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Contract: NZTA1234  
Highway Maintenance Example

Contract Documents

## Contract Cover Sheet

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Compiled by: \_\_\_\_\_ Darren Gilbertson

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Released by: \_\_\_\_\_ Tony Bonetti

File No: 5/12345  
Contract Issue No: Draft  
Contract Issue Date: 1 March 2010

Set No. \_\_\_\_\_

**Contract Highway Operations and Maintenance:  
Highway Operations and Maintenance Proforma Document**

*Contractor* \_\_\_\_\_  
*Address* \_\_\_\_\_

*Contact Numbers:* \_\_\_\_\_  
*The Manager* \_\_\_\_\_  
*Address* \_\_\_\_\_

*Contact Numbers:*      **Phone**                                      **Fax**

Tenders for this contract close at **4:00 p.m.** on the **Tuesday, 31 March 2010** with:

Tenders Secretary  
NZ Transport Agency  
4th Floor, BNZ Building  
354 Victoria Street  
PO Box 973  
Hamilton  
Phone: 07 957 1610  
Fax: 07 957 1437

# Request for Tender

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# 1 Key Information for Tenderers

## 1.1 Principal's Expectations

1.1.1 The Principal is looking for a tenderer who can:

- a) promote the NZTA's statutory objective under the Land Transport Management Act 2003
- b) minimise costs and increase user satisfaction with the network
- c) undertake all practical measures to avoid, remedy or mitigate the social and environmental impacts of their activities
- d) provide effective input to ensure the Forward Work Programme and Maintenance Intervention Strategy's ongoing development so the work completed under this Contract addresses the network's needs
- e) implement proactive strategies to enable the Contract Work's timely completion
- f) develop and implement innovative work methods and/or materials that result in enhanced performance and an overall cost saving.

1.1.2 Due to the nature of the Contract Works, tenderers must demonstrate in their submissions that they:

- i) understand the requirements
- ii) can provide the necessary resources and commitment to successfully complete the Contract Works.

## 1.2 Document Format

1.2.1 This document is structured so each Schedule Item relates to the same numbered:

- a) Basis of Payment clause
- b) Maintenance Specification section
- c) Appendix.

1.2.2 The tenderer's attention is also drawn to the First Schedule, Part B, Clause 1.2. This Clause defines a number of terms used throughout this document.

## 1.3 Communications During Tender Period

1.3.1 For the purposes of this Request for Tender (RFT), communications "During Tender Period" is from date of invitation to tender to tender closing date.

1.3.2 When Tenderers receive the Tender Documents, they shall notify the Nominated Person in Clause 1.3.4 of the name and contact details of the person within their own organisation with whom they will direct all communications during the tender period (the Tenderer's Nominated Person).

# 1 Key Information for Tenderers

- 1.3.3 All communications between the Principal and Tenderers must be in writing. For the purposes of this RFT, this includes facsimile and e-mail communication, which may include attachments.
- 1.3.4 Communications must be clearly labelled with the NZ Transport Agency's (NZTA) assigned contract number and name. Communications not so addressed may be delayed and/or not actioned. All Tenderer's queries shall be addressed to:

Opus International Consultants  
Cnr Princess and Harwood Street  
Opus House  
Private Bag 3057  
HAMILTON

For the Attention of: Reece Peterson  
Contract Number: NZTA1234  
Contract Name: Highway Maintenance Example  
Fax: 07 856 7985  
Email: [reece.peterson@opus.co.nz](mailto:reece.peterson@opus.co.nz)

- 1.3.5 Tenderer's enquiries shall be raised with Principal's Nominated Person as soon as possible but not later than three Working Days before the tender closing date. Where the Principal considers it necessary and/or appropriate, they will endeavour to respond to all queries within 48 hours of receiving them.
- 1.3.6 It is the tenderer's responsibility to ensure that the Principal's Nominated Person has received any enquiry that they have raised.
- 1.3.7 Where the Principal considers it necessary and/or appropriate, the answers to any questions will be made in writing, by way of Notice to Tenderers, to all who have uplifted contract documents and will subsequently be annexed to, and form part of, the Contract Documents. All tenderers shall acknowledge receipt of each Notice to Tenderers by emailing, faxing, or returning the associated Acknowledgement Receipt to the Tenders Secretary and also confirm receipt of each Notice to Tenderers in the tender submission.

# 1 Key Information for Tenderers

## 1.4 Electronic Information

- 1.4.1 Electronic copies of the following documentation will be provided on request, to all that have uplifted contract documents, and can be obtained from Reece Peterson by e-mail: reece.peterson@opus.co.nz or CD. The documents are:

Document	Format
The Schedule of Prices	Excel
Information for Tendering	Pdf
<< other documents as required>> consultant to add	

- 1.4.2 Electronic copies of documents are provided in good faith to assist Tenderers. If there is a discrepancy between the electronic copy and the hard copy provided, the hard copy shall take precedence.
- 1.4.3 Tender submissions will only be accepted in hard copy.

## 1.5 Conflict of Interest or Risk of Bias

- 1.5.1 Tenderers are required to declare, at the commencement, as soon as practicable after uplifting the tender documents, or as they become aware of them, any actual or potential conflicts of interest or risk of bias during the tender process, relating to any individual or company involved in the tenderer's bid. This includes individuals and companies engaged in any subconsultant, subcontractor or other supply arrangement. The tenderer must advise the Principal of the means that they intend to use to remove or mitigate such conflicts of interest or risk of bias.
- 1.5.2 The Principal may refer any actual or potential conflicts of interest or any risk of bias that it becomes aware of, to the Probity Auditor, and decide the appropriate action to remove or mitigate any potential conflicts of interest or risk of bias.
- 1.5.3 The Principal reserves the right to decline the tender of any tenderer that cannot satisfactorily remove or mitigate a conflict of interest or risk of bias that, in the opinion of the Principal, creates an unfair advantage or impropriety in the tender process.

## 1.6 Tender Tags and Clarification Statement

- 1.6.1 The NZTA's preference is that Tenderers' submissions do not contain tags or clarifications. However, it is acknowledged that in some circumstances Tenderers may feel it is necessary to tag or clarify their Tender Submission.
- 1.6.2 If the Tenderer wishes to tag or clarify their Tender Submission in order to modify the contractual terms detailed in this Tender Document, then that Tenderer **must** detail that modification in either their Tender Tag and Clarification Statement, or in an Alternative Tender Statement.



# 1 Key Information for Tenderers

- 1.6.3 Tender Tag and Clarification Statements must include the following information for each item:
- a full description of the proposed change referred to the part of the contract document that is changed; and
  - the Tenderer's reason for requiring such a change to the contractual requirements.
- 1.6.4 Only those tags or clarification that comply with the above, and that are included in Envelope 1 of a Tenderer's Tender Submission, shall be considered by the NZTA.
- 1.6.5 Any statement that has the general effect of being a tag or clarification but is not included in a Tender Tag and Clarification Statement or Alternative Tender Statement: may be disregarded at the NZTA's discretion; does not take precedence over the requirements of this Tender Document; and is of no effect unless expressly recognised in writing by the NZTA.
- 1.6.6 The NZTA is not required to accept any tag or clarification. Tenderers may be required to modify or remove any or all tags or clarifications at the NZTA's discretion. Failure to modify or remove a tag or clarification on request may result in that tender being deemed non-conforming.
- 1.6.7 The NZTA may, at its discretion, assign a premium to any tender in the tender evaluation process in respect of an accepted tag or clarification that the NZTA considers to alter the risks, benefits, or cost of the project

## 1.7 Pre-tendering Meeting

- 1.7.1 A pre-tendering meeting will be held. The meeting will be held at NZ Transport Agency, on 7 March 2010 starting at 10:00 a.m.

## 1.8 Contract Description

- 1.8.1 This Contract:
- a) is a 3 year measure and value contract to:
    - maintain approximately 255 km of state highways within the *West Waikato* state highway network. The required services are summarised in the Schedule of Prices
    - provide appropriate resources to respond to all incidents that may occur within the network
  - b) is not to upgrade the network to an as new condition
- 1.8.2 The Operational Requirements sets out the specific tender and contract requirements. This information includes:
- i) the network's description
  - ii) specific tendering requirements, such as tendering meetings, pre-letting meetings etc.
  - iii) specific operational requirements that apply to this contract.

# 1 Key Information for Tenderers

## 1.9 Tender Submission under Prequalification

- 1.9.1 Only tenderers who are prequalified to classification level 3A under the Transit/NZTA Prequalification for Physical Works may submit a tender. Where more than one classification level is specified (for example 3A and 4B) and the tenderer is not prequalified for one of these, a subcontractor who does have this prequalification registration shall be included in the tender.
- 1.9.2 A prequalified tenderer may be excluded from consideration if the NZTA considers that for this contract the tenderers prequalified attributes are not appropriate to the contract being tendered. It is the responsibility of tenderers who consider that they may be in this category to raise the issue with the NZTA's consultant, following the procedure in section 1.5 of this Request For Tender as soon as possible.

## 1.10 Tender Evaluation

- 1.10.1 Tenders for this contract will be evaluated using Prequalification Price Quality Method (Simple).
- 1.10.2 The NZTA's procedures for its implementation are outlined in the Highways and Network Operations (HNO) Contract Procedures Manual (SM021) and the Transit/NZTA Prequalification Application Pack. The tender evaluation procedure and tender evaluation forms are detailed in Request For Tender, Section 6 and 7 respectively.

## 1.11 Quality Assurance

- 1.11.1 **TNZ Q/4: High QA Level Contracts** applies to this Contract.

## 1.12 Network Information

- 1.12.1 The information referred to in Maintenance Specification, Clause 3.3 can be seen at ***Hamilton, Cnr Princess and Harwood Street Opus House, Hamilton*** during normal business hours.

## 1.13 Annual Contract Value

- 1.13.1 For this Contract the Principal has budgeted (in Year 2010 dollars):
- a) \$2,200,000.00 for the period 1 July 2010 to 30 June 2011
  - b) \$2,200,000.00 for the period 1 July 2011 to 30 June 2012
  - c) \$2,200,000.00 for the period 1 July 2012 to 30 June 2013
- 1.13.2 This means although the tendered value of the work described in the Schedule of Prices may exceed the annual budgets, the value of the work completed under this Contract each year will not exceed this budget without the Principal's prior approval.

# 1 Key Information for Tenderers

- 1.13.3 The annual budget value includes incident response (see Maintenance Specification, Section 9) but excludes emergency works. Emergency works are defined in the NZTA's Planning, Programming and Funding Manual.

## 1.14 Privacy Act

- 1.14.1 Any personal information collected (by or on behalf of the Principal) as a result of submitting a tender for this Contract will only be used for the purposes of evaluating tenders.
- 1.14.2 Submitting a tender for this contract authorises the people evaluating the tender to contact persons to discuss the tenderer's performance on any project undertaken by the tenderer.

## 1.15 Probity

- 1.15.1 An independent probity auditor has been appointed to overview the NZTA's tendering process up to contract award and verify that the procedures set out in the Tender Documents are complied with. The probity auditor is not a member of the Tender Evaluation Team (TET). A Tenderer concerned about any procedural issue has the right to contact the probity auditor and request their review. The outcome will be documented with copies sent to both the Tenderer who raised the issue and to the NZTA.

The name and contact details are:

**Shaun McHale**  
McHale Group Ltd  
Level 7, 154 Featherston Street  
PO Box 2134  
Wellington 6140

*Director, Probity Services*  
DDI: 04 496 5580  
Fax: 04 496 5209  
Mobile: 027 486 3412  
Email: [shaun.mchale@mchalegroup.co.nz](mailto:shaun.mchale@mchalegroup.co.nz)

## 2 Conditions of Tendering

The Conditions of Tendering are those included in NZS3910:2003 - **Conditions of Contract for Building and Civil Engineering Construction** as amended below:

*Clause numbers refer to conditions of tendering clauses*

### **102 Issue of Documents**

*Add the following Clause 102.2(d)*

#### **102.2(d)**

To other tenderers without requiring return of the documents, providing a bona fide tender is submitted.

### **104 Ambiguities in Tender Documents**

*Add the following Clause 104.4*

#### **104.4**

Should any ambiguity as to interpretation arise between the contents and requirements of the NZTA's Procurement Manual (the Procurement Manual), the HNO Contract Procedures Manual (CPM), and the Tender Documents (TD), the order of precedence will be the Procurement Manual, CPM, TD.

### **105 Submission of Tenders**

*Clause 105.2 is deleted and replaced with the following*

#### **105.2**

The NZTA may at its sole discretion consider any tender received after the time stipulated, if the circumstances can be shown to be extreme, and beyond the control of the tenderer.

*The following Clause is added to Clause 105*

#### **105.7**

Alternative tenders will not be considered.

### **106 Acceptance of Tender**

*Add the following Clause 106.4*

#### **106.4**

The NZTA reserves the right to reject any or all tenders.

## 2 Conditions of Tendering

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### 107 Notification of Acceptance

*Clause 107.1 is deleted and replaced with the following*

#### 107.1

If no tender has been accepted within two months after closing of tenders, each tenderer shall be notified in writing by the Principal or its agent whether its tender is or is not still under consideration.

### 3 Schedule to Conditions of Tendering

#### **Highway Operations and Maintenance: Highway Maintenance Example**

*Clause references below refer to the clauses in the Conditions of Tendering*

**102.2** (b) The tender document deposit of **\$100.00** is required.

**103.1** (b) No appointment need be made to view the site.

**105.1** Tenders shall close at: ***NZ Transport Agency, 4th Floor, BNZ Building, Hamilton at 4:00 p.m. on Tuesday, 31 March 2010.***

The tender submission must be submitted in three envelopes as follows:

- a) Envelope 1: Proposal Excluding Price
- b) Envelope 2: Price
- c) Envelope 3: Tender Submission

**Envelopes 1 and 2** must be marked on the outside of the envelope with the tenderer's name and:

- i) *Tender for Contract NZTA1234: Highway Maintenance Example - Envelope 1: Proposal Excluding Price*
- ii) *Tender for Contract NZTA1234: Highway Maintenance Example - Envelope 2: Price*

Envelopes 1 and 2 must be submitted together in a third envelope (Envelope 3) and addressed to:

Tenders Secretary  
 NZ Transport Agency  
 4th Floor, BNZ Building  
 354 Victoria Street  
 PO Box 973  
 Hamilton  
 07 957 1610  
 07 957 1437

**Envelope 3** must be marked on the outside *Tender for Contract NZTA1234: Highway Maintenance Example.*

*Clause 105.1(b) is deleted and replaced with the following*

**105.1** (b) Fax and electronic tenders will not be acceptable.

**105.3** (b) No percentage for On-Site Overheads shall be nominated in the tender.

**105.3** (d) No percentage for Off-Site Overheads and Profit shall be nominated in the tender.

### 3 Schedule to Conditions of Tendering

**105.3 (f)** No rate per Working Day in compensation for time related On-Site Overheads, Off-Site Overheads and Profit incurred in relation to an extension of time shall be nominated in the tender.

**105.3 (g)** Supplementary information required to be submitted with the tender is:

*Envelope No. 1: Proposal Excluding Price* – shall include:

Item	Description of Documents or Information	Reference	Page Limit
A	<p>Tenderer's Non-price Attributes</p> <p>Tenderers must provide <b>10</b> identical copies of their non-price attribute submission. One copy must be marked <b>original</b> and the others marked <b>copy</b>.</p> <p>The non-price attribute submission must be on single sided A4 or A3 size pages of ordinary type (12 point Times Roman or similar typeface). A3 size paper shall be deemed to be two A4 pages, and shall be numbered accordingly.</p> <p>Pages in excess of the stated page limits, excluding the additional pages, will not be considered in the evaluation of tenders.</p> <p>The page limit includes all subcontractor attribute information.</p> <p>Additional pages may be included as follows:</p> <ul style="list-style-type: none"> <li>• Title Page (<b>one</b> page)</li> <li>• Covering Letter (<b>one</b> page but will not be considered as part of tender evaluation)</li> <li>• Index (<b>one</b> page)</li> <li>• CVs (<b>two</b> pages for each person nominated in the tender)</li> <li>• Copy of Prequalification Certificate (<b>one</b> page)</li> <li>• Quality assurance certification (<b>required for Prequalification Levels A, B or C only</b>) (<b>one</b> page)</li> <li>• Final PACE assessment forms for any contract nominated under Track Record (<b>one</b> page per project)</li> </ul> <p>Other Information – consultant to state</p> <ul style="list-style-type: none"> <li>• any contract nominated under Track Record (<b>five</b> pages)</li> </ul>	RFT Section 4	<b>25</b>
B	Tender Information Schedule	RFT Section 5	See form
C	Tender Tag and Clarification Statement (Note: Tenderers will be required to remove all Tags and/or clarifications included in Envelope 2)	RFT Section 1	Unlimited

### 3 Schedule to Conditions of Tendering

*Envelope No 2: Price* – shall include:

Item	Description of Documents or Information	Reference	Page Limit
D	Completed and signed Tender Form	RFT Section 7	See form
E	Completed Schedule of Prices including electronic copy of completed schedule on CD (where requested).	SoP Section	See form



## 4 Non-priced attributes

### 4.1 Attributes

4.1.1 Tenderers must provide attribute(s) information for the applicable non price attributes. Please select those attribute(s) below that apply and allocate the weighting for each attribute(s) (W) as shown below in brackets:

- a) Relevant Skills (W = 5%)
- b) Resources (W = 5%)
- c) Methodology (W = 20%)
- d) Price (W = 70%)

4.1.2 The information required under items a) to f) is detailed below.

### 4.2 Relevant Skills

4.2.1 Tenderers must nominate personnel for each of the key positions identified in the Relevant Skills Tender Evaluation Marking Form and state (in no more than 1/2 a page per person) the key practical experience and qualifications and training of each.

4.2.2 The Tenderer must state the percentage of time and over what duration each of the above nominated persons will be allocated to the contract and whether they will be based on or off the Site.

4.2.3 Attach a curriculum vitae (CV) for each of the key positions identified on the Relevant Skills tender evaluation marking form (**two** pages per CV). The CVs need to demonstrate specific experience relevant to the position and should separately identify technical and managerial skills where relevant to the position.

### 4.3 Resources

4.3.1 The Tenderer must submit details of the resources to be provided for carrying out each of the key parts of the Contract Works (as identified in the Resources Marking Forms) and demonstrate its suitability for the activity.

4.3.2 The Tenderer must submit details of the labour resources and backup that will be provided for each activity e.g. the number, experience and qualifications of plant operators and labourers.

4.3.3 The Tenderer shall provide the following information for plant items listed:

- a) Information on the availability of backup plant;
- b) Age, condition and capacity of the plant;
- c) Details whether the plant is leased or partially owned or fully owned by the Tenderer.

### 4.4 Methodology

4.4.1 Tenderers must describe the methodology they will use to complete the Contract Works within the agreed time and to the standards specified in the Contract Documents for those factors listed in the Methodology tender evaluation marking form.

## 5 Tender Information Schedule

Tenderers must complete this tender information **schedule**, sign and date it and include it with their non-price attribute submission.

### 5.1 Proposed Sub-contractors

5.1.1 The tenderer must complete the following table about their proposed Sub-contractors.

Name	Type and Extent of Works to be completed

### 5.2 Acknowledgement of Notices to Tenderers

5.2.1 The tenderer must circle the number of **each** Notice to Tenderers received during the tender period.

NTT Number	0	1	2	3	4	5	6	7	8	9	10

5.2.2 The tenderer must allow for the impact of changes from the Notices in the Tender.

Tenderers Signature: ..... Date: .....

### 5.3 Contractor's Occupational Health and Safety Management Information

5.3.1 To facilitate legislative compliance, a safe working environment and industry best practice, the NZTA needs to demonstrate that it has taken "all practicable steps" to ensure that contractors have implemented a systematic approach to safety management practices, and that they have appropriately trained employees.

5.3.2 The NZTA requires all contractors to meet or exceed the requirements of ACC Work Safety Management Practices (WSMP) or Partnership Programme at Secondary or Tertiary levels, and either:

- be registered with the NZTA approved Health and Safety (H&S) provider; or
- be accredited with a H&S system acceptable to the NZTA, and meet or exceed the requirements of industry best practice.

5.3.3 The Tenderer shall complete and provide copies of the documents referred to in the form below, and submit with their tender.

## 5 Tender Information Schedule

5.3.4 Tenders that do not include the information required below may be deemed to be non-conforming.

<b>Contractor's Occupational Health and Safety Management Requirements</b>			
<b>1.</b>	Please confirm which of the NZTA's approved H&S providers you are registered with:  <input type="checkbox"/> Operate Safe: Stage 1 or higher ( <b>attach copy of certificate(s)</b> ); or  <input type="checkbox"/> QEST ( <b>attach copy of current audit certificate</b> ); or  <input type="checkbox"/> None of the above  <b>If you answered "None of the above" go to Section 2, otherwise go to Section 4.</b>		
<b>2.</b>	Please confirm which ACC WSMP or Partnership Programme you are registered with:  <input type="checkbox"/> ACC Secondary Level ( <b>attach copy of current audit certificate</b> ); or  <input type="checkbox"/> ACC Tertiary Level ( <b>attach copy of current audit certificate</b> ); or  <input type="checkbox"/> None of the above  <b>If you answered "None of the above" go to Section 3, otherwise go to Section 4.</b>		
<b>3.</b>	Please confirm which H&S system acceptable to the NZTA you are registered with: <ul style="list-style-type: none"> <li>• <b>Other accredited H&amp;S Systems in conformance with NZS 4801 or ISO 18001</b> scoped to roading, construction, maintenance and other works that will be performed by your company on this contract:               <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>NZS 4801:</b> In order to meet or exceed the requirements of ACC WSMP or Partnership Programme at Secondary or Tertiary levels, NZS4801 must be extended to include management of subcontractors (<b>attach copy of current "evidence-based" audit certificate</b>); or</li> <li><input type="checkbox"/> <b>ISO 18001:</b> In order to meet or exceed the requirements of ACC WSMP or Partnership Programme at Secondary or Tertiary levels, ISO 18001 must be extended to include New Zealand's legal requirements for employee participation. (<b>attach copy of current "evidence-based" audit certificate</b>)</li> </ul> </li> </ul> <b>Go to Section 4.</b>		
<b>Declaration</b>			
<b>4.</b>	I confirm our organisation will have H&S processes and systems in place for this contract and that our systems or system provider are committed to working towards industry best practice to continuously improve H&S outcomes within the civil sector. I authorise the NZTA to discuss and verify our organisation's stated H&S record with independent bodies (e.g. ACC, Dept of Labour, Operate Safe, QEST).		
	<b>Signed:</b>		<b>Date:</b>
	<b>Name:</b>		<b>Position:</b>

## 6 Tender Evaluation Procedure

### 6.1 Overview

- 6.1.1 The Tender Evaluation Team (TET) will evaluate tenders using the tender evaluation forms, see Tender Documents, Section 7. A team of advisors will support the TET. These advisors will, if required, provide specific advice during the evaluation process.
- 6.1.2 Only tenderers prequalified to the specified level are eligible to submit a tender.

### 6.2 Tender Evaluation Team

- 6.2.1 A Tender Evaluation Team (TET) has been nominated to evaluate the tenders for this contract. Expert advisors may be required to support and advise the TET during the evaluation.

The Tender Evaluation Team for this contract, will be:

<b>Tender Evaluation Team (TET)</b>
Name, Title, Company (Team Leader)
Name, Title, Company
Name, Title, Company

- 6.2.2 Tenderers will be notified in writing of any changes to the TET.
- 6.2.3 Tenderers who believe there is a conflict of interest or risk of bias with a member of the TET may write to the Probity Auditor within two weeks of the tender documents being issued, outlining their concerns so that the appropriate action can be taken.

### 6.3 Envelope 1: Non-price Attribute Evaluation

- 6.3.1 The TET will individually read the contents of “Envelope 1 – Proposal excluding Price” and evaluate and grade the Non-price Attributes using the Tender Evaluation Marking Forms in this IFT.
- 6.3.2 For the evaluation of Relevant Experience, Track Record, and Relevant Skills the TET will take into account:
- NZTA records of contracts the Tenderers have completed;
  - Their personal knowledge of any of the Tenderers’ experience;
  - Information from referees of other organisations the Tenderers have worked for.
- 6.3.3 For the evaluation of the Tenderer's Resources attribute, the TET will take into account their personal views about the suitability of the Tenderer's resources to adequately carry out the work.
- 6.3.4 For the evaluation of the Tenderer's Methodology attribute, the TET will take into account their personal views about best practice and the appropriate methodology to complete the Contract Works.

## 6 Tender Evaluation Procedure

### 6.4 Interviews

6.4.1 Interviews may be held during the evaluation period with individual tenderers should any further clarification be required regarding the tenderer's submission.

### 6.5 Agreement of Non-Price Attribute Grades

6.5.1 The TET meets to agree each tenderer's non-price attribute scores. The TET will evaluate the proposals based on a direct comparison of each tender submission, and rank each tender in order based on the markings gained in that evaluation. The grades will reflect the quality of the people, methods, systems and outputs proposed by the tenderers.

6.5.2 Assistance from expert advisor's will be requested as required. The TET will endeavour to reach a consensus. If the TET cannot reach a consensus, the TET Leader shall consider the team's attribute grades and decide the final attribute grades.

6.5.3 The TET will subjectively mark all qualitative offers and will value all qualitative offers. Expert advisor's assistance will be requested as required.

6.5.4 The TET will endeavour to reach a consensus and explain the basis of their attribute scoring. If they cannot achieve this, the TET leader will consider the TET's attribute scores and decide the final attribute scores.

### 6.6 Tender Evaluation: Base Estimate

6.6.1 For transparency purposes, the base estimate used in the tender evaluation is given below:

Base Estimate: **\$6,500,000.00**

This includes **Schedule** fixed amounts of: **\$350,000.00**

6.6.2 It is important that the NZTA is confident the estimate is appropriate for the works because it is used in the tender evaluation formula.

6.6.3 If the tenderers have any concerns regarding the accuracy of the estimate, tenderers are able to submit their concerns up to 4.00 p.m., 5 working days prior to tender close, through the following process:

- a. Tenderers shall forward their comments on the accuracy of the estimate directly to the probity auditor nominated in this IFT.
- b. The probity auditor shall pass the comments (without revealing the tenderer's identity) to the Manager, Project Services.
- c. The Manager, Project Services will consider the information and, if deemed necessary, advise the Client to issue further instructions to tenderers before tenders close. The Client shall not reveal any price sensitive information to the TET.

## **6 Tender Evaluation Procedure**

### **6.7 Non-Price Attribute Evaluation Report**

6.7.1 The TET will then complete the non-price attribute evaluation report.

### **6.8 Opening Envelope No.2**

6.8.1 Following the Non-price Attribute evaluation process described above the Tenders Secretary will open Envelope No.2 - Price and determine the preferred tenderer.

### **6.9 Tender Evaluation Report**

6.9.1 The TET will prepare a tender evaluation report. NZTA will use this report in accepting and awarding the contract according to its contract administration procedures.

6.9.2 The report will include recommendations regarding the preferred tender and Tenderer, and any applicable terms or conditions relating to the tender acceptance.

6.9.3 If NZTA accepts the recommendation of the TET, it will either award the contract to the preferred Tenderer or, if appropriate, seek pre-award discussions with the preferred Tenderer.

### **6.10 Pre-Letting Meeting**

6.10.1 Following opening of the price envelope and prior to contract award, the NZTA may hold a pre-letting meeting with the preferred tenderer.

6.10.2 Meetings will be convened by the NZTA, who will involve their advisors on an 'as-required' basis. The Tenderer is encouraged to include all key personnel, which would usually include the Tenderer's owners representative, estimator, Contractor's Representative (as defined in NZS 3910, Clause 5.2).

6.10.3 A written evaluation report will be completed and submitted to the Principal.

6.10.4 The pre-letting meeting should only be used to clarify the price and ensure the tenderer fully understands the scope of work. The preferred tenderer may be required to submit their methodology and other information to demonstrate they have sufficient capability to complete the works.

6.10.5 A written evaluation report will be completed and submitted to the Principal.

6.10.6 The preletting meeting should only be used to clarify the price and ensure the tenderer fully understands the scope of work.

### **6.11 Tender Acceptance**

6.11.1 Should there be delays in the award process, the NZTA will advise Tenderers whether or not their tender is still being considered.

6.11.2 The NZTA will write to the successful Tenderer at the earliest opportunity to inform them that their tender has been accepted.

## 6 Tender Evaluation Procedure

- 6.11.3 Where Tenders from 3 or more Tenderers are received, all Tenderers will be advised of the following:
- a) Name of the successful Tenderer;
  - b) The tendered price of the successful tender;
  - c) The names of all Tenderers;
  - d) The tendered prices of all Tenderers, in ascending order, and without linkage to the Tenderer's identity
  - e) For each Tenderer, their individual Non-Price Attribute grades, and the range of Non-Price Attribute grades of all Tenderers; and;
  - f) For each Tenderer, their individual Supplier Quality Premium (SQP) and the range of SQP's.

In the event that less than 3 Tenderers submit tenders, only the information described in clause 6.4.3 items a), b) and c) will be provided. In addition, each tenderer will be provided with their individual non-price attribute grades and SQP.

### 6.12 Tender Debriefing

- 6.12.1 Within two weeks of the contract award, tenderers may request a meeting with the NZTA's consultant that includes at least one member of the Tender Evaluation Team. The purpose of the meeting will be to discuss the tenderers submission including in particular the adequacy of the submitted information and the scoring of Non-price Attributes. Other Tenderer's tender submission information and details will not be disclosed. The discussions will be confidential and will not be formally minuted.

# 6 Tender Evaluation Marking Forms

7.3 Relevant Skills - (Attribute Weighting = 5%)			
Factors  (Nominated Personnel from Tender)	Practical Experience (60%)		Qualification and Training (40%) (Formal Qualifications & Training)
	35 or less: Barely Adequate 40, 45: Adequate 50, 55: Meets Requirements 60, 65, 70: Related 75, 80, 85: Very Related 90, 95, 100: Directly Related		35 or less: Poor 40, 45: Below Average 50, 55: Average 60, 65, 70: Above Average 75, 80, 85: Good 90, 95, 100: Excellent
Contractor's Representative (as NZS3910, Clause 5.2)			
Contract Manager			
Quality Manager			
Traffic and Safety Manager			
Other Nominated Personnel			
<b>Summary Rating</b>			
<b>Tenderer:</b>		<b>Overall Relevant Skills Rating</b>	

Evaluators Comments (Continue on Separate Sheet if Necessary)

TET Notes:

1. Refer to HNO Contract Procedures Manual
2. TET to record agreed weighting for sub-attributes and factors on marking forms.
3. Recent Experience is more valuable than historic experience (for uncommon or unusual projects older than 5 years, currency is to be assessed more moderately).
4. Relevant experience relates to the company, not individuals, and should include relevant experience of key subcontractors, if appropriate.

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# 6 Tender Evaluation Marking Forms

7.4 Resources - (Attribute Weighting = 5%)			
Factors	Personnel (60%) (Equipment and Facilities)		Equipment (40%)
	35 or less: Poor 40, 45: Below Adequate 50, 55: Average 60, 65, 70: Above Average 75, 80, 85: Good 90, 95, 100: Excellent		35 or less: Poor 40, 45: Below Average 50, 55: Average 60, 65, 70: Above Average 75, 80, 85: Good 90, 95, 100: Excellent
Management Tasks			
Certified Lab			
Traffic Management			
Health and Safety System			
Quality System			
Subcontractor Support			
<b>Summary Rating</b>			
<b>Tenderer:</b>		<b>Overall Resources Rating</b>	

Evaluators Comments (Continue on Separate Sheet if Necessary)

TET Notes:

1. Refer to the NZTA's Procurement Manual and the NZTA's HNO Contract Procedures
2. TET to record agreed weighting for sub-attributes and factors on marking forms.

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# 6

## Tender Evaluation Marking Forms

7.6 Methodology (Attribute Weighting = 20%)			
Factors		Standard	
		35 or less: Poor 40, 45: Below Adequate 50, 55: Average 60, 65, 70: Above Average 75, 80, 85: Good 90, 95, 100: Excellent	
Organisational Structure			
Programming			
Standard of Tender			
Financial Management and Reporting			
Management - Quality Systems and Contract Quality Plan			
Management - Reporting			
Unit Rate Work - Completion			
Unit Rate Work - Compliance			
Cyclic Maintenance Works - Completion			
Cyclic Maintenance Works - Compliance			
Understanding Requirements			
Health and Safety			
Performance Assessments			
Innovation			
Contract Management			
Traffic Management - Code of Practice of Temporary Traffic Management			
Environmental			
<b>Tenderer:</b>		<b>Overall Methodology Rating</b>	

Evaluators Comments (Continue on Separate Sheet if Necessary)

TET Notes:

1. Refer to the NZTA's Procurement Manual and the NZTA's HNO Contract Procedures

TET to record agreed weighting for sub-attributes and factors on marking forms.

**TENDER FOR: NZTA1234: Highway Maintenance Example**

Tenders Secretary  
 NZ Transport Agency  
 4th Floor, BNZ Building  
 354 Victoria Street  
**HAMILTON**

1. I/We (the undersigned) \_\_\_\_\_  
 (Hereinafter called the Tenderer) hereby offer to the NZ Transport Agency to make and execute the above-mentioned work in accordance with the drawings, specifications and conditions of the contract for the sum (in words) of

\_\_\_\_\_  
 \_\_\_\_\_  
 \$( \_\_\_\_\_ ) excluding GST

2. The Tenderer is/is not (delete as applicable) a registered person in terms of the Goods and Services Act 1985.

The Tender's GST registration number is : \_\_\_\_\_

3. The Tenderer nominates the following as surety for any performance bond/bond in lieu of retentions (optional) specified in the Contract and upon request, shall furnish a certificate signed by the nominated surety that it will execute the bonds should the Tenderer be awarded the Contract.

4. The Tenderer understands that the NZ Transport Agency reserves the right to reject any or all tenders.

5. Prequalification Certificate Work Category Classification \_\_\_\_\_

	Performance Bond	Bond in Lieu of Retentions
Name		
Postal Address		
City		

Tenderer's Signature: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Delivery Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone No: \_\_\_\_\_

Fax No: \_\_\_\_\_