

## Network Outcomes Contract Governance & Management Group Clarification

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| Reference Number:     | NOCC No. 21  |
| Subject Title:        | 100m Treatment lengths   |
| Issue Date:           | 26 September 2017  |
| Clarification Purpose | Clarification is provided to ensure the NOC is being interpreted consistently. The clarification does not remove or supersede the Network Outcomes Contract documentation. |

## SUBJECT

There are two issues relating to short treatment lengths that have often been raised by suppliers and Agency staff with differing views being expressed as to the contracts intent.

1. On most networks there are a number of short treatment lengths that technically fail to qualify as "renewals" because they are shorter than the specified 100m continuous lane length (or 60m for skid category 1 sites) as defined in the M.S. This has raised a concern that the contractor might be expected to treat the renewal of these sites from their Lump Sum.

2. Some contractors have expressed a view that a 50m long dual lane section of highway would meet the criteria of being 100 continuous lane metres.

This note is to discuss and clarify the Agencies approach to dealing with these issues consistently.

## RESPONSE

### Relevant considerations

1. On all networks there are a number of short sections that existed in the specimen programme at tender time and have contributed to the specified base renewal quantities.

2. In most cases the reason these short sections exist is due to something like a bridge deck or an intersection where there is a genuine reason as to why they are "short". (for example the surfacing may be asphalt when the adjoining sections are chip seal.)

3. Typically the renewal of these short sections would form part of the forward works programme submitted via the annual plan process and endorsed by the RAPT process. It seems unreasonable to isolate these out and expect contractors to undertake this work from their Lump Sum.

4. The contract seems very clear in its intent when defining 100 continuous lane metres. Had the intention been to add together shorter sections which are beside each other to get to a cumulative total lane length exceeding 100m, then the wording would have to have been quite different.

### **Clarification**

1. Short sections which are necessary for genuine reasons will be accepted as meeting the contract criteria for renewal, despite being shorter than the specified 100m (or 60m) continuous lane length criteria.

2. Genuine short sections may for example include Bridge decks, Intersections, slip sites where pavement has been replaced or resurfaced. There may be other legitimate examples which will be accepted on a case by case basis subject to Agency agreement.

Short treatment length sections that have been created based around (for example) a 70m section of isolated high maintenance needs resulting in short "rehab" being programmed will not qualify as a renewal as they are less than 100m continuous lane metres long. Any works of this nature will remain the contractors Lump Sum responsibility.

3. That the same programming, justification, payment, quality, performance and reporting criteria will apply for these short treatment length renewals as if they did exceed the specified minimum 100m treatment length.

4. That these short treatment length sections will draw on the Contractors Base Preservation Renewal quantities.

5. We confirm that continuous lane metres means 100m continuously in the same lane and that shorter sections of adjoining lanes in either the same or opposite direction cannot be added together in order to meet this criteria.