



Kempsey Bypass, NSW

The Kempsey to Eungai Pacific Highway Upgrade was approved by the NSW Minister for Planning in July 2008 and consists of approximately 41 kilometres of two lane dual carriageways from south of Kempsey to Eungai. The first stage of the upgrade is the Kempsey Bypass, which is approximately 14.5 kilometres in length, commencing near Crescent Head Road, running across the flood plains on the eastern side of Kempsey, over the Macleay River near Frederickton and passing over the existing Pacific Highway.

The Kempsey Bypass is being delivered under two separate contracts:

- an Alliance which is responsible for the design and construction of the Bypass, except for the major bridges across the Macleay River and flood plains
- a traditional design & construct (D&C) contract for the major bridges across the Macleay River and flood plains.

The delivery of the Kempsey Bypass was brought forward as part of the Federal Government 'stimulus' funding in response to the Global Financial Crisis.

FACTS AND FIGURES

Client: NSW Roads & Traffic Authority

Project value: \$618 million

E&P involvement: 2009 - ongoing

Construction commencement: June 2010

Expected completion: mid 2013

Evans & Peck's role

Alliance

In 2009 Evans & Peck was engaged by the NSW Roads and Traffic Authority (RTA) to facilitate the formation of the Kempsey Bypass Alliance. Working in a fast-tracked environment prompted by stimulus funding from the Commonwealth Government, this involved:

- working with RTA to understand success criteria and how to effectively interface the Alliance with the D&C bridge contract
- developing and documenting the selection process with RTA
- assisting with the development of the Alliance agreements, particularly the commercial framework
- managing the three stage selection process
- facilitating workshop activities between short-listed Proponents and RTA
- managing the development of processes and risk allocation arrangements between the Alliance and the D&C Contractor.

Macleay River and Flood Plain bridges

In late 2009 Evans & Peck was appointed Commercial Adviser by the RTA for Macleay River and Flood Plain Bridges D&C Contract. This involved:

- Registration of Interest (RoI) Phase
 - assisting with preparation of the RoI Invitation documents for the D&C Contract
 - preparation of weightings and assessment criteria
 - supporting the RoI evaluation process, which included making a recommendation for the short-listing of companies to be invited to tender for the D&C Contract
- Tender Phase
 - assisting in the preparation of Request for Tender documents, including the Project Deed and Scope of Works and Technical Criteria documents for the D&C Contract.
 - preparing weightings and assessment criteria

Providing advice on a complex highway upgrade being delivered under two very different contractual arrangements



Kempsey Bypass, NSW (continued)

- reviewing the commercial component of the preferred proponent's detailed proposal for compliance with the Scope of Works and Technical Criteria
- reviewing the D&C Tenders including a quantitative risk assessment and cost adjustment to ensure all elements including Options of Tenders were assessed.
- recommending a Preferred Tenderer and 'options' to be captured in the contract
- Contract Negotiation Phase
 - providing advice on issues that should be addressed in the final contract documentation
 - assisting and advising the RTA during negotiations with the selected proponent
 - assisting in the preparation and execution of final contract documentation
- Delivery Phase
 - providing advice on commercial matters.

Results

The project was fast tracked as part of the government's stimulus program, is currently under construction and on schedule for completion in 2013.