

CONSTRUCTION LEADERSHIP GROUP

TERMS OF REFERENCE

The NSW Procurement Board has established the Construction Leadership Group (CLG) as an advisory group under s168 of the Public Works and Procurement Act 1912.

The CLG is established to assist the NSW Procurement Board to achieve its statutory objectives and to support the Board undertaking its statutory functions. This includes the Board functions of:

- overseeing the procurement of goods and services of any kind by and for government agencies
- developing and implementing procurement policies
- developing appropriate procurement and business intelligence systems for use by government agencies
- collecting, analysing and publishing data and statistics in relation to procurement by and for government agencies.

Role

The CLG advises and supports the Board on matters referred to it by the Board and brings matters of importance to the Board's attention. This includes, but is not limited to, advising and supporting the Board in relation to:

- matters that may impact on the delivery of the NSW Government infrastructure and general construction program and ways to address those impacts - including matters such as capacity constraints and whole of government risk exposure to suppliers
- strategies and opportunities to improve the value for money achieved in construction procurement, including through the appropriate allocation and management of risk
- ensuring that procurement processes enable appropriate competition consistent with Australia's international trade obligations
- minimising procurement related business costs for agencies and suppliers as far as practical
- sharing relevant information across agencies, including agreement on standards and processes for managing information
- measures to ensure that construction materials and processes comply with relevant standards

- providing small and medium size businesses with effective opportunities to participate in construction procurement
- using the NSW Government infrastructure program to create a legacy of skills, jobs and business capability
- implementing NSW Government strategies and targets for economic development of the Aboriginal community.

Co-ordination

The NSW Procurement Board is the body with statutory responsibility for overseeing the procurement of goods and services of any kind by and for government agencies.

NSW Treasury and Infrastructure NSW also have central roles in the procurement of infrastructure and general construction. This includes responsibilities for infrastructure planning, risk assessment and project approval, conducting gateway reviews, setting or approving procurement strategies for major projects, monitoring and reporting on project progress and outcomes and, in some instances, the management of projects.

The CLG co-ordinates with NSW Treasury and Infrastructure NSW in undertaking its role of advising and supporting the NSW Procurement Board. NSW Treasury and Infrastructure NSW are both represented on the CLG.

Authority

The Board oversees procurement by and for government agencies and sets the policy framework for procurement. Within this policy framework, the Board authorises the CLG to:

- establish co-operative arrangements for sharing information and systems for construction procurement and business intelligence
- agree on technical and other standards that should or must be applied in construction procurement and the circumstances where a standard will apply
- agree on standards or requirements for supplier qualification that may apply to construction
- establish model contractual provisions for construction procurement
- issue guidance on how to apply Board policies in relation to construction procurement
- establish and set the terms of reference for working groups
- make reasonable requests to the Department of Finance, Services and Innovation to undertake support for the CLG
- advise the Board of matters that may impact on the delivery of the NSW Government infrastructure and general construction program.

The CLG is not responsible for establishing or considering individual Government contracts.

Reporting

The CLG is required to report periodically to the Board on its activities and on current and planned construction procurement, in accordance with any requirements set by the Board.

Membership

The CLG will consist of senior executives from government agencies with significant construction programs or responsibilities, including:

- Transport for NSW
- Roads and Maritime Service
- Department of Justice
- Health Infrastructure
- Land and Housing Corporation
- Department of Education
- Industry and Regional Development
- Property NSW
- NSW Treasury
- Infrastructure NSW
- NSW Procurement

Agencies will nominate members and any deputy members to NSW Procurement. This includes changes to membership. NSW Procurement will publish current membership on the ProcurePoint website.

The CLG can extend membership to other relevant government agencies on an ongoing basis or for a specified purpose or timeframe.

The requirements of Schedule 2C (3) of the PSEM Act (*Members and procedure of NSW Procurement Board: Disclosure of pecuniary interests*) apply to CLG members.

Meetings and operational arrangements

The CLG selects a chairperson and meets on a regular basis on a timetable determined by the group or as directed by the Board. The quorum for a meeting of the CLG is a majority of its members. Decisions are by consensus. The CLG is to keep minutes of its meetings.

Secretariat

The Department of Finance, Services and Innovation provides secretariat and administrative support to the CLG.