

**INDEPENDENT COMMISSION AGAINST CORRUPTION****STATEMENT IN THE MATTER OF: Operation Ember**

**PLACE:** Independent Commission Against Corruption  
**NAME:** Donna Willis  
**ADDRESS:** Roads and Maritime Services  
**OCCUPATION:** Manager Procurement Strategy and Governance  
**TELEPHONE NO:** Known to ICAC  
**DATE:** 08/04/2019

**States: -**

- 
1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in Court as a witness. The statement is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.
  2. I am 46 years of age.
  3. On 2 April 2019, I participated in an electronically recorded interview with Stephen Wood and Yvonne Miles at the Independent Commission Against Corruption University of Sydney. During the interview I was asked questions. This statement was drafted from the digital recording and transcripts of that interview. I have been given the opportunity to read the draft statement and make any necessary amendments prior to signing this document.

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4. I have worked in procurement for over 20 years having previously held private sector roles in the mining, education and manufacturing sectors.
5. I am a Member of the Chartered Institute of Procurement and Supply (MCIPS) Diploma.
6. I commenced work with Roads and Maritime in February 2014 in the role of Senior Procurement Specialist in the Procurement Branch within the Business Services Division. I was in this role as a contractor for 12 months before being permanently appointed. I report to the Chief Procurement Officer, Albert Bass. The Procurement Unit includes a procurement analyst who undertakes procurement analytics.
7. In the last 2-3 months, the Business Services Division has merged with Audit and Assurance Branch. Consequently, my job title has changed and I am now Manager Procurement, Strategy and Governance. As part of this change, my responsibilities and bandwidth have increased and there is more emphasis on strategy. As of the last two months, the procurement analyst has reported to me. We now report to the Audit Chief Officer Andrew Graham via Albert Bass
8. Essentially my role is and has been to oversee Procurement Policy in RMS. The role is advisory regarding goods and services (not construction). The role oversees procurement policy and advises all business units on how to procure within government and the correct strategy or approach to take. It also reviews procurement

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strategies or exemptions. The role does not concern itself with anything operational – it is strategic and advisory.

9. During the period, the subject conduct occurred I was the Senior Procurement Specialist. My role was advisory for strategic procurement of goods and services. The Procurement Analyst role is to extract data from the ERP and provided reports on spend trends, spend analysis, cleansing of data and reported on contract disclosures and adherence to the GIPPA Act. Advice on transactional procurement was provided by Transport Shared Services (TSS).

10. I am familiar with the RMS Procurement Manual as at 15th September 2014.

**EXHIBIT: I AM SHOWN AND ATTACH A COPY OF THE RMS DELEGATIONS MANUAL AS AT 12TH NOVEMBER 2015 (Annexure A)**

11. I am also familiar with this manual.

12. For procurement of goods and services (not construction):

- procurements under \$5,000 require use of a Purchasing Card if one has been allocated and if there is no other specified procurement panel or whole of government scheme exists.
- procurements valued \$5,000 to \$30,000 including GST require one quote
- procurements valued 30,000 to \$250,000 including GST require three quotes.

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- Procurements above this value are strategic procurements and generally are tendered. The separate Engineering Contract Manual specifies the limits for construction.
13. For procurements valued \$5,000 – \$30,000 the person who initiates the procurement obtains a quote and raises an item in a shopping cart which is then submitted to TSS in ERP / Equip, the procurement software system used by RMS. In doing this, segregations are automatically built in to the process. While anyone can obtain a quote, and submit a request to purchase by raising a shopping cart item, only those with a relevant delegation can approve the procurement. Once approved, TSS raises the purchase order and forwards it to the supplier. The supplier invoices TSS, which then provides the invoice to the business for confirmation of delivery. Once this confirmation is received, TSS Accounts Payable issues the payment.
14. It is not possible for one person to raise an item in a shopping cart, approve the purchase and confirm delivery. Segregations in the Delegations Manual and the ERP prevent this.
15. This does not prohibit a person with a financial delegation requesting that a subordinate initiate a purchase using a quote provided by the delegate, and the delegate authorising the purchase and instructing the subordinate to confirm delivery.
16. Where TSS has concerns, issues may need to be escalated by approaching Strategic Procurement.

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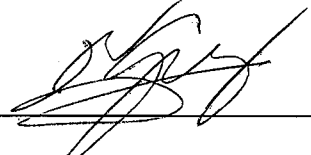
*[Signature]*

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17. For procurements from \$30,000 to \$250,000, the arrangements are much the same as the above but with three quotes being provided.
18. TSS Purchasing monitors purchases and would be expected to identify those where GST is not included and orders have been split to avoid the financial threshold.
19. If these issues are identified, TSS Purchasing would raise them with the business. The initial approach would be to the official with the appropriate delegation (which in some instances could be the same delegate who authorised the multiple purchase orders, or the delegate with the next highest limit).
20. For example if raising regular purchase orders for the same goods / services for similar amounts was detected, TSS would advise the original purchaser to use a variation / extension of the original purchase order rather than raise additional purchase orders. TSS may not pick up that the aggregated need qualifies as a strategic procurement. There is a limit to how much it can pick up. They are processing thousands of shopping carts for the whole cluster each day. The Procurement Unit would pick it up only if the business unit came to them for advice because they do not have visibility over the transactions.
21. The service level agreement TSS has with RMS specifies anomalies TSS has to check for, and what they do about them.
22. If the shopping cart has the right paperwork and the contract, the signoff of the executive of the business usually is relied on for authorisation and control.

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23. The Manager Heavy Vehicle Programs has a delegation level 5, which authorises them to engage professional services up to \$250,000 including GST. For purchasing other items such as equipment or maintenance services, the delegation limit could be different. These different limits would be contained in the ERP and would prevent a delegate from exceeding their delegation.
24. For procurements over \$250,000, it is mandated in the Procurement Manual that a Procurement Strategy be prepared. Such procurements are called strategic procurement because the procurement needs to be considered strategically.
25. Assistance in developing the Procurement Strategy is available from the Procurement Unit, which can help them advice on scope, and clarify the approach so it can be detailed in the Procurement Strategy.
26. The Procurement Unit provides a template that guides officials in the business through everything that they need to do from market analytics, market assessments and financials.
27. The Procurement Strategy needs to be endorsed by the Director overseeing the Unit originating the procurement, and the Executive Director of the overall business unit (for HVP this would be Melinda Bailey) before it comes to the Procurement Unit for review.
28. The Procurement Unit will check whether any panels are in place that should properly undertake the work and undertakes Procurement Manual compliance checks but relies on the Business Unit executive to authorise that the Unit's business needs have been accurately described and that the Procurement Strategy is accurate.

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29. The Procurement Strategy can only be enacted after the Chief Procurement Officer approves it.

**EXHIBIT: I AM SHOWN AND ATTACH A COPY OF AN EMAIL FROM DONNA WILLIS TO ALEX LEE**  
**SUBJECT: RE: OPEN TENDER TO A VALUE OF \$4.7M WEDNESDAY 25 JULY 2018 14:38:31**  
**(Annexure B)**

30. This email arose from when HVP were developing their Procurement Strategy for the strategic procurement of 425 weight scales.

31. Albert Bass advised that TSS could undertake the procurement on behalf of the business unit, but the business would have to pay TSS for this service.

32. Using TSS to undertake strategic procurement is an option, not a requirement; the business can decide to run the procurement process itself if it has the procurement competence, or can engage an external consultant. Ultimately, the director of the business unit (Roger Weeks) decided not to engage TSS and determined that Alex Dubois and Samer Soliman would undertake the strategic procurement with the assistance of a consultant from WSP (an engineering professional services consulting firm).

**EXHIBIT: I AM SHOWN AND ATTACH A COPY OF AN EMAIL FROM ALEX LEE TO DONNA WILLIS**  
**SUBJECT: REVISED PROCUREMENT STRATEGY; DATED MONDAY 30 JULY 2018 13:08:26**  
**(Annexure C)**

33. This email also relates to the above procurement of 425 weight scales.

34. It arises because I had asked whether they had considered the whole of life cost of the procurement in the tender, and included maintenance. The business responded that they

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did not need to because they had a panel in place for the maintenance of the scales. I then asked to see the panel. The business sent through the tendering documents instead. They were unable to provide me the signed panel deed.

35. When I looked at the documents, I noticed it had Minor Physical Works and Services and as such should reference the Engineering Works and Contracts manual. I also noticed that the document was using construction and engineering contract templates (C71) Category.

**EXHIBIT: I AM SHOWN AND ATTACH A COPY OF AN EMAIL DATED 24 JULY 2018 AT 5:36 PM FROM BRENDAN BRITTON TO DONNA WILLIS RE PORTABLE WEIGH SCALE CORRECT TEMPLATE/CONTRACT (Annexure D)**

36. I asked our Construction Procurement Department's Brendon Britton to review them and provide advice. Brendan Britton's advice was: "From reviewing the available documents, and also reviewing the Goods and Services Agreement link below, I think the non-construction supply agreement is the correct template. The C62 document is for the supply of materials to be used in construction projects and is probably for more minor purchases. The C74 RFT document isn't appropriate as it is for PSC tenders".

37. It was asked by Stephen Wood that if a panel was set up using non-price criteria, it would mean that it focussed on capability and quality of services. I stated that in general practice it is unusual that contractors that scored zero on any criteria are allowed to be put on a panel. If they do not meet the criteria, they should be removed.

38. In order to authorise a panel, the Tender Evaluation Committee needs to assess the tenders against the criteria, apply the relevant weighting determined by the committee, and write an evaluation report setting out the assessment process, and how they selected the panel

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members. The report is then submitted to the executive with the relevant delegation for execution of a contract. Who the appropriate delegate was would depend on whether it was set up under the construction or goods and services manual.

39. The Delegations Manual identifies who the correct delegate should be. Document control contracts would be uploaded into ERP/Equip before a purchase order could be raised or a contract created in the Ariba workspace.

40. As the Procurement Unit is purely advisory, the Business Unit is required to do the due diligence and undertake the market assessment, financials, and confirm that there is sufficient budget funding. This needs to be incorporated in the Procurement Strategy, which then is signed off by multiple people in the organisation.

41. The Procurement Unit does not interrogate procurement strategies and ask to see the business case or the asset management strategy underpinning it. It does not have the capacity to perform that sort of validation.

42. The Procurement Unit is largely reliant on the information provided by the business unit who are responsible for conducting their due diligence. Often business units are asked to come and present the Procurement Strategy to the Procurement Unit and walk us through their logic for why they want to do an open tender or a direct negotiation because sometimes things are missed, or overlooked when preparing the Procurement Strategy.

43. I met with Samer Soliman, Alex Dubois, and Roger Weeks to talk through the logic. Mark Chu was present at this meeting to discuss this strategic procurement.

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44. Although the earlier procurement of the 125 scales was done prior to my involvement I was made aware of the purchase and asked why they did not look at the business need holistically, building a Procurement Strategy for the whole of the scales. The business responded that it was because they had access to some residual budget toward the end of the financial year and wanted to use that. They appeared to look at it as an opportunistic acquisition rather than a properly planned procurement.
45. The market assessment for the purchase was described as having been done prior. The market was described as very niche with international suppliers involved.
46. I was not aware that the Tender Evaluation Committee for the purchase of the 125 scales had recommended market research to be done before going to open tender.
47. I do not recall why they went to the panel rather than open tender for the purchase of the 425 weigh scales.
48. At 4.3.2, the Procurement Manual specifies a Tender Selection Committee would need to comprise three RMS or Transport permanent staff, one of whom should be experienced in procurement, and may include one outsider or independent. It is also compulsory for at least one panel member to have probity training.
49. Ideally, there should be someone with technical expertise on the panel such as an inspector.
50. For both tender specifications, and financial assessment and price, the Procurement Unit largely relies on SMEs to provide technical requirements.

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51. As stated earlier, the Procurement Unit only advises on the business procurement strategy.
52. I recall there was an urgency to complete the procurement because of the long lead-time to supply the scales.

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Transport  
Roads & Maritime  
Services

## TRANSPORT ADMINISTRATION ACT 1988

## PORTS AND MARITIME ADMINISTRATION ACT 1995

# DELEGATIONS MANUAL

I, **Ken Kanofski**, Acting Chief Executive of Roads and Maritime Services pursuant to section 50 of the Transport Administration Act 1988, and section 27(2) of the *Ports and Maritime Administration Act 1995* and all other enabling powers:

### Delegation

Delegate the functions of Roads and Maritime Services in accordance with the Delegations Manual dated 12 November 2015.

### Revocation

Revoke and replace the Delegations Manual dated 15 July 2015 (including delegations that were subsequently made and recorded in the Release Page in that version of the Manual).

A handwritten signature in black ink, appearing to be 'K. Kanofski', written over a horizontal line.

Ken Kanofski

**Acting Chief Executive**

Date: 12 November 2015

# DELEGATIONS MANUAL

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**Dated 12 November 2015**  
(Updated 25 July 2016)

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# Section 1- Introduction

## 1. Introduction and Scope

This document is the Roads and Maritime Services' (RMS) Delegations Manual and it records the delegations the Chief Executive has made whether relating to regulatory functions and powers under statute or otherwise.

It does not record employment delegations. Employment delegations are made by the Transport Secretary and may be found at <http://home.rta.nsw.gov.au/policiesanddocuments/delegations.html>

### Why are delegations important?

Without a delegation from the Chief Executive (or the Transport Secretary in the case of employment functions) staff have no lawful authority to exercise RMS functions.

### Code of Conduct and Delegation Standards

The Code of Conduct also stipulates that all staff are required to act within their delegated authority and in accordance with RMS policies and procedures. Delegations should be exercised taking into account: risk, value, probity, need for exercising (as sometimes delegations should not be exercised at all) organisational and political context.

The General Conditions are implied into every Delegation and they include standards a Delegate must comply with when exercising a Delegation (see paragraph 4 of Section 2).

### What should You do?

All staff exercising delegations have a responsibility to ensure that their delegation is exercised in accordance with the Principles of Delegation and General Conditions (see Section 2) and the objectives of RMS.

Delegates must only exercise those delegations for which they have authority and over those resources for which they have responsibility within approved budgets and resources. Delegates will be held responsible for their actions.

All staff must ensure that the policies and procedures outlined in this manual are adhered to at all times.

Chief Executive



## Section 2- Principles of Delegation, General Conditions and Definitions

### 2. Principles of Delegation and General Conditions

#### 2.1. Principles of Delegation

The basic legal questions that should be asked by public servants when action is to be taken or a decision is to be made on behalf of the agency are:

- A. Is there a legal authority for taking the action or making the decision?
- B. Who has the legal authority to take the action or make the decision?
- C. Why is the action being taken or the decision made?

#### 1 Matters Not Covered by Delegations

Approval to an action, not covered by this manual is to be sought through Directors, the Chief Operating Officer, Chief Financial Officer or the Chief Executive as appropriate.

#### 2 Limits on External Delegations

- (a) Subject to (b) – (d) delegations cannot be granted to or exercised by external parties (for example, contractors and consultants and other “non-RMS staff”).
- (b) Under section 50 of the Transport Administration Act 1988 a delegation may be granted to the Transport Secretary or a member of staff of Transport for NSW, or a person of a class prescribed by the regulations.
- (c) Clause 87 of the Transport Administration (General) Regulation prescribes additional classes of persons to whom delegations may be granted. These include (amongst others) local councils, federal agencies, WestConnex and persons who have signed DVRS or MDVRS Agreements.
- (d) Section 7 of the Service NSW (One-stop Access to Government Services) Act 2013 permits the delegation of customer service functions to the CEO of Service NSW.

## 2.2. General Conditions

Every delegation is taken to include the following General Conditions except to the extent that any General Condition is excluded expressly or by necessary implication.

### 1 Delegations Include Line Management

A delegation to a position may also be exercised by the delegate's immediate line manager and thereafter up the management line.

A delegation vested in a lower delegation level is exercisable by a person with a higher delegation level (for example a level 3 delegation can also be exercised by persons holding the higher level 1 and 2 levels).

### 2 Higher Limits Include Lower Limits

Where a delegation nominates different delegates according to financial bands the delegation for the lower financial bands also vests in the delegates specified for the higher bands within that delegation clause. This is so whether or not the delegate in the higher band is the line manager of any delegate in the lower band.

### 3 Delegations Are To Positions

- a. Subject to (b) a delegation to a position or delegation level includes any one appointed or assigned to act in that position or, in the case of a delegation to a delegation level, with that delegation level at the relevant time, whether or not the person occupies the position in a permanent, temporary or acting capacity.
- b. This includes staff of another Government Sector Agency that are assigned to the position under section 66 of the Government Sector Employment Act 2013 and staff of Transport for NSW that are deployed to Roads and Maritime positions **BUT** this does **not** include skill hire or "business partners".
- c. A delegation vests in a person who is formally acting in a position **BUT**, provided the delegate is absent for more than one working day, the delegation also vests in anyone authorised to act in the position whether or not a Higher Duties Allowance is approved.

### 4 Standards

Delegates are expected to observe the following standards when exercising delegations:

- Exercise the delegation consistently with all relevant laws and policies, including the Code of Conduct;
- Obtain all necessary approvals;
- Inform themselves of the relevant facts;

- Consult with subject matter experts and obtain professional advice as may be necessary or desirable;
- Consult with and inform line management as appropriate;
- Act honestly and good faith without any conflict of interest;
- Only exercise a delegation in respect of a project or transaction for which they have responsibility or at the request of the person with responsibility;
- Where a delegation concerns a transaction or action, ensure the transaction or action is within the limit of an approved budget ; and
- Transaction-splitting to fit within financial limitations is prohibited.

Breach of these standards will not invalidate the exercise of a delegation but it may result in the decision being vulnerable to a legal challenge. For this reason, failing to observe these standards may lead to disciplinary action against the delegate.

## **5 Financial Limits Include RMS Costs Only**

Where a delegation is subject to a financial limitation the limitation refers only to the share payable by Roads and Maritime and excludes the value of the transaction payable by another party. If financial contributions are required from an external party, written agreement to contribute the appropriate share of the cost of the work must be obtained from the external party before committing Roads and Maritime funds.

## **6 No Self-Approvals**

A delegate cannot exercise a delegation to grant an approval for himself/herself (eg approve own leave or expenses).

## **7 Delegated Functions Include Incidental Matters**

A delegation of a function also authorises any other function which is incidental to the delegated function.

## **8 Interpretation**

Unless a contrary intention exists, any reference in a delegation to the words “approve”, “consent”, “authorise”, “grant” or “permit” is to be construed to mean “determine”.

“Determine” includes to

- (a) approve, consent, authorise, grant or permit (whether unconditionally or otherwise),
- (b) refuse, reject; or
- (c) vary, withdraw or terminate any approval consent or authorisation.

A delegation to approve or execute a contract or other document includes a delegation to approve or execute any assignment, novation, termination or variation of it (provided that in the case of a variation any relevant financial limitation is not exceeded).

**2.3. Definitions**

The following acronyms may be used:

IDD – Infrastructure Development Division

SCD – Safety and Compliance Division

JMD – Journey Management Division

AMD – Asset Maintenance Division

Corp – Corporate and Commercial Division

S&E – Strategy and Engagement Division

## Section 3- Change Process

### 3. Change process

#### 3.1 Scope

This section covers:

- making new delegations and
- updating existing delegations.

For more information see the delegations page on the intranet at <http://home.rta.nsw.gov.au/policiesanddocuments/delegations.html>

#### 3.2 Updating Existing Delegations

An existing delegation can only be changed by revoking it and remaking it, that is making a new delegation to replace it.

#### 3.3 Process

The delegation making process has eight (8) steps.

##### (1) Identification of issues

Identify and confirm:

- (a) the function or power to be exercised by the Delegate
- (b) what (if any) provision of an Act or Regulation confers this power or function
- (c) that the function of power is vested in the agency or the Chief Executive and can be delegated
- (d) the appropriate delegate(s)
- (e) any existing delegation which is to be revoked and replaced.

##### (2) Stakeholder consultation

Consult with all relevant stakeholders on the terms of the proposed delegation. Seek legal advice if needed.

##### (3) Prepare documentation

Before drafting the documentation consult the following:

- any relevant legislation
- the Principles of Delegation (see Section 2)
- the General Conditions (see Section 2)

Prepare the following documents:

- Form 637
- Formal Instrument of Delegation

- A covering Briefing Note explaining the changes/new delegations and recommending the Chief Executive approve the Instrument of Delegation, accompanied by attachments detailing the changes required to the current version of the Delegations Manual.

Note: Where an existing delegation is being updated then the Instrument of Delegation will also need to refer to and revoke the existing delegation. It is recommended that staff refer to the Delegation Instrument Template and liaise with Legal Branch in drafting the Instrument.

#### **(4) Concurrences**

Obtain the following approvals and concurrences to Form 637 and the draft Instrument of Delegation:

- General Manager (within relevant Division); then
- Director (within relevant Division); then
- General Counsel (Legal Branch)

#### **(5) Forward to Director Corporate and Commercial Division**

Forward to Director Corporate and Commercial who, after approving, will forward to Government Information Services Branch for submission to the Chief Executive.

#### **(6) Submit to Chief Executive**

Government Information Services Branch will submit the documents to the Chief Executive for approval.

#### **(7) Registration**

A delegation is valid and effective from the date that the Chief Executive signs the Instrument of Delegation.

#### **(8) Publication**

After approval by the Chief Executive, Government Information Services Branch sends the original documentation to the Executive Officer, Corporate and Commercial Division, so that the delegation can be registered and the online Manual updated.

### **3.4 Feedback and suggestions for improvement**

To improve this Manual, forward any suggestions to the Penny Pridmore, Executive Officer, Corporate and Commercial Division.

## Section 4 – General Delegations and Delegation Levels

### 4.1 General Delegations

The Chief Executive hereby delegates as follows:

#### Division Heads – General Delegation

To Directors, Chief Operating Officer and Chief Financial Officer all the functions of RMS in respect of their Division within their approved budget other than regulatory functions in respect of which a specific delegation exists.

### 4.2 Corporate Seal

The following specific functions are delegated:

- General Counsel to affix the 'SEAL'.
- Deputy General Counsel to affix the 'SEAL'.
- Director, Corporate and Commercial to affix the 'SEAL'.

### 4.3 Contract Principal

The Principal under Contract function has been delegated as below:

Contract	Delegate
All Construction Industry Contracts*	Director, Infrastructure Development (ID)
Non-Construction Industry Contracts	The head of the relevant Division responsible for the contract

\* Section 5.5 provides a definition of Construction Industry

### 4.4 Delegation Levels

Delegations levels are detailed against each position in the IMS and Transport Equip systems. Not all positions require a delegation authority and their default therefore is level 7.

The delegation level associated to a position will appear on the RMS Intranet Phone Guide against the individual undertaking that position. The information tab for each person will contain the delegations field and level.

The delegation level assigned to a position or its position title details what delegations can be exercised by that position holder. For example, where a delegate in this manual is shown as a range 0-4, all those positions with a delegation level of 0, 1, 2, 3 and 4 inclusive can exercise that delegation. Officers should only exercise those delegations for which they have responsibility within approved budgets and resources.

Directors may only approve changes in delegation levels for staff in their division as required (Form 692 applies).

## Definitions

As a **guide**, the following definitions apply in most circumstances:

- **Section Manager**- Responsible for managing a section within a Branch and reporting directly to a Branch/General Manager or Regional Manager. This may or may not include responsibility for managing staff. Each section may have its own cost centre. (e.g. Project Services Manager, Sector Manager, Customer Service)
- **Unit Manager**- Responsible within a section for managing a discrete area/activity and may or may not be responsible for managing staff. Reporting to a section manager who in turn reports to a GM. (e.g. Project Manager, Customer Service Centre Manager, Traffic Leader, Works Supervisor and Project Engineer). The Unit Manager may have a separate cost centre.
- **Supervisor/Team Leader**- All other staff who exercise any delegations in connection with their role, not at a Section Manager or Unit Manager Level (e.g. Customer Service Coordinator, Traffic, Project and Administration Clerk and Administrative Services Co-ordinator) often report direct to a Unit Manager and may manage other staff. Supervisors/Team Leaders do not normally have a separate cost centre and do not have any delegation within ESS workflow for leave and Higher Duties approvals.

Legend- Delegation Level	Level
Chief Executive	0
Director Chief Operating Officer Chief Financial Officer General Counsel	1
Group General Manager <sup>1</sup>	2
Branch Manager/General Manager/Regional Manager <sup>2</sup> Deputy General Counsel	3
Section Manager <sup>3</sup>	4
Unit Manager <sup>4</sup>	5
Supervisor/Team Leader <sup>5</sup>	6
General Staff <sup>5</sup>	7

1. Includes GM Business Services RMS, GM Regional Maintenance Delivery, Regional Manager, Sydney and Chief Engineer Engineering Services
2. Includes Group Financial Controller, Principal Bridge Engineer, Principal Road Pavement and Geotechnical Engineer, Principal Road Design Engineer, State Wide Delivery Manager, Maintenance Delivery Managers, Regional Maintenance Delivery Manager Strategy, Chief Procurement Manager, Chief Information Officer, and Executive Officer Strategy & Engagement.
3. Includes Works Managers in Regional Maintenance Delivery Branch.
4. Includes Project Engineer, Project Delivery Manager and Maintenance Engineer in Regional Maintenance Delivery Branch.
5. Level 6 and 7 exist as levels within IMS/Transport Equip but have no delegation for ESS workflow (e.g. approving leave or HDA).



## Section 5- Delegation Clauses

### 5. Delegation Clauses

Delegation Clauses have been categorised under Function and Activity and other sub headings as applicable. The delegation clauses are sorted by Function, then Activity. Activities can be spread across a number of Functions so care should be taken to check various Functions for a particular Activity.

All clauses with a \$ value are exclusive of GST, unless otherwise specified.

**Note: the delegation clauses must be read in conjunction with the Principles of Delegation and the General Conditions in Section 2 as well as relevant RMS policies.**

The delegation clauses follow and are set out under Activity, the delegation clause number, the Delegation Clause (description), the variables that apply to the clause and the delegation level (delegate) and the Division responsible for the clause.

### 5.1 Administration

#### 5.1.1 Records, Privacy, GIPA Act, Travel, Telephone, Gifts

##### *Adjustment of Records*

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Purchasing	1000	Approval to the adjustment of RMS records for discrepancies at period stock take of small plant stores, materials, equipment and other assets.		
		> \$1000	▪ 1-4	
		≤ \$1000	▪ 1-5	
SAP Record	1005	Approval to create and/or amend a vendor record in IMS.	▪ 1-5	

##### *Access to personal records*

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Access to personal records	1007	Authority to grant exceptional access to personal records in case of serious emergency.	<ul style="list-style-type: none"> <li>▪ Chief Executive</li> <li>▪ Director, Corporate and Commercial</li> <li>▪ GM Human Resource Strategy</li> <li>▪ GM Business Services RMS, TfNSW</li> </ul>	

***Air Travel***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Transport Management	1010	Approval to air travel.		
		Outside Australia (with the Minister's concurrence).	▪ Chief Executive	
		Within Australia	▪ 1-4 (Section Manager)	
		Within NSW/ACT where medical reviews requested by Workers compensation require travel by air as the most economical mode of transport.	▪ Senior Claims Analyst, Injury Management & Claims Services ▪ Team Leader Injury Management & Claims Services	
	1015	Approval to hire of plane or helicopter charter for transport purposes.	▪ 1	

***Cars and Buses***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Vehicles	1020	Approval to increase Division fleet vehicles.	▪ 1-1	
	1025	Approve any passenger vehicle with an EPS score:		
		Equal or higher than 11.	▪ 1-4	
		Lower than 11.	▪ 1-3	
		Below 9.	▪ 1-1	
	1030	Approve any replacement vehicle with a lower EPS score than the vehicle it is to replace (with a business case).	▪ 1-3	
	1035	Approval to long term home garaging of RMS vehicles other than Salary Sacrifice.	▪ 1-4	
	1037	Approval to hire or charter a bus, with or without a driver, for transport purposes (subject to receipt of necessary insurances and licenses).	▪ 1-3	
	1040	Approval to hire, without driver, VEHICLE of a type in general use in RMS.		
		> 8 weeks ≤ 8 weeks	▪ 1-3 ▪ 1-5	

***Telephones***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Purchasing	1041	Approval to purchase/lease/replace/upgrade mobile telephones.		
		New and upgraded phones	▪ 1-4	
		Replacement phones	▪ 1-5	
IT Data	1042	Approval to authorise connection of a mobile phone to IDD.	▪ 1-3	

	1045	Approval to authorise connection of a telephone to make STD calls:	
		Configured for calls inside NSW.	▪ 1-4
		Configured for calls outside NSW.	▪ 1-3

***Privacy and Government Information (GIPA)***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Privacy and Personal Information Protection Act 1998 and Health Records and Information Privacy Act 2002	1051	Determination of internal review applications.	<ul style="list-style-type: none"> <li>▪ Legal Counsel</li> <li>▪ Lawyer</li> <li>▪ Manager, Information &amp; Privacy</li> <li>▪ General Manager, Government Information Services</li> <li>▪ Director, Strategy &amp; Engagement</li> </ul>	
Government Information (Public Access) Act 2009	1056	Making a reviewable decision in connection with access applications under section 9 and 93	<ul style="list-style-type: none"> <li>▪ Senior Access &amp; Compliance Officer</li> <li>▪ Manager, Information &amp; Privacy</li> <li>▪ Legal Counsel (exercisable where the Information &amp; Privacy Unit may have a conflict of interest)</li> <li>▪ General Manager, Government Information Services</li> </ul>	
	1057	Informal release of government information under section 8	<ul style="list-style-type: none"> <li>▪ Manager, Information &amp; Privacy</li> <li>▪ General Manager, Government Information Services</li> <li>▪ Director, Strategy &amp; Engagement</li> </ul>	
	1058	Proactive release of government information under section 7	<ul style="list-style-type: none"> <li>▪ Manager, Information &amp; Privacy</li> <li>▪ General Manager, Government Information Services</li> <li>▪ Director, Strategy &amp; Engagement</li> </ul>	

	1059	Internal review of decisions under sections 84 and 93	<ul style="list-style-type: none"> <li>▪ Legal Counsel,</li> <li>▪ Lawyer,</li> <li>▪ Manager, Information &amp; Privacy</li> <li>▪ General Manager, Government Information Services</li> <li>▪ Director, Strategy &amp; Engagement</li> </ul>
	1060	Waive legal professional privilege under clause 5(2) of Schedule 1	<ul style="list-style-type: none"> <li>▪ Director, Strategy and Engagement</li> </ul>
	1061	Determine under section 6(1) that there is an overriding public interest against making open access information publicly available	<ul style="list-style-type: none"> <li>• Level 1</li> </ul>
	1062	Determine the exclusion of information from the Government Contracts Register under s.32(1) on the grounds of commercial-in-confidence, public safety or security or there being an overriding public interest against disclosure	<ul style="list-style-type: none"> <li>• Level 1</li> <li>• Senior Manager Property Sales #</li> </ul> <p># only exercisable to exclude the sale or purchase price of real estate before settlement.</p>

### ***Delegation Levels***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Delegation Levels	1065	Changing or assigning delegation levels for specific Positions within IMS. (Delegation levels are assigned to Positions to enable delegations to be exercised by that Position) Form 692 refers.	<ul style="list-style-type: none"> <li>▪ 1</li> </ul>	

### ***Acceptance of substantial gifts or benefits***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	

Acceptance of substantial gifts or benefits as detailed in RMS policy.	1070	Approval/non-approval	▪ 1	
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### 5.1.2 Administration- Trucks

#### General

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Plant and trucks	1110	Approval to specifications for Plant & Trucks.	▪ Manager Plant & Truck Hire	
	1120	Approval to Engineering Change Notices or modifications prior to supply and acceptance of Plant or Trucks.	▪ Manager Plant & Truck Hire	
	1130	Approval to registration of individual RMS Fleet Items when purchased including CTP as required.	▪ Manager Plant & Truck Hire	
	1140	Approval to registration for RMS Fleet items, including CTP as required on Annual registration common expiry date.	▪ Manager Plant & Truck Hire	

#### Records

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Plant & Trucks	1150	Approval to bulk renew registrations for Plant & Trucks.	▪ Manager Plant & Truck Hire	
	1160	Approval to register one-off fleet items on an ad-hoc basis.	▪ Unit Manager	
	1170	Approval to adjustment of RMS Records for Hand tools lost or stolen from plant items/tool kits from major plant or trucks.	▪ Workshop Area Manager	
	1180	Approval to adjustment of Records in respect of Major Plant and Trucks reported to Police as having been stolen.	▪ Manager Plant & Truck Hire	
	1190	Approval to adjustment of RMS Records in respect of disposal of or modifications to Major Plant and Trucks.	▪ Manager Plant & Truck Hire	

#### Acquisition

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	

Plant & Trucks	1210	Approval to invite and accept tenders or quotations for Plant or Trucks > \$150,000.	▪ Fleet Services Manager	
	1220	Approval to invite and accept tenders or quotations for Plant or Trucks to \$150,000.	▪ Manager Plant & Truck Hire	

***Modifications***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Plant & Trucks	1230	Approval to modifications on Plant or Trucks (major capital modifications needing BIRC approval).	▪ Fleet Services Manager	
	1240	Approval to modifications on Plant or Trucks.	▪ Manager Plant & Truck Hire	
	1250	Approval to modifications of an expense type on Plant or Trucks.	▪ Manager Plant & Truck Hire	

***Hire***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Plant & Trucks	1260	Determination of plant hire charges.	▪ Fleet Services Manager	
	1270	Determine plant hire charges for individual plant items.	▪ Manager Plant & Truck Hire	
	1280	Hire of Plant and Trucks to outside bodies.	▪ Manager Plant & Truck Hire	
	1290	Approval to the hire of plant and equipment up to 12 months where quotations have been obtained by advertisement.	▪ Unit Manager	
	1310	Approval to the hire of plant and equipment up to one month in cases of emergency where suitable plant is not available from the annual quotations and verbal quotations have been obtained.	▪ Unit Manager	

***Maintenance******Accident***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Plant & Trucks	1320	Approval to accident repairs to fleet plant >\$5,000 and up to NSW Treasury Managed Fund Limit as advised by Manager, Banking and Insurance.	▪ Manager Plant & Truck Hire	
	1330	Approval to accident repairs to fleet plant to <\$300 all claims and <\$5,000 for claims not involving claims for damage to third party property.	▪ Fleet Inspector	
	1340	Approval to accident repairs to fleet plant to <\$300 all claims and <\$1,000 for claims not involving claims for damage to third party property.	▪ Workshop Area Manager	

*Servicing/Repair Estimates*

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Plant & Trucks	1350	Approval to servicing of Fleet Plant & Trucks.	▪ Fleet Inspector ▪ Workshop Area Manager	
	1360	Approval to over expenditure on repairs to fleet plant and trucks.	▪ Manager Plant & Truck Hire	
	1370	Approval to purchase by Local Order for urgent fleet repairs >\$1,000.	▪ Workshop Supervisor ▪ Workshop Area Manager	
	1380	Approval to estimates for repair costs on Fleet Plant & Trucks – Unlimited.	▪ Fleet Services Manager	
	1390	Approval to estimates for repair costs on Fleet Plant & Trucks - up to \$50,000.	▪ Manager Plant & Truck Hire	
	1410	Approval to estimates for repair costs on Fleet Plant & Trucks - up to \$20,000.	▪ Project Manager Plant & Truck ▪ Manager Workshops ▪ Fleet Inspector ▪ Maintenance Information Officer	
	1420	Approval to estimates for repair costs on Fleet Plant & Trucks - up to \$10,000 or 20 Hours.	▪ Workshop Area Manager	

*Servicing/Repairs- Purchases*

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	

Plant & Trucks	1430	Approval to purchase parts for repairs to fleet plant and trucks (other than accident repairs to fleet plant) – Unlimited.	<ul style="list-style-type: none"> <li>Fleet Services Manager</li> </ul>	
	1440	Approval to purchase parts for repairs to fleet plant and trucks (other than accident repairs to fleet plant) - up to \$50,000.	<ul style="list-style-type: none"> <li>Manager Plant &amp; Truck Hire</li> </ul>	
	1450	Approval to purchase parts for repairs to fleet plant and trucks (other than accident repairs to fleet plant) - up to \$20,000.	<ul style="list-style-type: none"> <li>Fleet Inspector</li> <li>Manager Workshops</li> <li>Project Manager Truck &amp; Plant</li> </ul>	
	1460	Approval to purchase parts for repairs to fleet plant and trucks (other than accident repairs to fleet plant) - up to \$10,000.	<ul style="list-style-type: none"> <li>Workshop Area Manager</li> <li>Ferry &amp; Bitumen Engineer</li> </ul>	
	1470	Approval to purchase parts for repairs to fleet plant and trucks (other than accident repairs to fleet plant) - up to \$5,000.	<ul style="list-style-type: none"> <li>Workshop Supervisor</li> </ul>	
	1480	Approval to purchase parts for repairs to fleet plant and trucks (other than accident repairs to fleet plant) - up to \$1,500.	<ul style="list-style-type: none"> <li>Workshop Team Leader</li> <li>Serviceman</li> <li>Remote Tradesperson</li> <li>Ferry Maintenance Supervisor</li> </ul>	
	1490	Approval to purchase parts for repairs to fleet plant and trucks (other than accident repairs to fleet plant) - up to \$1,000.	<ul style="list-style-type: none"> <li>Mechanical Tradesperson</li> <li>Fleet Apprentice</li> </ul>	

### ***Disposal***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Plant & Trucks	1510	Approval to dispose of major plant and motor vehicles by sale at public auction or public invitation to \$50,000.	<ul style="list-style-type: none"> <li>Fleet Services Manager</li> </ul>	
	1520	Approval to accept trade-in offers for Plant or Trucks.	<ul style="list-style-type: none"> <li>Manager Plant &amp; Truck Hire</li> </ul>	

## **5.2 Non-Construction Contracts/Procurement**

### **Notes:**

A. These contract clauses are for **general** purchasing, procurement and



contracts. For delegations in respect of construction related procurement and contracts refer to *section 5.5 – Infrastructure*.

B. Procurement must be undertaken in accordance with:

- Procurement Policy PN195
- The Procurement Manual and
- *PN081 Purchasing and Invoice Policy*

available on the intranet.

C. 'Fixed assets' are items that are included in the RMS's Fixed Asset Register and are defined as items valued at \$10,000 or more with useful lives of two or more years.

D. 'Goods and services' are items that are procured that do not fall within the definition of 'fixed assets'.

E. For all purchases, the same delegate cannot approve incurring expenditure and authorise payment.

### 5.2.1 Consultants and Contracts

#### Consultants

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Contract Consultants	2000	Approval to the engagement of Consultants' services.		
		> \$1,000,000 with <i>Minister's concurrence</i> .	▪ Chief Executive	
		≤ \$1,000,000.	▪ Chief Executive	

#### **Contracts- General (Includes all price and variations), (Excludes Inventory, Goods and Services for Direct Work and Fixed assets)**

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Purchasing/ Contracts	2005	Purchasing/Contracts		
		\$0 – \$30,000	▪ 1-6	
		\$30,001 – \$250,000	▪ 1-5	
		\$250,001 – \$500,000	▪ 1-4	
		\$500,001 – \$1,000,000	▪ 1-3	
		>\$1,000,000	▪ 1	
	2006	Approval to issue letter of acceptance on formal contract		
		≤\$1,000,000	▪ 1-3	
		>\$1,000,000	▪ 1	

#### **Contracts- Execution**

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	

Contracts-General	2010	Approval to execution of formal contract documents.		
		> \$1,000,000.	▪ 1	
		≤ \$1,000,000.	▪ 1-3	

**Contract- Payments**

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Payments	2012	Authorisation of payment of moneys in accordance with terms of contract >\$250,000.	▪ 1-5	
	2013	Authorisation of payment of moneys in accordance with terms of contract <\$250,000.	▪ 1-6	

**5.2.2- Purchasing of Goods and Services****Inventory**

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Purchasing	2020	Approval to purchase inventory for replenishment.		
		> \$200,000	▪ 1-4	
		≤ \$200,000	▪ 1-5	
		≤ \$50,000	▪ 1-6	
	2025	Approval to issue of stores, materials from inventory.	▪ 1-6	

**Goods and Services for Direct Works**

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Purchasing	2035	Approval to purchase by acceptance of quotation for Goods and Services for direct works.		
		> \$30,000	▪ 1-5	
		≤ \$30,000	▪ 1-6	
	2040	Approval to purchase without quotation by ≤ \$5,000	▪ 1-6	
		Approval to purchase without quotation by ≤ \$5,000 using an RMS Purchasing Card	▪ 1-7	

**Fixed Assets**

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Purchasing	2045	Approval to purchase Fixed Assets - is currently under review. Contact Financial Manager, Reporting & Assets for advice.		

**Purchasing of Goods and Services- payments, fees and charges**

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	

Payments	2050	Authorisation of payment of accounts for goods and services, wages, haulage and hired plant pursuant to Section 13 of the <i>Public Finance &amp; Audit Act, 1983</i> . This is provided that: the delegate has as a function of the job and duties the management oversight and or the responsibility for the payment of accounts.	▪ 1-6	
	2055	Approval to enter into payment of ongoing maintenance and service contracts/agreements and repairs to office equipment or plant (except computing or communications equipment).	▪ 1-5	
	2060	Approval to miscellaneous expenditure on items or services not specifically provided for within the budget.		
		> \$10,000	▪ 1-3	
		≤ \$10,000	▪ 1-4	
		≤ \$5,000	▪ 1-5	
	2065	Approval to disbursement of refund of Security Deposits, Bank Guarantees etc. subject to satisfactory completion of work/service.	▪ 1-4	
	2070	Approval to award a penalty interest payment to a supplier.	▪ GM Business Services RMS, TfNSW	

### ***Purchasing of Goods and Services- variations and exemptions***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Purchasing	2080	Approval to extend order time including waiving of overtime deductions for the supply except where the lowest tender was not accepted because of favourable delivery times.	▪ 1-4	
	2085	Approve a procurement exemption or variation (for example waive the requirement for a public tender).	▪ 1-1  (subject to reporting the exemption or variation to the Chief Executive and the NSW Procurement Board)	

***Disposal of Goods***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Disposal	2090	Approval to disposal of surplus unserviceable goods excluding motor vehicles.		
		By transfer to another Public Service Agency.	▪ 1-5	
		Destruction where the items are of no value.	▪ 1-5	
		Negotiated sale or verbal quotes up to \$5,000.	▪ 1-6	
		Auction, written quotes or tenders \$5,000 – \$250,000.	▪ 1-5	
		Greater than \$250,000	▪ 1-4	

***Taxi Hire and Payment***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Taxi Hire	2095	Approval to:		
		Annual approval to expend funds on behalf of RMS for Cab Charge usage	▪ Director, Corporate and Commercial ▪	
		Create a Cab Charge Australia Account	▪ Transport Shared Services Functional General Manager	
		Approval to reorder stocks of Cab Charge eTickets for issuing to RMS employees	▪ TSS 1-5	
		Approval to travel by taxi	▪ 1-6	
		Approval to pay Cab Charge monthly accounts	▪ 1-6	

## 5.3 Financial and Property

### Notes:

- A. Any proposal to vary budgets between specific programs or funding categories must be forwarded to the relevant Program Directors for approval.
- B. The extent of funds available is approved by the Chief Executive through the budget process on advice from Program Directors.
- C. Any proposal to vary budgets between specific programs or funding categories must be in accordance with those variations agreed in the relevant Service Level Agreements. Any other variations require Program Director(s) or Chief Executive approval.

### 5.3.1 Financial Management

#### Banking

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Banking	3000	Approval to investment of monies in terms of Section 24 and Schedule 4 of the <i>Public Authorities Act, 1987</i> .	<ul style="list-style-type: none"> <li>▪ GM Group Financial Controller</li> <li>▪ Finance Manager, Treasury, Taxation &amp; Banking</li> </ul>	
	3001	Open and close accounts subject to the directions and policies of Treasury	<ul style="list-style-type: none"> <li>▪ CFO</li> <li>▪ GM Group Financial Controller</li> </ul>	
	3002	Approve or sign of any banking products and services documentation (other than opening or closing any bank account)	Any two of the following acting jointly: <ul style="list-style-type: none"> <li>▪ CFO</li> <li>▪ GM, Group Financial Controller</li> <li>▪ GM, Financial and Business Performance</li> </ul>	
	3005	Authority to carry out functions attributable to RMS's loan portfolios.	<ul style="list-style-type: none"> <li>▪ GM Group Financial Controller</li> <li>▪ Finance Manager, Treasury, Taxation &amp; Banking</li> </ul>	
	3010	Approval to redeem moneys invested under Section 144 <i>Public Authorities Act, 1987</i> .	<ul style="list-style-type: none"> <li>▪ GM Group Financial Controller</li> <li>▪ Finance Manager, Treasury, Taxation &amp; Banking</li> </ul>	
	3015	Approval to request information from RMS's banker.	<ul style="list-style-type: none"> <li>▪ GM Group Financial Controller</li> <li>▪ Finance Manager, Treasury, Taxation &amp; Banking</li> <li>▪</li> </ul>	

	3020	Authority to certify the officers who are authorised to sign cheques on RMS's bank accounts	<ul style="list-style-type: none"> <li>GM, Group Financial Controller</li> <li>Finance Manager, Treasury, Taxation &amp; Banking</li> <li>Verifying Officers</li> </ul>	
	3025	Approval to State Treasury Crown Journals.	<ul style="list-style-type: none"> <li>GM Group Financial Controller</li> <li>Finance Manager, Treasury, Taxation &amp; Banking</li> </ul>	
	3030	Approval of variation in Forecast Cash flows from Cost Centres unlimited.	<ul style="list-style-type: none"> <li>GM Group Financial Controller</li> <li>Finance Manager, Treasury, Taxation &amp; Banking</li> </ul>	
	3035	Approval of variation in Forecast Cash flows from Cost Centres > \$200,000.	<ul style="list-style-type: none"> <li>GM, Group Financial Controller</li> <li>Finance Manager, Treasury, Taxation &amp; Banking</li> </ul>	

***Budgeting***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Budgets	3040	Approval to variations within approved resource budget categories.	<ul style="list-style-type: none"> <li>1-4</li> </ul>	
	3045	Approval to variations within approved budgets for specific programs i.e. Road Development, Road Management, Road Use, Customer Service and Road Safety.	<ul style="list-style-type: none"> <li>Chief Operating Officer</li> <li>Chief Financial Officer</li> <li>Director, Asset Maintenance</li> <li>Director, Customer and Compliance</li> <li>Director, Corporate and Commercial</li> </ul>	
	3050	Approval to vary programs within approved budgets for funding categories.	<ul style="list-style-type: none"> <li>Chief Operating Officer</li> <li>Chief Financial Officer</li> <li>Director, Asset Maintenance</li> <li>Director, Customer and Compliance</li> <li>Director, Corporate and Commercial</li> </ul>	

***Credit/Purchase Cards***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Banking	3055	Approval to: Request a new Purchase Card for: <ul style="list-style-type: none"> <li>• Delegate with Delegation Level 0-6</li> <li>• Delegate with Delegation Level 7</li> </ul> Issue a purchase card Approval to purchase card limits Cash withdrawal Internet purchases	<ul style="list-style-type: none"> <li>▪ 1-4</li> <li>▪ 1</li> <li>▪ GM Procurement Services *</li> <li>▪ GM Procurement Services *</li> <li>▪ Director, Corporate and Commercial</li> <li>▪ 1-1</li> </ul> * Transport Shared Services (TSS) position	

***Debt Recovery***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Debt Recovery		[Write off irrecoverable debt in accordance with Treasurer's Directions 450 and 455]	[Refer to Minister's delegation to RMS and TSS staff]	
	3065	Approval to waiving of Tow Away Charge in accordance with approved guidelines.	<ul style="list-style-type: none"> <li>▪ GM Finance, Asset and Workplace Services *</li> </ul> * Transport Shared Services (TSS) position	
	3070	Reversal of invoice for use of infringement notices for unpaid Tollway charges	<ul style="list-style-type: none"> <li>▪ GM Group Financial Controller</li> <li>▪ GM Finance, Asset and Workplace Services *</li> </ul> * Transport Shared Services (TSS) position	

	3075	Approval to execute proof of debt and exercise powers under the <i>District Court Act, 1973</i>	<ul style="list-style-type: none"> <li>▪ GM Group Financial Controller</li> <li>▪ GM Finance, Asset and Workplace Services *</li> <li>▪ Legal Counsel</li> </ul> <p>* Transport Shared Services (TSS) position</p>	
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***Payments- General***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Payments	3080	Approval to payment from Public Monies Account	<ul style="list-style-type: none"> <li>▪ GM, Group Financial Controller</li> <li>▪ Finance Manager, Treasury, Taxation &amp; Banking</li> <li>▪</li> </ul>	
	3085	Approval to refund of overpayments to RMS (other than salaries).	<ul style="list-style-type: none"> <li>▪ 1-4</li> </ul>	

***Grants and Contribution Payments***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Grant Commitments	3086	Approval to raise purchase order for Grant commitments in accordance with the terms of Treasury instructions and Grant Agreement:		
		> \$1,000,000	▪ 1-4	
		≤ \$1,000,000	▪ 1-5	
		≤ \$150,000	▪ 1-6	
	3087	Approval to certify payments of Grants of Public Monies in accordance with terms of Agreement		
		> \$150,000	▪ 1-4	
	≤ \$150,000	▪ 1-5		



***Payments- Cash/Petty Cash***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Payments	3090	Approval to applications by cashiers to waive cash shortages to maximum \$500.	<ul style="list-style-type: none"> <li>1-3</li> <li>Sector Managers, Customer Service</li> </ul>	
	3095	Approval to establish permanent Petty Cash Advance.	<ul style="list-style-type: none"> <li>GM Group Financial Controller</li> </ul>	
	3100	Approval to expenditure on Petty Cash to \$100.	<ul style="list-style-type: none"> <li>1-6</li> </ul>	

***Payments- Disbursements******Employment***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Payments	3105	Approval to disbursement of Payroll Deductions	<ul style="list-style-type: none"> <li>Team Leader Payroll *</li> </ul> <p>* Transport Shared Services (TSS) position</p>	

***Tax***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Payments	3110	Approval to disbursement of Goods & Services Tax to Australian Taxation Office.	<ul style="list-style-type: none"> <li>GM Group Financial Controller</li> </ul>	
	3115	Approval to disbursement of pay as you go (PAYG) tax.	<ul style="list-style-type: none"> <li>Manager Payroll *</li> <li>Team Leader Payroll *</li> </ul> <p>* Transport Shared Services (TSS) position</p>	

*Tax, continued*

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
	3120	Approval to disbursement of: Payroll Tax; PAYG Summaries; Payroll Tax Return; Superannuation Guarantee Charge; Sales Tax Fringe Benefit; Group Tax – Consultants.	<ul style="list-style-type: none"> <li>▪ Manager Payroll *</li> <li>▪ GM, Group Financial Controller</li> <li>▪ Finance Manager, Treasury, Taxation &amp; Banking</li> </ul> * Transport Shared Services (TSS) position	
	3121	Approval to disbursement from the Waterways Fund for operating expenditure included in Maritime Services Division budget for Goods and Services Tax (GST), Pay As You Go tax (PAYG), Superannuation Guarantee charge and Payroll.	<ul style="list-style-type: none"> <li>▪ GM Group Financial Controller</li> <li>▪ Financial Controller, Safety &amp; Compliance</li> </ul>	
	3125	Approval to disbursement of Group Tax – General.	<ul style="list-style-type: none"> <li>▪ GM, Group Financial Controller</li> <li>▪ Finance Manager, Treasury, Taxation &amp; Banking</li> </ul>	
	3130	Approval to disbursement of overseas drafts and telegraphic transfers.	<ul style="list-style-type: none"> <li>▪ Finance Manager, Treasury, Taxation &amp; Banking</li> </ul>	

*Regulation and licensing*

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Payments	3135	Approval to disbursement of Registration and Licensing Refund Cheques.	<ul style="list-style-type: none"> <li>▪ Principal Manager Accounts Payable *</li> </ul> * Transport Shared Services (TSS) position	
	3136	Approval to disbursement of daily cash floats for Motor Registries.		
		<\$150,000	<ul style="list-style-type: none"> <li>▪ Principal Manager Receivable &amp; Revenue Accounting *</li> </ul> * Transport Shared Services (TSS) position	

		<\$250,000	<ul style="list-style-type: none"><li>▪ General Manager, Finance, Asset and Workplace Services *</li></ul> <p>* Transport Shared Services (TSS) position</p>	
	3140	Approval to disbursement of Fees, Taxes, Duties etc ex DRIVES Collection.	<ul style="list-style-type: none"><li>▪ GM, Group Financial Controller</li><li>▪ Finance Manager, Treasury, Taxation &amp; Banking</li><li>▪ General Manager, Finance, Asset and Workplace Services *</li></ul> <p>* Transport Shared Services (TSS) position</p>	

**SAP – Vendor Creation**

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Payments	3142	Approval to create and or/amend a Vendor Record in SAP (Form 681).	<ul style="list-style-type: none"><li>▪ 1-5</li></ul>	

This section (5.3.2) applies solely to road related property activities undertaken by the Infrastructure Development Division. Delegations for this section are identified against the relevant staffing position across the top and the specific activity, and its associated dollar value, in the left-hand column.

Activity	No.	Senior Acquisition Officer	Property Acquisition Manager	Valuations & Acquisition Manager	Infrastructure Property Manager	Principal Manager Infrastructure Property	Principal Surveyor	General Manager Project Development	General Manager Contract Management Office	General Manager Regional Maintenance Delivery	Director Infrastructure Development	Chief Operating Officer	Chief Executive Reserved Functions
Property Acquisition													✓
Approval to acquire Property:-													
Owner Initiated Just Terms (Hardship) <sup>3</sup>	3200					✓						✓	
Preferred Option Policy <sup>3</sup>	3205					✓						✓	
Road Related Ahead of Program (Strategic) <sup>3</sup>	3210							✓	✓	✓	✓	✓	
Exceptional Hardship Policy <sup>3</sup>	3215												
Programmed Roadworks <sup>1</sup>	3220				✓	✓						✓	
Approval for the payment of Part or Total Compensation for Land Acquisition for the GST exclusive amounts below:-													
In excess of \$50 Million	3225												
Up to and including \$50 Million	3230										✓	✓	
Up to and including \$20 Million	3235							✓				✓	
Up to and including \$10 Million	3240					✓						✓	
Up to and including \$5 Million	3245			✓	✓							✓	
Up to and Including \$2 Million	3250		✓									✓	
Land Exchange													
Approval to include RMS land (whether owned or to be acquired) as part of compensation for acquisitions of land (LAND EXCHANGE) where the land has a value of:-													
Up to \$5 Million <sup>2</sup>	3255					✓						✓	
Up to and including \$10 Million <sup>2</sup>	3260							✓				✓	
Up to and including \$20 Million <sup>2</sup>	3265										✓	✓	
In excess of \$20 Million <sup>2</sup>	3270												
Approval of Terms and Execution of Agreements / Documents for :-													
RMS acquisition and sale of property (Subject to delegation limits above) <sup>1</sup>	3275		✓	✓	✓	✓						✓	
Property Management													
Approval to demolition of Property for road project purposes	3280			✓	✓	✓						✓	
Approval to payment of individual costs associated with management of residue properties up to \$100,000	3285				✓	✓						✓	
Approval to payment of individual costs associated with administration of land within the road corridor up to \$50,000	3290				✓	✓						✓	
Approval to payment of individual costs associated with administration of land within the road corridors in excess of \$100,000	3295					✓						✓	

Activity	No.	Senior Acquisition Officer	Property Acquisition Manager	Valuations & Acquisition Manager	Infrastructure Property Manager	Principal Manager Infrastructure Property	Principal Surveyor	General Manager Project Development	General Manager Contract Management Office	General Manager Regional Maintenance Delivery	Director Infrastructure Development	Chief Operating Officer	Chief Executive Reserved Functions
Property Administration Granting Rights													
Approve, Authorise, Execute Documents relating to:-													
Issue Certificates (Consolidate Titles)	3300				✓	✓						✓	
Register Plans, Easements and Instruments	3305				✓	✓	✓					✓	
Create and Release Easements	3310			✓	✓	✓						✓	
Create and Release Covenants	3315			✓	✓	✓						✓	
Deed of Release or Deed of Agreement	3320			✓	✓	✓						✓	
Authorise production of CT's from LPI	3325						✓					✓	
Minor Amendments to approved Road Boundaries	3330			✓	✓	✓						✓	
Approval to lodge documents and Execute applications for Development Consent on behalf of RMS as Property owner	3335			✓	✓	✓						✓	
Approval to grant Land owner's consent on behalf of RMS to lodgement of development applications by 3rd parties including RMS Property	3340				✓	✓						✓	
Property Disposal													
Approve total expenditure relating to preparation of Property for disposal within an approved budget	3345				✓	✓						✓	
Authority to declare property surplus to RMS road requirements	3350				✓	✓						✓	
Leasing and Licensing													
Approval of terms, consideration and execution of leases, licences, variation and termination of Leases and associated documents including permissive occupancies where RMS is the tenant or landlord and the property is required for Road work activities	3355		✓	✓	✓							✓	
Compulsory Acquisition													
Settlement of compensation pursuant to the Land Acquisition (Just Terms Compensation) Act 1991 up to \$10 Million	3360					✓						✓	
Settlement of compensation pursuant to the Land Acquisition (Just Terms Compensation) Act 1991 over \$10 Million	3365										✓	✓	
Miscellaneous Fees and Charges Relating to Infrastructure Property													
Approval to fees and charges for professional services to RMS up to \$50,000.	3370	✓	✓	✓								✓	
Approval to fees and charges for professional services to RMS over \$50,000	3375				✓	✓						✓	
Other Miscellaneous Fees and Charges	3380			✓	✓	✓						✓	

1. Road Project Managers are to provide written advice to the Infrastructure Property Manager or Principal Manager Infrastructure Property confirming concurrence by the relevant General Manager to the proposed project & initiating of acquisition.
2. Memo required to Senior Manager Property Sales & Principal Manager Property seeking comment and advising of relevant acquisition circumstances and probity issues prior to the inclusion of RMS property in any offer to a landowner as part compensation for the acquisition of land. Land Exchanges are to be reported by IDD to the RMS Property Executive Sub-Committee.

Activity	No.	Property Acquisition Manager	Valuations & Acquisition Manager	Infrastructure Property Manager	Principal Manager Property	General Manager Project Development	Director, Infrastructure Development	Chief Operating Officer
Value / Individual Amount of Legal Fees		≤ \$10K	≤ \$100K	≤ \$100K	≤ \$250K	≤ \$1M	≥ \$1M	≥ \$1M
Engagement of external lawyers from a Roads and Maritime Services' property/conveyancing panel for the sale and purchase of interests in land, and leasing and licensing matters.	3385	✓	✓	✓	✓	✓	✓	✓

5.3.3 Property Acquisition Activities Undertaken by Corporate and Commercial Division

This section (5.3.3) applies to property acquisition related activities undertaken by the Property Branch within Corporate and Commercial Division. Delegations for this section are identified against the relevant staffing position across the top of the table, and the dollar value (\$) highlighted in grey, and the specific activity in the left-hand column. Delegations in this section are also subject to ICAC & government guidelines regarding direct negotiations & disposal of property.

Activity	No.	Manager C. A. & R. D. &/or Manager Acquisition Policy & Litigation	Senior Manager Property Sales	Senior Manager Property Compliance	Principal Manager Property	Director – Corporate and Commercial	Chief Executive Reserved Functions
Acquisitions		≤ \$1M	≤ \$2M	≤ \$2M	≤ \$5M	< \$20M	≥ \$20M
Non-Road Property	3400	✓		✓	✓	✓	✓
Approval to utilise RMS land (whether owned or to be acquired) as part compensation for the acquisition of land (Land Exchange) <sup>1</sup>	3405	✓	✓	✓	✓	✓	✓
Miscellaneous Fees & Charges	3410	✓		✓	✓	✓	✓
Execution of Agreements / Documents							
RMS is Licensor or Lessor	3415	✓	✓	✓	✓	✓	✓
RMS Road Projects	3420	✓	✓	✓	✓	✓	✓
RMS Non-Road Projects	3425	✓	✓	✓	✓	✓	✓
		Manager Compulsory Acquisition and Road Dedication	Manager Acquisition Policy & Litigation	Senior Manager Property Compliance	Principal Manager Property	Director – Corporate and Commercial, Chief Operating Officer	Chief Executive Reserved Functions
Compulsory Acquisitions [Just Terms] & Road Corridor Administration [Roads Act]		RMS's pre-compulsory acquisition offer or Valuers General's determination (\$)	RMS's pre-compulsory acquisition offer or Valuers General's determination (\$)	RMS's pre-compulsory acquisition offer or Valuers General's determination (\$)	≤ \$5M	< \$20M	≥ \$20M
		plus	plus	plus			
		10% or < = \$50,000, plus costs	10% or < = \$250,000, plus costs	10% or < = \$750,000, plus costs			
		OR	OR	OR			
		Court's determination, plus costs (\$)	Court's determination, plus costs (\$)	Court's determination, plus costs (\$)			
Settlement of Compensation and Costs	3430	✓	✓	✓	✓	✓	✓
Agreements/Documents/Instruments <sup>2</sup>	3435	✓	✓	✓	✓	✓	✓
Agreements/Documents/Instruments <sup>3</sup>	3440	✓		✓	✓	✓	✓
Terms of rent <sup>4</sup>	3445	✓		✓	✓	✓	✓

1.
- Memo required to Senior Manager Property Sales & Principal Manager, Property seeking comment and advising of relevant acquisition circumstances and probity issues prior to the inclusion of RMS property in any offer to a landowner as part compensation for the acquisition of land. Land exchanges are to be reported by IDD to the RMS Property Executive Sub-Committee.
2.
- To execute dealings, instruments, deeds of release, undertaking or agreement and any other documents associated with resumptions or compulsory acquisitions including the consolidation or issue of titles.
3.
- To execute notices and orders under Sections 10, 25, 27, 37, 45 and 159 of Roads Act; letters foreshadowing compulsory acquisition and notices (including PANs, acquisition and compensation notices) under Sections 11, 16, 19 and 42 of Just Terms Act.
4.
- To approve terms of rent for continuation of occupation property following compulsory acquisition.

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5.3.4 Property Management Activities Undertaken by Corporate and Commercial Division

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This section (5.3.4) applies to property management related activities undertaken by the Property Branch within Corporate and Commercial Division. Delegations for this section are identified against the relevant staffing position across the top of the table, the dollar value (\$) and time period affecting the activity (highlighted in grey), and the specific activity in the left-hand column. The delegation is up to the dollar value amount or its associated time frame, whichever threshold is achieved first.

Activity	No.	Senior Leasing Manager	Senior Manager Property sales	Senior Manager Property Strategy & Planning	Senior Managers: Customer & Property Management; & Senior Manager Commercial Tenure	Senior Manager Property Compliance	Principal Manager Property	Director Corporate and Commercial	Chief Executive Reserved Functions
Demolition of Property									≥ \$2M
Value <sup>5</sup>		≤ \$100K	≤ \$200K	≤ \$200K	≤ \$200K	≤ \$200K	≤ \$500K	< \$2M	
Road Construction Purposes	3500	✓	✓	✓	✓	✓	✓	✓	
Other	3505	✓	✓	✓	✓	✓	✓	✓	✓
Leasing & Licencing									≥ \$2M
Annual Rental Or Cost Or Value &/or Term including Options		≤ \$100K	≤ \$200K	≤ \$200K	≤ \$500K	≤ \$200K	≤ \$750K	< \$2M	
		≤ 5 Years	≤ 10 Years	≤ 10 Years	≤ 20 Years	≤ 10 Years	≤ 20 Years	< 30 Years	
Approve for Use & Execute All Documents									≥ 30 Years
Road Construction Purposes	3510	✓			✓		✓	✓	
Other	3515	✓	✓	✓	✓		✓	✓	
Variation and Termination of Leases	3520	✓		✓	✓		✓	✓	✓
Approve & Execute Proof of Debt	3525		✓	✓	✓	✓	✓	✓	✓
Recover Possession of Premises, or Property, or Land <sup>6</sup>	3530				✓	✓	✓	✓	✓
Recommendation to Write-Off Debt (refer to organisational-wide Delegations)	3535				✓	✓	✓	✓	✓
Compromise Debt Settlement	3540				✓	✓	✓	✓	✓
Individual Costs of Main & Repair	3545	✓	✓	✓	✓		✓	✓	✓
Development Consent [PTL]									✓
Road Projects	3550	✓	✓ <sup>5</sup>	✓	✓		✓	✓	
Non-Road Projects	3555		✓ <sup>5</sup>	✓	✓		✓	✓	

5. Refers to surplus land only.

6. Following receipt of advice form Legal Branch on the appropriate process.



5.3.5 Property Administration Activities Undertaken by Corporate and Commercial Division

This section (5.3.5) applies to property administration related activities undertaken by the Property Branch within Corporate and Commercial Division. Delegations for this section are identified against the relevant staffing position across the top of the table, and the dollar value (\$) highlighted in grey, and the specific activity in the left-hand column.

Activity	No.	Manager Compulsory Acquisition & Road Dedication; and Manager Acquisition Policy & Litigation	Senior Managers: Property, Strategy & Planning; Customer & Property Management; Property Sales; Property Compliance; Commercial Tenure & Development	Principal Manager Property	Director Corporate and Commercial	Chief Executive Reserved Functions
Value / Individual Amount		≤ \$10K	≤ \$30K	≤ \$100K	< \$500K	≥ \$500K
Approval To Execute:						
Bring Land under Real Property Act	3600		✓	✓	✓	✓
Issue Certificates [Consolidate Titles]	3605	✓	✓	✓	✓	✓
Register Plans & Easements	3610	✓	✓	✓	✓	✓
Create & Release Easements	3615	✓	✓	✓	✓	✓
Create & Release Covenants	3620	✓	✓	✓	✓	✓
Deeds of Release or Deeds of Agreement	3625	✓	✓	✓	✓	✓
Authorise production of CTs from LPI	3630	✓	✓	✓	✓	✓
Minor amendments to approved Road Boundaries	3635				✓	✓
Costs of Administration	3640	✓	✓	✓	✓	✓
Permission to Lodge Development Application - Landowners Consent	3650	✓	✓	✓	✓	✓

Activity	No.	Property Sales Manager Compliance Manager	Senior Manager Major Property Developments	Senior Managers: Property, Strategy & Planning; Customer & Property Management; Property Sales; Property Compliance; Commercial Tenure & Development	Principal Manager Property	Director Corporate and Commercial	Chief Executive Reserved Funtions
Value / Individual Amount of Legal Fees		≤ \$10K	≤ \$100K	≤ \$100K	≤ \$250K	≤ \$1M	≥ \$1M
Engagement of external lawyers from a Roads and Maritime Services' property/conveyancing panel for the sale and purchase of interests in land, and leasing and licensing matters.	3660	✓		✓	✓	✓	✓

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5.3.6 Property Disposal and Sales Activities Undertaken by Corporate and Commercial Division

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This section (5.3.6) applies to property disposal and sales related activities undertaken by the Property Branch within Corporate and Commercial Division. Delegations for this section are identified against the relevant staffing position across the top of the table, and the dollar value (\$) highlighted in grey, and the specific activity in the left-hand column.

Activity	No.	Property Sales Managers	Senior Manager Property Sales	Senior Manager Major Property Developments	Principal Manager Property	Director Corporate and Commercial	Chief Executive Reserved Functions
Sale Value		N/A	≤ \$3M	≤ \$3M	≤ \$5M	< \$20M	≥ \$20M
Property Disposal							
Authority to Declare Surplus - Road Projects	3700					✓	✓
Authority to Declare Surplus - Non-Road	3705		✓		✓	✓	✓
Approve Disposal and/or Sale Strategy <sup>7</sup>	3710		✓	✓	✓	✓	✓
Set Reserve Price	3715		✓	✓	✓	✓	✓
Dispose = or > 95% of Reserve	3720		✓	✓	✓	✓	✓
Dispose by Private Treaty property capable of independent development that might otherwise be sold by a public process <sup>8</sup>	3725					✓	✓
Dispose by Private Treaty after public process	3730		✓		✓	✓	✓
Dispose of property not capable of independent development e.g. Landlocked Land limited potential widening strips	3735		✓		✓	✓	✓
Dispose where Sale Price set by VG	3740		✓		✓	✓	✓
Approve & Execute All Documents	3745		✓		✓	✓	✓
Disposal Administration							
Value / Individual Amount		≤ \$10K	≤ \$100K	≤ \$100K	≤ \$250K	≤ \$1M	≥ \$1M
Disposal Costs of Sale Preparation (including, legal, conveyancing, surveying, valuations etc)	3750	✓	✓		✓	✓	✓
Per Procurement Policies							
Disposal Costs of Sale Preparation	3755	✓	✓	✓	✓	✓	✓

7. Disposal of property should be primarily by public process e.g. auction, tender, call for expressions of interest.
8. Minister and Treasurer's Approval is required.

5.3.7 Maritime Property Activities Undertaken by Corporate and Commercial Division

This section (5.3.7) applies to activities related to maritime property undertaken by the Property Branch within Corporate and Commercial Division. Delegations for this section are identified against the relevant staffing position across the top of the table, the dollar value (\$) and time period affecting the activity (highlighted in grey), and the specific activity in the left-hand column. The delegation is up to the dollar value amount or its associated time frame, whichever threshold is achieved first.

Activity	No.	Manager Survey (Maritime Operational Capability)	Senior Leasing Manager	Senior Manager Property sales	Senior Managers: Customer & Property Management; and Commercial Tenure & Development	Senior Manager Property, Strategy & Planning	Senior Manager Major Property Developments	Senior Manager Property Compliance	Principal Manager Property	Director Corporate and Commercial	Chief Executive Reserved Functions
Annual Rental Or Cost Or Value &/or Term including Options		N/A	≤ \$100K	≤ \$200K	≤ \$500K	≤ \$200K	≤ \$500K	≤ \$200K	≤ \$750K	< \$2M	≥ \$2M
		N/A	≤ 5 Years	≤ 10 Years	≤20 Years	≤ 10 Years		≤ 10 Years	≤ 20 Years	< 30 Years	≥ 30 Years
Approve for Use & Execute All Docs											
Road Construction Purposes	3800		✓		✓				✓	✓	✓
Other	3805		✓	✓	✓	✓			✓	✓	✓
Approve & Execute Proof of Debt	3810			✓	✓	✓		✓	✓	✓	✓
Recover Possession of Premises, or Property, or Land <sup>9</sup>	3815				✓			✓	✓	✓	✓
Write-Off Debt	3820				✓			✓	✓	✓	✓
Compromise Debt Settlement	3825				✓			✓	✓	✓	✓
Individual Costs of Main & Repair	3830		✓	✓	✓	✓			✓	✓	✓
Maritime Specific											
Approve/ Request & Accept:											
Capital Project Budgeted Item	3835						✓		✓	✓	✓
Variation to a Capital Project	3840						✓		✓	✓	✓
Tenders & Quotes for a Capital Project	3845						✓		✓	✓	✓
Source & Negotiate:											
Property Purchase	3850					✓	✓		✓	✓	✓
Approve & Execute Leases/Licences and associated documents for:											
Leasing of Wetland or Dryland	3855		✓		✓	✓			✓	✓	✓
Sale or Purchase of Property	3860			✓		✓			✓	✓	✓
Variation and Termination of Leases	3865		✓		✓	✓			✓	✓	✓
Approve:											
Restriction of Credit	3870				✓	✓		✓	✓	✓	✓
Refunds	3875				✓	✓		✓	✓	✓	✓
Waive or Adjust Fees or Charges	3880				✓	✓		✓	✓	✓	✓
Statutory:											
Grant construction approval under Marine Legislation	3885					✓	✓		✓	✓	✓
Exercise voting rights at Committee and Association meetings including under Strata Schemes	3890		✓		✓	✓			✓	✓	✓

9. Following receipt of advice form Legal Branch on the appropriate process.

Activity	No.	Manager Survey (Maritime Operational Capability)	Senior Leasing Manager	Senior Manager Property sales	Senior Managers: Customer & Property Management; and Commercial Tenure & Development	Senior Manager Property, Strategy & Planning	Senior Manager Major Property Developments	Senior Manager Property Compliance	Principal Manager Property	Director Corporate and Commercial	Chief Executive Reserved Functions
Annual Rental Or Cost Or Value &/or Term including Options		N/A	≤ \$100K	≤ \$200K	≤ \$500K	≤ \$200K	≤ \$500K	≤ \$200K	≤ \$750K	< \$2M	≥ \$2M
		N/A	≤ 5 Years	≤ 10 Years	≤20 Years	≤ 10 Years		≤ 10 Years	≤ 20 Years	< 30 Years	≥ 30 Years
Maritime Survey and Spatial Specific Delegations <sup>10</sup>											
Exercise the function of Roads and Maritime Services to approved definitions of Mean High Water Mark on Roads and Maritime Services' land and sign the relevant endorsement on plans as required by the Registrar-General	3895	✓									
Endorse Deposited Plans drawn for the sub-division of land owned by Roads and Maritime Services after checking that all statutory requirements have been met and provided that any required professional qualifications are held	3896	✓									
Endorse Deposited Plans drawn for long-term leases or other tenure documents over Roads and Maritime Services' land after checking that all statutory requirements have been met provided that any required professional qualifications are held	3897	✓									
Endorse documentation associated with easements	3898	✓									

10. Manager Survey, NSW Maritime Division (a registered surveyor); or In the event the Manager Survey is not the delegate – a registered surveyor in the NSW Maritime Division Survey team; or In the event that a delegate from outside NSW Maritime Division must be a delegate – a registered surveyor outside NSW Maritime who has prior consent from the Manager Survey, NSW Maritime Division.

### 5.3.8 Facility Management Activities Undertaken by People and Corporate Services Division of Transport for New South Wales

This section (5.3.8) applies to activities related to Roads and Maritime Services property undertaken by the Asset Management and Workplace Services Section of Transport Shared Services within the People and Corporate Services Division of Transport for New South Wales. Delegations for this section are identified against the relevant staffing position across the top and the specific activity, and its associated dollar value, in the left-hand column.

Activity	No.	Planning Officer, TSS	Leasing Officer, TSS	Property Officer, TSS	Property Project Manager, TSS	Manager Property Strategy & Planning, TSS	Manager Portfolio Management Property Portfolio, TSS	Security & Card Services Manager, TSS	Manager Major Works Property Portfolio, TSS	Principal Manager Property Portfolio, TSS	General Manager Asset Management & Workplace Services TSS	Director Corporate and Commercial	Chief Executive Reserved Functions
Approval to repairs, maintenance and minor works, and building services for administrative properties against approved budgets.													
Unlimited	3900									✓	✓		
≤ \$150K	3901					✓	✓	✓	✓				
≤ \$30K	3902	✓		✓	✓								
Approval for capital expenditure and payments against approved budgets.													
Unlimited	3905									✓	✓		
≤ \$150K	3906					✓	✓	✓	✓				
≤ \$30K	3907				✓								
Approval for lease payments for administrative properties.	3910		✓			✓				✓	✓		
Approval to disbursement of refund of Security Deposits for Building Works.	3915					✓	✓	✓	✓	✓	✓		
Approval to execution of contract documents for building works on administrative properties.													
≤ \$0.5M	3920					✓	✓	✓	✓				
> \$0.5M and < \$1.5M	3921									✓			
> \$1.5M and < \$3M	3922										✓		
≥ \$3M	3923											✓	
Approval to total variations to the contract sum by plus or minus 10% on administrative properties.	3925					✓	✓	✓	✓	✓	✓		
Approval to demolition of property improvements – administrative properties.	3930						✓		✓	✓	✓		
Approval to dispose of an administrative property with concurrence of RMS Director Corporate and Commercial	3935										✓	✓	

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		Manager Property Strategy & Planning, TSS	Manager Property Services (Regional)	Valuations & Acquisitions Manager (Regional)	Manager Portfolio Management Property Portfolio, TSS	Security & Card Services Manager, TSS	Manager Major Works Property Portfolio, TSS	Principal Manager Property Portfolio, TSS	General Manager Asset Management & Workplace Services TSS	Director Corporate and Commercial	Chief Executive Reserved Functions
To approve or execute leases, licences and associated documents where RMS is the tenant and the property is for:											
Administrative Purposes	3940	✓						✓	✓		
Road work activities	3941		✓	✓							
To execute Permissive Occupancy/Licence agreements where RMS is the landlord for administrative properties.	3945	✓						✓	✓		

## **5.4 Human Resources**

**NOTE:** Employment related delegations are granted by the Transport Secretary.

Refer to TfNSW Employment and Industrial Relations Delegations  
<http://intranet.transport.nsw.gov.au/delegations>

## 5.5 Infrastructure Contracts

### Definition of Construction Industry

'Construction Industry' is defined in the NSW Government Codes as "includes all organised activities concerned with construction, demolition, dismantling, alteration, extension, restoration, repair, maintenance, installation, building, landscaping, civil engineering, process engineering, heavy engineering and construction work in mining". The NSW Government Codes further detail Construction Industry procurement to include consultancies and professional services, and privately financed projects in the provision of the State's assets.

### Delegation of Principal

Under Section 4 above, for all Construction Industry Contracts the Principal is the Director, Infrastructure Development Division (IDD).

The 'Principal's Authorised Person' is the person authorised to act on behalf of the Principal.

### Notes

- A. These contract clauses are for Infrastructure procurement and management (Road, Bridges, Traffic management etc). All procurement specific to general purchasing are in section 5.2 – Contracts.
- B. These Clauses are to be used by Divisions for Infrastructure works only.
- C. Road and Bridge Works Clauses are to be read in conjunction with the Engineering Contracts Sections 1, 2, 3, 4 & 5.
- D. Professional Services Contracts clauses are to be read in conjunction with the Engineering Contracts Manual. Section 1 & 6.
- E. Any proposal to vary budgets between specific programs or funding categories requires Director(s) approval.
- F. Any project specific amendments to model documentation for contracts require the approval from the General Manager, Contracts and Project Strategy.
- G. The following is applicable when procuring for infrastructure works (excluding engagement of consultants, refer to policy PN159 and CD Directive CD003 for definition of consultants) not funded under the Federal Government Program/Building Australia programs (refer K below):
 

* up to \$50,000 or up to \$150,000 for an Aboriginal business^ * \$50,001 - \$250,000 * Over \$250,000	1 or more written tenders <sup>#</sup> 3 or more written tenders requested and more than one tender received. Formal public advertising or Invitation from pre-registered list.
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<sup>#</sup> Tender must be considered reasonable and consistent with normal market rates for such works. Requirements cannot be split into components nor succession of orders to obtain the works under the delegations

<sup>^</sup> Contact Aboriginal Program Section for advice on an Aboriginal Business

Note: Concurrence of General Manager, Contracts and Project Strategy is required if the tender is by a different methodology than above.
- H. The Principal's Authorised Person is appointed to act on behalf of the Principal (RMS) in relation to the Contract. The person does not act as independent certifier, assessor or valuer. The person acts only as agent of the Principal.



- I. A 'principal' is the engaging party and has specific functions within the contract. In RMS contract conditions the principal is referred to as the Principal or RMS.
- J. RMS representative is defined in the relevant contract conditions. The person named in the contract Schedule, or any other person RMS nominates in writing, may act as RMS representative and has authority to act on behalf of RMS for all purposes in connection with that Agreement.
- K. Federal Government Infrastructure programs
- The agreements with the Commonwealth require all work including the engagement of Professional Service Contractors be publicly tendered unless an exemption has been approved by the Federal Minister.
- Standard exemptions are 'road maintenance work' and 'public utility adjustments'.
- Contact the 'Federal Programs Manager' (TfNSW) for information on exemptions.
- Exemption for urgent or early works must be approved by the relevant Director.

### 5.5.1 Bidding for External Work and Open Competition Work

#### *Approval to Bid*

Activity	No.	Delegation Clause	
		Variables	Delegate
Bidding	5000	Approval to bid.	
		> \$5M \$100,000 - \$5M  < \$100,000 subject to all bids being registered in accordance with bid procedures.	<ul style="list-style-type: none"> <li>▪ Director, AMD</li> <li>▪ GM Regional Maintenance Delivery</li> <li>▪ Maintenance Delivery Managers</li> <li>▪ State Wide Delivery Manager</li> <li>▪ Regional Maintenance Delivery Manager</li> <li>▪ Delivery Strategy Manager</li> </ul>
	5010	Execution of the bid contract and letter of acceptance, subject to approval from Deputy General Counsel.	<ul style="list-style-type: none"> <li>▪ Branch Managers, AMD</li> </ul>

**Procurement**

Activity	No.	Delegation Clause	
		Variables	Delegate
Procurement of goods and services	5015	Approval to negotiate procurement.	
		<p>&gt; \$2M and approving officer not to be involved in negotiations.</p> <p>≤ \$2M and approving officer not to be involved in negotiations.</p> <p>≤ \$1,000,000 and approving officer not to be involved in negotiations.</p> <p>&lt; \$500,000 and approving officer not to be involved in negotiations.</p>	<ul style="list-style-type: none"> <li>▪ Director, AMD</li> <li>▪ GM Regional Maintenance Delivery</li> <li>▪ Maintenance Delivery Managers</li> <li>▪ State Wide Delivery Manager</li> <li>▪ Regional Maintenance Delivery Manager</li> <li>▪ Delivery Strategy Manager</li> <li>▪ Section Managers, AMD</li> <li>▪ Works Managers in Regional Maintenance Delivery Branch</li> </ul>
	5020	Approval to select the supplier/provider for goods or services on tendered bids.	
		<p>&gt; \$5M</p> <p>\$600,001 - \$5M</p> <p>\$250,000 - \$600,000</p>	<ul style="list-style-type: none"> <li>▪ Director, AMD</li> <li>▪ GM Regional Maintenance Delivery</li> <li>▪ Maintenance Delivery Managers</li> <li>▪ State Wide Delivery Manager</li> <li>▪ Regional Maintenance Delivery Manager</li> <li>▪ Delivery Strategy Manager</li> </ul>
		< \$250,000	<ul style="list-style-type: none"> <li>▪ Section Manager AMD</li> <li>▪ Works Managers in Regional Maintenance Delivery Branch</li> </ul>
	5025	Approval to financial assessment of suppliers/provider for goods or services > \$100,000.	<ul style="list-style-type: none"> <li>▪ Business Strategy and Performance, AMD</li> </ul>

## 5.5.2 Contract Management General

### *Advertising/Pre-qualification*

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract Road – general	5030	Approval to advertise and accept registration of tenderers for Road Infrastructure for privately financed projects.	<ul style="list-style-type: none"> <li>Chief Executive</li> </ul>
	5035	Approval to advertise and accept registration of tenderers for Road Infrastructure.	
		<div>&gt; \$50M.</div> <div>≤ \$50M.</div>	<ul style="list-style-type: none"> <li>Director, Infrastructure Development</li> <li>Chief Operating Officer</li> <li>Director AMD</li> <li>Branch Managers in JMD, IDD, AMD</li> </ul>
	5040	Approval to pre-qualification category and financial limits.	<ul style="list-style-type: none"> <li>Contracts Strategy Manager</li> </ul>
	5045	Review of appeals against pre-qualification category and financial limits.	<ul style="list-style-type: none"> <li>GM Contracts and Project Strategy</li> <li>Branch Manager, Infrastructure Development</li> <li>Industry Representative</li> </ul>
	5050	Approve recommendations of review committee appeals against pre-qualification category and financial limits.	<ul style="list-style-type: none"> <li>Director, IDD</li> <li>Chief Operating Officer</li> <li>Director, AMD</li> </ul>

### *Release of Security*

Activity	No.	Delegation Clause	
		Variables	Delegate
	5060	Approval to release security Minor contracts,	<ul style="list-style-type: none"> <li>RMS Representative</li> </ul>
	5065	Approval to release securities GC21 contracts, D&C contracts	<ul style="list-style-type: none"> <li>Principal's Authorised Person</li> <li>RMS Representative</li> </ul>

**Major***Tendering- General*

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract – Major	5075	Approval to scope prior to the invitation of infrastructure tenders.	<ul style="list-style-type: none"> <li>GM, AMD, IDD, JMD,</li> </ul>
	5080	Approval to pre-estimate of liquidated damages (contract value).	
		Infrastructure Development projects.	<ul style="list-style-type: none"> <li>GM Project Delivery</li> <li>GM Pacific Hwy,</li> </ul>
		> \$20M	<ul style="list-style-type: none"> <li>Branch Manager, AMD, IDD, JMD,</li> </ul>
		≤ \$20M	<ul style="list-style-type: none"> <li>Principal Manager, Infrastructure Development</li> </ul>
		≤ \$10M	<ul style="list-style-type: none"> <li>Section Manager AMD, IDD, JMD,</li> </ul>
	5085	Approval to estimate for comparison of infrastructure tenders (provided estimate is within Project Estimate).	
		Infrastructure Development projects.	<ul style="list-style-type: none"> <li>GM Project Delivery</li> <li>GM Pacific Hwy,</li> </ul>
		>\$50M (within ± 10%)	<ul style="list-style-type: none"> <li>Branch Manager AMD, IDD, JMD,</li> </ul>
		≤ \$50M (within ± 10%)	<ul style="list-style-type: none"> <li>Principal Manager, Infrastructure Development</li> </ul>
		≤ \$10M (within ± 10%)	<ul style="list-style-type: none"> <li>Section Manager, AMD, IDD, JMD,</li> </ul>
	5090	Approval to contract delivery method for major contracts.	
		Privately Financed. Alliance.	<ul style="list-style-type: none"> <li>Chief Executive</li> <li>Director IDD</li> <li>Director, AMD</li> <li>Chief Operating Officer</li> </ul>
		DCM.	<ul style="list-style-type: none"> <li>Director IDD</li> <li>Director, AMD</li> <li>Chief Operating Officer</li> </ul>
		D&C.  Construct only Infrastructure Development projects. Construct only >\$50M.  Construct only ≤\$50M.	<ul style="list-style-type: none"> <li>GM Contracts and Project Strategy</li> <li>GM Project Delivery</li> <li>GM Pacific Hwy,</li> <li>Branch Manager IDD, AMD, JMD</li> <li>Section Manager IDD, AMD, JMD</li> </ul>
	5095	Approval to tender documents for Privately Financed Infrastructure projects.	<ul style="list-style-type: none"> <li>Director, IDD</li> </ul>
	5096	Approval to tender documents for D&C, DCM type infrastructure contracts after concurrence by GM, Infrastructure Contracts and Deputy General Counsel. (Infrastructure Development projects)	<ul style="list-style-type: none"> <li>GM Project Delivery</li> <li>GM Pacific Hwy</li> </ul>

*Tendering- General*

Activity	No.	Delegation Clause	
		Variables	Delegate
	5100	Approval to tender documents for D&C or DCM type infrastructure contracts after concurrence by GM Contracts & Project Strategy and Deputy General Counsel. (Non Infrastructure Development projects)	▪ Branch Manager AMD, IDD, JMD,
	5105	Approval to Infrastructure tender documents other than D&C, DCM and Privately Financed Infrastructure projects.	▪ Section Manager AMD, IDD, JMD,

*Tendering- Invitation*

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract – Major	5110	Approval to the invitation to tenders for Privately Financed Projects.	▪ Chief Executive
	5115	Approval to the invitation to tenders for D&C, DCM type infrastructure contracts.	▪ Director IDD ▪ Director, AMD, ▪ Chief Operating Officer
	5120	Approval to the invitation to tenders for infrastructure contracts.	
		> \$100M	▪ Directors, AMD, IDD, CD ▪ Chief Operating Officer
		≤ \$100M (Infrastructure Development projects) ≤ \$100M (non Infrastructure Development projects) ≤ \$20M	▪ GM Project Delivery ▪ GM Pacific Hwy ▪ Branch Manager AMD, IDD, JMD ▪ Section Manager AMD, IDD, JMD
	5121	Approval of tender assessment committee > \$100M (Infrastructure Development projects) > \$100M (non- Infrastructure Development projects)	▪ GM Project Delivery ▪ GM Pacific Hwy ▪ Branch Manager AMD, IDD, JMD
		≤ \$100M ≤ \$20M	▪ Principal Manager, AMD, IDD, JMD ▪ Section Manager AMD, IDD, JMD
	5122	Approval to extension of tender validity period	▪ GM Contracts and Project Strategy ▪ GM Project Delivery ▪ GM Pacific Highway
	5123	Approval to variation resulting from an extension of tender validity period	▪ GM Contracts and Project Strategy ▪ GM Project Delivery ▪ GM Pacific Highway
	5125	Acceptance of infrastructure tenders where privately financed project involved.	▪ Chief Executive

Activity	No.	Delegation Clause	
		Variables	Delegate
	5130	Acceptance of infrastructure tenders where D&C, DCM contract involved.	<ul style="list-style-type: none"> <li>▪ Director IDD</li> <li>▪ Director, AMD</li> <li>▪ Director, JMD</li> </ul>

*Tendering- Acceptance, continued*

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract – Major	5135	Acceptance of infrastructure tenders other than D&C DCM and Privately Financed Infrastructure projects where more than one tender is received, the lower or lowest is recommended and the tender price is within the relevant cost portion of the approved project budget.	
		> \$50M	<ul style="list-style-type: none"> <li>▪ Director AMD, IDD, Chief Operating Officer</li> </ul>
		≤ \$50M (Infrastructure Development projects)	<ul style="list-style-type: none"> <li>▪ GM Project Delivery</li> </ul>
		≤ \$50M (non- Infrastructure Development projects)	<ul style="list-style-type: none"> <li>▪ GM Pacific Hwy Branch Manager, AMD, IDD, JMD</li> </ul>
		≤ \$20M	<ul style="list-style-type: none"> <li>▪ Principal Manager, AMD, IDD, JMD</li> </ul>
		≤ \$10M	<ul style="list-style-type: none"> <li>▪ Section Manager AMD, IDD, JMD</li> </ul>
	5140	Acceptance of infrastructure tenders where the tender is not the lowest or exceeds the relevant cost portion of the approved project budget.	<ul style="list-style-type: none"> <li>▪ Director IDD</li> <li>▪ Director, AMD,</li> <li>▪ Chief Operating Officer</li> </ul>
	5145	Acceptance of infrastructure tenders other than D&C DCM and Privately Financed Infrastructure projects where an RMS infrastructure tender has been lodged and the tender price is within the relevant cost portion of the approved project budget and the recommended tender is not from RMS, is the lowest and there is no adverse impact on RMS employment.	
		> \$50M	<ul style="list-style-type: none"> <li>▪ Director AMD, IDD</li> <li>▪ Chief Operating Officer</li> </ul>
		≤ \$50M (Infrastructure Development projects)	<ul style="list-style-type: none"> <li>▪ GM Project Delivery</li> <li>▪ GM Pacific Hwy</li> </ul>
		≤ \$50M (non- Infrastructure Development projects)	<ul style="list-style-type: none"> <li>▪ Branch Manager AMD, IDD, JMD</li> </ul>
		≤ \$20M	<ul style="list-style-type: none"> <li>▪ Principal Manager, IDD</li> </ul>
		< \$10M	<ul style="list-style-type: none"> <li>▪ Section Manager AMD, IDD, JMD</li> </ul>
	5150	Acceptance of infrastructure tenders where an RMS infrastructure tender has been lodged and the tender price is within the relevant cost portion of the approved project budget the recommended tender is not from RMS and is not the lowest and there is no impact on RMS employment.	<ul style="list-style-type: none"> <li>▪ Director IDD</li> <li>▪ Director, AMD,</li> <li>▪ Chief Operating Officer</li> </ul>

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract – Major	5135	Acceptance of infrastructure tenders other than D&C DCM and Privately Financed Infrastructure projects where more than one tender is received, the lower or lowest is recommended and the tender price is within the relevant cost portion of the approved project budget.	
		<p>&gt; \$50M</p> <p>≤ \$50M (Infrastructure Development projects)</p> <p>≤ \$50M (non- Infrastructure Development projects)</p> <p>≤ \$20M</p> <p>≤ \$10M</p>	<ul style="list-style-type: none"> <li>▪ Director AMD, IDD, Chief Operating Officer</li> <li>▪ GM Project Delivery</li> <li>▪ GM Pacific Hwy Branch Manager, AMD, IDD, JMD</li> <li>▪ Principal Manager, AMD, IDD, JMD</li> <li>▪ Section Manager AMD, IDD, JMD</li> </ul>
	5140	Acceptance of infrastructure tenders where the tender is not the lowest or exceeds the relevant cost portion of the approved project budget.	<ul style="list-style-type: none"> <li>▪ Director IDD</li> <li>▪ Director, AMD,</li> <li>▪ Chief Operating Officer</li> </ul>
	5145	Acceptance of infrastructure tenders other than D&C DCM and Privately Financed Infrastructure projects where an RMS infrastructure tender has been lodged and the tender price is within the relevant cost portion of the approved project budget and the recommended tender is not from RMS, is the lowest and there is no adverse impact on RMS employment.	
		> \$50M	<ul style="list-style-type: none"> <li>▪ Director AMD, IDD</li> <li>▪ Chief Operating Officer</li> </ul>
		≤ \$50M (Infrastructure Development projects)	<ul style="list-style-type: none"> <li>▪ GM Project Delivery</li> <li>▪ GM Pacific Hwy</li> </ul>
		≤ \$50M (non- Infrastructure Development projects)	<ul style="list-style-type: none"> <li>▪ Branch Manager AMD, IDD, JMD</li> </ul>
		≤ \$20M	<ul style="list-style-type: none"> <li>▪ Principal Manager, IDD</li> </ul>
		< \$10M	<ul style="list-style-type: none"> <li>▪ Section Manager AMD, IDD, JMD</li> </ul>
	5150	Acceptance of infrastructure tenders where an RMS infrastructure tender has been lodged and the tender price is within the relevant cost portion of the approved project budget the recommended tender is not from RMS and is not the lowest and there is no impact on RMS employment.	<ul style="list-style-type: none"> <li>▪ Director IDD</li> <li>▪ Director, AMD,</li> <li>▪ Chief Operating Officer</li> </ul>
	5155	Acceptance of infrastructure tenders where a RMS infrastructure tender has been lodged and the tender price is within the relevant cost portion of the approved project budget and RMS tender is recommended or there is impact on RMS employment.	<ul style="list-style-type: none"> <li>▪ Director IDD</li> <li>▪ Director, AMD</li> <li>▪ Chief Operating Officer</li> </ul>

*Tendering- Acceptance, continued*

Activity	No.	Delegation Clause	
		Variables	Delegate
	5160	Acceptance of infrastructure tenders where a single tender is received and does not exceed the estimate by more than 10% and is:	
		> \$50M	<ul style="list-style-type: none"> <li>▪ Director AMD, IDD</li> <li>▪ Chief Operating Officer</li> </ul>
		≤ \$50M (Infrastructure Development projects)	<ul style="list-style-type: none"> <li>▪ GM Project Delivery</li> <li>▪ GM Pacific Hwy</li> </ul>
		≤ \$50M (non- Infrastructure Development projects)	<ul style="list-style-type: none"> <li>▪ Branch Manager AMD, IDD, JMD</li> </ul>
		≤ \$20M	<ul style="list-style-type: none"> <li>▪ Section Manager AMD, IDD, JMD</li> </ul>
	5165	Acceptance of infrastructure tenders where a single tender is received and exceeds the estimate by more than 10%.	<ul style="list-style-type: none"> <li>▪ Director AMD, IDD</li> <li>▪ Chief Operating Officer</li> </ul>

*Tendering- Execution*

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract – Major	5170	Approval to an Infrastructure project Letter of Acceptance	<ul style="list-style-type: none"> <li>▪ Deputy General Counsel</li> <li>▪ Contracts Administration Manager</li> <li>▪ Contracts Strategy Manager</li> </ul>
	5175	Execution of Infrastructure Contract Documents	<ul style="list-style-type: none"> <li>▪ Deputy General Counsel</li> <li>▪ Contracts Administration Manager</li> <li>▪ Contracts Strategy Manager</li> </ul>



**Minor Physical Works and Services, Supply, Utility Works and Small Works contracts (not RMCC)**

*Tendering- General*

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract – Minor Physical Works and Services, Supply, Utility Works and Small Works	5180	Approval to pre-estimate of liquidated damages (infrastructure contract value).	
		> \$2M ≤ \$2M	<ul style="list-style-type: none"> <li>1-4 AMD, IDD, JMD</li> <li>1-5 AMD, IDD, JMD</li> </ul>
	5185	Approval to estimate for comparison of infrastructure tenders (provided estimate is within Project Estimate).	
		> \$2M (Infrastructure Development projects)	<ul style="list-style-type: none"> <li>GM Project Delivery</li> <li>GM Pacific Hwy</li> </ul>
		> \$2M (non- Infrastructure Development projects)	<ul style="list-style-type: none"> <li>1-3 AMD, IDD, JMD</li> </ul>
		≤ \$2M ≤ \$1M ≤ \$500,000	<ul style="list-style-type: none"> <li>Principal Manager</li> <li>1-4 AMD, IDD, JMD</li> <li>1-5 AMD, IDD, JMD</li> </ul>
	5190	Approval to Infrastructure Tender Documents.	
		> \$500,000 ≤ \$500,000	<ul style="list-style-type: none"> <li>1-4 AMD, IDD, JMD</li> <li>1-5 AMD, IDD, JMD</li> </ul>

*Tendering- Invitation*

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract – Minor Physical Works and Services, Supply, Utility Works and Small Works	5195	Approval to the invitation to tender for infrastructure other than D&C DCM and Privately Financed Infrastructure projects.	
		> \$2M	<ul style="list-style-type: none"> <li>1-3, AMD, IDD, JMD</li> </ul>
		≤ \$2M ≤ \$500,000	<ul style="list-style-type: none"> <li>Principal Manager,</li> <li>1-4 AMD, IDD, JMD</li> <li>1-5 AMD, IDD, JMD</li> </ul>
	5200	Approval to the invitation of a single invitation tender for development work (federal government approval required where federally funded).	<ul style="list-style-type: none"> <li>GM Project Development</li> <li>GM Project Delivery</li> <li>GM Pacific Highway</li> </ul>
	5205	Approval to the invitation of a single invitation tender for maintenance work (federal government approval required where federal funding exceeds \$2M).	<ul style="list-style-type: none"> <li>GM Asset Maintenance Planning</li> <li>GM Regional Maintenance Delivery</li> </ul>
	5206	Approval of tender assessment committee	<ul style="list-style-type: none"> <li>1-4 AMD, IDD, JMD</li> </ul>

*Tendering- Acceptance*

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract – Minor Physical Works and Services, Supply, Utility Works and Small Works	5210	Acceptance of tenders where a single tender is received and does not exceed the estimate by more than 10% and is:	
		> \$2M	▪ 1-3 AMD, IDD, JMD
		≤ \$2M	▪ 1-4 AMD, IDD, JMD
	5215	≤ \$500,000	▪ 1-5 AMD, IDD, JMD
		Acceptance of tenders where a single tender is received and exceeds the estimate by more than 10% and is:	
		> \$2M	▪ Director AMD, IDD
	5220	≤ \$2M	▪ Chief Operating Officer
		Acceptance of tender where more than one tender is received and the lower or lowest is recommended and where tender is:	
		> \$2M	▪ 1-3 AMD, IDD, JMD
	5225	≤ \$2M	▪ 1-4 AMD, IDD, JMD
		≤ \$500,000	▪ 1-5 AMD, IDD, JMD
			▪
	5230	Acceptance of infrastructure tender where the recommended tender is not the lowest and where tender is:	
		> \$2M	▪ 1-3 AMD, IDD, JMD
		≤ \$2M	▪ 1-4 AMD, IDD, JMD
	5235	Acceptance of infrastructure tender where RMS tender has been lodged and RMS not recommended and RMS not the lowest and where tender is:	
		> \$2M	▪ 1-3 AMD, IDD, JMD
		≤ \$2M	▪ 1-4 AMD, IDD, JMD
	5240	Acceptance of infrastructure tender where RMS tender has been lodged and RMS recommended or RMS lowest.	
	5245	Approval to letter of acceptance	
		Note: cannot be the same person who approved acceptance of the tender.	

*Tendering- Execution*

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract – Minor Physical Works and Services, Supply, Utility Works and Small Works	5240	Approval to letter of acceptance Note: cannot be the same person who approved acceptance of the tender.	▪ 1-4 AMD, IDD, JMD
	5245	Execution of infrastructure contract documents.	▪ 1-4 AMD, IDD, JMD

**Professional Service Contracts***Tendering- General*

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract Professional Services	5250	Approval to pre-estimate of liquidated damages (PSC contract value).	
		> \$2M ≤ \$2M	<ul style="list-style-type: none"> <li>1-3 AMD, IDD, JMD</li> <li>1-4 AMD, IDD, JMD</li> </ul>
	5255	Approval to estimate for comparison of PSC tenders (provided estimate is within Project Estimate).	
		> \$2M ≤ \$2M ≤ \$1M ≤ \$500,000	<ul style="list-style-type: none"> <li>Branch Manager AMD, IDD, JMD</li> <li>Principal Manager, AMD, IDD, JMD</li> <li>1-4 AMD, IDD, JMD</li> <li>1-5 AMD, IDD, JMD</li> </ul>
		5260	Approval to PSC Tender Documents. <ul style="list-style-type: none"> <li>1-4 AMD, IDD, JMD</li> </ul>

*Tendering- Invitation*

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract Professional Services	5265	Approval to the invitation to PSC tenders.	
		> \$2M ≤ \$2M ≤ \$1M	<ul style="list-style-type: none"> <li>1-3 AMD, IDD, JMD</li> <li>1-4 AMD, IDD, JMD</li> <li>1-5 AMD, IDD, JMD</li> </ul>
		5266	Approval of tender assessment committee <ul style="list-style-type: none"> <li>1-4 AMD, IDD, JMD</li> </ul>

*Tendering- Acceptance*

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract Professional Services	5275	Acceptance of PSC tender where a single tender is invited.	
		> \$50,000 ≤ \$50,000	<ul style="list-style-type: none"> <li>1-3 AMD, IDD, JMD</li> <li>1-4 AMD, IDD, JMD</li> </ul>
	5280	Acceptance of PSC tender where a single tender is received.	
		> \$250,000 ≤ \$250,000	<ul style="list-style-type: none"> <li>1-3 AMD, IDD, JMD</li> <li>1-4 AMD, IDD, JMD</li> </ul>
	5285	Acceptance of PSC tender where more than one tender is received and lowest recommended.	
		> \$2M ≤ \$2M	<ul style="list-style-type: none"> <li>1-3 AMD, IDD, JMD</li> <li>1-4 AMD, IDD, JMD</li> <li>Senior Project Development Manager, Senior Project Manager</li> <li>IDD</li> </ul>

*Tendering- Acceptance, continued*

Activity	No.	Delegation Clause	
		Variables	Delegate
	5290	Acceptance of PSC tender where the tender is not the lowest. > \$2M  ≤ \$2M ≤ \$500,000	<ul style="list-style-type: none"> <li>▪ Director AMD, IDD</li> <li>▪ Chief Operating Officer</li> <li>▪ 1-3 AMD, IDD, JMD</li> <li>▪ 1-4 AMD, IDD, JMD</li> <li>▪ Senior Project Development Manager, Senior Project Manager</li> <li>▪ IDD</li> </ul>
	5291	Approval to letter of acceptance Note: cannot be the same person who approved acceptance of the tender.	<ul style="list-style-type: none"> <li>▪ 1-4 AMD, IDD, JMD</li> </ul>
	5292	Execution of infrastructure contract documents.	<ul style="list-style-type: none"> <li>▪ 1-4 AMD, IDD, JMD</li> </ul>

**Administration***Subcontracts*

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract – Major	5295	Approval to the infrastructure principal contractor to enter into subcontracts.	<ul style="list-style-type: none"> <li>▪ Principal's Authorised Person</li> <li>▪ RMS Representative</li> </ul>
Contract – Minor	5300	Approval to the principal infrastructure contractor to enter into subcontracts.	<ul style="list-style-type: none"> <li>▪ Principal's Authorised Person</li> <li>▪ RMS Representative</li> </ul>
Contract – Professional Services	5305	Approval to the principal PS contractor to enter into subcontracts.	<ul style="list-style-type: none"> <li>▪ RMS Representative</li> </ul>

**Contract Variations and Claim Settlements (major, minor, professional services)***Variation- General*

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract Variations	5310	Approval to scope change.	▪ 1-3 AMD, IDD, JMD
	5315	Approval to scope change variation estimate in principle.	▪ GM Contracts and Project Strategy

*Variation- contracts to \$20M*

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract Variations	5320	Approval to all individual variations to the original contract sum for original contract sums up to \$20M:	
		≤ \$100,000	▪ Principal's Authorised Person
	5325	≤ \$50,000	▪ RMS Representative
			▪ Authorised Delegate
	5325		▪ RMS Site Representative
		Approval to variations to the original contract sum for original contract sums up to \$20M and for all individual variations >\$100,000 and where total value of variations (excluding those approved by GM Contracts and Project Strategy):	
		Exceed the greater of \$250,000 or 20% of the original contract sum Up to the greater of \$250,000 or 20% of the original contract sum (Infrastructure Development projects)	▪ GM Contracts and Project Strategy ▪ GM Project Delivery ▪ GM Pacific Hwy
	5325	Up to the greater of \$250,000 or 20% of the original contract sum (non- Infrastructure Development projects). For total variations up to 10% of the original contract sum.	▪ 1-3 AMD, IDD, JMD
			▪ Principal's Authorised Person ▪ RMS Representative

*Variation- contracts \$20M to \$200M*

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract Variations	5335	Approval to all individual variations to the original contract sum and for original contract sum between \$20M and \$200M:	
		≤ \$500,000	<ul style="list-style-type: none"> <li>Principal's Authorised Person</li> <li>RMS Representative</li> </ul>
	5340	≤ \$100,000	<ul style="list-style-type: none"> <li>Authorised Delegate</li> <li>RMS Site Representative</li> </ul>
		Approval to variations to the original contract sum for original contract sum between \$20M and \$200M and for individual variations > \$500,000 and where total variations (excluding those approved by GM Contracts and Project Strategy):	
		Exceeds \$5M	<ul style="list-style-type: none"> <li>GM Contracts and Project Strategy</li> </ul>
		≤ \$5M (Infrastructure Development projects)	<ul style="list-style-type: none"> <li>1-3 IDD</li> <li>GM Project Delivery</li> <li>GM Pacific Hwy</li> </ul>
		≤ \$5M (non- Infrastructure Development projects)	<ul style="list-style-type: none"> <li>1-3 AMD, IDD, JMD</li> </ul>
		<10% of the contract sum to a max of \$5M	<ul style="list-style-type: none"> <li>Principal Manager, IDD, AMD, JMD</li> </ul>
		≤ \$2M	<ul style="list-style-type: none"> <li>Principal's Authorised Person</li> <li>RMS Representative</li> </ul>

*Variation- contracts over \$200M*

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract Variations	5345	Approval to variations to the original contract sum for original contract sum over \$200M and for all individual variations.	
		≤ \$1M	<ul style="list-style-type: none"> <li>Principal's Authorised Person</li> <li>RMS Representative</li> </ul>
		≤ \$250,000	<ul style="list-style-type: none"> <li>Authorised Delegate</li> <li>RMS Site Representative</li> </ul>

*Variation- contracts over \$200M, continued*

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract Variations	5350	Approval to variations to the original contract sum for original contract sum over \$200M and for individual variations > \$1M and where total value of variations (excluding those approved by GM Contracts and Project Strategy).	
		> 2% of original contract sum.  ≤ 2% of original contract sum (Infrastructure Development projects). ≤ 2% of original contract sum (non-Infrastructure Development projects). ≤ 1% of original contract sum.	<ul style="list-style-type: none"> <li>▪ GM Contracts and Project Strategy</li> <li>▪ 1-2 AMD, IDD</li> <li>▪ GM Project Delivery GM Pacific Hwy</li> <li>▪ 1-3 AMD, IDD, JMD</li> <li>▪ Principal's Authorised Person</li> <li>▪ RMS Representative</li> </ul>

*Claim settlement*

Activity	No.	Delegation Clause	
		Variables	Delegate
Claim Settlement	5351	Approval to claim settlements	
		All Infrastructure contracts	<ul style="list-style-type: none"> <li>▪ GM Contracts and Project Strategy</li> </ul>

**5.5.3 Project Development*****Common Asset/Project Life Cycle Issues***

Activity	No.	Delegation Clause	
		Variables	Delegate
Core Program Projects	5355	Approval to media releases related to projects.	<ul style="list-style-type: none"> <li>▪ 1-4 AMD, IDD, JMD</li> </ul>
	5360	Approval to advertisements related to projects.	<ul style="list-style-type: none"> <li>▪ 1-4 AMD, IDD, JMD</li> </ul>

***Strategic Project/Program***

Activity	No.	Delegation Clause	
		Variables	Delegate
Core Program Projects	5365	Approval to development strategy reports prior to public release.	<ul style="list-style-type: none"> <li>▪ 1-3 AMD, IDD, JMD</li> </ul>
	5370	Approval to preliminary project timings.	<ul style="list-style-type: none"> <li>▪ 1-3 AMD, IDD, JMD</li> </ul>
	5375	Approval to variations from current approved design standards.	<ul style="list-style-type: none"> <li>▪ 1-3 AMD, IDD, JMD</li> </ul>
	5380	Approval to project delivery methods.	<ul style="list-style-type: none"> <li>▪ 1-3 AMD, IDD, JMD</li> </ul>

	5385	Approval for exemption from competitive tendering to purchase road construction or associated services from RMS Road and Fleet Services or Councils.	<ul style="list-style-type: none"> <li>Director IDD</li> <li>Director, AMD</li> <li>Chief Operating Officer</li> </ul>
	5390	Approval to variations in the approved project allocations.	1-3 AMD, IDD, JMD
	5395	Approval to priorities within the program.	1-3 AMD, IDD, JMD
	5400	Approval to development strategies.	1-3 AMD, IDD, JMD

**Concept**

Activity	No.	Delegation Clause	
		Variables	Delegate
Development Program Projects	5405	Approval to the preferred option for a project, prior to any announcement.	1-3 AMD, IDD, JMD
	5410	Approval to concept design.	1-5 AMD, IDD, JMD
	5415	Approval to proceed with project development.	1-3 AMD, IDD, JMD
	5420	Approval to EIS and REF documents prior to public display.	1-4 AMD, IDD, JMD
	5425	Approval to representations reports.	1-3 AMD, IDD, JMD
	5430	Approval to final concept design.	1-3 AMD, IDD, JMD
	5435	Approval to final concept timings.	1-3 AMD, IDD, JMD

**Design**

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract Project Development	5440	Approval to preferred concept option for the project.	<ul style="list-style-type: none"> <li>1-3 AMD</li> <li>Director IDD</li> <li>Chief Operating Officer</li> </ul>
	5445	Approval to accept construction drawings, specifications (excluding contracts specifications covered by contract general clauses) and estimates for all roads, bridges and traffic facilities.	
		> \$20M	1-3 AMD, IDD, JMD
		≤ \$20M	1-4 AMD, IDD, JMD
	5450	Approval to Structural integrity of in-house final bridge plans.	
		> \$5M	Chief Engineer, Principal Bridge and Structures Engineer
		≤ \$5M	Senior Bridge Engineer, New Design
	5452	Approval to final road boundaries.	1-3 AMD, IDD, JMD
	5453	Approval for abandonment of a road proposal with advice of the abandonment to be forwarded to the Minister and RMS Property Services	1-3 AMD, IDD, JMD
	5455	Approval to fix the levels of a road under Section 31 of the <i>Roads Act, 1993</i> .	1-4 AMD, IDD, JMD



**Authorised Costs**

Activity	No.	Delegation Clause	
		Variables	Delegate
Payment	5460	Approval to authorised costs for miscellaneous works to improvements to level crossings (including any work by the relevant Rail Authority).	
		≤ \$5M	▪ 1-4 AMD, IDD, JMD
	5465	Approval to authorised costs for miscellaneous works for outside bodies.	
		≤ \$2M	▪ 1-4 AMD, IDD, JMD

**Project Management**

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract Project Development	5475	Approval to vary budgets between specific programs or funding categories.	▪ Director, AMD, IDD ▪ Chief Operating Officer
		Approval to finalise individual works including but not limited to annual maintenance and improvement programs, annual Safety and Traffic Management programs, buildings and assets programs .	▪ 1-4 AMD, IDD, JMD
	5485	Approval to advise utility authorities and other bodies of the extent and estimated cost of road restorations, and approve commencement of work.	▪ 1-5 AMD, IDD, JMD

**Variations**

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract Project Development	5490	Approval to variations to construction works provided they do not result from, or would not result in, a departure from the approved project/job concept and the total value.	
		Does not exceed the limit of the allowance provided for in the Authorised cost	▪ 1-5 AMD, IDD, JMD
		Does not exceed plus or minus 25% of the allowance provided for in RMS.	▪ 1-4 AMD, JMD, ID
	5495	Approval to variation between items within Maintenance and Improvement Programs.	▪ 1-4 AMD, IDD, JMD

**Public Utility Alterations**

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract Project Development	5500	Approval to accept estimate (RMS share) and payment for public utility alteration.	
		> \$5M	▪ 1-3 AMD, IDD, JMD
		≤ \$5M	▪ 1-4 AMD, IDD, JMD
		≤ \$1M	▪ 1-5 AMD, IDD, JMD
	5505	Approval to make payment of over expenditure on public utility alteration.	
		> 50%	▪ 1-3 AMD, IDD, JMD
		≤ 50%	▪ 1-4 AMD, IDD, JMD
		≤ \$100,000 or 20% (whichever is lesser)	▪ 1-5 AMD, IDD, JMD

**Programming**

Activity	No.	Delegation Clause	
		Variables	Delegate
Development Program Projects	5510	Acceptance of estimates of cost for projects or complex projects with high risk.	
		> \$100M	▪ Director AMD, IDD ▪ Chief Operating Officer
	5515	Acceptance of estimates of cost for projects.	
		< \$100M	▪ 1-3 AMD, IDD, JMD
	5520	Approval to project budgets and variations.	▪ 1-3 AMD, IDD, JMD
	5525	Approval to announced project budgets and variations.	▪ 1-3 AMD, IDD, JMD
	5530	Approval to the scope of a project and scope variations	▪ 1-3 AMD, IDD, JMD

**Road Maintenance Council Contracts (RMCC)****Execution of Contract**

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract - RMCC	5600	Approval to invite Council to take part in the RMCC	▪ 1-3 AMD Manager RMCC AMD
	5605	Execution of RMCC	▪ 1-3 AMD ▪ RMS Authorised Person

**Routine Services-Purchase Approval**

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract Road-RMCC	5610	Approval for authorisation of Purchase Order for Routine Services	▪ 1-3 AMD, Senior Project Manager AMD

*Ordered Works- Purchase Approval*

Activity	No.	Delegation Clause	
		Variables	Delegate
Ordered Works	5615	Approval to authorise Purchase Order for Ordered Works within program budget >\$2M.	▪ Director AMD
Ordered Works	5620	Approval to authorise Purchase Order for Ordered Works within program budget <\$2M.	▪ 1-5 AMD
Ordered Works Variations *	5625	Value of variation is < \$100,000	▪ 1-5 AMD
		Value of variation is < \$500,000	▪ 1-3 AMD, Senior Project Manager AMD
		Value of variation is > \$500,000	▪ 1-3 AMD

\*Variations to approved RMCC ordered works

*Payment Authorisation*

Activity	No.	Delegation Clause	
		Variables	Delegate
RMCC - general	5630	Authorisation of payment for Routine and Ordered Works	1-4 AMD Senior Project Manager AMD

*Contract Payments*

Activity	No.	Delegation Clause	
		Variables	Delegate
Contract – Major	5640	Authorisation of contract payment This is provided that: the delegate has as a function of the job and duties the management oversight and or the responsibility for the payment of accounts	▪ 1-5 AMD, IDD, JMD,
Contract –Minor	5645	Authorisation of contract payment This is provided that: the delegate has as a function of the job and duties the management oversight and or the responsibility for the payment of accounts	▪ 1-5 AMD, IDD, JMD,
Contract – Professional Services	5650	Authorisation of contract payment This is provided that: the delegate has as a function of the job and duties the management oversight and or the responsibility for the payment of accounts	▪ 1-5 AMD, IDD, JMD,

## 5.6 Information and Communications Technology (ICT)

### Notes:

- A. IT clauses apply to all RMS Divisions requiring IT Hardware, software and services for any purpose including where IT covers a component of a larger non IT project.
- B. IT clauses are subject to ICT Committee approval where ICT capital investment projects are impacted and are subject to the allocation of funds by the Finance Strategy Committee (FSC).
- C. All proposals which include any ICT capital development or purchases are to be submitted to ICT Committee before RFI / RFP / RFT / RFQ and be assessed by a team which will include IM&IT representation and input for all issues and assessment of business cases. ICT Committee approval to place orders also required.
- D. Hardware refers to Computer and Communication equipment. This includes mainframe, mid-range computers, and all associated devices such as PCs, laptops, hard disks, USB devices, tape drives, terminals, file servers, printers, modems, telephone systems, PABX's, NextG connections, GPS connections or any other device which is to be connected or has the capacity to be connected to a local or a wide area network.
- E. Software refers to computer programs including operating systems, utilities and all the associated materials needed to cover the planning, design, specification, construction, installation, documentation, repair and enhancement processes, including software residing in PCs, CAD workstations, mid range and mainframe computers.

### ***IT: Standard Hardware/Software/Services***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
IT Acquisitions	6000	Approval to acquire Hardware and Software listed in IM&IT Price Book.		
		≤ \$10,000	▪ 1-5	
		> \$10,000	▪ 1-4	

### ***Disposal***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
IT Disposal	6005	Approval to sell RMS developed computer software to external clients.	▪ Chief Executive	
	6010	Approval to write off and dispose of Non-Standard Software/Hardware by business owner with concurrence of Chief Information Officer (CIO).		
		> \$100,000 written down value	▪ Director, Corporate and Commercial	
		≤ \$100,000 written down value	▪ 1-4	
	6015	Approval to dispose of or replace Standard Hardware before end of life after concurrence of CIO.	▪ 1-4	

**Communications/Voice***External Connections*

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
IT Data	6020	Approval to share information with 3rd party organisations under business case via network connection or storage media such as compact disk or USB memory	<ul style="list-style-type: none"> <li>Approval by Director owning the information or resource to be shared. Chief Information Officer to approve technical method of access. Oversight by GM, Governance</li> </ul>	

**Internet/LAN/Email/Intranet**

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
IT Management	6025	Approval of content of pages published on the RMS Internet site.	<ul style="list-style-type: none"> <li>Director, Corporate and Commercial</li> </ul>	
	6030	Approval to grant connection to the Internet, LAN, email.	<ul style="list-style-type: none"> <li>1-5</li> </ul>	
	6035	Approval to content of pages published on RMS Intranet.	<ul style="list-style-type: none"> <li>1-4</li> </ul>	

**System Development***Acquire systems by development, enhancement or purchase*

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
IT Systems Acquisitions	6040	Approval to request feasibility study of business applications	<ul style="list-style-type: none"> <li>1-3</li> </ul>	
	6045	Approval to initiate the development or acquisition of systems to meet business requirements (subject to ICT Project Review Committee approval).		
		<ul style="list-style-type: none"> <li>&gt; \$1,000,000</li> <li>≤ \$1,000,000</li> </ul>	<ul style="list-style-type: none"> <li>Chief Executive</li> <li>1-1</li> </ul>	
	6050	Approval to initiate development or acquisition of systems to meet business requirements (subject to current RMS policy).		
		<ul style="list-style-type: none"> <li>≤ \$500,000</li> <li>≤ \$50,000</li> </ul>	<ul style="list-style-type: none"> <li>Chief Information Officer</li> <li>1-3</li> <li>IT Infrastructure Manager</li> </ul>	

**IT Non-standard Hardware/Software/Services***Acquisitions*

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
IT Acquisitions	6055	Approval to acquire Hardware, Software or Services not in Price Book including data centre and network hardware/software (acquisition through IM&IT).		
		> \$500,000	▪ Director, Corporate and Commercial	
		≤ \$500,000	▪ Chief Information Officer	
		≤ \$50,000	▪ IT Infrastructure Manager	
		≤ \$20,000	▪ 3-4 IM&IT Branch	
		≤ \$250	▪ 1-4 with concurrence of IM&IT Branch	

**Communications, Voice and Data Services***Establishment*

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
IT Data	6060	Approval to establish voice or data services		
		≤ \$50,000 pa.	▪ IT Infrastructure Manager	
		≤ \$500,000 pa.	▪ Chief Information Officer	
		≤ \$1 million pa.	▪ Director, Corporate and Commercial	

*Other ICT*

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Information, Communication & Technology	6065	Approval to call quotations, EOI, RFP or RFT	<ul style="list-style-type: none"> <li>▪ Chief Information Officer</li> </ul>	

*Connection*

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
IT Data	6070	Approval to connect/disconnect equipment to LAN/WAN.	<ul style="list-style-type: none"> <li>▪ IM&amp;IT Infrastructure Manager</li> <li>▪ IT Customer Services Manager</li> </ul>	

Maintenance

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
IT Management	6075	Authorise repairs to IM & IT hardware.		
		≤ \$50,000	<ul style="list-style-type: none"><li>IT Infrastructure Manager</li><li>IT Customer Services Manager</li></ul>	
		≤ \$10,000	<ul style="list-style-type: none"><li>IT Service Continuity Manager</li></ul>	

IT Price Book

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
IT Management	6080	Approval to changes, additions or deletions of items in the IM&IT Price Book in accordance with Procurement Policy.	<ul style="list-style-type: none"><li>Chief Information Officer</li></ul>	

## 5.7 Legal

### 5.7.1 Legal Matters

#### General

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Environment	Note:	Making of submissions to the Heritage Council relating to the Listing or Delisting of Roads and Maritime assets or other items on the State Heritage Register under sections 33 and 38 of the Heritage Act 1977	Not delegated – reserved for exercise by the Chief Executive only	
	7000	Approval to sign annual returns for EPA licences.	<ul style="list-style-type: none"> <li>Director, ID</li> <li>Director, Asset Maintenance,</li> <li>Chief Operating Officer</li> <li>Director, Corporate and Commercial</li> <li>Director, NSW Maritime</li> </ul>	
	7001	Approval to authorise applications in relation to EPA environment protection licences.	<ul style="list-style-type: none"> <li>Director, ID</li> <li>Director, Asset Maintenance</li> <li>Chief Operating Officer</li> <li>Director, Corporate and Commercial</li> <li>Director, NSW Maritime</li> </ul>	
	7002	Approval to authorise applications in relation to Aboriginal Heritage Impact Permits (AHIPs) under the National Parks and Wildlife Act 1974.	<ul style="list-style-type: none"> <li>Director, ID</li> <li>Director, Asset Maintenance</li> <li>Chief Operating Officer</li> <li>Director, Corporate and Commercial</li> </ul>	
	7003	<p>Exercising RMS's duty under Part 5 of the Environmental Planning and Assessment Act 1979 to consider an activity including any environmental assessment with respect to review of environmental factors for an activity being:</p> <p>(a) Routine and Minor Works (as described in the RMS Environmental Assessment Procedure for Routine and Minor Works);</p> <p>(b) Projects (as described in the RMS Environmental Assessment Procedure - Project review of environmental factors); and</p> <p>(c) Aquatic activities regulated by section 18 of the <i>Marine Safety Act 1998</i></p> <p>and determine whether to proceed with the activity and whether to grant an approval in relation to the activity.</p>		
		Minor Works Review of Environmental Factors (REF) <sup>1</sup>	<b>Infrastructure Development Division</b>	



Activity	No.	Delegation Clause		Resp
		(Cont.) Minor Works Review of Environmental Factors (REF) <sup>1</sup>	<ul style="list-style-type: none"> <li>▪ Director, Infrastructure Development</li> <li>▪ General Manager, Project Development</li> <li>▪ General Manager, Project Delivery</li> <li>▪ General Manager, Pacific Highway</li> <li>▪ General Manager, Western Sydney Infrastructure</li> <li>▪ Principal Manager, Project Development</li> <li>▪ Principal Manager, Project Delivery</li> <li>▪ Principal Manager, Major Projects</li> <li>▪ Principal Manager, Infrastructure Property</li> </ul> <div style="background-color: black; color: white; padding: 2px; margin: 5px 0;">Journey Management Division</div> <ul style="list-style-type: none"> <li>▪ Chief Operating Officer,</li> <li>▪ General Manager, Network Optimisation</li> <li>▪ Network General Manager Motorways</li> <li>▪ General Manager, Motorway Management</li> <li>▪ Network General Manager Sydney</li> <li>▪ Network General Manager NSW</li> <li>▪ General Manager, Road Network Operations</li> <li>▪ General Manager, Motorway Projects</li> <li>▪ Principal Manager, Motorway Delivery</li> <li>▪ Principal Manager, Network Operations</li> <li>▪ Principal Manager, Traffic Operations</li> <li>▪ Principal Manager, Intelligent Transport Systems</li> <li>▪ Regional Managers JMD</li> <li>▪ Motorway Systems Manager</li> <li>▪ Manager, Major Project Integration</li> <li>▪ Project Manager,</li> </ul>	

Activity	No.	Delegation Clause		Resp
		(Cont.) Minor Works Review of Environmental Factors (REF) <sup>1</sup>	<p>Motorway Operations</p> <ul style="list-style-type: none"> <li>▪ Network and Safety Managers JMD</li> <li>▪ Asset Managers JMD</li> </ul> <p><b>Asset Maintenance Division</b></p> <ul style="list-style-type: none"> <li>▪ Director, Asset Maintenance</li> <li>▪ General Manager, Regional Maintenance Delivery</li> <li>▪ General Manager, Contract Management Office</li> <li>▪ Regional Maintenance Delivery Manager</li> <li>▪ Contract Relationship Manager</li> </ul> <p><b>Maritime Division</b></p> <ul style="list-style-type: none"> <li>▪ Director, NSW Maritime</li> <li>▪ General Manager, Boating Operations<sup>2</sup></li> <li>▪ Principal Manager, Boating Operations<sup>2</sup></li> <li>▪ Manager Operations Boating Operations<sup>2</sup></li> <li>▪ Principal Manager Product Services<sup>2</sup></li> </ul> <p><b>Corporate Division</b></p> <ul style="list-style-type: none"> <li>▪ Director, Corporate and Commercial</li> <li>▪ General Manager, Commercial &amp; Property</li> <li>▪ Principal Manager, Property</li> </ul>	
	7003	Project REF <sup>1</sup>	<p><b>Infrastructure Development Division</b></p> <ul style="list-style-type: none"> <li>▪ Director, Infrastructure Development</li> <li>▪ General Manager, Project Development</li> <li>▪ General Manager, Project Delivery</li> <li>▪ General Manager,</li> </ul>	

Activity	No.	Delegation Clause		Resp
		(Cont.) Project REF <sup>1</sup>	<ul style="list-style-type: none"> <li>Pacific Highway General Manager, Western Sydney Infrastructure</li> </ul> <p><b>Journey Management Division</b></p> <ul style="list-style-type: none"> <li>Chief Operating Officer</li> <li>General Manager, Network Optimisation</li> <li>Network General Manager Motorways</li> <li>General Manager, Motorway Management</li> <li>Network General Manager Sydney</li> <li>Network General Manager NSW</li> <li>General Manager, Road Network Operations</li> <li>General Manager, Motorway Projects</li> </ul> <p><b>Asset Maintenance Division</b></p> <ul style="list-style-type: none"> <li>Director, Asset Maintenance</li> <li>General Manager, Regional Maintenance Delivery</li> <li>General Manager, Contract Management Office</li> <li>Regional Maintenance Delivery Manager</li> <li>Contract Relationship Manager</li> </ul> <p><b>Maritime Division</b></p> <ul style="list-style-type: none"> <li>Director, NSW Maritime</li> </ul> <p><b>Corporate Division</b></p> <ul style="list-style-type: none"> <li>Director, Corporate and Commercial</li> <li>General Manager, Commercial &amp; Property</li> </ul>	
	7003	Aquatic activity REF <sup>3</sup>	<b>Infrastructure Development Division</b>	

Activity	No.	Delegation Clause	Resp
		(Cont) Aquatic activity REF <sup>3</sup> <ul style="list-style-type: none"> <li>▪ Director Infrastructure Development</li> <li>▪ Chief Operating Officer</li> <li>▪ Director, Asset Maintenance</li> <li>▪ Director, Corporate and Commercial</li> <li>▪ Maritime Division</li> <li>▪ Director, NSW Maritime</li> <li>▪ General Manager, Boating Operations</li> <li>▪ Principal Manager, Boating Operations</li> <li>▪ Manager Operations, Boating Operations</li> <li>▪ Principal Manager, Statewide Coordination</li> <li>▪ Senior Special Aquatic Events Officer</li> <li>▪ Senior Emergency Planning Officer</li> </ul>	

### Notes

Delegations apply to activities for which delegates are responsible and are to be exercised within the accountable division.

1. Activities subject to a **Minor Works REF** or **Project REF** are detailed in Roads and Maritime's environmental assessment procedures.

2. The delegation is limited to Routine and Minor Works REF determinations for activities involving:

- movement of existing moorings from an existing mooring field to another existing field
- movement of existing moorings within an existing mooring field
- placement of new moorings within an existing mooring field
- placement or movement of new or existing navigational aids.

3. An "**Aquatic Activity REF**" refers to those matters regulated by section 18 of the *Marine Safety Act 1998* which also meet the definition of an "activity" under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Examples may include:

- the undertaking of organised community, recreational and cultural events, functions and activities in NSW waterways
- small-scale, non-permanent construction works in NSW waterways associated with such activities, such as temporary moorings.

Reference should be made to the Aquatic Licence Procedure (PN 267 P01) for guidance on determining whether an **Aquatic Activity** is subject to Part 4 or 5 of the EP&A Act.

The delegation with respect to the environmental assessment of an **Aquatic Activity** under Part 5 of the EP&A Act may only be exercised if the nominated position also has the necessary delegations to grant any required aquatic licence under the Marine Safety Act and Marine Safety Regulation. These are set out in the Maritime Delegations Manual, supported by the Aquatic Licence Policy (PN 267).

**General, continued**

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Legal Matters	7005	Execution of a Power of Attorney, Swear Affidavits or Statutory Declarations for RMS, Execution of Pleadings or Court documentation (statements of claim, etc).	<ul style="list-style-type: none"> <li>Legal Counsel</li> <li>Lawyer</li> </ul>	
	7010	Engagement or briefing of external lawyers, barristers or experts on a matter (for matters where a panel of solicitors has been formed other than for property matters where a separate panel has been established to support Real Estate and to which a separate authority is applicable).	<ul style="list-style-type: none"> <li>Legal Counsel</li> <li>Lawyer</li> <li>Litigation/Inquiries</li> <li>Lawyer Employment &amp; Safety</li> <li>Senior Manager Prosecution Services</li> <li>Manager Prosecution Support</li> </ul>	
	7015	To exercise discretion to withdraw administrative decisions on appeal before a Court or Tribunal.	<ul style="list-style-type: none"> <li>Legal Counsel</li> <li>Senior Manager Prosecution Services</li> </ul>	
	7020	Commence prosecution by the issue of Court Attendance Notice (and discontinue/settle or withdraw proceedings where necessary or appropriate)	<ul style="list-style-type: none"> <li>Legal Counsel</li> <li>Senior Manager Prosecution Services</li> <li>Manager Enforcement Services</li> </ul>	
	7021	Issue Penalty Notice (other than as an authorised officer)	<ul style="list-style-type: none"> <li>Manager Enforcement Services</li> </ul>	
	7022	Approve request to Attorney General to brief Senior Counsel	<ul style="list-style-type: none"> <li>Deputy General Counsel</li> </ul>	
	7025	Approve Appeal to the Appeal Panel against determination of Civil and Administrative Tribunal relating to occupational licence in connection with passenger transport or tow truck industry law.	<ul style="list-style-type: none"> <li>General Manager Accreditation #</li> <li>General Manager Customer &amp; Support Services #</li> <li>General Manager Service Relationships#</li> </ul> <p># on advice from Legal Counsel</p>	
	7026	Approve appeal to Supreme Court from Local Court prosecution	<ul style="list-style-type: none"> <li>Director Safety &amp; Compliance #</li> </ul> <p># on advice from Legal Counsel</p>	

	7030	To issue <b>or refuse</b> a consent or concurrence under section 138 of the <i>Roads Act 1993</i>	<ul style="list-style-type: none"><li>▪ Manager Property Services Sydney, Infrastructure Services</li><li>▪ Regional Managers (Journey Management Division),</li><li>▪ Regional Maintenance Delivery Managers(Asset Maintenance Division)</li><li>▪ Manager Statewide Delivery (Asset Maintenance Division)</li></ul>
	7035	Approval of legal and other costs and disbursements including external lawyer's legal fees and disbursements and including witness expenses or the briefing of counsel by external lawyer.	
		(Unlimited)	<ul style="list-style-type: none"><li>▪ Deputy General Counsel</li></ul>
		≤\$100,000	<ul style="list-style-type: none"><li>▪ Legal Counsel</li></ul>
		≤ \$20,000	<ul style="list-style-type: none"><li>▪ Senior Manager Prosecution Services Manager</li></ul>
	7040	Execution of Contracts by hand.	<ul style="list-style-type: none"><li>▪ Legal Counsel and any Officer who has Authority by virtue of the provisions of this document</li></ul>

**General, continued**

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Legal Matters (cont'd)	7045	To execute Works Authorisation Deeds with a capital works value of \$500,000 or greater.	<ul style="list-style-type: none"> <li>Legal Counsel</li> <li>Regional Managers (Journey Management Division)</li> <li>GM Regional Maintenance Delivery (Asset Maintenance Division)</li> <li>Network General Manager NSW (Journey Management Division)</li> </ul>	
	7046	To execute Works Authorisation Deeds with a capital works value of less than \$500,000.	<ul style="list-style-type: none"> <li>Legal Counsel</li> <li>Regional Managers (Journey Management Division),</li> <li>The Manager Statewide Delivery (Asset Maintenance Division)</li> <li>Regional Maintenance Delivery Managers (Asset Maintenance Division)</li> </ul>	
	7047	To execute other deeds with developers for the carrying out of, or for contributions to, road works or traffic control work, including Deed Containing Agreements, Memoranda of Understanding, TMAP Agreements and Voluntary Planning Agreements .	<ul style="list-style-type: none"> <li>Legal Counsel</li> <li>GM Project Delivery (Infrastructure Development Division)</li> <li>Regional Managers (Journey Management Division)</li> <li>Network General Manager NSW (Journey Management Division)</li> </ul>	
	7050	Approval to execute (by hand) any other miscellaneous legal Deeds or Agreements including but not limited to Deeds of Novation and Deeds of Assignment.	<ul style="list-style-type: none"> <li>Legal Counsel</li> </ul>	

**Commonwealth Road Acts**

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Legal Matters	7055	Approval to obtain information under sections 45 and 46 of the <i>Commonwealth Interstate Road Transport Act, 1985</i> .	<ul style="list-style-type: none"> <li>▪ Manager Enforcement Services</li> <li>▪ Senior Manager Prosecution Services</li> <li>▪ Investigator (Compliance)</li> </ul>	
	7060	Approval to consent to prosecution and to issue Court Attendance Notices and Penalty Notices under the <i>Commonwealth Interstate Road Transport Act 1985</i> and the <i>Interstate Road Transport Charge Act, 1985</i> and their Regulations.	<ul style="list-style-type: none"> <li>▪ Legal Counsel</li> <li>▪ Manager Enforcement Services</li> </ul>	
	7065	Approval to sign Section 248 certificates under the Roads Act 1993.	<ul style="list-style-type: none"> <li>▪ Manager Enforcement Services</li> <li>▪ Senior Manager Prosecution Services</li> <li>▪ Manager Property Services (Regional)</li> </ul>	
	7070	Approval to sign Section 248 (1)(b) certificates under <i>Roads Act 1993</i> .	<ul style="list-style-type: none"> <li>▪ Manager Land Information &amp; Titles (Finance Division)</li> </ul>	
	7075	Approval to sign Regulation 51A Certificates under <i>Commonwealth Interstate Road Transport Regulation 1986</i> .	<ul style="list-style-type: none"> <li>▪ A person authorised under section 166 of the Road Transport Act 2013 to issue a certificate under s.257 of the same Act</li> </ul>	

**5.7.2 Insurance****Premiums**

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Insurance	7080	Approval to negotiate terms of coverage and premiums of Insurance to maximum of:		
		≤ \$35,000,000	<ul style="list-style-type: none"> <li>▪ Director, Corporate and Commercial</li> </ul>	
		≤ \$100,000	<ul style="list-style-type: none"> <li>▪ Finance Manager, Treasury, Taxation &amp; Banking</li> </ul>	
	7085	Approval of the insurance and indemnity provisions of standard/non-standard contracts, and leases prior to execution.	<ul style="list-style-type: none"> <li>▪ Legal Counsel</li> <li>▪ Lawyer</li> <li>▪ Finance Manager, Treasury, Taxation &amp; Banking (exercisable with the concurrence of a Lawyer)</li> </ul>	



**Claims- General**

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Insurance	7090	Approval to claim on the Commonwealth in relation to expenditure on road works as required by appropriate Commonwealth legislation.	<ul style="list-style-type: none"> <li>Director ID</li> <li>Director, Asset Maintenance</li> <li>Chief Operating Officer</li> </ul>	
	7095	Approval to lodge insurance claims with NSW Treasury Managed Fund (TMF) for: Property; Liability; Miscellaneous; Motor Vehicles; Off Road Plant; Workers Compensation.	<ul style="list-style-type: none"> <li>Legal Counsel</li> <li>Lawyer Litigation &amp; Inquiries</li> <li>Finance Manager, Treasury, Taxation &amp; Banking</li> <li>Liability Claims Officer *</li> </ul> <p>* Transport Shared Service Position</p>	
	7100	Approval to accept property claims and miscellaneous claims settlements offered by NSW Treasury Managed Fund after consultation with the Unit Manager.	<ul style="list-style-type: none"> <li>Lawyer Litigation &amp; Inquiries</li> <li>Finance Manager, Treasury, Taxation &amp; Banking</li> <li>Liability Claims Officer *</li> </ul> <p>* Transport Shared Service Position</p>	
	7105	Approval to accept cash settlements offered by NSW Treasury Managed Fund in the event of a vehicle being damaged beyond repair after consultation with Office Unit Manager.	<ul style="list-style-type: none"> <li>Finance Manager, Treasury, Taxation &amp; Banking</li> </ul>	

**Claims- General (cont'd)**

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Insurance (cont'd)	7110	Approval to repair or replace property including buildings, goods and money accidentally lost, damaged, destroyed or misappropriated that are covered by the NSW Treasury Managed Fund following approval from TMF .		
		≤ \$1,000	<ul style="list-style-type: none"> <li>▪ Manager Liability Claims *</li> <li>▪ Liability Claims Team Leader</li> <li>▪ Senior Liability Claims Officer</li> </ul>	
		>\$1,000 and <\$20,000 only with the approval of the NSW Treasury Managed Fund	<ul style="list-style-type: none"> <li>▪ Manager Liability Claims *</li> <li>▪ Liability Claims Team Leader</li> <li>▪ Senior Liability Claims Officer</li> </ul>	
		>\$20,000 with the approval of the NSW Treasury Managed Fund	<ul style="list-style-type: none"> <li>▪ Manager Liability Claims *</li> </ul> <p>* Transport Shared Service Position</p>	

**Claims- Settlement**

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Insurance	7115	Approval to accept and settle claims against RMS where RMS's liability is protected by the NSW Treasury Managed Fund and no legal action has been commenced.		
		> \$20,000	<ul style="list-style-type: none"> <li>▪ Legal Counsel</li> <li>▪ Lawyer Litigation &amp; Inquiries</li> <li>▪ Manager Liability Claims *</li> </ul>	
		≤ \$20,000	<ul style="list-style-type: none"> <li>▪ Lawyer Litigation &amp; Inquiries</li> <li>▪ Manager Liability Claims *</li> </ul> <p>* Transport Shared Service Position</p>	

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Insurance (cont'd)	7120	Approval to accept and settle claims against RMS where RMS's liability is protected by the NSW Treasury Managed Fund and legal action has been commenced.		
		> \$500,000	<ul style="list-style-type: none"> <li>Legal Counsel</li> <li>Lawyer Litigation &amp; Inquiries</li> <li>Director, Corporate and Commercial</li> <li>Manager Liability Claims *</li> </ul>	
		≤ \$500,000	<ul style="list-style-type: none"> <li>Lawyer Litigation/Inquiries</li> <li>Manager Liability Claims *</li> </ul> <p>* Transport Shared Service Position</p>	
	7125	Approval to accept and settle claims against RMS where there is no insurance protection by the NSW Treasury Managed Fund.		
		> \$500,000	<ul style="list-style-type: none"> <li>Deputy General Counsel</li> </ul>	
		≤ \$500,000	<ul style="list-style-type: none"> <li>Legal Counsel</li> <li>Lawyer Litigation &amp; Inquiries</li> </ul>	
		< \$1,000	<ul style="list-style-type: none"> <li>Manager Liability Claims *</li> </ul> <p>* Transport Shared Service Position</p>	
	7130	Approval to accept and settle claims against RMS for minor motor vehicle damage to \$5000.	<ul style="list-style-type: none"> <li>Manager Banking &amp; Insurance</li> </ul>	
	7145	To execute release of claims generally.	<ul style="list-style-type: none"> <li>Legal Counsels</li> <li>Lawyer Litigation/Inquiries</li> <li>Manager Liability Claims *</li> </ul> <p>* Transport Shared Service Position</p>	

Ex-gratia payments	7148	Approval to make ex-gratia payment for loss or damage to personal equipment and effects <\$1,000 <i>occurring during the course of employment, and where the ex-gratia payment is sufficient to cover the cost of repair, or if it cannot be repaired the cost of an identical or only marginally different replacement.</i>	▪ 1-3	
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### 5.7.3 Civil Claims

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Insurance and legal matters	7155	Approval to the classification of a debt as being irrecoverable.	<ul style="list-style-type: none"> <li>▪ Manager Debt Recovery *</li> <li>▪ Legal Counsel</li> <li>▪ Lawyer Litigation/Inquiries</li> </ul> <p>* Transport Shared Service Position</p>	
	7160	Authority to request enforcement action (including issue of warrants).	<ul style="list-style-type: none"> <li>▪ Manager Debt Recovery *</li> </ul> <p>* Transport Shared Service Position</p>	
	7165	Approval to sign and lodge with the Registrar of the proper Local Court a Statement of Claim or Summons in the case of an action for the recovery of a debt under the <i>Civil Procedures Act, 2005</i> .	<ul style="list-style-type: none"> <li>▪ Debt Recovery Officer # *</li> <li>▪ Legal Counsel</li> <li>▪ Lawyer Litigation/Inquiries</li> </ul> <p># subject to receipt of advice from a law firm</p> <p>* Transport Shared Service Position</p>	
Legal Matters	7170	To execute proof of debt and exercise powers under <i>District Court Act, 1973</i> and <i>Civil Procedures Act, 2005</i> .	<ul style="list-style-type: none"> <li>▪ Debt Recovery Manager # *</li> <li>▪ Legal Counsel</li> <li>▪ Lawyer Litigation/Inquiries</li> </ul> <p># subject to receipt of advice from a law firm</p> <p>* Transport Shared Service Position</p>	

	7175	To apply for registration of judgment in the case of an action for the recovery of a debt or liquidation claim under the <i>Civil Procedures Act, 2005</i> .	<ul style="list-style-type: none"> <li>▪ Debt Recovery Officer # *</li> <li>▪ Legal Counsel</li> <li>▪ Lawyer</li> </ul> <p>* Transport Shared Service Position</p> <p># subject to receipt of advice from a law firm</p>	
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### ***Recovery of Unpaid Penalties***

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Legal Matters	7180	To apply for registration of judgment under the Civil Procedure Act 2005 in respect of penalties imposed for breaches of legislation administered by RMS.	<ul style="list-style-type: none"> <li>▪ Debt Recovery Officer # *</li> <li>▪ Legal Counsel</li> <li>▪ Lawyer Litigation/Inquiries</li> </ul> <p>* Transport Shared Service Position</p> <p># subject to receipt of advice from a law firm</p>	
	7185	Approval to institution of prosecution for breaches in relation to unpaid penalties imposed by RMS.	<ul style="list-style-type: none"> <li>▪ Legal Counsel</li> <li>▪ Manager Enforcement Services</li> <li>▪ Senior Manager Prosecution Services</li> </ul>	

5.7.4 Property- Legal Matters  
*Leasing-Out*

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Property Management	7190	Execute documents to recover possession of real property	▪ Legal Counsel	

*Granting Rights*

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Property Management	7200	execute documents in connection with the issue of title to real property; the sale or purchase of interests in real property; acquisition of interests in real property; easements and covenants; and licences, leases or residential tenancies for real property.	▪ Legal Counsel	

## 5.8 Registration, Licensing & Regulatory Services

This section contains regulatory delegations for driver licencing, vehicle registration and heavy vehicle regulation across RMS divisions including Safety and Compliance Division. Delegations are also made to Asset Maintenance, Journey Management, Corporate and Commercial and Strategy and Engagement Divisions.

### General Conditions of Delegation for Regulatory Delegations

Section 5.8 forms part of the Delegations Manual. All Principles of Delegation and General Conditions which apply to the Delegations Manual also apply to this Section.

These additional General Conditions apply to this part and govern how the regulatory delegations apply. Individual delegations must be read in conjunction with these principles.

1. The statutory provision that creates a function determines the scope of the delegated function.
2. The exercise of a delegated function is limited by any stated conditions.
3. A delegation to a position is also a delegation to any more senior position to which the first position reports.
4. Conditions apply equally to the more senior position unless a separate unlimited delegation is made to the more senior position.
5. The brief description in the table does not limit or alter the scope of the statutory power in any way. The description is included to assist with reading the table. A delegate must refer to the statutory provision when exercising a function.
6. Where a general delegation is made, the function may only be exercised by positions identified in established policies and procedures or in accordance with criteria established for an automated IT system.
7. Each function delegated to a Customer Service Officer (CSO) may also be exercised by a Customer Service Coordinator (CSCO) or a Customer Service Officer Driver Tester (CSODT), subject to any stated conditions.
8. Each function delegated to a Customer Service Centre Manager (CSCM) may also be exercised by a CSO, CSODT or CSCO when:
  - a. the CSCM is unavailable; and
  - b. the CSCM has given authority for the position holder to act in their place for that period of absence.

This part of the Delegations Manual is displayed in a spreadsheet. The following table explains how to read the spreadsheet.

Column title	Effect of column content
Number	Each different function has been assigned a different delegation number. Where the same function is delegated to multiple positions, the delegation number is the same.
Name of legislation	Identifies the title of the legislation containing the function being delegated. Rows with an "n/a" in this column indicate non-statutory delegations. Non-statutory delegations are located in the last rows of the spreadsheet.
Section/ Clause	Identifies the statutory provision containing the function that has been delegated. Functions under a single provision that are delegated to different positions are shown in separate rows.

Column title	Effect of column content
Brief description of power	Describes the delegated function to assist with reading the table. This description does not limit or alter the scope of the delegated function in any way. When exercising a function the delegate must refer to the provision creating the function.
Position title	Identifies each position authorised to exercise the function. If no specific position title is identified, the function is a general delegation (see Principles of Delegation above).
Unit, Section, Branch, Division	The Unit, Section, Branch or Division of the position to which the function has been delegated.
Conditions	Identifies limits imposed on the authority to exercise a function. Conditions apply equally to a more senior position able to exercise the function, unless an unlimited delegation is made to the more senior position.
Primary, Secondary, Tertiary business function	Broad categories to assist with sorting the table and with reviewing and updating delegations.

**How to use the document**

Important information on how to navigate this spreadsheet can be obtained by clicking [here](#).

Section 5.8 of the Delegations Manual can be accessed by clicking [here](#).



## 5.9 Traffic

### Notes:

To implement or approve a delegation clause related to Traffic matters, the officer must have the delegated role under legislation, policy, or functional responsibility.

### 5.9.1 Bidding

#### *Approval to Bid*

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Bidding	9000	Approval to bid for SCATS related activities.		
		> \$200,000  < \$200,000	<ul style="list-style-type: none"> <li>▪ 1 Asset Maintenance,</li> <li>▪ 1 Journey Management</li> <li>▪ 1-3 Asset Maintenance,</li> <li>▪ 1-3 Journey Management</li> </ul>	

#### *Acceptance/Execution*

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Bidding	9005	Signing of a SCATS related bid submission on behalf of RMS.	<ul style="list-style-type: none"> <li>▪ 1-3 Journey Management</li> </ul>	
	9010	Execution of a SCATS bid related contract and letter of acceptance, subject to legal advice.	<ul style="list-style-type: none"> <li>▪ 1-3 Journey Management</li> </ul>	

**Control of Traffic***Devices*

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Traffic	9015	Give a direction under Part 6 division 1c of the <i>Transport Administration Act 1988</i> .	<ul style="list-style-type: none"> <li>Chief Operating Officer</li> </ul>	
	9020	Authorise a person in writing to install or display (or to interfere with, alter or remove) a prescribed traffic control device (regulatory sign or pavement marking) under Section 122(b) of the <i>Road Transport Act 2013</i> .	<ul style="list-style-type: none"> <li>Network General Manager NSW</li> <li>Network General Manager Sydney</li> <li>General Manager Road Network Operations</li> </ul>	
	9021	Authorise a person in writing (except for people external to RMS) to install or display (or alter or remove) a prescribed traffic control device (regulatory sign or pavement marking) under Section 122(b) of the <i>Road Transport Act 2013</i> .	<ul style="list-style-type: none"> <li>1-5 Network NSW Branch</li> <li>1-5 Network Sydney Branch</li> <li>1-5 Road Network Operations Branch</li> </ul>	
	9025	Authorise a person in writing to install or display (or to interfere with, alter or remove) a prescribed traffic control device (regulatory sign or pavement marking) under Section 122(b) of the <i>Road Transport Act 2013</i> (except speed limits and traffic control signals).	<ul style="list-style-type: none"> <li>1-5 Network NSW Branch</li> <li>1-5 Network Sydney Branch</li> <li>1-5 Road Network Operations Branch</li> </ul>	

*Traffic Control*

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Traffic	9030	Approve the installation of an approved traffic control device (regulatory, warning, guide signs and pavement markings) under Section 87 of the <i>Roads Act 1993</i> .	<ul style="list-style-type: none"> <li>1-6 Asset Maintenance,</li> <li>1-6 Network NSW Branch</li> <li>1-6 Network Sydney Branch</li> <li>1-6 Road Network Operations Branch</li> </ul>	
	9035	Direct a person to remove an unauthorised prescribed traffic control device under Section 124(1) of the <i>Road Transport Act 2013</i> .	<ul style="list-style-type: none"> <li>Network General Manager NSW</li> <li>Network General Manager Sydney</li> <li>General Manager Road Network Operations</li> </ul>	

9036	Authorise a person to issue a direction to any person who contravenes section 123 of the <i>Road Transport Act 2013</i> which concerns installing or displaying, interfering with, altering or removing traffic devices under Section 124(1) of the <i>Road Transport Act 2013</i> .	<ul style="list-style-type: none"> <li>▪ Network General Manager NSW</li> <li>▪ Network General Manager Sydney</li> <li>▪ General Manager Road Network Operations</li> </ul>	
9037	Remove, or cause to be removed unauthorised prescribed traffic control devices under Section 124(3) of the <i>Road Transport Act 2013</i> .	<ul style="list-style-type: none"> <li>▪ 1-4 Asset Maintenance,</li> <li>▪ 1-4 Network NSW Branch</li> <li>▪ 1-4 Network Sydney Branch</li> <li>▪ 1-4 Road Network Operations Branch</li> </ul>	
9040	Authorise a person in writing to install or display (or alter or remove) a prescribed traffic control device (portable traffic signals) under Section 122(b) of the <i>Road Transport Act 2013</i> .	<ul style="list-style-type: none"> <li>▪ 1-4 Asset Maintenance,</li> <li>▪ 1-4 Network NSW Branch</li> <li>▪ 1-4 Network Sydney Branch</li> <li>▪ 1-4 Road Network Operations Branch</li> </ul>	
9045	Approval to regulate traffic under Section 115 <i>Roads Act 1993</i> .	<ul style="list-style-type: none"> <li>▪ 1-6 Asset Maintenance,</li> <li>▪ 1-6 Journey Management</li> </ul>	
9050	Approval to regulate traffic under Section 116 <i>Roads Act 1993</i> .	<ul style="list-style-type: none"> <li>▪ 1-5 Asset Maintenance,</li> <li>▪ 1-5 Journey Management</li> </ul>	
9055	Approval to the temporary regulation of traffic under Section 122 <i>Roads Act 1993</i> .	<ul style="list-style-type: none"> <li>▪ 1-5 Asset Maintenance,</li> <li>▪ 1-5 Journey Management</li> </ul>	
9060	Approval to exercise the functions of a roads authority with respect to any classified road under Section 64 <i>Roads Act 1993</i> .	<ul style="list-style-type: none"> <li>▪ 1-4 Asset Maintenance,</li> <li>▪ 1-4 Journey Management</li> </ul>	
9065	Issue a certificate stating the costs incurred to remove a prescribed traffic control device under Section 125(2) of the <i>Road Transport Act 2013</i> .	<ul style="list-style-type: none"> <li>▪ 1-3 Asset Maintenance,</li> <li>▪ 1-3 Journey Management</li> </ul>	

### 5.9.2 Hazard Removal

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Traffic	9080	Approve the removal and disposal of abandoned vehicles under sections 15 and 16 of the <i>Impounding Act, 1993</i> .	<ul style="list-style-type: none"> <li>1-5 Asset Maintenance</li> <li>1-5 Network NSW Branch</li> <li>1-5 Network Sydney Branch</li> <li>1-5 Road Network Operations Branch</li> <li>1-5 Motorway Management Branch</li> </ul>	
	9085	Establish a special tow-away zone under Section 143(9)-(11) of the <i>Road Transport Act 2013</i> .	<ul style="list-style-type: none"> <li>1-5 Network NSW Branch</li> <li>1-5 Network Sydney Branch</li> <li>1-5 Road Network Operations Branch</li> </ul>	
	9090	Give directions to remove traffic hazards, obstructions or encroachments under Sections 104 and 107 of the <i>Roads Act 1993</i> .	<ul style="list-style-type: none"> <li>1-4</li> </ul>	
	9095	Approval to remove or lop any tree or other vegetation deemed to be a traffic hazard under Section 88 of the <i>Roads Act 1993</i> .	<ul style="list-style-type: none"> <li>1-5</li> </ul>	

### 5.9.3 Regulations

#### *Routes*

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Traffic	9100	Approval to Road Train and B-Double routes.	<ul style="list-style-type: none"> <li>1-3</li> </ul>	

**Events/Works**

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Traffic	9105	Approval of public gates with respect to classified roads under Section 128 of <i>Roads Act 1993</i> .	▪ 1-4	
	9110	Approval to erect or carry out a work in, on or over a road and road related areas etc. with respect to a classified road under Section 138 of the <i>Roads Act 1993</i> .	▪ 1-4	
	9115	Approval for road events with respect to a classified road under Section 144 of the <i>Roads Act 1993</i> .	▪ 1-4	
	9120	Approval to carry out road work on unclassified roads under Section 72 of the <i>Roads Act 1993</i> .	▪ 1-3	

**Load**

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Traffic	9125	Approval to fix Load Limits under Road Transport (Mass, Loading and Access) Regulation, 1996.	▪ 1-3	
	9126	Prohibit vehicles with a laden mass exceeding a specified mass from using a road-ferry under Section 28(1)(b) of the <i>Road Transport (Vehicle and Driver Management) Act 2005</i> .	▪ General Manager, Infrastructure Asset Management Branch	

**Vending**

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Traffic	9130	Approval for footway restaurant/s on the footway of a classified road under Section 125 of <i>Roads Act 1993</i> .	▪ GMs in Asset Maintenance and Journey Management and Regional Managers	
	9135	Approval for street vending with respect to a classified road under Section 139A of the <i>Roads Act 1993</i> .	▪ Network General Manager NSW ▪ Network General Manager Sydney ▪ Network & Safety Managers, JMD	

### 5.9.4 Speed Limits

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Traffic	9140	Authorise a person in writing to install or display (or alter or remove) a prescribed traffic control device (permanent speed limit sign) under Section 122(b) of the <i>Road Transport Act 2013</i> .	<ul style="list-style-type: none"> <li>1-4</li> </ul>	
	9145	Authorise a person in writing to install or display (or alter or remove) a prescribed traffic control device (temporary road works speed limit sign) under Section 122(b) of the <i>Road Transport Act 2013</i> .	<ul style="list-style-type: none"> <li>4-5 and holding a current card to design and inspect traffic control plans (Orange Card) if located outside of Journey Management Division</li> <li>1-4 Journey Management Division</li> </ul>	
	9150	Authorise a person in writing to install or display (or alter or remove) a prescribed traffic control device (variable speed limit sign) under Section 122(b) of the <i>Road Transport Act 2013</i> .	<ul style="list-style-type: none"> <li>Network General Manager NSW</li> <li>Network General Manager Sydney</li> <li>General Manager Road Network Operations</li> </ul>	

### 5.9.5 Authorised Officers and Approved Persons

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Appointment and approval of Authorised Officers and Approved Persons	9155	Appoint a person as an authorised officer as referred to in paragraph (b) of the definition of 'authorised person' in the Dictionary in <i>Road Rules 2008</i> for purposes of Road Rule 304 and 307(2).	GM Road Network Operations	
	9160	Approve a person as a person referred to in paragraph (c) of the definition of 'emergency worker' in the Dictionary in <i>Road Rules 2008</i> for the purposes of Road Rules 306, 307 and 308.	GM Road Network Operations	
	9165	Authorise an employee of an appropriate roads authority to remove dangers or obstructions to protect the public and facilitate the free flow of traffic under Section 142(5) of the <i>Road Transport Act 2013</i> .	GM Road Network Operations	
	9166	Authorise a person to exercise the powers concerning the removal of unattended motor vehicles under Section 143(12) of the <i>Road Transport Act 2013</i> .	GM Road Network Operations	

	9170	Appoint a person employed as a Traffic Commander as a "Class 16 officer" as referred to in Schedule 4 to the <i>Road Transport (General) Regulation 2013</i> .	GM Road Network Operations	
	9175	Authorise a person (being an employee of RMS or Transport for NSW) who is in the position of Traffic Commander as an 'authorised officer' as defined in the Dictionary in the <i>Roads Act 1993</i> to exercise the functions of an authorised officer for the purposes of section 243 of the <i>Roads Act 1993</i> (the issuing of penalty notices) but only in respect of the offences described in clauses 11(1)(a), 11(1)(b) (both offences), 11(1)(d), 11(3)(a), 11(3)(b), 11(3)(c), 11(3)(d), 15, 16, 33(1), 34, 35(a), 35(b) & 35(c), 38(2) and 39(3) of the <i>Roads Regulation 2008</i> .	GM Road Network Operations	
	9180	Authorise a person (being an employee RMS or Transport for NSW) as an "authorised officer" as defined in the Dictionary in the <i>Roads Act 1993</i> for the purpose of giving directions on a tollway pursuant to clause 38 of the <i>Roads Regulation 2008</i> .	GM Road Network Operations	

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
Appointment and approval of Authorised Officers and Approved Persons (cont'd)	9185	Delegate to persons authorised or appointed as an "authorised person" "appropriate officer", 'approved person', or as otherwise required to be authorised by RMS, to exercise functions under section 115 of the <i>Roads Act 1993</i> and clause 39 of the <i>Roads Regulation 2008</i> .	GM Road Network Operations	
	9190	To authorise a person as an Impounding Officer on behalf of Roads and Maritime Services as an Impounding Authority for the purposes of the <i>Impounding Act 1993</i> .	GM Road Network Operations	

## 5.9.6 Parking and Crossing schemes

Activity	No.	Delegation Clause		Resp Dir.
		Variables	Delegate	
	9200	Approve a phone payment scheme under Clause 3(1) of the <i>Road Transport (General) Regulation 2013</i> .	<ul style="list-style-type: none"> <li>Network General Manager NSW</li> <li>Network General Manager Sydney</li> </ul>	
	9205	Authorise a person or class of persons to conduct an authorised children's crossing scheme under Clause 37(1)(b) of the <i>Road Transport (General) Regulation 2013</i> .	<ul style="list-style-type: none"> <li>Network General Manager NSW</li> <li>Network General Manager Sydney</li> </ul>	
	9210	Revoke an authorisation to exercise the functions of an authorised children's crossing scheme under Clause 37(1)(c) of the <i>Road Transport (General) Regulation 2013</i> .	<ul style="list-style-type: none"> <li>Network General Manager NSW</li> <li>Network General Manager Sydney</li> </ul>	
	9215	Approval of meter parking schemes not facilitating the use of cash under Clause 60(9) of the <i>Road Transport (General) Regulation 2013</i> .	<ul style="list-style-type: none"> <li>Network General Manager NSW</li> <li>Network General Manager Sydney</li> </ul>	
	9220	Approval of ticket parking schemes not facilitating the use of cash under Clause 66(8) of the <i>Road Transport (General) Regulation 2013</i> .	<ul style="list-style-type: none"> <li>Network General Manager NSW</li> <li>Network General Manager Sydney</li> </ul>	
	9225	Approval of payment methods for coupon parking schemes under Clause 73(2)(c) of the <i>Road Transport (General) Regulation 2013</i> .	<ul style="list-style-type: none"> <li>Network General Manager NSW</li> <li>Network General Manager Sydney</li> </ul>	
	9230	Establish pay parking guidelines under Clause 83 of the <i>Road Transport (General) Regulation 2013</i> .	Chief Operating Officer	
	9235	Issue permit parking guidelines under Clause 95(5) of the <i>Road Transport (General) Regulation 2013</i> .	Chief Operating Officer	



## 5.10 Marine Regulatory Delegations

This section contains the regulatory delegations for maritime functions across RMS Divisions including NSW Maritime Division, Corporate and Commercial Division, Asset Maintenance Division and Safety and Compliance Division.

### General Conditions of Delegation for Marine Regulatory Delegations

Section 5.10 forms part of the Delegations Manual. All Principles of Delegation and General Conditions which apply to the Delegations Manual also apply to this Section.

These additional General Conditions apply to this part and govern how the regulatory delegations apply. Individual delegations must be read in conjunction with these principles.

1. The statutory provision that creates a function determines the scope of the delegated function.
2. The exercise of a delegated function is limited by any stated conditions.
3. A delegation to a position is also a delegation to any more senior position to which the first position reports.
4. Conditions apply equally to the more senior position unless a separate unlimited delegation is made to the more senior position.
5. The brief description in the table does not limit or alter the scope of the statutory power in any way. The description is included to assist with reading the table. A delegate must refer to the statutory provision when exercising a function.
6. Where a general delegation is made, the function may only be exercised by positions identified in established policies and procedures or in accordance with criteria established for an automated IT system.
7. Each function delegated to a Customer Service Officer (CSO) may also be exercised by a Customer Service Coordinator (CSCO) or a Customer Service Officer Driver Tester (CSODT), subject to any stated conditions.
8. Each function delegated to the Manager Operations North may also be exercised by Manager Operations Far North and Manager Operations Hunter.

This part of the Delegations Manual is displayed in a spreadsheet. The following table explains how to read the spreadsheet.

Column title	Effect of column content
Number	Each different function has been assigned a different delegation number. Where the same function is delegated to multiple positions, the delegation number is the same.
Name of legislation	Identifies the title of the legislation containing the function being delegated.
Section/ Clause	Identifies the statutory provision containing the function that has been delegated. Functions under a single provision that are delegated to different positions are shown in separate rows.
Brief description of power	Describes the delegated function to assist with reading the table. This description does not limit or alter the scope of the delegated function in any way. When exercising a function the delegate must refer to the provision creating the function.
Position title	Identifies each position authorised to exercise the function.

Column title	Effect of column content
Unit, Section, Branch, Division	The Unit, Section, Branch or Division of the position to which the function has been delegated.
Conditions	Identifies limits imposed on the authority to exercise a function. Conditions apply equally to a more senior position able to exercise the function, unless an unlimited delegation is made to the more senior position.
Primary, Secondary, Tertiary business function	Broad categories to assist with sorting the table and with reviewing and updating delegations.

### How to use the document

Section 5.10 of the Delegations Manual can be accessed by clicking [here](#).

RE: Open tender with value \$4.7M (My Transport - PRO0200243)

**From:** WILLIS Donna <donna.willis@rms.nsw.gov.au>  
**To:** LEE Alex <alex.lee@rms.nsw.gov.au>, "Eggert, Frank" <frank.eggert@transport.nsw.gov.au>  
**Cc:** BASS Albert <albert.bass@rms.nsw.gov.au>, "Badovinac, Tanya" <tanya.badovinac@transport.nsw.gov.au>, "Vakaravia, Simon" <simon.vakaravia@transport.nsw.gov.au>, SOLIMAN Samer <samer.soliman@rms.nsw.gov.au>  
**Date:** Wed, 25 Jul 2018 14:38:31 +1000

Hi All,

I would like to clarify that as this procurement is a 'direct' strategic procurement, TSS Strategic Procurement would be charging CaRS are 'fee for service' to conduct this 'sourcing' activity. Alex; I would like to make you aware of this.

Frank, can you please clarify if you have provided a 'fee for service' quote to Alex on conducting this 'sourcing' activity on behalf of RMS CaRS Division.

I would also like to clarify, that the RMS CPO would need to be one of the procurement strategy 'approvers' as per RMS Procurement process and procedure.

Kind Regards,

**Donna Willis**  
Senior Procurement Specialist  
Strategic Procurement | Business Services Division  
T +61 2 9563 8421 M 0475 831 065  
[Donna.Willis@rms.nsw.gov.au](mailto:Donna.Willis@rms.nsw.gov.au)  
[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)

*Every journey matters*

**Roads and Maritime Services**  
33 James Craig Road, Rozelle NSW 2039

**From:** LEE Alex  
**Sent:** Wednesday, 25 July 2018 9:45 AM  
**To:** Eggert, Frank  
**Cc:** BASS Albert; WILLIS Donna; Badovinac, Tanya; Vakaravia, Simon; SOLIMAN Samer  
**Subject:** RE: Open tender with value \$4.7M (My Transport - PRO0200243)

Good Morning Frank

I would like to confirm TSS Strategic Procurement will be assisting to finalising and approving the Procurement Strategy.

However, I am still waiting for the "YES" from Albert. After that I will finalise and forward the draft Procurement Strategy to your team.

Cheers  
Alex

**From:** Eggert, Frank [mailto:Frank.Eggert@transport.nsw.gov.au]  
**Sent:** Wednesday, 25 July 2018 9:24 AM  
**To:** LEE Alex  
**Cc:** BASS Albert; WILLIS Donna; Badovinac, Tanya; Vakaravia, Simon  
**Subject:** FW: Open tender with value \$4.7M (My Transport - PRO0200243)

Hi Alex,  
In accordance with Albert's email attached, please confirm that the TSS Strategic Procurement will be assisting you with finalising and approving the Procurement Strategy and the subsequent yet to be agreed, tender processes? If so, please send me a copy of the current DRAFT Procurement Strategy and also, advise me of a date and time next week when we could meet at your offices to discuss this project.

**SENSITIVE: NSW GOVERNMENT**

cheers, Frank  
**TSS Procurement**  
**Mob** 0408 336 069

**From:** Eggert, Frank  
**Sent:** Friday, 20 July 2018 2:35 PM  
**To:** LEE Alex  
**Cc:** Vakaravia, Simon; Badovinac, Tanya  
**Subject:** RE: Open tender with value \$4.7M (My Transport - PRO0200243)

Hi Alex,  
In accordance with your emails below and attached, I will notate in MyTransport that the RMS Procurement Team will be helping you with the procurement strategy and the subsequent, tender process. Your MyTransport Request will be updated to Complete.

**SENSITIVE: NSW GOVERNMENT**

cheers, Frank  
**TSS Procurement**  
**Mob** 0408 336 069

**From:** LEE Alex [mailto:Alex.LEE@rms.nsw.gov.au]  
**Sent:** Friday, 20 July 2018 12:28 PM  
**To:** Eggert, Frank  
**Cc:** Vakaravia, Simon; Badovinac, Tanya  
**Subject:** RE: Open tender with value \$4.7M (My Transport - PRO0200243)

Good afternoon Frank

Thanks for your prompt reply.  
I had contacted Donna Willis from RMS Procurement Team who will help me with the procurement strategy.

Regards

**Alex Lee**  
Project Engineer – Heavy Vehicles Programs  
Compliance Monitoring | Compliance Branch | Compliance and Regulatory Services  
T 02 8848 8225 F 02 8848 8399 E [alex.lee@rms.nsw.gov.au](mailto:alex.lee@rms.nsw.gov.au)  
[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)  
*Every journey matters*

Roads and Maritime Services  
110 George Street Parramatta NSW 2150

**From:** Eggert, Frank [mailto:Frank.Eggert@transport.nsw.gov.au]  
**Sent:** Thursday, 19 July 2018 2:38 PM  
**To:** LEE Alex  
**Cc:** Vakaravia, Simon; Badovinac, Tanya  
**Subject:** RE: Open tender with value \$4.7M (My Transport - PRO0200243)

Hi Alex,  
Happy to initiate a DRAFT Procurement Strategy for your review and comment but I will need access to the approved business case.

Is this project a replacement program for the current mobile HV scales used by the IVRs and if so, have we revised the specifications for the portable weigh scales to be procured to incorporate any lessons learned from the current equipment?

**SENSITIVE: NSW GOVERNMENT**

thanks,  
Frank Eggert  
Procurement Manager  
Strategic Category Management  
Transport Shared Services  
People and Corporate Services  
**Transport for NSW**

T 02 8575 0985 | M 0408 336 069  
Level 2, 2-14 Elsie Street Burwood NSW 2134



I use public transport... plan your trip at [transportnsw.info](http://transportnsw.info)  
Get on board with Opal at [opal.com.au](http://opal.com.au)

**From:** LEE Alex [mailto:Alex.LEE@rms.nsw.gov.au]  
**Sent:** Friday, 29 June 2018 3:16 PM  
**To:** Procurement Support Services  
**Subject:** Open tender with value \$4.7M

Hi there

I will call for an open tender (in eTendering Website) to purchase more than 300 units of portable weigh scales with value about \$4.7M.  
Project description as below:

Project Description							
RMS division	Project ID	Initiative ID	Program Name	Project Name	Proponent	To be included in the allocation balancing 2018/19 PT	Prism Sub-Funding Source
CARS	901	2002981	RMS Capital Maintenance	Compliance and Enforcement Asset Maintenance - Road Safety Facilities	RMS	Yes	Confund Recurr Appropriation

I would like to initiating the Procurement Strategy.

Regards

**Alex Lee**  
Project Engineer – Heavy Vehicles Programs  
Compliance Monitoring | Compliance Branch | Compliance and Regulatory Services  
T 02 8848 8225 F 02 8848 8399 E [alex.lee@rms.nsw.gov.au](mailto:alex.lee@rms.nsw.gov.au)  
[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)  
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**Roads and Maritime Services**  
110 George Street Parramatta NSW 2150



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## RE: Revised Procurement Strategy

---

**From:** LEE Alex <alex.lee@rms.nsw.gov.au>  
**To:** WILLIS Donna <donna.willis@rms.nsw.gov.au>  
**Cc:** SOLIMAN Samer <samer.soliman@rms.nsw.gov.au>, BASS Albert <albert.bass@rms.nsw.gov.au>, CHIU Mark <mark.chiu@rms.nsw.gov.au>  
**Date:** Mon, 30 Jul 2018 13:08:26 +1000  
**Attachments:** 05 Request for Tenders.pdf (739.53 kB); Tender Evaluation.pdf (151.44 kB)

---

Thanks Donna.

I think you are after the documents showing the open tendered panel requirements(RFT document) and the successful vendors who can supply portable weigh scales. I have attached this information here for your information.

- 1) "05 Request for Tenders" – Open tendered panel scope/requirements.
  - a. Market Scan: On page 8, it specifies that RMS wants ALL portable weigh scale suppliers, not just the current brand that RMS has utilised for 20+ years("PAT" brand):  
***IMPORTANT NOTE FOR CATEGORY B ONLY:  
In relation to procurement of new Category B systems, Roads and Maritime may consider brands not specified above if the tenderer can demonstrate equal or superior performance, life expectancy and serviceability.***
- 2) "Tender Evaluation" : the tender evaluation report prepared by the external probity officer from WSP.
  - a. Portable Weigh Scale suppliers: On page 1 of this document, you can see that the panel is separated into 2 categories. Category B includes all suppliers for portable weigh scales. Note that ALL submissions for scales were successful in being added to the panel, so we are confident with the market scan and that there is no real benefit from going to open tender again, unless you advise us.
  - b. Category B vendors which can supply vehicle weight management hardware including portable weigh scales(and we will seek quotations from if the RFQ process/direction is approved by yourself/Albert):
    - i. Nepean
    - ii. C.I.C Engineering
    - iii. Weighpack & Electrical
    - iv. AccuWeigh
    - v. Novation Engineering

Could you please review so you can advise regarding the appropriate direction for this procurement at our 2pm meeting?

Regards,  
Alex

---

**From:** WILLIS Donna  
**Sent:** Monday, 30 July 2018 11:27 AM  
**To:** LEE Alex  
**Cc:** SOLIMAN Samer; BASS Albert; CHIU Mark  
**Subject:** RE: Revised Procurement Strategy

Hi Alex,

I would like to advise that the attached contract you have sent me is only a template. Can you please send me the Panel (deed) contract that was signed with successful panel members.

Many thanks,

**Donna Willis**  
Senior Procurement Specialist  
Strategic Procurement | Business Services Division  
T +61 2 9563 8421 M 0475 831 065  
[Donna.Willis@rms.nsw.gov.au](mailto:Donna.Willis@rms.nsw.gov.au)  
[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)

*Every journey matters*

**Roads and Maritime Services**  
33 James Craig Road, Rozelle NSW 2039

---

**From:** LEE Alex  
**Sent:** Friday, 27 July 2018 5:12 PM  
**To:** WILLIS Donna  
**Cc:** SOLIMAN Samer; BASS Albert; CHIU Mark  
**Subject:** Revised Procurement Strategy  
**Importance:** High

Hi Donna

Thanks for organising the teleconference and clarifying the RFQ issues for us.

Please see attached the revised procurement strategy\_v04 for you to review.  
I have also attached the panel deed for panel contract 17.0000302935.1100 as per requested.

Let's chat again Monday afternoon  
Have a good weekend

**Alex Lee**  
Project Engineer – Heavy Vehicles Programs  
Compliance Monitoring | Compliance Branch | Compliance and Regulatory Services  
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[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)  
*Every journey matters*

**Roads and Maritime Services**  
110 George Street Parramatta NSW 2150

# Minor Physical Works and Services

## Request for Tenders







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# ROADS AND MARITIME SERVICES (RMS)

## Minor Physical Works and Services

### Request for Tenders

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#### 1. Notice to Tenderers

##### 1.1 Description of tender

Roads and Maritime Services (RMS) seeks tenders for the Contracted Work described in the Tender Documents.

##### 1.2 NSW Government Code of Practice for Procurement and Implementation Guidelines

###### *Terminology*

- .1 The New South Wales Government's Code of Practice for Procurement (NSW Code) and the New South Wales Government's Implementation Guidelines to the New South Wales Code of Practice for Procurement: Building and Construction (NSW Guidelines) apply to the project the subject of this procurement process.
- .2 Terms used in this section 1 of this procurement process (under the heading NSW Code and Implementation Guidelines) have the same meaning as is attributed to them in the NSW Guidelines (as published by the NSW Treasury in July 2013).

###### *Primary obligation*

- .3 By submitting a response to this procurement process, the tenderer acknowledges and agrees that it:
  - is aware that the NSW Code and NSW Guidelines apply to the project;
  - is taken to have read and understood the NSW Code and NSW Guidelines and the obligations they impose;
  - will comply with the NSW Code and NSW Guidelines on this project, which includes, but is not limited to giving access to authorised personnel to inspect any work, material, or machinery, inspect and copy any record relevant to the project, and interview any person;
  - will agree, if successful in this procurement process, to contractual terms that give effect to the NSW Code and NSW Guidelines and mechanisms to ensure their compliance and enforcement; and
  - will comply with, and ensure all of its related entities (as defined in the NSW Guidelines) comply with, the NSW Code and NSW Guidelines in respect of any of their building and construction work (including any subsequent privately funded work), on and from the date of submitting a response to this procurement process.

***Cost, efficiency, productivity and workplace safety***

- .4 The tenderer agrees that it must include in its response:
- where required in Annexure CT2, a Workplace Relations Management Plan (State) and any other documents and information necessary to meet the requirements of section 6.1 of the NSW Guidelines;
  - a Work Health and Safety Management Plan or Site Specific Safety Management Plan and any other documents and information necessary to meet the requirements of section 9 of the NSW Guidelines; *[noting that the tenderer who adopts and complies with the “Work Health and Safety Management Systems and Audit Guidelines, 5<sup>th</sup> Edition published September 2013” and demonstrates that compliance in its tender will not be required to submit a separate “Work Health and Safety Management Plan” under section 9 of the NSW Guidelines, as given in “Practice Direction 2013/2 – Workplace Safety” issued by the NSW Industrial Relations]*  
and
  - the Schedule of Compliance that is attached as Annexure CT5 to this Request for Tenders, properly executed by or on behalf of the tenderer.
- .5 The tenderer acknowledges that by submitting this response it agrees to RMS and the Construction Compliance Unit (CCU) taking any steps to investigate claims, statements and assertions made by the tenderer in any of the documents referred to above in paragraph .4 of this clause before any contract is awarded. The tenderer acknowledges and agrees to cooperate with RMS and the CCU in respect of the investigation of compliance with the NSW Guidelines and further agrees that that compliance is a mandatory requirement of the procurement process. The tenderer will allow authorised personnel to:
- access premises and sites controlled by the tenderer or its related entities;
  - inspect and copy relevant records and documents;
  - inspect any work, material, machinery, appliance article or facility; and
  - interview any person;
- as is necessary to investigate the claims, statements and assertions made by the tenderer in the response or to demonstrate the tenderer's current or, where relevant, past compliance with the NSW Code and NSW Guidelines during the procurement process.
- Disclosure of information***
- .6 Notwithstanding any other provision of the procurement process, the tenderer agrees and consents to the disclosure of information concerning the tenderer's, and the tenderer's related entities', compliance with the NSW Code and NSW Guidelines, including the disclosure of details of past and present compliance to the NSW Code and NSW Guidelines, as varied from time to time,

including whether or not sanctions have been imposed on a tenderer or any of its related entities by the Commonwealth or any State or any government agency. This consent is given to the State of New South Wales, including its agencies (including RMS), Ministers and the CCU (and its authorised personnel) for purposes including monitoring and investigating compliance and ensuring, facilitating and promoting compliance with the NSW Code and NSW Guidelines.

***Subcontractors etc***

.7 Where the tenderer proposes to subcontract the works, the tenderer agrees that it will ensure, through contract, that each subcontractor or consultant agrees to:

- the contractual promises in clauses paragraph .3 of this clause (Primary obligation) and paragraph .6 of this clause (Disclosure of information) in respect of the relevant subcontractor or consultant;
- comply with the applicable plans and policies on the project referred to in clause paragraph .4 of this clause (Cost, efficiency, productivity and workplace safety); and
- where a subcontractor or consultant is nominated in procurement process documents, that the nominated party cooperates with authorised personnel during the procurement process for the purposes outlined in paragraph .5 of this clause.

1.3 Other details

***.1 Description of Work***

***Roads and Maritime Services aims to improve road safety for the heavy vehicle industry and the wider community through effective regulatory programs, and high quality compliance, enforcement and adjudication programs and systems.***

***The Heavy Vehicles Programs Branch of Roads and Maritime carries out enforcement, inspections and checks on heavy vehicles at sites throughout New South Wales.***

***The Heavy Vehicles Branch is seeking tenders from experienced and capable contractors for maintenance of their assets. These assets include Heavy Vehicle Safety Stations and on-road HV enforcement sites, Safe-T-Cam Sites, Average Speed Camera Sites and Over Height Detection Sites.***

***The locations of some of these sites can be found on the Roads and Maritime website using the following links:***

***Heavy Vehicle Safety Stations – click [here](#)***

***Safe-T-Cam Sites – click [here](#)***

***Average speed camera Sites – click [here](#)***

*The work at these sites will fall into one of the two following categories:*

**CATEGORY A**

- *Civil work, such as earthworks, concreting, asphalt patching, installation or repair of safety barriers systems, boring works at HV sites, installation or repair of enforcement signage, and enforcement line marking. Specifically, the above scope is indicative of expected works for Heavy Vehicle enforcement programs, it is the program managers or equivalent expectations that all tenderers have a good understanding of the enforcement programs and its specific requirements.*
- *Fabrication and installation of steel roadside infrastructure and ad-hoc minor fabrication works required by the project manager used for enforcement programs, such as ASC (also known as point-to-point) cameras and Safe-T-Cams etc.*
- *Electrical work, including installation and maintenance of electrical supply and distribution for HV enforcement programs, communications, lighting, portable power supplies, ad-hoc minor electrical works required by the project manager at HV enforcement sites, maintenance of ITS equipment used at Heavy Vehicle Safety Stations and various HV enforcement sites around the state.*
- *Signage installation, comprising advisory and regulatory signs used for heavy vehicle programs including electronic signs used for HV enforcement sites.*

**CATEGORY B**

- *Procurement and maintenance of existing Weigh-in-Motion systems*
- *Procurement and Maintenance of PAT brand and HAENNI brand portable weighing scales and serviceable spare parts used by heavy vehicle inspectors, including calibration and annual verification.*
- *Procurement and Maintenance of weighbridges, including calibration and annual certification*
- *Procurement and Maintenance of MAHA and Nepean Transport brake testing equipment, including calibration and annual certification.*

**IMPORTANT NOTE FOR CATEGORY B ONLY:**

*In relation to procurement of new Category B systems, Roads and Maritime may consider brands not specified above if the tenderer can demonstrate equal or superior performance, life expectancy and serviceability.*

*All work shall be carried out in accordance with the Roads and Maritime specifications as published on the website*

<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/document-types/specifications/qa/index.html>

*Current examples of some relevant specifications are included in the tender documents.*

## ***.2 Nature of Contract***

*The Contract is a Minor Works and Physical Services Work As Ordered Contract. This tender is a non-price tender.*

## ***.3 Documents***

*The following documents are relevant to this tender:*

### ***Request for Tenders***

#### ***The Tender Documents***

***(A) Tender Form***

***(B) Terms for Contracted Work***

***(C) Instrument of Agreement***

***(D) Contract Schedule***

***(E) The Specifications as listed below:***

- ***G2-C41***
- ***G10***
- ***G22***
- ***G36***
- ***G38***
- ***Q2 / Q4***
- ***R53***
- ***R71***
- ***R101***
- ***R116***
- ***R132***
- ***R142***
- ***R143***
- ***R173***
- ***R201***
- ***R300***
- ***R302***
- ***R304***
- ***R311***
- ***R312***
- ***R319***
- ***R320***
- ***R321***

## ***.4 Enquiries***

*General enquiries may be directed to Mr. Alex Dubois on 02 8849 0636*

### ***.5 Tender Lodgement Requirements***

***Tenders are to be enclosed in a sealed envelope, endorsed with "Tender for Contract No. 17.0000302935.1100" and the closing date.***

***Tenders are to be either:***

***placed in the Tender Box at the main entrance to the Roads and Maritime office at 99 Phillip Street, Parramatta NSW 2150;***

***or***

***Mailed to: - Tender Box***

***"Tender for Contract No. 17.0000302935.1100"***

***c/o Attention: Alex Dubois***

***Roads and Maritime Services***

***99 Phillip Street***

***PARRAMATTA NSW 2150***

***so as to be received before: 2:30pm Friday the 6th October, 2017.***

***Tenders submitted by facsimile or email will not be accepted. Tenders received after the closing time will be considered to be late, regardless of the time and date of posting. Attention is drawn to Section 5.2 of the NSW Government Code of Practice for Procurement in relation to receipt of tenders. RMS will consider late tenders in accordance with this section of the NSW Code.***

### ***.6 Contractor Performance Reporting***

***During the course of the Contract, the contractor's performance will be monitored against the specific scope of each work order. Substantiated reports of unsatisfactory performance may or may not result in future opportunities for NSW Government work being curtailed.***

#### **1.4 GST information**

Information and requirements relating to the GST are set out in clause 7.2.

Please note in particular that special requirements apply to tenderers who are not registered for GST or who wish to enter into a Voluntary Agreement for withholding Pay As You Go taxation (refer clauses 7.2 and 8.4).

#### **1.5 RMS statement of business ethics**

You must comply with the RMS Statement of Business Ethics. Copies of the statement are available from the RMS' website.

<http://www.rms.nsw.gov.au/about/what-we-do/ethics/statement-business-ethics.html>



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## 2. Summary of requirements for tender

### 2.1 Eligibility to tender

To be eligible to tender, you must:

- .1 Have an accredited WHS Management System if applicable (*see clause 3.1*), and
- ~~.2 Attend the Pre-Tender Meeting (if any) (*see clause 3.2*), and~~
- ~~.3 Attend the Site Inspection (if any) (*see clause 3.2*).~~
- .4 For Category A work, demonstrate that you have carried out similar work for Heavy Vehicle Enforcement programs for Roads and Maritime in the last twelve (12) months**
- .5 For Category B work, demonstrate that you have carried out similar work for Heavy Vehicle Enforcement programs for Roads and Maritime in the last twenty-four (24) months; or demonstrate that you have carried out similar work for another State Government Agency in the last twenty-four (24) months**

### 2.2 Lodging a conforming tender

To lodge a conforming tender, you must do all the things set out in the Conforming Tender Checklist attached to this document (please note tenders submitted by facsimile to RMS will not be considered).

### 2.3 Lodging an alternative tender

If you wish to lodge an alternative tender, you must also lodge a conforming tender and provide the details set out in clause 5.

### 2.4 Post-tender supporting information

To ensure that your tender remains conforming, you must provide supporting information within 5 working days of a request (*see clause 6*).

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## 3. Eligibility to tender

### 3.1 WHS system accreditation

You must have a Work, Health and Safety System in place if required by the Tender Documents. The System must comply with the NSW Government WHS Management Systems Guidelines and must be accredited for RMS contracts.

### 3.2 Pre-tender meeting and site inspection

~~You or your representative must attend any pre tender meeting and/or site inspection held by RMS in relation to the Tender.~~

### 3.3 Aboriginal Participation in Construction

To the extent required by the Contract you must demonstrate your commitment and capacity to plan and facilitate Aboriginal participation in employment, training and development of Aboriginal enterprises in

accordance with the NSW Government Policy on Aboriginal Participation in Construction (1 May 2015 or later update).

### 3.4 Building Code & Australian Government Work Health and Safety Accreditation Scheme

To the extent required by the contract you must demonstrate your commitment and capacity to comply with the Building Code issued under subsection 34(1) of the *Building and Construction Industry (Improving Productivity) Act 2016* (Cth), being the document titled '*Code for the Tendering and Performance of Building Work 2016*'.

To the extent required by the contract you must demonstrate your commitment and capacity to comply with all conditions of the Australian Government Work Health and Safety Accreditation Scheme.

### 3.5 RMS Customer Charter

Your attention is drawn to the RMS Customer Charter which is available from <http://www.rms.nsw.gov.au/customercharter/index.html>.

You should follow this charter in dealing with RMS customers under the contract.

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## 4. Lodging a conforming tender

### 4.1 Tender Form

The Tender Form must be properly completed and signed and initialled by you or by someone on your behalf as a binding legal document.

### ~~4.2 Schedule of Rates~~

~~The Schedule of Rates (if applicable) must be completed with all items listed being priced and with no new items added.~~

### ~~4.3 Schedule of Prices~~

~~The Schedule of Prices (if applicable) must be prepared so as to meet the following requirements. The Schedule of Prices must:~~

- ~~.1 include all items for which RMS has suggested a provisional quantity, and~~
- ~~.2 use the provisional quantities (if any) suggested by RMS, and~~
- ~~.3 only include items which form part of the Contracted Work described in the Tender Documents, and~~
- ~~.4 be fully priced, and~~
- ~~.5 when all the prices and items are extended, equal the lump sum component of the tender price.~~

~~If your Schedule of Prices includes an item which is not acceptable to RMS or is not part of the Contracted Work described in the Tender Documents, RMS may insist on the item being deleted. If that occurs,~~

~~the Schedule of Prices will be adjusted by agreement between RMS and yourself to ensure that the total of the prices as extended of all remaining items continues to equal the lump sum component of the tender price.~~

#### 4.4 Statutory declaration

The statutory declaration must be:

- .1 in the form set out in Annexure CT1, and
- .2 made by you or by a person who is in a position to know the facts attested to in the statutory declaration, and
- .3 signed by the declarant in the presence of a Justice of the Peace or a solicitor of the Supreme Court or another person authorised to administer an oath under the Oaths Act 1900 (NSW).

#### 4.5 Compliance with Building Code & Australian Government Work Health and Safety Accreditation Scheme

##### 4.5.1 Building Code

Where the Contract Schedule specifies that the '*Code for the Tendering and Performance of Building Work 2016*' (Building Code) issued under subsection 34(1) of the *Building and Construction Industry (Improving Productivity) Act 2016* (Cth) (BCIIP Act) applies because the Commonwealth funding (above the minimum thresholds specified in Schedule 1 of the Building Code) has been received for the Contracted Work or for the project which the Contracted Work forms part of:

- .1 The tenderer agrees that it must include in its tender:
  - a) a signed "Declaration of Compliance" in the form of Annexure CT4A to this Request for Tender;
  - b) the further information outlined in Attachment A to the Declaration of Compliance; and
  - c) a written confirmation as to whether on or after 2 December 2016, the tenderer or a Related Entity (as defined in subsection 3(2) of the Building Code) of the tenderer submitted a response to an expression of interest or tender (howsoever described) for Commonwealth funded Building Work (as defined in subsection 3(4) of the Building Code) (regardless of whether or not that project was procured by RMS or whether or not the tenderer or the tenderer's Related Entity were successful); *[noting that **this written confirmation is required to be submitted by the tenderer even if the Contract Schedule states that the Building Code does not apply to the Contracted Work**]*

to demonstrate the tenderer's compliance with the Building Code.

- .2 To be eligible to tender for the Contracted Work the subject of this Request for Tender, tenderers must, on and from the date on which

the tenderers submit their tenders in response to this Request for Tender, at all times meet the following eligibility requirements:

- a) neither the tenderer nor any of the tenderer's Related Entities may be subject to an Exclusion Sanction (as defined in subsection 3(3) of the Building Code);
  - b) the tenderer and each of the tenderer's Related Entities must comply with the Building Code when performing:
    - (i) the Contracted Work the subject of this Request for Tender (if the tenderer is the successful tenderer); and
    - (ii) all other Building Work (including privately funded projects) on and from the date on which the tenderer submits their response to this Request for Tender (even if the tenderer is not the successful tenderer);
  - c) the tenderer must be eligible to perform Commonwealth Funded Building Work (Building Work in items 1-8 of Schedule 1 of the Building Code);
  - d) subject to the exceptions set out in subsection 26(5) of the Building Code, the tenderer must not have had an adverse decision, direction or order made by a court or tribunal for a breach of the BCIP Act, a Designated Building Law (as defined in the BCIP Act), work health and safety law (including, but not limited to, the *Work Health and Safety Act 2011* (NSW) and the *Work Health and Safety Regulation 2011* (NSW)) or competition and consumer law (including, but not limited to, the *Competition and Consumer Act 2010* (Cth)) and failed to comply with the decision, direction or order;
  - e) the tenderer must, if it is the successful tenderer, undertake to only use products in relation to the Contracted Work the subject of this Request for Tender that, at a minimum, comply with the relevant Australian standards published by, or on behalf of, Standards Australia Limited (ABN 85 087 326 690); and
  - f) the tenderer must demonstrate a positive commitment to the provision of appropriate training and skill development for their workforce.
- .3 It is a precondition to RMS entering into a contract with the tenderer to perform the Contracted Work the subject of this Request for Tender that:
- a) the tenderer confirms whether, within the three years preceding the date of this Request for Tender, the tenderer has:
    - (i) had an adverse decision, direction or order made by a court or tribunal for a breach of a Designated Building Law, work health and safety law (including, but not

limited to, the *Work Health and Safety Act 2011* (NSW) and the *Work Health and Safety Regulation 2011* (NSW)) or the *Migration Act 1958* (Cth); or

- (ii) been required to pay any amounts under an adjudication certificate (provided in accordance with a law relating to the security of payments (including, but not limited to, the *Building and Construction Industry Security of Payment Act 1999* (NSW)), that are due to persons in respect of Building Work); or
- (iii) owed any unsatisfied judgement debts (including by any Related Entity) to a Building Contractor (as defined in the BCIP Act) or a Building Industry Participant (as defined in the BCIP Act); and

- b) the tenderer must at no time be excluded from performing Building Work funded by a state or territory government (unless approval to engage the tenderer has been obtained from the Australian Building and Construction Commissioner referred to in subsection 15(1) of the BCIP Act (ABC Commissioner)).

.4 The tenderer is required to include in its tender the following information, which may be used by RMS in determining whether to award the Contracted Work the subject of this Request for Tender to the tenderer:

- a) the extent to which domestically sourced and manufactured building materials will be used to undertake the Building Work;
- b) the tenderer's assessment of the whole-of-life costs of the project to which the Building Work relates;
- c) the impact on jobs of the project to which the Building Work relates; and
- d) whether the project to which the Building Work relates will contribute to skills growth.

#### 4.5.2 Australian Government WHS Accreditation Scheme

Where the Contract Schedule specifies that the Australian Government Work Health and Safety Accreditation Scheme established by section 43 of the BCIP Act (the **Scheme**) applies because the Commonwealth funding (above the minimum thresholds specified in regulation 26(1)(c) and/or 26(1)(d) of the *Fair Work (Building Industry - Accreditation Scheme) Regulation 2016* (Cth)) has been received for the project which the Contracted Work forms part of :

- .1 Tenderers must, as part of their response, submit a signed "Confirmation of Accreditation Status" which is attached as Annexure CT4B to this Request for Tender; and
- .2 The successful tenderer must:

- a) be accredited under the Scheme when entering into contracts for 'building work' (as defined in the BCIP Act) and maintain accreditation under the Scheme while the 'building work' (as defined in the BCIP Act) is being carried out; and
- b) comply with all conditions of accreditation under the Scheme.

Where the tenderer satisfies one of the exemptions to the requirement to be accredited under the Scheme specified in regulation 26 of the *Fair Work (Building Industry – Accreditation Scheme) Regulation 2016* (Cth), the tenderer will not be required to be accredited for the purposes of this Request for Tender.

Tenderers' attention is drawn to section 26(1)(f) of the *Fair Work (Building Industry – Accreditation Scheme) Regulation 2016* (Cth), which outlines provisions applying to joint ventures that include accredited and unaccredited participants.

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## 5. Lodging an alternative tender

### 5.1 You must also lodge conforming tender

You may lodge an alternative tender as long as you also lodge a conforming Tender.

A separate tender form must be submitted for each alternative tender with accompanying Pricing Schedule(s).

### 5.2 Details required for alternative tender

If you submit an alternative tender, you must:

- .1 show how it differs from the Tender Documents, and
- .2 show that the alternative tender satisfies the design and performance criteria on which the Tender Documents rely, and
- .3 detail and quantify the advantages which the alternative tender offers to RMS, and
- .4 identify the effects of the alternative tender on the tender price and timing of the Contracted Work, and
- .5 propose milestones for the submission of further drawings and specifications.

### 5.3 Consideration of alternative tender

RMS may consider your alternative tender even though your conforming Tender is not the lowest in price.

### 5.4 Conditions applicable to alternative tenders

RMS may impose conditions on the acceptance of an alternative tender in addition to the conditions set out in the Tender Documents. This does not limit the RMS' right to accept any tender conditionally.

## 6. Post-tender supporting information

### 6.1 Supporting information to be supplied on request

You must submit the following supporting information within 5 working days of a request by RMS:

- .1 Contract Disclosure and Related Body Corporate (*see clause 6.2*).
- .2 Chain of Responsibility details (*see clause 6.3*)
- .3 Aboriginal Participation in Construction details (*see clause 6.4*)
- .4 Workplace Relations Management Details (*see clause 6.5*)
- .5 Other Information (*see clause 6.6*).

### 6.2 Contract disclosure and related body corporate

RMS will disclose the contract information required by as per Division 5, Part 3 of the Government Information (Public Access) Act 2009. To allow RMS to comply you must submit particulars of any related body corporate (within the meaning of the Corporations Act 2001 of the Commonwealth) in respect of your company, or any other private sector entity in which you have an interest, that will be involved in carrying out any of your obligations under the contract or will receive a benefit under the contract.

### 6.3 Heavy Vehicle National Law - Chain of Responsibility

The Tenderer's attention is drawn to the chain of responsibility provisions of the Heavy Vehicle National Law. Under the Heavy Vehicle National Law, the successful Tenderer may be a party to the chain of responsibility.

The chain of responsibility provisions are directed at ensuring that road transport operations involving heavy vehicles are conducted safely for all road users, and without causing damage to assets or infrastructure or having significant adverse effects on the environment or community amenity.

Where required in Annexure CT2, the chain of responsibility (CoR) details must include a CoR Management Plan.

### 6.4 Aboriginal Participation in Construction

The Tenderer's attention is drawn to the requirements of the NSW Government *Policy on Aboriginal Participation in Construction*.

The Policy is available at: <https://www.procurepoint.nsw.gov.au/policy-and-reform/nsw-procurement-reform/construction/policy-framework-construction>.

Where the Policy applies as stated in the Contract Schedule, the Contractor will be required to comply with relevant Category



requirements of the Policy. The Targeted Project Spend (TPS) on Aboriginal participation is as stated in the Contract Schedule.

RMS will determine the TPS before the Contract is executed and the TPS will be included in the executed Contract (or in issued Work Order, where relevant). The TPS will remain fixed for the Contract or Work Order period as relevant, except where RMS and the Contractor agree to re-set it (e.g. where legitimate exclusions were overlooked at tender time).

Where stated in the Contract Schedule, the Contractor will be required to provide the Aboriginal Participation Plan and the Aboriginal Participation Reports, at the times specified in the Contract and in the format prescribed by the NSW Procurement Board. Templates are available at:

<https://www.procurepoint.nsw.gov.au/aboriginal-participation-construction-information-contractors>.

Aboriginal Participation in Construction details submitted by you must include:

- (a) an undertaking that, in the event that you become the Contractor, you are prepared to provide an Aboriginal Participation Plan and the Aboriginal Participation Reports, which must comply with the Policy;
- (b) evidence of your ability to meet the obligations under the Policy on the Contract;
- (c) details of your Aboriginal participation in construction performance outcomes on other RMS or NSW Government contracts;

and where required in Annexure CT2:

- (d) proposed exclusions for determining the TPS.

## 6.5 Workplace Relations Management Details

Where required in Annexure CT2 of this Request for Tender, the workplace relations management details submitted by you must include:

- a) a Workplace Relations Management Plan (State) complying with the NSW Government Implementation Guidelines to the NSW Code of Practice for Procurement: Building and Construction (*see clause 1.2*).

## 6.6 Other information

You must submit other information as listed in Annexure CT2.



## 7. Tender pricing considerations

### 7.1 Commercial products nominated by RMS

If a commercial product is referred to by catalogue number or brand name in the Tender Documents, you must base your Tender on the named product even if the Tender Documents allow the successful tenderer to nominate an equivalent or approved equivalent product.

If you wish to nominate alternative products at the time of tender, the nomination must be done as part of an alternative tender.

### 7.2 Goods and services tax

Your individual tendered rates and prices must exclude Goods and Services Tax (GST) but a separate item for GST is to be included, if it is payable. Any GST Free or Input Taxed Supplies to be made under the Contract must be clearly and separately identified.

If you state your ABN in your tender, RMS will treat you as being registered for GST, unless you advise otherwise. If you will not be registered for GST when the Contract is entered into, you must say so in your tender.

If you wish to enter into a Voluntary Agreement for withholding Pay as You Go taxation ('Voluntary Agreement'), you must say so in your tender and provide the information required for the approved form of a Voluntary Agreement as required by the A New Tax System (Pay As You Go) Act 1999.

### 7.3 Customs duty

Customs duty is payable on all material, plant and equipment imported into Australia unless exemption from payment of the duty is granted.

If applicable, you must submit with the Tender Form a statement setting out the amount of customs duty included in the tender price in respect of material which will form part of the Contracted Work.

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## 8 Assessment of tenders

### 8.1 Late tenders

RMS will not consider your tender if it is late unless you establish to the RMS' satisfaction that:

- .1 the cause of the lateness was beyond your control, and
- .2 consideration of the late tender could not possibly compromise the integrity of the tendering process.

## 8.2 Application of GST adjustment for non-GST taxpayers

If you are not registered for GST or you wish to enter into a Voluntary Agreement, your tender price will be increased by 10% for the purposes of tender assessment.

## 8.3 Best value for money assessment

Tenders will be assessed on the basis of best value for money. This includes consideration of the following criteria:

- .1 The tender price and the integrity of its structure (after application of applicable Government Purchasing Policies).
- .2 Individual rates and prices and the integrity of their structure.
- .3 Your current financial position and commitments on other contracts.
- .4 Your Quality System documentation and experience and performance in the carrying out of Quality Assurance contracts. (QA contracts only).
- .5 Suitability of proposed personnel, plant, equipment and subcontractors.
- .6 Proposals (where requested in the Tender Documents) and previous performance concerning management of safety, chain of responsibility provisions of the HVNL, workplace relations, environmental protection and community relations.
- .7 Claims history.
- .8 Record of compliance or otherwise with NSW Government Code of Practice for Procurement and Implementation Guidelines.
- .9 Records of performance, claims and compliance with Codes provided by other NSW Government agencies or departments.
- .10 Other criteria listed in Annexure CT3.

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# 9 General

## 9.1 Tender validity period

Tenders are valid for 60 days after the closing date for Tenders.

## 9.2 Acceptance of tender

RMS is not bound to accept the lowest or any tender.

A Tender is accepted only when notice in writing of acceptance is issued to you by RMS.

## 9.3 Information provided for convenience only

Information provided by RMS which does not form part of the Tender Documents is provided only for the convenience of Tenderers. That

information will not form part of a contract awarded as a result of this tender process.

**9.4 Information not exhaustive**

Information provided by RMS which does not form part of the Tender Documents and which describes the site or conditions which may be encountered during the course of carrying out the Contracted Work is not to be taken as an exhaustive statement of conditions which may be encountered during the course of carrying out the Contracted Work.

**9.5 Estimated quantities**

The quantities shown in any Schedule of Estimated Quantities issued by RMS are estimated quantities only and are not guaranteed to be the actual or correct quantities of work to be carried out.

**9.6 Subcontractors not approved**

Acceptance of a Tender by RMS does not constitute an approval of a proposed subcontractor or subcontracted work under clause 6.4 of the Terms for Contracted Work.

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Annexure CT1

## Statutory declaration

I ..... [insert name] of ..... [insert address] do solemnly and sincerely declare and affirm, in respect of the tender for ..... ('Tender') or any contract arising from the Tender, that:

1. I hold the position of ..... and am duly authorised by ..... ('Tenderer') to make this declaration on its behalf.
2. \* To the best of my knowledge, neither the Tenderer nor any of its employees or agents have entered into a contract, arrangement or understanding to pay moneys to a trade association, apart from the normal amount (annual subscription, turnover or contract fee) imposed by that trade association.
- \* The Tenderer has agreed to pay a special fee to a trade association of \$..... if it is successful in the Tender.
3. To the best of my knowledge, neither the Tenderer nor any of its employees or agents had knowledge of the price of another tenderer prior to submitting the Tender.
4. To the best of my knowledge, neither the Tenderer nor any of its employees or agents has disclosed the Tenderer's tender price to a rival tenderer.
5. The Tenderer submitted the Tender in good faith and has not deliberately set its tender price above the level of rival tenderers.
6. As at the date of this declaration, the Tenderer intends to do the work the subject of the Tender.
7. To the best of my knowledge, neither the Tenderer nor any of its employees or agents has entered into a contract, arrangement or understanding having the result that the Tenderer or another person will pay money to an unsuccessful tenderer if the Tenderer is successful in the Tender (other than for work or services done or materials supplied under a bona fide contract).
8. The Tenderer has allowed in its Tender for all workers who may be at any time employed on the work under the Contract to be paid, and promises to pay to all such workers in the event that the Tender is accepted, no less than the wages, allowances and other money payable to them pursuant to all relevant legislation, awards, determinations, judgments and agreements in respect of their employment on the work under the Contract.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act, 1900.

Subscribed and declared at ..... [city or town] on ..... [date]  
before me:

---

Justice of the Peace/Solicitor

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Declarant

*\*Delete whichever is inapplicable*

Authorised Witness' Certificate  
Section 34 (1) (c) of the Oaths Act 1900

I, \_\_\_\_\_  
[being a Justice of the Peace\* / Solicitor\* / Notary Public\* / Commissioner of Oaths\*],

certify the following matters concerning the making of this statutory declaration by the person who made it:

1. I saw the face of the person \* **OR** I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering. \*
2. I have known the person for at least 12 months \* **OR** I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was: \*

\_\_\_\_\_

\_\_\_\_\_  
Signature of authorised witness

\_\_\_\_\_  
Date

\* delete as applicable

Insert name of authorised witness

Describe identification document relied on

**NOTE** the following identification is acceptable

- a current driver photo licence
- a current NSW Photo Card or similar photo identification issued by another Australian jurisdiction
- a passport (in English or with an English translation) that has not expired more than 2 years ago
- a current national identity photo card in English or with an English translation
- a current Medicare card, pensioner concession card, Department of Veterans' Affairs entitlement card,
- a current credit card
- a statement of account from a bank, building society or credit union that is not more than 1 year old,
- an electoral enrolment card or other evidence of enrolment as an elector that is not more than 2 years old,
- a student identity card, or a certificate or statement of enrolment, from an educational institution that is not more than 2 years old.







## Annexure CT2

Other information to be submitted

You must submit the following additional supporting information within 5 working days of a request by RMS:

### Section 6.3 Heavy Vehicle National Law – Chain of Responsibility

#### **6.3.1) For Project Contract:**

A Preliminary CoR Management Plan addressing:

- CoR issues of the Tender Documents
- Initial project CoR risk assessment identifying project specific risks, relevant company policies and procedures relevant to identified risks and, where relevant, how the design process and project delivery approach will address chain of responsibility risks during construction.

~~Required / Not required /~~  
Not applicable

#### **6.3.2) For Work-as-Ordered Contract or Term Services Contract:**

A CoR Management Plan addressing the requirements (a), (b), (c), (e) and (f) specified in Annexure G2-C41/G1

~~Required / Not required /~~  
Not applicable

### Section 6.4 Aboriginal Participation in Construction

#### **6.4d) Aboriginal Participation**

Proposed exclusions for determining the TPS

~~Required / Not required /~~  
Not applicable

### Section 6.5 Workplace Relations Management Details

a) **Workplace Relations Management Plan (State)** complying with the requirements of section 6.1 of the *NSW Government's Implementation Guidelines to the NSW Code of Practice for Procurement: Building and Construction*

~~Required /~~ Not required

Section 6.6 Other Information

~~Required~~ / Not required

*[insert details]*

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## Annexure CT3

### Other assessment criteria

The following additional criteria will be considered in the assessment of Tenders:

*The following additional criteria will be considered in the assessment of Tenders:*

- *Demonstrated experience in carrying out the specified work*
- *Responsiveness in carrying out the specified work*
- *Adaptability and flexibility to meet customers' objectives in carrying the specified work.*

*You must submit supporting information for these assessment criteria by completing either Form A for Category A works or Form B for Category B Works.*



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Annexure CT4A

Declaration of Compliance with the Building Code

This Declaration of Compliance must be completed by the Tenderer and lodged with its Tender. Any Tender in which this Declaration of Compliance is not completed may be regarded as non-conforming.

**Declaration of Compliance with the *Code for the Tendering and Performance of Building Work 2016***

---

**Tender:** *[insert Tender reference]*

**Tenderer:** *[insert full legal name of the Tenderer, including ABN and ACN where applicable]*

**Tenderer's authorised representative:** *[insert full name and title of natural person completing this Declaration of Compliance on behalf of the Tenderer]*

1. In this Declaration of Compliance:

<b>ABCC</b>	means the body referred to in section 29 of the BCIIIP Act.
<b>ABC Commissioner</b>	means the Australian Building and Construction Commissioner referred to in subsection 15(1) of the BCIIIP Act.
<b>BCIIP Act</b>	means the <i>Building and Construction Industry (Improving Productivity) Act 2016</i> (Cth).
<b>Building Code</b>	means the Building Code issued under subsection 34(1) of the BCIIIP Act, being the document titled ' <i>Code for the Tendering and Performance of Building Work 2016</i> ', which is available at <a href="http://www.legislation.gov.au">www.legislation.gov.au</a> .
<b>Building Contractor</b>	has the same meaning as in the BCIIIP Act.
<b>Building Industry Participant</b>	has the same meaning as in the BCIIIP Act.
<b>Building Work</b>	has the same meaning as in subsection 3(4) of the Building Code.
<b>Commonwealth Funded Building Work</b>	means Building Work in items 1-8 of Schedule 1 of the Building Code.
<b>Designated Building Law</b>	has the same meaning as in the BCIIIP Act.
<b>Exclusion Sanction</b>	has the same meaning as in subsection 3(3) of the Building Code.

<b>Related Entity</b>	has the same meaning as in subsection 3(2) of the Building Code.
<b>Works</b>	means the Commonwealth Funded Building Work that is the subject of this Request for Tender.

2. The Tenderer confirms that it has complied with the Building Code in preparing its tender.
3. Should it be the successful Tenderer, the Tenderer acknowledges that it and its Related Entities must comply with the Building Code in relation to all Building Work described in Schedule 1 of the Building Code on or after the date that the Building Code commenced, being 2 December 2016, and, should it be the successful Tenderer, in relation to the Works.
4. The Tenderer undertakes to ensure that it and its subcontractors that it subcontracts any of the Works to, should it be the successful Tenderer, comply with the Building Code.
5. The Tenderer acknowledges the powers and functions of the ABC Commissioner and the ABCC under the BCIP Act and the Building Code and undertakes to ensure that it and its subcontractors will comply with any requests made by the ABCC and the ABC Commissioner within those powers and functions, including but not limited to requests for entry under section 72 of the BCIP Act, requests to interview any person under section 74 of the BCIP Act, requests to produce records or documents under sections 74 and 77 of the of the BCIP Act and requests for information concerning matters relating to the Building Code under subsection 7(c) of the Building Code.
6. The Tenderer declares that where it proposes to subcontract any of the Works, should it be the successful Tenderer, it will:
  - a. require each subcontractor to whom it proposes to subcontract any of the Works to confirm, prior to entering into the subcontract and every six months during the term of the relevant subcontract, that it has not, within the preceding three year period:
    - i. had an adverse decision, direction or order made by a court or tribunal for a breach of a Designated Building Law, work health and safety law (including, but not limited to, the *Work Health and Safety Act 2011* (NSW) and the *Work Health and Safety Regulation 2011* (NSW)) or the *Migration Act 1958* (Cth); or
    - ii. been required to pay any amounts under an adjudication certificate (provided in accordance with a law relating to the security of payments (including, but not limited to, the *Building and Construction Industry Security of Payment Act 1999* (NSW)) that are due to persons in respect of Building Work) or owed any unsatisfied judgement debts (including by any Related Entity) to a Building Contractor or Building Industry Participant;
  - b. not enter into a subcontract with a subcontractor who:

- i. is subject to an Exclusion Sanction or is excluded from performing Building Work funded by a state or territory government (unless prior approval to engage that subcontractor is obtained from the ABC Commissioner); and
    - ii. in the three years prior to the date on which the Tenderer submits their response to this Request for Tender, has had an adverse decision, direction or order made by a court or tribunal for a breach of the BCIP Act, a Designated Building Law, work health and safety law (including, but not limited to, the *Work Health and Safety Act 2011* (NSW) and the *Work Health and Safety Regulation 2011* (NSW)) or competition and consumer law (including, but not limited to, the *Competition and Consumer Act 2010* (Cth)) and failed to comply with the decision, direction or order;
  - c. only enter into a subcontract:
    - i. pursuant to which the subcontractor undertakes to:
      - A. comply with the Building Code in performing the Works; and
      - B. only use products in relation to the Works that comply with the relevant Australian standards published by, or on behalf of, Standards Australia Limited (ABN 85 087 326 690);
    - ii. where the subcontractor has submitted a declaration of compliance, including the further information outlined in Attachment A to the declaration of compliance, in substantively the same form as the model declaration of compliance applicable to contractors and subcontractors in relation to the Building Code issued by the ABCC from time to time; and
    - iii. where the subcontract with the subcontractor contains clauses in substantively the same form as the model contract clauses applicable to contractors and subcontractors in relation to the Building Code issued by the ABCC from time to time.
7. The Tenderer declares that it has provided all of the further information required by Attachment A to this Declaration of Compliance.
8. The Tenderer declares that:
- a. it is not subject to an Exclusion Sanction;
  - b. it has not had an adverse decision, direction or order made by a court or tribunal for a breach of the BCIP Act, a Designated Building Law, work health and safety law (including, but not limited to, the *Work Health and Safety Act 2011* (NSW) and the *Work Health and Safety Regulation 2011* (NSW)) or competition and consumer law (including, but not limited to, the *Competition and Consumer Act 2010* (Cth)) and failed to comply with the decision, direction or order;
  - c. it will only use products in relation to the Works that comply with the relevant Australian standards published by, or on behalf of, Standards Australia Limited (ABN 85 087 326 690), should it be the successful Tenderer.

Signed for the Tenderer by: .....

Date: .....

Name (in block letters): .....  
(Authorised Officer)

In the Office Bearer capacity of:.....



**ATTACHMENT A – INFORMATION REGARDING  
COMPLIANCE WITH THE CODE FOR THE TENDERING  
AND PERFORMANCE OF BUILDING WORK 2016**

Tenderers must provide the following information as part of their Declaration of Compliance. This information can either be set out in this table or in an annexure to this Attachment and the Declaration of Compliance.

Item	Requirement	Compliance
1	Is the Tenderer excluded from performing Building Work funded by a state or territory government? If so, the Commonwealth reserves the right to exclude the Tenderer from further consideration.	Yes/No
		Details:
2	Does the Tenderer positively commit to the provision of appropriate training and skills development for their workforce, and, if so, what evidence can the Tenderer supply in relation to this (for example, evidence of its compliance with any state or territory government building training policies and evidence of its support in the delivery of nationally endorsed building and construction competencies)?	Yes/No
		Details:
3	How many current apprentice and trainee employees are engaged or intended to be engaged by the Tenderer to undertake the Works?	Details:
4	How many and what classes of persons that hold visas under the <i>Migration Act 1958</i> (Cth) are engaged or intended to be engaged by the Tenderer to undertake the Works?	Details:
5	Has the Tenderer within the	Yes / No

Item	Requirement	Compliance
	preceding 3 years had an adverse decision, direction or order of a court or tribunal made against it for a breach of a Designated Building Law, work health and safety law (including, but not limited to, the <i>Work Health and Safety Act 2011</i> (NSW) and the <i>Work Health and Safety Regulation 2011</i> (NSW)) or the <i>Migration Act 1958</i> (Cth)?	Details:
6	Has the Tenderer or its Related Entities within the preceding 3 years been required to pay any amount under an adjudication certificate (provided in accordance with a law relating to the security of payments (including, but not limited to the <i>Building and Construction Industry Security of Payment Act 1999</i> (NSW)) that are due to persons in respect of Building Work) to a Building Contractor or Building Industry Participant?	Yes / No
		Details:
7	Has the Tenderer or its Related Entities within the preceding 3 years owed any unsatisfied judgement debts to a Building Contractor or Building Industry Participant?	Yes / No
		Details:
8	To what extent does the Tenderer intend to use domestically sourced and manufactured building materials to undertake the Works?	Details:
9	What is the Tenderer's assessment of the whole-of-life costs of the project to which the Works relate?	Details:

Item	Requirement	Compliance
10	What does the Tenderer consider the impact on jobs will be of the project to which the Works relate?	Details:
11	Does the Tenderer consider that the project to which the Works relate will contribute to skills growth?	Yes/No

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Annexure CT4B

Confirmation of Accreditation Status under the Australian Government  
WHS Accreditation Scheme

This Confirmation of Accreditation Status must be completed by the Tenderer  
and lodged with its Tender. Any Tender in which this Confirmation is not  
completed may be regarded as non-conforming.

**Confirmation of Accreditation Status Under the Australian Government  
Work Health and Safety Accreditation Scheme**

---

**Tender:** *[insert Tender reference]*

**Tenderer:** *[insert full legal name of the Tenderer, including ABN and ACN  
where applicable]*

**Tenderer's authorised representative:** *[insert full name and title of natural  
person completing this Confirmation on behalf of the Tenderer]*

Insert details of accreditation status under the Australian Government Work  
Health and Safety Accreditation Scheme (the ***Scheme***), including the expiry date  
of accreditation, or provide evidence that accreditation is being sought under the  
Scheme.

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Regulation 26(1)(f) of the *Fair Work (Building Industry – Accreditation Scheme)  
Regulation 2016* (Cth) outlines provisions applying to joint venture  
arrangements that include accredited and unaccredited members. Where the  
Tenderer is a joint venture that includes an unaccredited member, the joint  
venture must provide evidence that the project specific exemption has been  
obtained or is being sought under regulation 26(1)(f).

Signed for the Tenderer by:.....

Date: .....

Name (in block letters): .....  
(Authorised Officer)

In the Office Bearer capacity of:.....

## Annexure CT5

### Schedule of Compliance with NSW Government's Implementation Guidelines to the NSW Government Code of Practice for Procurement

This Schedule of Compliance must be completed by the Tenderer and lodged with its Tender. Any Tender in which this Schedule is not completed may be regarded as non-conforming.

Refer to clause 1.2 of this Request for Tenders.

---

#### ***Schedule of Compliance with the NSW Government's Implementation Guidelines to the NSW Government Code of Practice for Procurement: Building and Construction***

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**Tender:** *[insert Tender reference]*

**Tenderer:** *[insert full legal name of the Tenderer, including ABN and ACN where applicable]*

**Tenderer's authorised representative:** *[insert full name and title of natural person completing this Compliance Schedule on behalf of the Tenderer]*

#### ***Primary acknowledgments and undertakings***

1. By completing this Compliance Schedule and submitting a tender, the tenderer:
  - (a) acknowledges that the NSW Government's Code of Practice for Procurement (**NSW Code**) and the NSW Government's Implementation Guidelines to the NSW Code of Practice for Procurement: Building and Construction (**NSW Guidelines**) apply to the project the subject of this Request for Tender;
  - (b) undertakes that it, and its related entities, comply with the NSW Code and NSW Guidelines on:
    - (i) the project the subject of this Request for Tender;
    - (ii) any privately and publicly funded building and construction work to which the NSW Guidelines apply, on and from the date of submitting this tender (if not already required to comply on such privately and publicly funded projects);
  - (c) confirms that it and its related entities have complied with:
    - (i) the NSW Code and NSW Guidelines on all its other projects to which the NSW Guidelines apply or have applied; and
    - (ii) all applicable legislation, court and tribunal orders, directions and decisions, and industrial instruments; and

- (d) confirms that neither it, nor any of its related entities, are subject to a sanction or other circumstance that would preclude the tenderer from submitting a tender, or, if successful, being awarded a contract.

***Sanctions for non-compliance***

2. The NSW Treasury, through the Construction Compliance Unit (CCU), has responsibility for enforcing, and ensuring compliance with, the NSW Code and NSW Guidelines.
3. The tenderer acknowledges that where it, or a related entity, fails to comply with the NSW Code or NSW Guidelines, a sanction may be imposed on the tenderer or its related entity or both. The sanctions that can be imposed include, but are not limited to, one or more of the following:
  - (a) a formal warning that a further breach will lead to severe sanctions;
  - (b) referral of a complaint to the relevant industry organisation for assessment against its own professional code of conduct and appropriate action;
  - (c) reduction in tendering opportunities at either agency or government-wide level, for example, by exclusion of the breaching party from tendering for government work above a certain value, or for a specified period;
  - (d) reporting the breach to an appropriate statutory body; and
  - (e) publicising the breach and identity of the party.

***Disclosure of information***

4. The tenderer agrees and gives its consent (or reaffirms its consent), and confirms that its related entities agree and give their consent (or reaffirm their consent), to the disclosure of information concerning the tenderer's, and the tenderer's related entities', compliance with the NSW Code and the NSW Guidelines, including disclosure of details of past conduct relating to the NSW Code and NSW Guidelines and whether or not sanctions have been imposed on a tenderer or its related entities.
5. The tenderer confirms that it has obtained, or will obtain, the consent of each subcontractor or consultant it proposes to use on the project, or that it will use if successful in the tender, to the disclosure of information concerning the subcontractor's and consultant's compliance with the NSW Code and the NSW Guidelines, including disclosure of details of past conduct relating to the NSW Code and NSW Guidelines and whether or not sanctions have been imposed on the subcontractor or consultant or its related entities.
6. The consent (or reaffirmation of consent) by the tenderer, its related entities and any proposed or subsequent subcontractors is given to the State of New South Wales, its agencies (including RMS), Ministers and the CCU (and its authorised personnel) for purposes including:
  - (a) the exercise of their statutory or portfolio responsibilities;
  - (b) investigating and checking claims and assertions made by the tenderer in any documents provided as part of its tender (including, but not limited to, any Workplace Relations Management Plan (State) or Work Health and Safety Management Plan);
  - (c) monitoring, investigating and enforcing the NSW Code and NSW Guidelines; and

(d) ensuring, facilitating and promoting compliance with the NSW Code and NSW Guidelines.

7. The tenderer acknowledges that this consent is not limited to this tender, or this project, as parties are expected to comply with the NSW Code and NSW Guidelines on future projects to which they apply.

***Positive obligations***

8. Without limiting the obligations and requirements in the NSW Guidelines, the tenderer acknowledges and undertakes to comply with its positive obligations under the NSW Code and NSW Guidelines, including to:

(a) comply with any Workplace Relations Management Plan (State) and Work Health and Safety Management Plan;

(b) allow NSW Government authorised personnel to:

- (i) access the project site and other premises;
- (ii) monitor and investigate compliance with the NSW Code and NSW Guidelines;
- (iii) inspect any work, material, machinery, appliance, article, or facility;
- (iv) inspect and copy any record relevant to the project; and
- (v) interview any person;

as is necessary to demonstrate compliance with the NSW Code and NSW Guidelines;

(c) notify the CCU (or nominee) and RMS of any alleged breaches of the NSW Code and NSW Guidelines and of voluntary remedial action taken, within 24 hours of becoming aware of the alleged breach;

(d) (for principal contractors only) report any grievance or dispute relating to workplace relations or work, health and safety matters that may impact on project costs, related contracts or timelines to the CCU (or nominee) and RMS within 24 hours of becoming aware of the grievance or dispute and to provide regular updates on the grievance or dispute;

(e) report any threatened or actual industrial action that may impact the project, project costs, related contracts or timelines to the CCU (or nominee) and RMS within 24 hours and provide regular updates about the steps being taken to resolve the threatened or actual industrial action;

(f) take all steps reasonably available to prevent, or resolve, industrial action which adversely affects, or has the potential to adversely affect, the delivery of the project or other related contracts on time and within budget; and

(g) take all reasonably available steps to prevent, or bring to an end, unprotected industrial action occurring on or affecting the project, including by pursuing legal action where possible. Any such legal action must be conducted (and where appropriate, concluded) in a manner consistent with the guiding principles and objectives of the NSW Guidelines, namely supporting outcomes of compliance with the law, productivity in delivering the project on time and within budget,

maintaining a high standard of safety and protecting freedom of association.

9. Without limiting the obligations and requirements of the NSW Code and NSW Guidelines, the tenderer acknowledges its obligation to ensure, through contract, that subcontractors and consultants similarly do, or allow for, each of these applicable positive obligations.

***Privately funded work***

10. The tenderer acknowledges and agrees that in respect of its privately funded building and construction work (to which the NSW Guidelines apply) it, and its related entities, will:

- (a) comply with the NSW Code and NSW Guidelines;
- (b) maintain adequate records of compliance with the NSW Code and NSW Guidelines (including by contractors);
- (c) allow NSW Government authorised personnel to:
  - (i) access the sites and premises;
  - (ii) monitor and investigate compliance with the NSW Code and NSW Guidelines;
  - (iii) inspect any work, material, machinery, appliance, article, or facility;
  - (iv) inspect and copy any record relevant to the project; and
  - (v) interview any person;

as is necessary to demonstrate compliance with the NSW Code and NSW Guidelines; and

- (d) ensure contractors and consultants similarly do, or allow, for each of these obligations.

***Declaration by tenderer and authorised representative***

11. By signing this declaration on behalf of the tenderer, the authorised representative declares that they have full authority to execute it and have obtained any necessary consents and approvals to do so.

Signed for the Tenderer by:.....

Date:.....

Name (in block letters): .....  
(Authorised Officer)

In the Office Bearer capacity of:.....



---

Annexure CT6

## Conforming tender checklist

To ensure your Tender is conforming, you must:

- ☐ Complete the Schedule to the Tender Form (Tender Form Schedule).
- ☐ Attach the Tender Form Schedule to the Tender Form.
- ☐ Sign the Tender Form Schedule in the place provided (or make sure it is signed by a person with authority to sign on your behalf).
- ☐ Initial all pages of the Tender Form.
- ☐ ***Complete Form A for Category A works***
- ☐ ***Complete Form B for Category B works***
- ☒ ~~Complete all Pricing Schedules.~~
- ☒ ~~Initial all pages of the Pricing Schedule(s).~~
- ☐ Prepare and sign a hard copy of the Schedule of Compliance with the NSW Government's Code of Practice for Procurement and Implementation Guidelines (*see clause 1.2*)
- ☐ Prepare and make the Statutory Declaration (*see clause 4.4*)
- ☐ Prepare and sign a hard copy of the Declaration of Compliance with the Building Code, if applicable (*see clause 4.5.1*)
- ☐ Where Declaration of Compliance with the Building Code is required, prepare and include the further information outlined in Attachment A to the Declaration of Compliance (*see clause 4.5.1*)
- ☐ Prepare and sign a Statement as to whether on or after 2 December 2016, the Tenderer or a Related Entity of the Tenderer submitted a response to an expression of interest or tender (howsoever described) for Commonwealth funded Building Work (regardless of whether or not that project was procured by RMS or whether or not the Tenderer or the Tenderer's Related Entity were successful) (*see clause 4.5.1*)

*[note that this **Statement is required even if the Contract Schedule states that the Building Code does not apply to the Contracted Work**]*

- ☐ Prepare and sign Confirmation of Accreditation Status under the Australian Government WHS Accreditation Scheme, if applicable (*see clause 4.5.2*)
- ☐ Include advice as to your GST-status if you are not registered for GST or you wish to enter into a Voluntary Agreement for withholding Pay As You Go Taxation (*see clause 7.2*)
- ☒ ~~Prepare Customs Duty statement if applicable (*see clause 7.3*)~~
- ☐ Lodge all the documents described above in the Tender Box\* by the closing date and time (tenders submitted by facsimile to RMS will not be considered)

~~\* If Clause 1.3 specifies that the tenders are to be lodged in Tender Box located at RMS' Head Office (at 20-44 Ennis Road Milsons Point NSW 2061), the following additional conditions apply for tender lodgement:~~

- ~~(a) your Tender must be enclosed in a sealed package not larger than 400mm x 270mm x 190mm; and
  - ~~(i) — endorsed [*insert Contract Title and Contract Number*] you're your name and address clearly displayed;~~
  - ~~(ii) — marked "**Tender Box/Strictly Private and Confidential**";~~~~
- ~~and either:~~
- ~~(b) placed in the Tender Box at the office of the RMS, Ground Level, 20-44 Ennis Road, Milsons Point NSW 2061,~~
- ~~or~~
- ~~(c) mailed to the Tender Box, Ground Level, 20-44 Ennis Road, Milsons Point NSW 2061,~~

~~so as to be received by no earlier than one business day before the closing date and time.~~

~~In the event that your Tender does not fit into one sealed package of the dimensions specified in clause (a) above, you can submit multiple packages each not exceeding the specified dimensions. Each package must be additionally labelled with "Volume 1", "Volume 2", etc., as relevant.~~



## MEMO

**TO:** Paul Hayes  
**FROM:** Tender Evaluation Committee  
**SUBJECT:** Tender Evaluation of Contract No. 17.0000302935.1100.  
17.0000302935.1100 – Panel for Maintenance of Heavy Vehicle  
Enforcement Programs  
**DATE:** 12 October 2017

### 1. PURPOSE

The purpose of this memo is to report on the tender evaluation for Contract No. 17.0000302935.1100 – Panel for Maintenance of Heavy Vehicle Enforcement Programs.

### 2. BACKGROUND

This is a Standing Offer Contract based on non-price criteria. The works in this contract involves maintenance of Heavy Vehicles Branch assets. These assets include Heavy Vehicle Safety Stations and on-road HV enforcement sites, Safe-T-Cam Sites, Average Speed Camera Sites and Over Height Detection Sites. The work was divided into two categories, as follows:

#### Category A

- Civil works
- Electrical work
- Steel fabrication and installation
- Signage installation

#### Category B

- Weigh-in-Motion systems
- Portable weighing scales
- Weighbridges
- Brake testing equipment

The Contract is for an initial period of 3 years, with the option to extend for an additional 2 years.

### 3. ESTIMATE OF COST

It is anticipated that this panel would serve approximately 6 million dollars' worth of work over the term of the contract covering multiple Heavy Vehicle enforcement programs.

Level 27, 680 George Street  
Sydney NSW 2000  
GPO Box 5394  
Sydney NSW 2001

Tel: +61 2 9272 5100  
Fax: +61 2 9272 5101  
www.wsp.com



## 4. OPEN TENDERING

The advertisement was posted on the RMS eTender site on 25/9/2017.

## 5. PRE-TENDER MEETING

No pre-tender meeting was held.

## 6. TENDERS RECEIVED AND EXAMINED

The tender closed at 2:30pm on Friday, October 6, 2017. Tenders were opened on the morning of October 9, 2017 by Alex Dubois of Heavy Vehicles Branch, and Nathan Chehoud of WSP.

Thirteen tenders were received. These were checked for conformity with the Request for Tenders.

## 7. TENDER EVALUATION COMMITTEE AND ASSESSMENT CRITERIA

### 7.1 TENDER EVALUATION COMMITTEE

The tender evaluation committee was formed to examine and evaluate the tenders received based on the criteria stated below. The committee comprised of the following persons:

- Alexandre Dubois (RMS – Heavy Vehicle Project & Support Officer)
- Craig Steyn (RMS – Heavy Vehicle Project & Support Officer)
- Jai Singh (RMS – Business Systems Analyst)
- Nathan Chehoud (WSP – Principal Civil Engineer)

### 7.2 TENDER ASSESSMENT CRITERIA

Since this was a non-price tender, the criteria and weightings used for the tender assessment were:

CRITERIA	WEIGHTING
Demonstrated experience in carrying out the specified work	45%
Responsiveness in carrying out the specified work	30%
Adaptability and flexibility to meet customers' objectives in carrying the specified work.	25%

## 8. ASSESSMENT OF TENDERS

### 8.1 GENERAL

The tender assessment has been carried out in accordance with the guidelines in ECM 3.6- Assessing Tenders.

### 8.2 CONFORMITY OF TENDERS

Tenders were examined for conformance by the tender evaluation committee on Monday 9 October 2017 using the Conforming Tender Checklist as shown in Appendix C.



It was noted that because the nature of their work does not typically involve building, Tenderers for Category B work could not provide evidence of compliance with the Building Code. The tender evaluation committee did not consider this non-conformity to be a disqualifying factor.

### **8.3 PERFORMANCE AGAINST ASSESSMENT CRITERIA**

All thirteen tenderers have the capacity to complete works within the contract period based on similar works successfully completed for the RMS.

Notwithstanding, the quality of tender responses differed, and this was noted by the tender evaluation committee.

The tender evaluation committee's scoring of the tenders against the assessment criteria is tabulated in Appendix B.

## **9. FUNDING**

Funding is available under the current ASC, STC ARP and HV Maintenance budgets.

## **10. COMPANY AND ABN SEARCH**

A Company and ABN search has been undertaken as part of the tender assessment process. A search of the ASIC site has confirmed that the:

1. Entity name as tendered is correct;
2. Company is registered;
3. Company is not under administration.

A search of the business.gov.au ABN register site, has confirmed that:

1. ABN number is correct;
2. ABN status is active;
3. Entity name as tendered is correct;
4. The trading name as tendered is listed on the site;
5. The trading name as listed is current;
6. GST status is active.

Copies of the search results are contained in Appendix D.

## **11. CONFLICT OF INTEREST**

We individually declare that there was no actual or potential conflict or incompatibility between our personal or corporate interests and the impartial fulfilment of our duties in carrying out this tender assessment.

## **12. ADHERENCE TO TENDER PROCEDURES**

We certify that all aspects of the tender process have been conducted in accordance with tender assessment procedures and there are no deviations from the procedures.



### 13. RECOMMENDATION

It is recommended by the tender evaluation committee that approval be given in accordance with the RMS Delegation Manual 5220 to include all thirteen tenderers on the Panel for Maintenance of Heavy Vehicle Enforcement Programs.

Insert signature

Alexandre Dubois

Title: HV Maintenance & program officer

Date 17/10/17

Insert signature

Craig Steyn

Title: HV Maintenance & program officer

Date

Insert signature

Jai Singh

Title: Business Systems Analyst

Date 17/10/17

Nathan Chehoud

Title: WSP Consultant

Date: 12/10/17

Insert signature

Samer Soliman

Title: Manager Heavy Vehicle Programs

Date 17/10/17

Insert signature

Paul Hayes

Title: Snr Manager Compliance Monitoring

Date 17/10/2017

**WILLIS Donna**

---

**From:** BRITTON Brendan L  
**Sent:** Tuesday, 24 July 2018 5:36 PM  
**To:** WILLIS Donna  
**Cc:** SOLIMAN Samer; LEE Alex  
**Subject:** RE: Portable weigh scale correct template/contract

Hi Donna,

From reviewing the available documents, and also reviewing the Goods and Services Agreement link below, I think the non-construction supply agreement is the correct template. The C62 document is for the supply of materials to be used in construction projects and is probably for more minor purchases. The C74 RFT document isn't appropriate as it is for PSC tenders.

Cheers

Brendan

---

**From:** WILLIS Donna  
**Sent:** Tuesday, 24 July 2018 2:21 PM  
**To:** BRITTON Brendan L  
**Cc:** SOLIMAN Samer; LEE Alex  
**Subject:** RE: Portable weigh scale correct template/contract

Hi Brendan,

I would like to advise that CaRs are currently going out to market for the procurement of portable weight scales (total contract value = \$7M). They have been advised to use a C74 and C62 contract for the purchase of these equipment, however I believe that they should be using the 'goods and services' contract template.

[http://home.rta.nsw.gov.au/dts/cserv/os/original/ce/goods\\_services\\_agreement\\_template\\_standard\\_version.doc](http://home.rta.nsw.gov.au/dts/cserv/os/original/ce/goods_services_agreement_template_standard_version.doc)

Can you please advise is there any reason why they were advised to use the construction related contracts?

Many thanks,

**Donna Willis**  
Senior Procurement Specialist  
Strategic Procurement | Business Services Division  
T +61 2 9563 8421 M 0475 831 065  
[Donna.Willis@rms.nsw.gov.au](mailto:Donna.Willis@rms.nsw.gov.au)  
[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)

*Every journey matters*

**Roads and Maritime Services**  
33 James Craig Road, Rozelle NSW 2039

---

**From:** LEE Alex  
**Sent:** Tuesday, 24 July 2018 2:05 PM  
**To:** WILLIS Donna  
**Cc:** SOLIMAN Samer  
**Subject:** Portable weigh scale correct template/contract

Hi Donna

As per discussed, please see attached for the C74 and C62 prepared by external consultant.

Please advise if these are the correct contract for the procurement of the portable weigh scales. We were advised it is the most relevant contract/template as all the vendors in the market are in the construction industries.

Regards

**Alex Lee**

Project Engineer – Heavy Vehicles Programs

Compliance Monitoring | Compliance Branch | Compliance and Regulatory Services

T 02 8848 8225 F 02 8848 8399 E [alex.lee@rms.nsw.gov.au](mailto:alex.lee@rms.nsw.gov.au)

[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)

*Every journey matters*

**Roads and Maritime Services**

110 George Street Parramatta NSW 2150