Capital Works process for Medium Works contracts – process diagram

Contracts valued between $50k - $500k

Please see ‘Capital Works process for Medium Works contracts - Guidance Notes’ for further guidance

### PROCUREMENT AND CONTRACT INITIATION STAGE

<table>
<thead>
<tr>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
<th>Step 6</th>
<th>Step 7</th>
<th>Phase 8</th>
<th>Step 9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Draft Procurement Plan and prepare Request for Tender (RFx) documents and obtain endorsement</td>
<td>Complete Medium Works contract documents</td>
<td>Initiate request to tenderers</td>
<td>Review and endorse RFx documents</td>
<td>Tenderer responses are submitted</td>
<td>Select preferred Supplier</td>
<td>Update draft contract for tenderers and suppliers</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Key checkpoints**

- DM
- EIS Legal
- EIS CP
- Tenderer/Supplier
- Regional CA
- DFA
- EIS Commercial Procurement (ECP)
- External PM

**Guidance Notes**

- The evaluation of the responses is completed by a tender evaluation team, typically consisting of the DM, ext PM and other project consultants or stakeholders.
- For Tenders $100k or over, are typically evaluated by the Ministry of Finance (MOF).
- The formal tender is typically evaluated by the Ministry of Finance (MOF).
- For open tenders under $100k, the DM would typically coordinate the release of the tender on behalf of the CA (SSS) or Panel.
- For closed tenders (under $100k), the DM would typically coordinate the release of the tender, no contract documents in the MOF standard terms for new Medium Works construction contracts will be accepted.
- Any notice to tenderers that will materially impact the drafted contract must be sent to EIS Legal (or EIS CP) for review. If required, EIS Legal will advise the contract be amended and re-issued with Tenderer documents. If the DM or ext PM is unsure as to whether not the notice to tenderers will affect the draft contract, EIS CP must be contacted.

**NB:**

- If the DM is unsure as to whether or not the Notice to Tenderers is incorrect or the Ministry of Finance (MOF) has any concerns, the DM should check with EIS CP.
- If a guest user (e.g., an ext PM) is drafting the contract and the DM is not aware, the DM should be informed via email.
- If the DM or ext PM is unsure, the DM should check with EIS CP.
- If the DM or ext PM is unsure, the DM should check with EIS CP.
- If the DM or ext PM is unsure, the DM should check with EIS CP.

**Key points**

1. **Step 1:** Draft Procurement Plan and prepare Request for Tender (RFx) documents and obtain endorsement.
   - If the Procurement Plan and RFx documents are drafted by the ext PM, the DM must review the two documents prior to EIS CP endorsement.
   - Procurement Plan and RFx documents must always be endorsed by EIS CP and the Sponsor.
   - EIS CP may provide guidance to the ext PM regarding the Procurement Plan and RFx documents during drafting.
   - The completed, finalised, documents must be included as an appendix to the Procurement Plan and needs to be reviewed and endorsed by EIS CP and approved by the Sponsor prior to releasing the RFx documents.

2. **Step 2:** Complete Medium Works contract documents.
   - The DM (or ext PM) should begin drafting the contract at least two full working days prior to the scheduled tender release.
   - The DM (or ext PM) should provide as much information as possible during the development of the draft contract and ensure that the documents provided (including tenderer documents) are included in the initial draft contract.
   - If the DM (or ext PM) is unsure as to whether or not the Notice to Tenderers is incorrect or the Ministry of Finance (MOF) has any concerns, the DM should check with EIS CP.
   - If a guest user (e.g., an ext PM) is drafting the contract on behalf of the DM, the DM is responsible for reviewing the draft contract and ensuring it adheres to EIS CP’s standards and includes all required items.

3. **Step 3:** Endorse and release RFx documents.
   - The completed Liquidated and Damages (L&D) documents must be included in the initial draft contract.
   - If the DM or ext PM is unsure as to whether or not the Notice to Tenderers is incorrect or the Ministry of Finance (MOF) has any concerns, the DM should check with EIS CP.
   - If the DM or ext PM is unsure as to whether or not the Notice to Tenderers is incorrect or the Ministry of Finance (MOF) has any concerns, the DM should check with EIS CP.
   - If the DM or ext PM is unsure as to whether or not the Notice to Tenderers is incorrect or the Ministry of Finance (MOF) has any concerns, the DM should check with EIS CP.

**NB:**

- All approvals are handled via the ContractExpress portal. All documents must be approved by EIS CP and reviewed and endorsed by EIS CP.
- The completed Liquidated and Damages (L&D) documents are drafted by the ext PM and reviewed by the DM. The DM can send the completed Liquidated and Damages (L&D) documents for approval to EIS CP.
- If the DM triggers this execution and its reasoning and approval loop will be as a warning once the contract is completed, a specific enforcement is required.
- If required, the draft contract will be sent to EIS CP who will review and approve the contract for download and inclusion as part of the RFx documents.
- The DM (or ext PM) should seek approval outside of the ContractExpress portal.

**Version:** Effective from 27 November 2017
# Capital Works process for Medium Works contracts – process diagram

## Contracts valued between $50k - $500k

Please see 'Capital Works process for Medium Works contracts - Guidance Notes' for further guidance

<table>
<thead>
<tr>
<th>PROCUREMENT AND CONTRACT INITIATION STAGE</th>
<th>CONTRACT COMPILATION AND EXECUTION</th>
</tr>
</thead>
</table>

### Step 10
- **1 WD**
  - **EIS Legal**: Notify Respondents of tender outcome
  - **EIS Commercial Procurement (EIS CP)**: Download tendering information
  - **Delivery Manager (DM)**: Review and approve tender document

### Step 12
- **1-2 WD**
  - **EIS Legal**: Notify Respondents of tender outcome
  - **EIS Commercial Procurement (EIS CP)**: Print and compile two copies of the contract (including all schedules, drawings, specs etc)
  - **Regional CA**: Complete the Medium Works Contract Execution Request (CER) form
  - **Contract Express**: Complete the CER form to the Supplier for execution

### Step 13
- **Step 14**
  - **EIS Legal**: Notify Respondents of tenders
  - **EIS Commercial Procurement (EIS CP)**: Print and compile two copies of the contract (including all schedules, drawings, specs etc)
  - **Regional CA**: Complete the Medium Works Contract Execution Request (CER) form
  - **Contract Express**: Complete the CER form to the Supplier for execution

### Step 15
- **Step 16**
  - **EIS Legal**: Notify Respondents of tenders
  - **EIS Commercial Procurement (EIS CP)**: Print and compile two copies of the contract (including all schedules, drawings, specs etc)
  - **Regional CA**: Complete the Medium Works Contract Execution Request (CER) form
  - **Contract Express**: Complete the CER form to the Supplier for execution

### Step 17
- **Phase 18**
  - **EIS Legal**: Notify Respondents of tenders
  - **EIS Commercial Procurement (EIS CP)**: Print and compile two copies of the contract (including all schedules, drawings, specs etc)
  - **Regional CA**: Complete the Medium Works Contract Execution Request (CER) form
  - **Contract Express**: Complete the CER form to the Supplier for execution

### Step 19
- **DM**
  - **Regional CA**: Notify Respondents of tender outcome
  - **EIS Commercial Procurement (EIS CP)**: Print and compile two copies of the contract (including all schedules, drawings, specs etc)
  - **Regional CA**: Complete the Medium Works Contract Execution Request (CER) form
  - **Contract Express**: Complete the CER form to the Supplier for execution

---

**NB**: The CA will review and confirm that the CER form has been completed (step 19); however, the responsibility for accurate contract compilation and execution is with the DM. The DM should not be asked and/or expected to complete this.

**NB**: The Document Transfer Record sheet must be included in the counter or the contracts couriered to the Supplier for execution. The DM (or ext PM) is responsible for notifying the Supplier that the contract is ready for execution and asking them to sign the schedule confirming that they agree to each clause in the contract, and they must not date the contract. The Ministry (as the last party to sign the contract) is responsible for dating the contract.

**NB**: If the CER form is not signed, the supplier must execute the contract by signing the contract.

**NB**: The Ministry/Regional CA will act as the last party to sign the contract. Where there is an ext PM on the project, the ext PM may compile the contracts on behalf of the DM. If the ext PM does compile the contracts, the compilation and execution version of the contract will be sent to the DM for review and endorsement. If there are any discrepancies found with the compilation of the contracts, it will be raised directly with the DM.

**NB**: Wellington CA will act in the place of a Project Coordinators who are absent. For contracts requiring sign off from a CW Central DFA, contracts must be delivered to the Ministry. For contracts requiring sign off from a CW Central South DFA, contracts must be delivered to the Wellington CA. For contracts requiring sign off from a CW South (CSR), DFA contracts must be delivered to the CSR. For contracts requiring sign off from a CW North, DFA contracts must be delivered to the CSR.

**NB**: For open tenders ($10k+), EIS CP will notify Respondents of the tender outcome, however for closed tenders, contracts ($100k+), notification will be sent by DM and/or the ext PM. A debrief to respondents should be offered to explain why they were unsuccessful.

**NB**: No handwritten amendments are to be made to the final approved contract. If the contract has any handwritten amendments, it will not be processed for Ministry execution.

---

**Version**: Effective from 27 November 2017

---

**Table Key**
- **EIS Legal**
- **EIS CP**
- **Tenderer/Supplier**
- **DFA**
- **Regional CA**
Capital Works process for Medium Works contracts – process diagram
Contracts valued between $50k - $500k

Please see ‘Capital Works process for Medium Works contracts - Guidance Notes’ for further guidance

<table>
<thead>
<tr>
<th>CONTRACT COMPILATION AND EXECUTION</th>
<th>1-2 WD</th>
<th>1 WD</th>
<th>1-2 WD</th>
<th>FILING AND HELIOS SET UP</th>
<th>3-5 WD</th>
<th>1-2 WD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step 20</td>
<td>Step 21</td>
<td>Step 22</td>
<td>Step 23</td>
<td>Step 24</td>
<td>Step 25</td>
<td></td>
</tr>
</tbody>
</table>

**Key checkpoints**

### CONTRACT EXPRESS

1. **Version:** Effective from 27 November 2017

**To note**

- The CA will not approve the contract if there are any hand-written amendments. If the DM has not completed the CER form and/or has not compiled contracts correctly, the CA will not return the documents to the DM and will not proceed until the compilation and CER form are correctly completed.

- When couriering the Supplier contract, the Document Transfer Record sheet must be included in the courier. The to note should be onsite prior to the contract being executed by the Ministry.

- **NB:** The CA will not approve the contract if there are any hand-written amendments. If the DM has not completed the CER form and/or has not compiled contracts correctly, the CA will not return the documents to the DM and will not proceed until the compilation and CER form are correctly completed.

- When couriering the Supplier contract, the Document Transfer Record sheet must be included in the courier. The to note should be onsite prior to the contract being executed by the Ministry.

**Key checkpoints**

- **NB:** The CA will not approve the contract if there are any hand-written amendments. If the DM has not completed the CER form and/or has not compiled contracts correctly, the CA will not return the documents to the DM and will not proceed until the compilation and CER form are correctly completed.

- When couriering the Supplier contract, the Document Transfer Record sheet must be included in the courier. The to note should be onsite prior to the contract being executed by the Ministry.

**Capital Works process for Medium Works contracts – process diagram**

**Contracts valued between $50k - $500k**

Please see ‘Capital Works process for Medium Works contracts - Guidance Notes’ for further guidance

**Key checkpoints**

### CONTRACT EXPRESS

1. **Version:** Effective from 27 November 2017

**To note**

- The CA will not approve the contract if there are any hand-written amendments. If the DM has not completed the CER form and/or has not compiled contracts correctly, the CA will not return the documents to the DM and will not proceed until the compilation and CER form are correctly completed.

- When couriering the Supplier contract, the Document Transfer Record sheet must be included in the courier. The to note should be onsite prior to the contract being executed by the Ministry.

- **NB:** The CA will not approve the contract if there are any hand-written amendments. If the DM has not completed the CER form and/or has not compiled contracts correctly, the CA will not return the documents to the DM and will not proceed until the compilation and CER form are correctly completed.

- When couriering the Supplier contract, the Document Transfer Record sheet must be included in the courier. The to note should be onsite prior to the contract being executed by the Ministry.

**Key points**

- **NB:** The CA will not approve the contract if there are any hand-written amendments. If the DM has not completed the CER form and/or has not compiled contracts correctly, the CA will not return the documents to the DM and will not proceed until the compilation and CER form are correctly completed.

- When couriering the Supplier contract, the Document Transfer Record sheet must be included in the courier. The to note should be onsite prior to the contract being executed by the Ministry.

**Key checkpoints**

- **NB:** The CA will not approve the contract if there are any hand-written amendments. If the DM has not completed the CER form and/or has not compiled contracts correctly, the CA will not return the documents to the DM and will not proceed until the compilation and CER form are correctly completed.

- When couriering the Supplier contract, the Document Transfer Record sheet must be included in the courier. The to note should be onsite prior to the contract being executed by the Ministry.

**Key points**

- **NB:** The CA will not approve the contract if there are any hand-written amendments. If the DM has not completed the CER form and/or has not compiled contracts correctly, the CA will not return the documents to the DM and will not proceed until the compilation and CER form are correctly completed.

- When couriering the Supplier contract, the Document Transfer Record sheet must be included in the courier. The to note should be onsite prior to the contract being executed by the Ministry.

**Key checkpoints**

- **NB:** The CA will not approve the contract if there are any hand-written amendments. If the DM has not completed the CER form and/or has not compiled contracts correctly, the CA will not return the documents to the DM and will not proceed until the compilation and CER form are correctly completed.

- When couriering the Supplier contract, the Document Transfer Record sheet must be included in the courier. The to note should be onsite prior to the contract being executed by the Ministry.

**Key points**

- **NB:** The CA will not approve the contract if there are any hand-written amendments. If the DM has not completed the CER form and/or has not compiled contracts correctly, the CA will not return the documents to the DM and will not proceed until the compilation and CER form are correctly completed.

- When couriering the Supplier contract, the Document Transfer Record sheet must be included in the courier. The to note should be onsite prior to the contract being executed by the Ministry.

**Key checkpoints**

- **NB:** The CA will not approve the contract if there are any hand-written amendments. If the DM has not completed the CER form and/or has not compiled contracts correctly, the CA will not return the documents to the DM and will not proceed until the compilation and CER form are correctly completed.

- When couriering the Supplier contract, the Document Transfer Record sheet must be included in the courier. The to note should be onsite prior to the contract being executed by the Ministry.
Capital Works process for Medium Works contracts – process diagram

Contracts valued between $50k - $500k

NB: the timings provided are indicative only and, where a step involves ContractExpress, may vary depending on the complexity of the contract and the demand on EIS Legal and EIS CP resource.

Acronyms used in this document:

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>EIS Legal</td>
<td>Education Infrastructure Service Legal team</td>
</tr>
<tr>
<td>EIS CP</td>
<td>Education Infrastructure Service Commercial Procurement team, and more specifically the team members working on the procurement of Capital Works projects.</td>
</tr>
<tr>
<td>DM</td>
<td>Capital Works Delivery Manager</td>
</tr>
<tr>
<td>Ext PM</td>
<td>External Project Manager</td>
</tr>
<tr>
<td>Tenderer/Supplier</td>
<td>Tenderer/ Respondent/ Supplier</td>
</tr>
<tr>
<td>CA</td>
<td>Education Infrastructure Service Contract Administrator (Regional)</td>
</tr>
<tr>
<td>DFA</td>
<td>Ministry of Education Delegated Financial Authority</td>
</tr>
<tr>
<td>QS</td>
<td>Quantity Surveyor</td>
</tr>
<tr>
<td>RFx documents</td>
<td>Approach to market documents/ Request For Tender (RFT)/ Request For Proposal (RFP)/ Request For Quote (RFQ)</td>
</tr>
</tbody>
</table>

Related documents:

The following related documents can be found on the Education Property Website:

- Capital Works process for Medium Works contracts - process diagram
- Medium Works Contract Execution Request form

Glossary:

ContractExpress is a web-based document automation solution designed for fast and accurate document drafting and client collaboration. The implementation of ContractExpress within the Capital Works programme is led by EIS Legal, EIS Commercial Procurement and Chapman Tripp.

EIS Legal and EIS Commercial Procurement are working to have all construction contract drafting completed in ContractExpress by the end of 2019.

MoE Business user

MoE Business users are a limited number of selected DMs who have been assigned login credentials to ContractExpress. These MoE Business Users (DMs) are able to initiate contract drafting as well as invite guest users.

Guest Access

Guest access gives MoE Business users the ability to invite guests by email to initiate a new contract.

If a MoE Business User (DM) elects to outsource the contract drafting to another DM/ Project Coordinator or ext PM (i.e. someone who is not a MoE Business User), the DM sends an invite within the ContractExpress portal to the guest user email address. The guest user is then provided with a unique link that grants access to the ContractExpress portal where the guest can:

(i) Complete the contract questionnaire (draft the contract); and
(ii) Download the draft contract once the approval loops have been completed.

NB: For security reasons the link expires after 48 hours, however the DM is able to refresh the invite within the ContractExpress portal, which will re-active the original link.

Version: Effective from 27 November 2017