record above regarding conflict of interest for the tender evaluation panel and conformity with regard to the tender received.

Signed: \_\_\_\_\_  
 (Appropriate person)

Date: \_\_\_\_\_

**GUIDELINES FOR PRINCIPALS – STANDARD CONTRACTS**

EXAMPLE PROFORMA—TENDER ASSESSMENT			ASSESSCHECK Page 2	
Contract Name: _____		Contract No: _____		
Tenderer: _____		Assessor: _____		
Criteria	Weighting %	Score (1-10)	Assessment (Weighting x Score/100)	Comments
1. Previous Experience				
2. References				
3. Personnel (Management)				
4. Personnel (Field)				
5. Industrial Relations				
6. Proposed construction period				
7. Quality System				
8. Environmental Systems				
9. Work Health and Safety Policy and record				
10. EEO Policy				
11. Value for Money				
TOTAL				

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Position: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**GUIDELINES FOR PRINCIPALS – STANDARD CONTRACTS**

ASSESSCHECK Page 3

**TENDER ASSESSMENT REPORT**

Contract Name:		Contract No:	
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**Tender Evaluation Panel**

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Tender	Consensus Assessment Points (Total)	Summary comment
1.		
2.		
3.		
4.		
5.		
6.		

Tender Evaluation Panel Recommendation:

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Signed:

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Date:

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**GUIDELINES FOR PRINCIPALS – STANDARD CONTRACTS**

**9.7 Annexure G – Typical cover sheet**

XXX COUNCIL

COUNCIL  
LOGO

CONTRACT No. XXX

QUALITY ASSURED, SCHEDULE OF RATES CONTRACT

for the

CONSTRUCTION OF XXX ROAD

FROM XXX STREET  
TO XXX STREET

VOLUME 2 of 4

TECHNICAL SPECIFICATIONS

PREPARED BY: COUNCIL'S ENGINEERING SERVICES SECTION  
DATE:        MONTH        YEAR  
COPY No: