

FRAMEWORK ENGINEER TO THE CONTRACT PANEL ESTABLISHMENT PROJECT

20 December 2021



CONTENTS

INTRODUCTION	2
CONTEXT	2
VALUE PROPOSITION	3
CRITICAL SUCCESS FACTORS	3
DIVERSITY AND INCLUSION	4
IMPLEMENTATION	4
APPLICATION PROCESS	7
TERMS OF APPOINTMENT	8
TIMELINE	9
CALL FOR EXPRESSIONS OF INTEREST	9
EVALUATION METHODOLOGY	10
APPENDIX 1: PANEL COORDINATOR ROLE	14
APPENDIX 2: APPLICATION FORM	17
APPENDIX 3: CODE OF ETHICS FOR PANEL MEMBERS	23

INTRODUCTION

An Engineer to the Contract (**EtC**) panel of accredited individuals (**the Panel**) is being established to assist the industry in identifying and selecting individuals to act as an EtC, a vital role in the delivery of building and construction contracts in New Zealand under the NZS 391x:2013 conditions of contract.

The **Panel's function** is to provide an independent and public list of approved EtCs who are appointed through a cross-stakeholder evaluation process and have the professional skills, experience and mana to be highly effective in the role. The Panel will support the independence and success of the EtC role by providing:

- clarification on who can undertake the role,
- accountability for those undertaking the role, and
- mentorship and support, where appropriate.

Remuneration of a Panel member engaged as an EtC will remain a contractual matter between the party engaging the EtC and the EtC.

Appointment as a Panel member will act as a mark of the industry's trust and confidence that they can practice to a high standard. It is expected that Panel members will become "go-to" EtCs when appointments are made. (Use of the Panel will not be compulsory nor will the Panel be the only source of EtCs.)

The Panel's **contribution to the Construction Sector Accord** is that it will help accelerate the delivery of construction projects in New Zealand by supporting procurers (both public and private) and contractors to ensure:

- the right people are appointed into the EtC role;
- behavioural expectations of the role are clear; and
- EtCs are supported to succeed.

The **vision** for the Panel is to:

- set a benchmark for EtCs to perform to,
- provide EtCs on the Panel with recognition for their skill and ability,
- provide EtCs with resources and support to succeed, and
- provide a career pathway and network for emerging EtCs.

CONTEXT

In January 2020, the Accord launched its Transformation Plan, which also addressed the EtC role, noting the need for any EtC to be fully independent, and identifying the lack of qualification requirements of the EtC as an issue needing to be addressed.

There are a range of actions and strategies that could improve the context and delivery of the EtC role. Many of these would require significant time, effort, and/or cultural change (such as considering a change to the contractual framework and/or standard form amendments, and Principal and Contractor behaviour).

However, there are a few steps we can take now, fairly quickly, to make tangible and credible improvements to the delivery of this role. These steps would create a credible platform to rebuild trust and confidence, and momentum for longer-term reform. The establishment of the Panel is one of these steps.

VALUE PROPOSITION

To be successful, the Panel will need buy-in from all key stakeholders. The Panel needs to benefit all parties to construction contracts, as well as the EtC, and the broader construction industry. The intended value to each group is set out below.

Contracting parties

- Increased access to a pool of credible and endorsed EtCs
- better decision-making leading to a reduction in contractual conflicts and associated cost and delays
- greater efficiency in appointing a suitable independent EtC, and
- increased consistency and trust in the EtC role.

Panel members

- Recognition of Panel members' expertise and mana
- increased opportunities to be appointed to projects
- a network of peers to support one another
- support, training, and resources for professional development and to build consistency and capability in the sector, and
- opportunity to influence the industry and mentor the next generation of EtCs.

Broader industry

- Greater transparency around the skills, experience and attributes required of an EtC
- reducing bottlenecks caused by poor decision management
- assurance there will be a sufficient pool of EtCs in the future
- a career pathway for potential EtCs, and
- an opportunity to collect data and identify the gaps in the industry.

CRITICAL SUCCESS FACTORS

The success of the Panel depends on:

- Appointing the right people – experienced EtCs who have the right combination of skills, experience, and personal attributes to succeed in the role.
- Buy-in from stakeholders, including public and private sector clients and contractors.
- Clear expectations, both for Panel members and parties engaging them.
- Successful promotion and awareness of the Panel across the industry.
- Ensuring Panel activities follow diversity and inclusion principles and are run in a bias-free manner, whereby no applicants are disadvantaged.

DIVERSITY AND INCLUSION

The Panel is committed to increasing diversity and fostering inclusion in the EtC role and the broader construction industry. Panel activities will be managed and operated in a bias-free manner, so as not to disadvantage any applicants or members of the Panel. To embrace these principles, Panel processes will:

- be systematic, structured and transparent because the more interpretation and personal judgement is involved, the more opportunities for bias exist
- be based on data, benchmarks, and evidence where possible to focus on objective evidence, rather than opinions, and to remove the 'halo' effect of qualifications, roles or associations
- allow for validation through external appraisals to remove opportunities for group-think or confirmation bias, and
- not exclude, make assumptions, or rely on stereotypes because all dimensions of leadership are weighted fairly, so all applicants can present themselves and all dimensions of their competency.

IMPLEMENTATION

Administration and management of the Panel

MBIE has engaged Te Ao Rangahau Engineering New Zealand to design and establish the Panel. Part of the pilot phase will include appointing a Panel Coordinator for the Panel, which we recommend will provide the Steering Group with support on an ongoing basis. The Panel Coordinator will:

- be a day-to-day contact for current and potential Panel members and the Panel Steering Group
- provide administrative support to the Panel including a public website promoting the Panel and its members
- receive and respond to any concerns and complaints about Panel members
- assist with data gathering and analysis to support development of Panel services and educative resources, and
- provide other services as required by the Panel.

The position description for the Panel Coordinator is attached as Appendix 1.

Governance of the Panel

The role of the Steering Group is to lead the Panel through its pilot and development stages, and guide and support the Panel Coordinator. The Steering Group will also be responsible for approving appointments to the Panel and will play a leading role as influencers across their sectors to ensure stakeholder buy in and uptake of the Panel once established.

The Steering Group members will have knowledge of the role and its broader impact across the sector, but the focus is more on their mana, leadership and influence than their specific technical expertise.

While it is important the Steering Group is kept to a manageable size (ideally no more than seven), representation from key stakeholder groups is critical to ensure sector buy-in and support. The Steering Group will consist of:

- 1-3 EtC representatives
- 1-2 client representatives
- 1-2 contractor representatives
- one consultant representative
- one MBIE representative
- one lawyer representative

If a Steering Group member leaves the Steering Group (for whatever reason), the Steering Group will seek another nominated representative from and by the member’s organisation, or another representative organisation, to fill the vacant spot.

The members of the Steering Group during the pilot stage are:

Role	Name and organisation
Chair of Steering Group	Helen Davidson, ACE NZ
EtC representative	Andrew Brickell, Enmore Consultancy
EtC representative	Brent Johnston, Beca
EtC representative	Peter Degerholm, Calderglen Associates
Contractor representative	Allan Barclay, Hawkins
Contractor representative	Peter Silcock, Civil Contractors NZ
Client representative	Phil Eaton, Greenstone Group (Property Council nominee)
MBIE representative	Chris May

Pilot

Buy-in from stakeholders is a critical factor to the Panel’s success. A pilot phase, targeting a specific sector, agency, or group of projects, will allow for the Panel to be tested and demonstrate its value, before expanding to meet the needs of the wider industry. A pilot phase also allows for the refinement of recruitment criteria and processes, and for us to attract a high-calibre group of members who can contribute to the further expansion and development of the Panel as it progresses. To progress the pilot phase we will appoint a number of EtCs as the Pilot Panel.

The Pilot Panel will be appointed by a cross-stakeholder Steering Group, based on criteria set out below. In the pilot phase, the goal will be to recruit enough experienced EtCs to meet the needs of the pilot sector or agency in the short to medium term. In the long-term it is anticipated the Panel may attract hundreds of members, with varying expertise and levels of experience.

Panel members will be role models and set a clear standard for the role that EtCs, principals and contractors can use to benchmark EtC services – including ideal skills, experience and behaviours needed to succeed in the role, good practice and accountability. Panel members will be expected to comply with a set of Terms of Appointment (see appendix 2) and will receive clear support services to ensure they succeed.

Once appointed, Panel members will attend a hui and be formally inducted with a focus on expectations, shared understanding of roles and responsibilities, and processes.

During the pilot phase, Panel members will be asked to contribute their knowledge and experience to develop resources and training that set a benchmark for EtC practice and consistency in services, and to promote the Panel within their networks to ensure buy-in as the Panel scales up. This expectation will be made clear to applicants during the call for expressions of interest in the pilot phase. There will not be a set time commitment expected of Panel members during this time, rather a general expectation that they will engage with the Panel Coordinator and contribute their time and knowledge to the extent they are able.

Scaling up the Panel

Six months after the first Panel members are appointed for the pilot phase, we will review its progress. Assuming positive feedback and support from the pilot sector agency, we will move to scale up the Panel by:

- Recruiting more Panel members, with a range of experience and expertise
- promoting the Panel to other sectors and agencies, and
- developing further resources and training to upskill EtCs who are in early to mid-career stages.

If it is determined more time is needed at the pilot phase, progress will be reviewed after a further six months.

Moving beyond the pilot phase, the Panel will comprise of recognised EtCs who hold a variety of skills and experience in a diverse range of projects.

The Panel will be a trusted and easily accessible list for clients and contractors looking to engage an EtC. In the longer term, it will also operate as a centre of excellence that EtCs will look to for resources for career development and best practice. A key consideration as the Panel scales up will be ensuring a sustainable pool of talent is consistently available to the industry, working to clear expectations of service and performance quality.

Introductions about each EtC Panel member will be published on the Panel's website. We anticipate Panel members would be engaged directly for appointments as EtC, but with an expectation that they will inform the Panel Coordinator of their appointments, in the interests of building a picture of how Panel members are being engaged and the kinds of projects that are most in demand. The Panel Coordinator could also provide contact details for Panel members to interested parties, where appropriate.

Educative resources and tools

Beginning at the pilot phase, Panel members will contribute to the development of tools and resources that will raise the bar for EtCs and build greater transparency and consistency in the industry. Resources will also be developed to support up-and-coming EtCs, ensuring a steady supply of future Panel members. Data and information gathered during the pilot phase and beyond (as well as Panel members' prior expertise) can be used to target and inform the development of training and educational resources where they are most needed.

Professional network

As the Panel scales up, an online forum will be created on the Panel website for Panel members to discuss issues arising in their work, questions of best practice, and strengthen connections to their peers. This could be characterised as a "phone a friend" service, where Panel members can volunteer to act as a listening ear, provide peer support, suggest alternatives, and sense-check possible options, creating more robust and consistent decisions across construction projects in New Zealand.

Panel members will not provide formal advice to each other or manage conflicts.

The forum would be monitored and, if necessary, moderated by the Panel Coordinator, and may be used to identify trends or issues and potential opportunities for training and education.

Panel members will protect and keep confidential any commercially sensitive and confidential information they receive in the online forum.

APPLICATION PROCESS

Applicants will be assessed using a three-stage approach, to evaluate whether they meet the requirements for appointment to the Panel - the critical competencies and behaviours described on **page 11**.

The Evaluation Panel (likely to consist of the Steering Group for at least the first round of applications) will review all the applications at each stage and run a robust and fair evaluation process. The three-staged evaluation process consists of a comprehensive written application, an in-person or online interview, and reference checks.

There will be no fee to apply during the application round. Application fees may be charged in future depending on the funding model determined for the Panel's ongoing operations.

STAGE ONE – WRITTEN APPLICATION

Applicants will be asked to complete a comprehensive application form, in which they will:

- answer questions relating to their practice, experience as EtC, and understanding of the EtC role,
- acknowledge and accept the expectations of Panel members and terms of continued appointment,
- provide a CV,
- agree to a Ministry of Justice criminal conviction check, if the evaluation Panel decides to obtain one,
- provide contact details for themselves and two referees,
- provide any supporting qualification documents, and
- commit to complying with the Code of Ethics for Panel Members.

The Panel Coordinator will collect all applications and arrange a time after the application deadline closes for the Evaluation Panel to meet and evaluate the applications. The Panel Coordinator will provide an online copy of the applications to the Evaluation Panel to access, shortly after the closing date for applications ends.

The Evaluation Panel will meet, assess and discuss applicants' written applications against the criteria for appointment. During that meeting, the Evaluation Panel will decide whether an applicant is likely (or not) to meet the criteria and therefore move onto the second round – interviews.

STAGE TWO – INTERVIEW

The purpose of the interview is to test the applicant's ability to verbally communicate and to ascertain an understanding for their knowledge and understanding of an EtC's role.

The Panel Coordinator will organise an online or in person interview for each applicant, and the interviewers.

Members of the Evaluation Panel will take turns acting as interviewers, using a 'round robin' system. Interviewers will run through a standardised set of questions (and any follow-up questions deemed appropriate), to adequately assess the applicant's level of competency as an EtC and record the information gathered, to share with the Evaluation Panel. The Evaluation Panel will decide which of its members are most suited to interviewing each applicant.

After the interview, the interviewers will reconvene with the rest of the Steering Group to discuss if the Evaluation Panel should complete a referee check.

STAGE THREE – REFEREE CHECK

The third and final stage will not directly involve the applicant. The Evaluation Panel will complete a referee check for applications they believe will meet the criteria, to verify the information submitted by the applicant, using a set of standardised questions. The person performing the referee check will record the discussion and the information gathered, to share with the Evaluation Panel.

The Panel Coordinator will let applicants know the Evaluation Panel will contact their listed referees (that the applicant provided in their written application), before the referees are contacted.

TERMS OF APPOINTMENT

Successful applicants will be appointed to the Panel for a three-year term. To renew their appointment for a further term, Panel members will need to complete a brief statement confirming:

- their ongoing acceptance and commitment to adhere to the Panel's expectations
- any substantial changes to their area of practice and experience
- they are not aware of any legal proceedings, complaints or other actions against them that could bring the Panel into disrepute

The template application form is attached as Appendix 2.

All parties engaging in the Panel's services, including Panel members, will also be expected to apply the Construction Sector Accord's (CSA) Guiding Principles and, ideally, contracting parties engaging the Panel's services will have signed the CSA's Contract Partnering Agreement (although this is not a pre-requisite).

ACCOUNTABILITY

If the Panel Coordinator is informed or becomes aware of any issues or circumstances that affect a Panel member's continued eligibility for membership of the Panel, the Steering Group may review the Panel member's eligibility to remain on the Panel. Reviews would be conducted by two or three Steering Group members, and would assess whether the Panel member continues to meet the criteria for eligibility. The Panel member would have an opportunity to respond and provide further information. If the review determines the Panel member does not meet the criteria, they will be removed from the Panel (but may re-apply in the future).

TIMELINE

The timeline below sets out the sequence of events following the finalisation of this framework, through to induction of the initial Panel members.

Action	Date
Call for expressions of interest	January 2022
Open call for EOIs	
Promote through industry channels	
Receive applications	
Evaluation	February/March 2022
Steering Group meets to review applications	
Steering Group longlists qualified applicants	
Steering Group interviews longlisted applicants	
Steering Group meets to moderate and agree on successful applicants (pending referee checks)	
Referee checks for successful applicants	
Steering Group finalises appointments to the Panel	
Appointment	March 2022
Advise successful Panel members	
Debrief unsuccessful applicants	
Panel member signs letter of appointment	
Panel member names and details publicised	
Induction hui	March/April 2022

CALL FOR EXPRESSIONS OF INTEREST

MARKET ENGAGEMENT

A call for expressions of interest will go out in January 2022.

The first call for expressions of interest will be advertised by:

- Te Ao Rangahau Engineering New Zealand and ACE NZ – by email and website.
- Our industry partners, including MBIE, Waka Kotahi New Zealand Transport Agency, NZIQS, NZIA, CCNZ, LGNZ, and the Society for Construction Law.
- It is anticipated Steering Group and Sector Group members will promote the opportunity within their networks.
- Other organisations (including but not limited to Registered Master Builders Association of NZ, Project Management Institute of New Zealand, New Zealand Institute of Building and New Zealand

Construction Industry Council, Facilities Management Association of New Zealand, and New Zealand Institute of Architects) may also advertise the call for expressions of interest through their networks if they choose to do so.

The current project team will be responsible for collecting expressions of interest and applications.

The first call for expressions of interest will be time-limited, however, as the Panel evolves it is anticipated applications will be received and processed on a rolling basis.

EVALUATION METHODOLOGY

STEERING GROUP'S ROLE

The Steering Group will evaluate the applications in the first round of appointments. The Steering Group consists of representatives from the key stakeholder groups as described earlier in this document.

PROBITY MANAGEMENT

The Panel's credibility relies on the credibility of the appointment process. This means the members of the Steering Group, in evaluating applications, will:

- act fairly, impartially, and with integrity
- be accountable and transparent
- be trustworthy
- identify, declare and manage conflicts of interest, and
- protect the applicants' commercially sensitive and confidential information and will sign a confidentiality agreement.

Probity in this evaluation process will be managed by:

- treating all applicants equally and fairly
- applying the weighting and criteria set out in this plan
- informing unsuccessful applicants of the reason(s) for the Steering Group's decision, and
- publicising the Panel to ensure everyone who is interested can apply.

EVALUATION CRITERIA AND WEIGHTING

The Steering Group will review all the applications and run a robust and fair evaluation process. They will use the following rating scale to evaluate applicants' bids against the criteria. This will be based on their application form, CV and other evidence provided by applicants in their application, validation with referees, and a brief on-line or in person interview.

These criteria may be adjusted for future appointment rounds. For instance, as the Panel scales up we will want to attract emerging and early-career EtCs, so the requirement for extensive experience acting in this role may be given less weighting.

Critical competencies and behaviours

A range of professionals will act in the EtC role. The Pilot Panel should comprise of Panel members who have a diverse set of competencies, skills, and qualifications. Appointment to the Panel is focussed on demonstrated knowledge, skills, and ability rather than any particular professional qualification.

Sound knowledge and understanding of the construction eco-system and industry, including:

- demonstrated competency with NZS391x contracts including:
 - the dual role and responsibilities of the Engineer to Contract
 - contract site observation, inspection and assurance through relevant consultants
 - contract administration as EtC’s Representative/assistant
 - EtC’s Representative role.
- advisory skills and technical knowledge for construction projects and contracts
- relationship management skills including delegation and meeting control
- an understanding of dispute resolution processes
- ability to demonstrate fairness and impartiality in decision-making
- demonstrated relevant experience in construction contract administration
- knowledge of applicable guidelines and standards, including construction monitoring guidelines
- knowledge about programming (i.e. scheduling), time extensions and variations, contracts, and design
- ability to engage with quantity surveyors and cost managers and make decisions on valuation of progress payments and variations
- able to think logically, process information and make decisions, and
- organisational and administrative skills with accuracy and an attention to detail.

Other considerations

- Any professional accreditations, panel memberships, or qualifications relevant to the role. (An applicant is not required to be a member of Engineering New Zealand.)
- Experience as an EtC’s representative/assistant.

Evaluation matrix

The Steering Group will apply the evaluation matrix holistically, rather than for each individual criteria, to aid consistency of decision making from application to application.

Description	Definition	Rating
Excellent	Exceeds the criteria. Exceptional demonstration by the applicant of the relevant ability, understanding, experience, and skills required to provide the services. Response identifies factors that will offer potential added value, with supporting evidence.	9 – 10
Good	Satisfies the criteria with minor additional benefits. Above average demonstration by the applicant of the relevant ability, understanding, experience, and skills required to provide the services. Response identifies factors that will offer potential added value, with supporting evidence.	7-8

Acceptable	Satisfies the criteria. Demonstration by the applicant of the relevant ability, understanding, experience and skills required to provide the services, with supporting evidence.	5-6
Minor reservations	Satisfies the criteria with minor reservations. Some minor reservations of the applicant's relevant ability, understanding, experience, and skills to provide the services, with little or no supporting evidence.	3-4
Serious reservations	Satisfies the criteria with major reservations. Considerable reservations of the applicant's relevant ability, understanding, experience, and skills to provide the services with little or no supporting evidence.	1-2
Unacceptable	Does not meet the criteria. Does not comply and/or insufficient information was provided to demonstrate that the applicant has the ability, understanding, experience, and skills required to provide the services, with little or no supporting evidence.	0

DECISION MAKING

In the first round, the Steering Group will look to appoint as many appropriate Panel members that fulfil the criteria and meet the needs of the pilot sector or agency (if applicable). The criteria may need to be adjusted depending on the needs of pilot sectors or agencies – it is possible EtCs with specific experience or expertise will be required, whereas future appointment rounds may be more general.

The Steering Group will aim for consensus on each application, but should decide in advance how it will manage decisions that are not unanimous. When the Steering Group has decided who to appoint to the Panel, the Panel Coordinator will contact each of the Panel members to confirm their appointment and agreement of the terms of appointment, and to discuss timeframes for induction. The Panel Coordinator will also contact unsuccessful applicants and inform them of the broad reasons why they have not been appointed.

After the first round of appointments, it is anticipated the Steering Group will convene (and reconvene) to appoint members to the Panel after future calls for expressions of interest.

INDUCTION AND SUPPORT FOR PANEL MEMBERS

Induction hui

An induction hui will be held before the commencement of the Panel services to celebrate the official appointments and develop relationships between the Panel members, the Panel Coordinator, and the Steering Group. The hui will also aim to develop a shared understanding of roles and responsibilities and behavioural expectations and will include guest presentations or speakers on topics relevant to the Panel's work.

This may be held as an online event if COVID-19 restrictions or logistical practicalities require it.

Starter's pack

An electronic 'starter pack' will be provided to Panel members ahead of the hui, which will include:

- agenda for the hui

- resources from the Construction Sector Accord including guiding principles and Contract Partnering Agreement, and
- contact list – list of experts (such as construction lawyers), who have agreed to be a sounding board for Panel members on an ad hoc basis.

Meetings and drop-in sessions

Opportunities will be provided for the Panel to share information and build their collective expertise in this role. In-person meetings and/or online drop-in sessions will allow Panel members to share and discuss challenges they have faced or may be facing, alongside recognising and celebrating successes. Meetings may also feature guest speakers, on topics relevant to the Panel's work.

Meetings of this nature have worked well for the Engineering New Zealand Expert Engineering Panel and have contributed to greater consistency across that Panel, resolved quality issues as they arise, and allowed Panel members to share what they learn. It is also a chance to reflect on tough areas which require greater focus and/or allocation of resources moving forward.

APPENDIX 1: PANEL COORDINATOR ROLE

POSITION DESCRIPTION

PURPOSE

The Engineer to the Contract (EtC) Panel is an independent and public list of approved EtCs who are appointed through a cross-stakeholder evaluation process and have the professional skills, experience and mana to be highly effective in the role. Te Ao Rangahau Engineering New Zealand, under the guidance of a Steering Group of industry leaders, has designed the framework for the Panel.

The initiative came out of the Construction Sector Accord's discussions that identified the lack of qualification requirements of the EtC as an issue needing to be addressed. Industry research shows a need for independent and competent EtCs to be appointed to future projects. There is a need for expert EtCs to set a benchmark for best practice.

Our goal is to help accelerate the delivery of construction projects in New Zealand by providing the industry skilled and experienced EtCs when parties are looking to make appointments to this role.

The Panel Coordinator role is a twelve-month fixed term position, reporting to our industry Steering Group to manage and administer the Panel in its first year of operations following its establishment.

ABOUT THE PANEL

The Panel is launching in early 2022 by Te Ao Rangahau Engineering New Zealand as a cross-industry initiative.

Appointment as a Panel member will act as a mark of the industry's trust and confidence that they can practice to a high standard. It is expected that Panel members will become "go-to" EtCs for construction contracts.

The Panel will support the independence and success of the EtC role by providing clarification on who can undertake the role, accountability for those undertaking the role, as well as mentorship and support, where appropriate.

KEY ACCOUNTABILITIES

We are looking forward to launching the Panel and bringing it to life. Reporting to our industry-led Steering Group, the Panel Coordinator will administer the day-to-day functions of the Panel, be the contact point between the public, the Panel, and the Steering Group, which also acts as the evaluation panel responsible for appointing new Panel members. The Panel Coordinator will report to the Steering Group to:

Manage the application process

- Inform enquirers and applicants about the application process and keep a record of enquiries
- Collect and maintain applications
- Keep all records confidential in accordance with the Privacy Act 2020

- Organise meetings of the Steering Group (and evaluation panel, if separate to the Steering Group), attend meetings and take minutes
- Organise interviews for applicants with the Steering Group.

Organise the hui induction

A hui induction will be held for newly appointed Panel members, for which the Panel Coordinator will organise a hui programme, venue, invitations to speakers and new Panel members, etc.

Administer Panel activities

- Respond to enquiries from members of the public
- Organise kōrero (online or in-person) for Panel members to develop and strengthen connections, build consistency of practice and improve problem solving skills (frequency TBC)
- Organise relevant and helpful training/CPD events and resources for Panel members and developing educative resources for the EtC community.

Administer the Panel website, inbox and online forum

- Manage and respond to enquiries through the Panel website and inbox
- Assist Panel members to keep their details and availability up-to-date
- Administer the Panel members' online forum and moderate discussion as needed
- Collect and store data, consistent with the principles of the Privacy Act 2020, relating to traffic to the Panel website, informal advice Panel members have provided, and activities of the Panel.
- Receive feedback from the public about Panel members, and respond as appropriate.

The Panel Coordinator will be supported by Te Ao Rangahau Engineering New Zealand's expert communications and marketing team.

The Panel Coordinator can also seek expert guidance and support from the Panel members, which will provide the Panel Coordinator with insights into the sector and support the Panel Coordinator to respond to those at a micro and macro level.

TYPICAL QUALIFICATIONS AND EXPERIENCE

- A relevant business administration qualification, and/or
- Proven experience (5 years) working in a business administration role, or other comparable experience
- Experience managing relationships with senior stakeholders
- Some knowledge of construction projects and familiarity with NZS 3910 is desirable.

Critical competencies and behaviours

General skills/experience

- Solid working experience in a coordinator role and/or administering an expert Panel
- A high level of organisational and administrative skills with accuracy and an attention to detail
- A strong customer service and engagement focus with an ability to work with and influence a wide range of people
- Excellent oral communication skills including a good phone manner and the ability to talk to people face to face in a group situation

- Strong judgement and decision-making skills and the ability to use these effectively under pressure
- An ability to cope under pressure and manage your own time in the face of competing priorities
- An ability to work unsupervised effectively
- Strong plain English writing skills and editing ability
- A high level of initiative and energy to get the job done
- A familiarity with the Microsoft suite of publications including: Word, Excel, PowerPoint and Outlook; and the ability to pick up new computer programs as required
- Experience in the construction industry and some technical awareness would be an advantage
- A team person who helps others achieve their goals and shares information
- An ability and maturity to recognise that when a task needs to be performed, it doesn't matter who does it, just that it needs to be completed in a timely, efficient and co-operative manner
- Has the ability to work independently

Personality/attitude

- Fosters respect among peers, team members, and external audiences
- Resilient and able to work under pressure
- Patient and systematic
- Pays attention to detail
- Can-do attitude
- Flexible and willing to pitch in

APPENDIX 2: APPLICATION FORM

ABOUT THE PANEL

The Panel is an independent and public list of approved Engineers to the Contract (**EtCs**) who have the professional skills, experience and mana to be highly effective in the role.

The Panel is a Construction Sector Accord initiative to help accelerate the delivery of construction projects in New Zealand by supporting procurers (both public and private) and contractors.

Being a Panel member signifies to the industry that you are an experienced EtC, with the skills and attributes required to succeed in this role.

YOUR APPLICATION

You can apply to be a Panel member if you are an experienced EtC practising in New Zealand. To apply, please complete this application form and send it to Panel Coordinator at **EtCPanel@engineeringnz.org** or EtC Panel Coordinator, c/o Engineering New Zealand, PO Box 12 241, Wellington 6144.

Please enclose a detailed CV with your application, including relevant technical experience, contractual competency, and related training and qualifications.

The deadline for the current intake of applications is 28 February 2022. We will contact you within 10 working days to confirm we have received your application.

We will contact you again to inform you of the outcome of your application. Applicants who pass through the first application stage will be asked to attend an interview with the evaluation panel, which may take place in person or online, depending on logistics.

You can find more information about the EtC Panel and application process at <https://www.engineeringnz.org/public-tools/engineer-to-the-contract/> or by contacting the Panel Coordinator at **EtCPanel@engineeringnz.org**.

CONFIDENTIALITY

Our application process is confidential. All information provided for the purpose of this application will be collected, used, stored and disclosed in accordance with the Privacy Act 2020.

SECTION 1: YOUR DETAILS

Title	
First name	
Last name	
Company	
Address	
Phone	
Email	

- Detailed CV included

SECTION 2: QUESTIONS

Your responses to the questions below will allow the evaluation panel to assess whether you meet the requirements for appointment to the Panel.

When answering these questions, please anonymise any confidential information including names, project names and contracts from your response, along with any information you provide to support your response.

Your experience

- What recent experience do you have as EtC or EtC's Representative under NZS 391x contracts?
- Please briefly outline your approach to the administration of construction contracts.
- Please provide an anonymised example of advice you have issued about contractual issues.

Your practice

- What is your approach to establishing and maintaining relationships with participants in construction contracts?
- Please provide evidence of your recent continuing professional development (CPD). This may be a CPD certificate from an organisation of which you are a member, or a list of recent CPD events that you have attended.

- Can you provide an anonymised example of a direction or instruction that you have issued on a contract?
- What is your approach to calling and running meetings? You may wish to provide an anonymised example of minutes you have produced.
- Can you give one or more examples of when you had to make a decision **OR** when you considered it better to refrain from making a decision, and the factors you considered?

SECTION 3: RELEVANT TECHNICAL & CONTRACTUAL EXPERIENCE

We would like to understand your experience working with contractors, principals, engineer’s representatives and consultants. Please provide brief details about at least three projects you have been involved in, in this table:

Project description	Year completed	Contract Period	Out-turn Cost (NZD\$)	Role (EtC, rep, etc)
1				
2				
3				
4				
5				

SECTION 4: REFEREES

Please provide details for two referees – one Principal and one Contractor – who can speak to your professional experience in the role of EtC. We may contact your referees during the application process.

Referee 1: Principal	Title	
	First name	
	Last name	
	Company	
	Phone	
	Email	
Referee 2: Contractor	Title	
	First name	
	Last name	
	Phone	
	Email	

SECTION 5: OUR EXPECTATIONS OF PANEL MEMBERS

Appointment to the Panel marks the industry's trust and confidence in the successful applicants. Members of the Panel are expected to act as industry leaders, contributing to the Panel's role as a centre of excellence and mark of quality for EtC services delivery.

If you are appointed as Panel Member, it is expected you will comply with the Code of Ethics for Panel Members, including the duty to:

- **Act objectively.** You should always act objectively and not act as an advocate for any one party. This means that you should act without bias (either real or perceived) towards or against any party. Your decisions should be based on evidence and information available, using your best professional judgement. You should be able to provide sound reasons for any advice you provide.
- **Appropriately manage conflicts of interest.** You may find that in a particular case you have a conflict of interest, whether it is an actual or perceived conflict. You should always carefully consider and disclose any potential conflicts to the parties involved.
- **Maintain confidentiality.** You may receive confidential and private information about contracts and/or projects. Certain rights attach to that kind of information, and it is important that those rights are protected. You should not disclose confidential information except as required to carry out the services you have been engaged to provide, or as required by law.
- **Treat people with respect and courtesy and communicate effectively.** As a Panel member you are representing the Panel and your profession. You should act courteously with the parties you work with at all times, and communicate professionally and effectively.

- **Take reasonable steps to safeguard health and safety and the environment.** You must take reasonable steps to safeguard the health and safety of people. You are also expected to have regard to reasonably foreseeable effects on the environment and the need for sustainable management of the environment.

How we will manage complaints

If the Panel Coordinator or Steering Group is informed or becomes aware of any complaint, concern or other issue with your performance or conduct as a Panel Member, we may review your eligibility to remain on the Panel. Reviews would be conducted by us and the Panel Steering Group, in consultation with you, and would assess whether you continued to meet the criteria for eligibility. You would have an opportunity to respond before any decision is made about your continued status as a Panel Member.

SECTION 6: DECLARATIONS

By signing this application form:

- I declare the information I have provided in this form is true and correct to the best of my knowledge and belief.
- I declare I do not have any criminal convictions (if this box cannot be ticked you may be asked to provide further information).
- I am aware Engineering New Zealand is subject to the Privacy Act 2020 and information may only be collected, used, stored and disclosed in accordance with that Act.
- I have read and understood the expectations under section 5 of this application form.
- If I am appointed to the EtC Panel, I agree to comply with the expectations under section 5 of this application form.

Name	
Signature	
Date	

Please send your completed form and CV to EtCPanel@engineeringnz.org

APPENDIX 3: CODE OF ETHICS FOR PANEL MEMBERS

Introduction

The Steering Group for the establishment of the Engineer to Contract Panel (“the Panel”) has developed the following Code of Ethics as to the professional attitude and behaviours of a person who has been appointed to the Panel.

This set of expectations applies to the Panel member’s performance of the role of Engineer to the Contract (“EtC”). Each Panel member must acknowledge and commit to complying with this Code of Ethics.

The expectations of an EtC are twofold:

- they are grounded in the specific requirements within NZS 3910 and the Guidelines attached to NZS 3910;
- they reflect industry expectations that an EtC will demonstrate what are commonly referred to as the “soft skills” expected of an individual trusted by both parties to perform the contract administration role professionally, and where appropriate to engage the parties collaboratively in the interests of mitigating problems and avoiding disputes without departing from the contract. NZS 3910 identifies the collaborative role of the EtC in clause 5.21.2.

Expectations of an EtC

A Panel member shall at all times when performing the role of an EtC:

1. **Be independent:** Accept appointment as an EtC only where independent of any other role in the contract (for example, an EtC must not be an employee of the Principal or of a key consultant responsible for the design, quantity surveying, project management or contract administration of the contract) which may give rise to a conflict of interest or otherwise impair the independence and impartiality of the EtC.¹
2. **Resolve conflicts of interest:** Disclose, before appointment and throughout the contract, any conflict of interest which impairs or is likely to impair the ability to act fairly and impartiality in the role of EtC, and resign where the conflict of interest cannot be resolved to the reasonable satisfaction of the parties to the contract.²
3. **Act professionally:** Act at all times in good faith³, and in a professional,⁴ expeditious, diligent, orderly and timely⁵ manner

All references are to the Guidelines attached to Standards New Zealand (NZS) 3910:2013 Conditions of Contract.

¹ Clause G6.2.

² Clause 6.1.1.

³ Clause 6.1.1.

⁴ Clauses 1.6, 6.1.1.

⁵ Clause 6.2.2.

4. **Make all decisions impartially**⁶: Act fairly, impartially, honestly, with integrity, without bias, consistent with and in reliance on the relevant contract, exercising professional judgment⁷ in all decision-making under the contract including, without limitation, contractual interpretation, assessment, compliance, contractual entitlement, valuation, or certification. Obtain independent legal or other advice where necessary to inform decision-making.
5. **Principal's Representative**: Act as representative of the Principal only in issuing directions, variations, and instructions to the Contractor, and as agent in issuing payment schedules.⁸
6. **Advise Principal and Contractor**: Provide advisory opinions to the Principal⁹ and the Contractor in respect of matters in relation to the contract, without at any time acting as an advocate of either party.
7. **Comply with time requirements**: Perform all duties of the EtC within the time or times stated in the contract¹⁰, or, where no time limit is stated, within a reasonable time¹¹
8. **Delegate effectively**: Nominate in writing (where applicable):
 - a. A suitably qualified and experienced person as Engineer's Representative to perform the contract administration and other duties of the Engineer¹², clearly defining the extent of their optional authorities¹³; and
 - b. Any assistants to the Engineer's Representative¹⁴.
9. **Be decisive**: Make decisions where required by the contract, promptly, with appropriate reasons.¹⁵
10. **Act collaboratively**: Work together with the parties as required in exploring options for avoiding or reducing the impact of matters that arise during the course of the contract¹⁶, and take active steps to resolve matters by clear decision-making and/or working with the parties to avoid or reduce the risk of matters being referred to dispute.

⁶ Clause 6.2.1(b).

⁷ Clause G6.2.

⁸ Clause 6.2.1(a).

⁹ Clause 6.1.2(a).

¹⁰ For example clauses 13.2.1, 10.3.4, 10.3.5.

¹¹ Clause 6.2.2.

¹² Clause 6.3.1.

¹³ Clause 6.3.3(b).

¹⁴ Clause 6.3.5.

¹⁵ For example, clauses 9.2.4,9.3.4.

¹⁶ Clause 5.21.2