

UNCLASSIFIED

UPDATE

DATE	2/03/2022
TO	P3910 Committee and nominating organisations
FROM	David Wilkie, Chair – P3910 Conditions of contract committee
SUBJECT	Update on the revision of NZS 3910.

PURPOSE OF THIS UPDATE

The committee revising NZS 3910 has been formed, inducted and the kick off meeting completed. Due to the ongoing disruption of COVID-19, this 2 day in-person meeting was replaced by 2 online morning meetings.

This is an update of progress to date, which is intended to be circulated to the committee members, who, in turn, are encouraged to update their nominating organisation on the progress of this project.

It needs to be noted that committee deliberations are confidential. This is to ensure, among other things, that committee members are not subjected to undue pressure and that assumptions are not made by members of the public as to what may be published.

Nominating organisations are also encouraged to provide feedback to their committee member(s) on any proposed changes.

COMPLETED & UPCOMING MILESTONES

The following milestones have been completed:

1. Initiation phase – completed February 2022.
2. Development phase – Kick off meeting (meeting 1) completed.

Upcoming milestone:

1. Formation of 5 working groups (WG) by 9th March:
 - WG A – Contract, Indemnity & Insurance
 - WG B – Obligations, Engineer, Payment & Disputes
 - WG C – Variations, EoT, Defects & Warranties
 - WG D – Interim review
 - WG E – Authorship & technology
2. Intermediate online meeting to be held on 13th April.

SUMMARY OF KICK OFF MEETING – KEY POINTS

The initial meeting was an energetic and enthusiastic start with full representation and engagement from all members.

The committee was presented and agreed the terms of reference, confirmed the scope for the interim and full review, agreed the process for the review, gather lessons learned from past

experiences, and discussed expectation for participation and consultation with nominating organisations.

The scope of the review is significant and split of scope between working groups was discussed, and subsequently resolved. Committee members have been asked to nominate themselves for working group membership with selection finalised and commencement by mid- March.

An important outcome of the meeting was the agreement on the principles that we will use to guide the revisions. The principles agreed were (in no particular order):

- Foster collaboration – working together to solve problems, encouraging communication (respecting the role of the Etc), balance (e.g. equity in timeframes), escalation processes and alternative methods for dispute avoidance (e.g. contract facilitation).
- Reflect best industry practice – e.g. delivery of value not just tendering.
- Clarity – is it understandable to the parties?
- Balanced – not contractor or principal biased.
- Efficiency – easy to follow, changes apparent.
- Simplicity – concise, precise.
- Adaptable – scale appropriate and anticipating future change.
- Not change for change's sake, don't fix what isn't broken.
- General application and conditions – don't draft for lowest common denominator and/or bad behaviors.
- Easy to follow, useable and practical.

We look forward to getting the work underway and thank you and your representative for your ongoing support and encouragement of this important project.

If your organisation has any concerns, suggestions and feedback then please provide that to your nominee to present it to the committee.

David Wilkie

Chair – P3910 Conditions of contract committee

Copies to:

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