



**New South Wales Government
Procurement System for Construction**

Procurement Practice Guide

**Creating a Mini Minor Works tender
document**

July 2008

Important notices

Current version

The current version of this Procurement Practice Guide is maintained on the Internet at:

<http://www.nswprocurement.com.au/Procurement-System-for-Construction/Reference-material/Procurement-practice-guides.aspx>

Amendments

Refer to the Procurement Practice Guide Amendments Log which is available on the Internet at:

<http://nswprocurement.com.au/psc/ppg/amendments.aspx>

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NSW Procurement Client Support Centre:

Telephone: 1800 NSW BUY (1800 679 289)

Email: nswp_support@commerce.nsw.gov.au

Using hyperlinks in this document

This Procurement Practice Guide contains embedded hyperlinks and Uniform Resource Locators (URL).

To follow a hyperlink or URL:

- Right mouse click; and
- Select "Open in web browser" in the drop-down box.

Creating a Mini Minor Works tender document

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Creating a Mini Minor Works tender document

1 Using the standard form

1.1 General responsibilities

These instructions assume that the person preparing the tender document has a knowledge of NSW Government requirements for the procurement of construction works. That person is responsible for ensuring that applicable procedures are complied with and that the final tender document is complete and accurate.

1.2 Amending Tender Conditions and Conditions of Contract

The Mini Minor Works (MMW) standard form was developed to meet the needs of projects with specific pre-determined criteria. The contract provisions are appropriate for the anticipated low level of commercial risk involved in a MMW contract, so as to minimise unnecessary costs to industry and the agency undertaking the procurement.

The Tender Conditions and Conditions of Contract must not be altered without discussing the implications with the Department of Commerce. Contact the NSW Procurement Client Support Centre at NSWP_Support@commerce.nsw.gov.au, or by telephone 1800 NSW BUY (1800 679 289).

1.3 Getting started

The MMW standard form will open at the introductory page. This page briefly introduces the purpose and scope of use intended for the MMW standard form, and provides user guidance on the Macros contained in the document.

Some of the discretionary content of the tender document can be completed using the Macros. Documenters will be required to choose whether they will complete all of the document manually, or use the built in Macro commands to insert some information.

Where information is to be inserted manually, all the guide notes (see below) must be followed.

1.4 Guide notes

Guide notes appear throughout the standard form, in red 'hidden text'. They guide documenters to insert (or delete) appropriate information in various places throughout the document. Even if the Macros are used, the guide notes will remain visible so the inserted text can be identified easily for checking.

The guide notes must be removed before the tender document is provided to tenderers, particularly if it is made available electronically. There are instructions on the MMW introductory page explaining how to do this.

1.5 Using the Macros

Macros in the standard form may not function correctly if a version of Word other than Microsoft® Word 2003 is used.

A Macro is a series of Word commands and instructions that have been grouped together to accomplish a task in a single step, instead of manually performing a series of time-consuming and repetitive actions.

The simple Macros contained in the MMW standard form perform the following functions:

- Based on optional "double-click" selections made by the documenter, the Macros will retain appropriate clauses and items in the tender document, and automatically delete unnecessary clauses and items; and
- The Macros prompt documenters to insert items of contract information via text boxes. The information will appear in appropriate locations in the document.

The main benefit of using the Macros is to reduce the inputs required to complete the tender document.

1.6 Guidance and warnings about using the Macros

To maintain the correct functionality of the Macros, documenters must:

- **not** make any changes to the standard form before running the Macros;
- run the Macros in the order they appear;
- select only one Macro where options are provided;
- not run any Macro more than once.

Once the Macros have finished running, read the draft tender document, particularly the guide notes in red 'hidden text', to make sure it has been completed as intended. Be particularly careful when using the demolition option.

1.7 Completing the tender document

The document can be completed manually, without using the Macros, by following the red 'hidden text' guide notes.

Even if the Macros are used, the documenter is required manually to complete the document, including:

- inserting the date on the cover page;
- inserting the name of the entity that will be the Principal in the Contract;
- inserting telephone and facsimile numbers for the Principal's representative;
- inserting Schedule of Rates items (if required);
- inserting OHS risks identified in the project risk register;
- completing the section - **Details of the Works**;
- reviewing the Contract Schedule - **Environmental Management Plan** and including items and actions required to suit the specific project.

1.8 Conditions of Contract generally

The Conditions of Contract in the standard form have been selected to suit the low level of risk anticipated in projects delivered using the MMW standard form.

In some cases, documenters may require clauses additional to those in the standard form. For example, where children or other vulnerable people are cared for on the site, the Contract may require a special clause dealing with screening of employees and meeting standards of behaviour. In this case, the appropriate clause from the Minor Works standard form may be used.

Such clauses should be included as special conditions in the Details of the Works section. They should be approved by an officer with appropriate delegated authority.

1.9 Document formatting

Clauses in the MMW standard form have a number of paragraph styles applied. To manually insert text and maintain consistency with existing paragraph formatting, documenters should:

- locate an existing paragraph that has the desired formatting style;
- identify the formatting style of that existing paragraph;
- highlight the inserted text and apply the desired formatting style.

As a guide, the paragraph styles include:

- The Tender Conditions – Ten1 and Ten2.
- The Conditions of Contract – Con1, Con2, Con3, Con4, Con5 and Con6.
- The Details of the Works – as for Conditions of Contract.
- The Contract Schedules (for text not appearing in tables) – generally as for Conditions of Contract.

2 Printing and checking the content of a completed tender document

2.1 Printing the document

The standard form has been designed to update all fields of information (including page numbering) whenever the print command is selected.

2.2 Checking the content

The final version of a tender document should appear as follows:

- Introductory page – is removed (this will be deleted automatically when using the Macros).
- Cover page – identifies the Contract title, Contract number and date and indicates that the Contract will be based on the MMW standard form.
- The Tender Form – contains completed fields of information relating to the tender closing details, the Principal, and the Contract title and number. The remaining blank fields are required to be completed by tenderers as part of their tenders. They include the Contractor's details; the Contract Sum or tendered rates and item totals; and the tenderer's signature.
- The Tender Conditions – outline the obligations of the parties during the tender process, including the obligations a tenderer must meet to ensure the submitted tender is acceptable. They also contain information for tenderers about relevant Government policies. This section will include fields of information which were input by the documenter (and appear in bold text when using Macros). The page footer will also contain items of contract information and page numbering. The Tender Conditions do not form part of any contract that results from the tender process.
- The Conditions of Contract – define the general obligations of the Contractor under the Contract and will include fields of information which were input by the documenter (and appear in bold text when using Macros). Based on documenter selections, relevant clauses will have been retained and irrelevant ones deleted.
- The section Details of the Works – provides details about the site and the work to be performed under the Contract, and will include fields of information in clauses W1, W2 and W3 which were input by the documenter (and which appear in bold text when using Macros). The remainder of W3 (after Scope of Work) will have been completed manually by the documenter, with sample demolition clauses retained if the works are for demolition.
- The Contract Schedules – include the form of Statutory Declaration to be used by the Contractor, information to assist the Contractor to prepare a Site-specific Safety Management Plan and Safe Work Method Statements, and a Contract Schedule to be used as a model for an Environmental Management Plan.

2.3 Contract Schedule - Environmental Management Plan

The MMW standard form requires the Contractor to adopt and implement an Environmental Management Plan in the form provided by the Principal in Contract Schedule – **Environmental Management Plan**.

Documenters are required to add to the Contract Schedule as required to suit the needs of the project.

In determining environmental objectives and measures, the documenter needs to consider what environmental risks and opportunities are involved in the Works and if any of the required activities, products or services will have any effect on air, water, land or waste. This may entail asking basic questions such as:

- Air - What sort of emissions will the Contractor be responsible for - noise? smoke? exhaust fumes?
- Water - How much water will the Contractor use? Where will it go? Will anything be discharged or spilled into drains or watercourses (rivers, streams, ponds, dams, etc)?
- Land - Will any of the Contractor's activities, products or services affect the soil, local wildlife or plants?
- Waste - How much material or energy is the Contractor liable to waste?

The purpose of the Environmental Management Plan is to ensure that people involved in the Works will know:

- What environmental risks are involved;
- What are the plans to manage these risks;
- Who is responsible for ensuring that the plans are followed;
- What to do and who to contact if there is an environmental incident.

2.4 eTendering requirements

All Department of Commerce managed competitive tenders must be advertised on the NSW Government eTendering website. Other agencies may establish their own eTendering website address or use Department of Commerce tendering services.

If an electronic version of the completed tender document is to be made available directly to tenderers or through the eTendering website, viewable 'hidden text' guide notes should be removed (using: Tools/Options/View) and all Macros should be deleted (using: Tools/Options/Macro/Macros), before the document is released or placed on the website.

3 Invitation to tender

3.1 General information

A proforma letter that may be completed and used to invite tenders is available on the Internet at:

http://www.nswprocurement.com.au/psc/contract_forms_mmw/mmw_sl_invitation_to_tender.doc

The invitation letter does not contain any conditions about lodgement of tenders which are not included in the Tender Conditions.

4 Addenda to the tender document

4.1 General information

After tenders are called, it may be necessary to provide additional information to supplement the tender document, either in response to a tenderer's query or due to other circumstances. Any additional information provided after tenders are called is to be forwarded to all tenderers, in the form of an addendum to the tender document.

A Sample Addendum that can be used for providing advice and information to tenderers after tenders have been called is available on the Internet at:

http://www.nswprocurement.com.au/psc/common/sample_addendum.doc