

State Highway Construction Contract Manual (SM031)

Introduction

24 October 2025

Version 22

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More information

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This document is available on the NZTA website www.nzta.govt.nz

Document management plan

Purpose

This Document Management Plan details updates, amendments, and contact points for the *State Highway Construction Contract Manual* (SM031).

This Manual is the property of the NZ Transport Agency Waka Kotahi (NZTA). No part of it may be communicated to any person outside the organisation without written authority. Any copy not released directly by NZTA and released by a third party will not be a controlled version and therefore may not contain updates.

Document information

Document name	State highway construction contract manual
Manual number	SM031
Manual owner	Procurement Policy, Capability and Reporting team
Manual sponsor	Head of Procurement

Amendment and review strategy

This document is subject to review and amendment. Document revisions will be noted in an accompanying *Record of Amendment* detailing the changes and section(s) affected, which is available on the [NZTA website](#).

The manual owner is responsible for the review. The review will be carried out in conjunction with NZTA subject matter experts. The purpose of the review is to allow feedback from our suppliers and NZTA staff, and to update contract delivery models to ensure template documents remain current and represent best practice.

In some instances a change to a fundamental part of the document (e.g. a change in the NZTA *Procurement Manual*, or as a result of legal issues) may require a template to be reissued outside the programmed review cycle. If this occurs all registered manual users will be informed of the change.

	Comments	Frequency
Amendments (of a minor nature)	Incorporation of minor amendments may require coordinating with relevant subject matter experts where necessary	Bi-annually: Publication July and January, or as required
Review (major changes)	Incorporation of amendments fundamentally changing the content or structure of the manual may require coordinating with relevant subject matter experts where necessary	Annually: Review period between 1 July-1 March. Publication 1 July or as required. Submissions received after 1 March will be considered for the next publication
Notification	Revisions are notified in the quarterly Standards and Guidelines newsletter which is published on the Highways Information Portal. Sign up to receive the Standards and Guidelines newsletter by adding your name and email address to the subscriber list on the NZTA website .	Bi-annually or as required

Revisions are also notified in the SM031 digital newsletter. Sign up to receive the SM031 newsletter by adding your name and email address to the subscriber list [on the NZTA website](#).

Contacts and feedback

For advice on the policies and procedures covered by this manual, or to offer comment or feedback, email: procurement@nzta.govt.nz with the subject line *Feedback for SM031*. Your request will be forwarded to the NZTA Procurement Policy, Capability and Reporting team for review.

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1 How to use this manual

1.1 Purpose

The purpose of this *State Highway Construction Contract Manual* (SM031) is to house NZ Transport Agency Waka Kotahi's (NZTA) standard physical works contract documentation and to provide a guide to those preparing such contracts for NZTA.

1.2 Objective

The primary objective of this manual is to ensure the appropriate and consistent use of approved template contracts for physical works on state highways.

The secondary objective is to ensure the manual allows flexibility to the user to customise the documentation to the individual project needs.

This will be achieved by the following means:

- a) Utilising the relevant New Zealand industry standard contracts, i.e. NZS 3910:2023 and NZS 3916:2025 with appropriate special conditions
- b) Applying NZTA standards and specifications
- c) Compliance with NZTA relevant process and policy manuals
- d) Allowing users to tailor documentation for site specific requirements
- e) Where possible allow contractors to introduce innovation through design development and alternative tenders
- f) Feedback and review of documentation and update to reflect best practice.

1.3 Manual status

This manual has the status of a "Standard" as defined in the NZTA *Register process manual for network standards and guidelines*. The authority to amend or vary the manual has been delegated to the Sponsor of this manual.

This manual forms the basis of all formal contract documentation used to engage a contractor for the physical works of any construction project.

1.4 Intended manual users

This manual is intended to be a user's manual and a repository for the NZTA physical works tender documentation. It will be maintained by the NZTA Procurement team and used by NZTA staff and others preparing physical works request for tenders (RFT).

The template documents listed in this manual shall be used for all NZTA tenders for the procurement of physical works.

1.5 Manual review process

Information about the process of reviewing and updating SM031 is available in the Document Management Plan earlier in this document.

1.6 Interrelationships with other manuals

This manual contains the NZTA template contract documentation for preparing tenders and contracts for physical works. Users will need to refer to other NZTA manuals, standards and guidelines in the preparation of all relevant documents, including, but not limited to the following:

- a) [Procurement Manual](#)
- b) [Land Transport Infrastructure Procurement Strategy \(IPS\) 2023](#)

- c) [Contract Procedures Manual \(SM021\)](#)
- d) [State Highway Professional Services Contract Proforma Manual \(SM030\)](#)

1.7 Document availability

SM031 is available in PDF form on the [NZTA website](#).

SM031 templates are available in editable MS Word format by contacting the NZTA Procurement team, email: procurement@nzta.govt.nz. Please identify which documents are required. NZTA will endeavour to supply appropriate documentation subject to agreement to our standard disclaimer.

Anyone proposing to develop documentation for an Alliance should contact the Legal Commercial team, email: legalcommercial@nzta.govt.nz.

SM031 templates are available to Road Controlling Authorities (RCAs). RCAs should contact the NZTA Procurement Team, email: procurement@nzta.govt.nz.

1.8 All SM031 documents

The full set of SM031 documents and relevant templates for each delivery model is as follows:

Delivery model	SM031 document title
All	Record of Amendment
All	Introduction
All	Registration of Interest (ROI) template
All	ROI Response Form template
Construction	Request for Tender (RFT) – Construction template
Construction	Construction Contract template
Construction	Project Specifications template
Construction	Basis of Payment template
Design and Construction	
Design and Construction	Request for Tender (RFT) – Design and Construction template
Design and Construction	Design and Construction Contract template
Design and Construction	Principal's Requirements template
Alliance	Alliancing templates
Early Contractor Involvement	Early Contractor Involvement Agreement template

2 Glossary of terms and abbreviations

The following terminology has been used throughout this manual.

Term	Definition
Basis of Payment (BP)	A template document and part of the RFT, detailing what is included in each payment item within in the schedule of prices, and how the contractor is to be paid.
Contract	A template document and part of the RFT. Using NZS3910:2023 and NZS 3916:2025, as amended by the NZTA special conditions
CPM	The NZTA <i>Contract Procedures Manual</i> , reference number SM021
Request For Tendering (RFT)	A template document, detailing the work to be carried out and explaining the procedure for preparing, submitting, and evaluating a tender.
Delivery Model	<u>Delivery method, for example Construction; Design and Construction; Alliance; Early Contractor Involvement.</u>
PQM	Price Quality Method
Principal Requirements (PR)	A template document and part of the RFT, detailing the standard of workmanship expected to be undertaken by the contractor (used on Design and Construction Contracts)
Template	The framework, or base documentation that shall be used in preparing the project specific RFT
Project Specification (PS)	A template document and part of the RFT, detailing the standard of workmanship expected to be undertaken by the contractor (used on Construction Contracts)

3 Construction delivery models available

3.1 Introduction

Each delivery model comprises of a number of elements, or templates. This manual is designed as a series of independent templates that can be combined to form a single contract document relevant to the type of works proposed.

3.2 Registration of Interest (ROI)

The Registration of Interest (ROI) template document is used to shortlist applicants prior to the full tender process. This document is used for both the traditional and design and construct delivery models.

3.3 Construction

- a) The NZTA Construction model is made up of the following templates *Request for Tender (RFT) – Construction template*
- b) *Construction Contract template*
- c) *Project Specification template*
- d) *Basis of Payment template*

The General Conditions of Contract are NZS 3910:2023. The PS, BP and CC templates are common to all traditional RFTs.

3.4 Design and Construction

The NZTA Design and Construction (D&C) model is made up of the following templates:

- a) *Request for Tender (RFT) – Design and Construction template*
- b) *Design and Construction Contract template*
- c) *Principal Requirements template*
- d) *Basis of Payment template*.

The General Conditions of Contract are [NZS 3916:2025](#).

3.5 Prequalification in templates

Each of the RFT templates have specific prequalification clauses (purple text) that can modify the requirements for the use of the standard non-price attributes. Additional guidance on the use of the pre-qualification with non-price attributes can be found in the NZTA *Contract Procedures Manual*.

For details of the prequalification process and to download the NZTA Prequalification Information Pack, refer to the [NZTA website](#), or alternatively contactprequalification@nzta.govt.nz.

3.6 Future procurement models

NZTA may develop other procurement models, which may be included in this manual.

4 Template document use and structure

4.1 Overview

NZTA has developed a standard suite of physical works delivery models with the objective of providing a consistently high quality of tender documentation and incorporating national and international best practices, with a fair allocation of risk.

4.2 Choice of delivery model

The selection of the delivery model shall be confirmed in the large project Stage 2 procurement plan (refer to [Appendix XXIX](#) of the NZTA [Contract Procedures Manual](#)). This is typically undertaken as part of the Pre-implementation phase.

The choice shall be consistent with the [NZTA Land Transport Infrastructure Procurement Strategy](#).

4.3 Roles and responsibilities

Where some tasks are outsourced to an external provider (a consultant) the NZTA project manager must retain, at a minimum, responsibility for the following tasks relating to document preparation and tender evaluation:

- a) Ensure the consultant has the latest template documentation
- b) Review draft tender documentation produced by the consultant
- c) Lead or participate in the interactive tender process, as outlined in the *Contract Procedures Manual* (SM021)
- d) Lead or participate in the tender evaluation and contract award process, as outlined in the *Contract Procedures Manual* (SM021).

Where a consultant is made responsible for preparing and administering the tender documents in accordance with this manual, they shall also ensure that all procedures followed are in accordance with the NZTA *Contract Procedures Manual* (SM021).

4.4 Standard contract structure

The standard contract templates use relevant NZ standards such as NZS 3910:2023 or [NZS 3916:2025](#). Those preparing documentation also require knowledge of all relevant NZTA reference and policy manuals (for example *SM021 Contract Procedures Manual*).

RFTs shall contain the following parts, presented in the following order:

- a) Part 1: RFT
- b) Part 2: Construction Contract / Design and Construction Contract
- c) Part 3: Project Specification / Principal's Requirements.
- d) Part 4: Schedule of Prices and Basis of Payment.
- e) Part 5: Standard Technical Specifications (not part of this manual).
- f) Part 6: Drawings (the drawings are project specific, and not part of this manual)
- g) Part 7: Appendices to the RFT (Appendices are project specific, and do not form part of this manual. Appendices may include but are not limited to the following: [draft management plans](#), [data and reports from investigations and assessments](#), [resource consents and designation conditions](#), [permits and memoranda of understanding](#)).
- h) Part 8: Additional Documents (these are project specific, and not part of this manual).

4.5 How to use the template RFT

The process for customising the templates and the subsequent compilation of the signing contracts is described below. The Project Manager is responsible for ensuring the various tasks comprising this process are professionally executed in accordance with the requirements of this manual and the following NZTA documentation:

- a) *Procurement Manual*
- b) *Contract Procedures Manual (SM021)*
- c) *State Highway Professional Services Contract Proforma Manual (SM030)*.

The document compiler is required to enter a number of details in creating an RFT. This data will include, but is not limited to, the following:

- a) Contract name
- b) Contract number (supplied by the NZTA Tender's Secretary)
- c) Supplier selection method
- d) Quality Record
- e) Project Specific data including scope, contact details, tender close, first schedule to conditions of contract, and other key contract data.

4.6 Standard template wording and amendments

Amendments which reflect local or site-specific conditions and will enhance the performance of the contract may be made with prior approval of the NZTA project manager.

Wherever the content is not applicable to a particular project the section or paragraph can be deleted. It is important to retain the structure and format of the document if consistency is to be achieved and for the purpose of retaining cross-referencing throughout the documentation. Where numbered sections are deleted, it is recommended that the deleted wording be replaced with the words 'Not Used'.

The document may be amended to suit the individual contract. There are limitations on what changes may be made to the document. The compiler will note that this manual and the templates it contains use colours. These colours have the following meanings:

Colour	Status
Black text	Is mandatory and may not be changed.
Red text	Is used for data which requires fields to be updated or at least considered for each contract and marked at the beginning with "[" and at the end with "]". Text can be used as-is, modified or replaced.
Purple text	Highlights pre-qualification clauses that need to be either added or omitted. Guidelines will also be present to help the Manual User.
Green Text (within the ROI)	Is used for traditional inclusions within the GENERIC Registration of Interest.
Brown Text (within the ROI)	Is used for Design and Construct inclusions within the GENERIC Registration of Interest.
Blue text	Is used for optional clauses which can be included as-is or deleted in full.
<>Guidance notes>>	Is used for guidance notes for the tender document creator and marked at the beginning with "<>" and the end with ">>". These must be removed prior to tender document release.
Green highlighted text	Key text added or amended as part of the most recent amendment is usually highlighted in green. This practice of highlighting amendments is not used in the contract conditions or in schedules to the contract conditions.

The text colour should be reset to black, all guidance notes and all highlighting removed prior to finalising the RFT.

The General Conditions of Contract (NZS 3910:2023 and NZS 3916:2025) and Standard Specifications are not required to be included in RFTs.

Where, during the Tender Period, a page of the RFT is reissued, the replacement page should be tagged with a footer identifying the Notice number and date, e.g. Revised by NTT Number 2 – 02 May 2016.

The contract documents are ultimately compiled for signing as required in the *Contract Procedures Manual*.

5 Contract preparation

5.1 General information

Schedule 1 of the template contracts require a number of variables to be completed. The template has been developed with default values and supporting guidance to help in developing the contract.

5.2 Electronic tender documentation

Tender documentation is to be made available, in an appropriate electronic form, for example an Excel spreadsheet for the schedule of prices, or a Word document for sections the tenderer is required to complete, or PDF format for tender documents.

Electronic documents are provided in good faith to assist tenderers.

5.3 Document branding

Any contract document covers shall be branded as NZTA documents, and the NZTA logo shall appear in the title block of all drawings. Use of the NZTA logo must adhere to the NZTA Brand Manual [– refer Minimum Standard Z/17 Branding and Communications](#). The consultant shall not copyright either the document or any drawings.