

Title	Demonstrate and apply knowledge of the legal requirements, conditions, and standards for tendering procedures		
Level	6	Credits	15

Purpose	People credited with this unit standard are able to: demonstrate knowledge of the <i>Government Procurement Rules</i> and relevant Conditions of Tendering and Conditions of Contract; and demonstrate and apply knowledge of ethical and professional standards, duties and conditions in planning procurement activities, and processing and evaluating tenders.
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Classification	Infrastructure Civil Engineering > Infrastructure Asset Management
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Available grade	Achieved
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Guidance Information

- 1 All evidence for this unit standard must be in accordance with current editions, and any subsequent amendments, of the following:
 - *Government Procurement Rules: Rules for Sustainable and Inclusive Procurement* (4th ed.). (Ministry of Business, Innovation and Employment, 2019) available at <https://www.procurement.govt.nz>.
 - *Procurement manual for activities funded through the National Land Transport Programme* (New Zealand Transport Agency, 2018), available at <http://www.nzta.govt.nz/resources/procurement-manual/>.
- 2 Definitions

Intellectual property refers to new or original innovations and creations of the mind such as: inventions in all fields of human endeavour; industrial designs; trademarks, service marks and commercial names and designations.

RFx refers to one of the following – request for proposal, request for tender, request for quotation, registration of interest. These may include the tender advertisement, conditions of tender, General Conditions of Contract, Special Conditions of Contract, specifications, drawings, and Schedule of Prices.

Outcomes and performance criteria

Outcome 1

Demonstrate knowledge of the *Government Procurement Rules* in planning procurement activities, and processing and evaluating tenders.

Performance criteria

- 1.1 The influence of government principles and applicable government rules on specific procurement activities in planning, processing and evaluating tenders is described.
- Range may include – developing detailed procurement plans; preparing RFx documents; communicating with suppliers and/or tenderers; determining appropriate supplier selection methods; deciding evaluation criteria, including attributes, weights, questions and marking scales; demonstrating transparency in communication of evaluation methods, criteria and weights in RFx documents; providing sufficient time for all respondents to prepare meaningful tenders; evaluation of tenders; preparing tender evaluation reports; post-tender debriefs.
- 1.2 Types of cartel conduct, signs of potential collusion, and the actions required when collusive behaviour is suspected, are described.
- Range may include – collusive tendering and bid rigging; market sharing; price fixing; output restrictions.

Outcome 2

Demonstrate knowledge of relevant Conditions of Tendering and Conditions of Contract in planning procurement activities, and processing and evaluating tenders.

Performance criteria

- 2.1 The effect of a range of specific conditions of tendering and conditions of contract on procurement activities is described.
- Range may include – risk analysis and fair allocation; knowledge of recent and/or relevant tendering case law; identification of tendering conditions that could potentially be in conflict with the *Government Procurement Rules* or ethical standards; maintaining fairness for all tenderers.
- 2.2 Principles of fairness and transparency are applied in determining conditions of tendering and conditions of contract.
- Range may include – fair allocation of risk, transparent communication of tender evaluation criteria and weightings; maximising competition; consideration of Value for Money principles over the life of the asset or in relation to long-term impacts of the products or services being purchased; adopting principles of good faith in communications with suppliers/tenderers.

Outcome 3

Demonstrate and apply knowledge of ethical and professional standards, duties and conditions in planning procurement activities, and processing and evaluating tenders.

Performance criteria

- 3.1 Ethical issues and appropriate responses are described for a range of scenarios in terms of the client's interest, the supplier, and the tender evaluation process.

Range includes four of – alternative tenders, objective conformance standards in lowest price conforming tenders; handling tags and clarifications; late tenders; conflicts of interest; protection of suppliers' commercially sensitive intellectual property; pricing errors; requests for time extensions; personal knowledge of tenderers.

- 3.2 The principles of *Government Procurement Rules* and any other relevant standards, legislation or compliance requirements are complied with.

- 3.3 Transparent, objective and impartial criteria are developed for evaluation, weightings, and scoring methods.

Planned review date	31 December 2025
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Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Registration	1	22 January 2002	31 December 2011
Revision	2	19 February 2004	31 December 2011
Review	3	18 March 2011	31 December 2017
Review	4	19 May 2016	31 December 2021
Review	5	22 August 2019	N/A
Rollover	6	28 November 2024	N/A

Consent and Moderation Requirements (CMR) reference	0101
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This CMR can be accessed at <http://www.nzqa.govt.nz/framework/search/index.do>.

Comments on this unit standard

Please contact Waihangara Ara Rau Construction and Infrastructure Workforce Development Council qualifications@waihangaararau.nz if you wish to suggest changes to the content of this unit standard.