

Role Description

Commercial Manager



Transport
for NSW

Cluster	Transport
Agency	Transport for NSW
Division/ Branch/ Unit	Infrastructure and Place/ Southern Motorways
Location	Sydney
Classification/ Grade/ Band	TSSM
Role Number	Various
ANZSCO Code	133111
PCAT Code	2228391
Date of Approval	April 2020
Agency Website	www.transport.nsw.gov.au

Agency overview

At Transport, we're passionate about making NSW a better place to live, work and visit. Our vision is to give everyone the freedom to choose how and when they get around, no matter where they live. Right now, we're delivering a \$55.6bn program – the largest Australia has ever seen – to keep people and goods moving, connect communities and shape the future of our cities, centers and regions. At Transport, we're also committed to creating a diverse, inclusive and flexible workforce, which reflects the community and the customers we serve.

Our organisation – Transport for NSW – is comprised of numerous integrated divisions that focus on achieving community outcomes for the greater good and on putting our customers at the centre and our people at the heart of everything we do.

Infrastructure and Place

We are a trusted partner to our clients, developing and delivering smart, integrated and sustainable infrastructure and places that are valued by our customers and communities.

Primary purpose of the role

The Commercial Manager is responsible for managing the commercial development of the programs, including managing advisers and coordination with other Transport Divisions and transport agencies throughout the pre-procurement, procurement and delivery phases.

The role provides leadership and guidance ensuring the contract and commercial management of the projects aligns with the Transport Agency policy and sound commercial practices.

Key accountabilities

- Lead the Legal, Commercial, Transaction and Cost advisors to develop the commercial/ procurement principles, documents and processes and ensure alignment to the Transport Agency policies and frameworks to deliver effective contract management and commercial engagement throughout the delivery phase.
- Lead the development, assessment, negotiation, approval and execution of commercial agreements between the Agency and third parties.
- Provide timely and strategic advice to senior management on commercial activities, including risks, issues, and mitigation strategies to facilitate executive decision making and ensure decisions align to overarching objectives.
- Provide strategic input into contract development to maximise efficiencies in the delivery and operations of the projects, and resolving issues and conflicting requirements in a timely manner.
- Ensure that all contract negotiations are conducted to minimise commercial risk to Transport for NSW, including conducting sound analysis of options to ensure the best cost effective and commercially sound solutions.
- Ensure that the Motorways Delivery Commercial function complies with appropriate policies, procedures and practices for efficient and effective project and contract management, consistency of practice and conformity with government policy and legislative requirements.
- Manage the preparation and progress of submissions for approval to tender, to award contracts and to vary contracts and scope of projects within Transport procedures.
- Provide high level expert commercial and contracting advice on project risk management and contract management, including negotiating contracts and agreements, terms, risks, settlements and the assessment of claims and negotiations for dispute resolution.

Key challenges

- Driving commercial outcomes in the development of the commercial/procurement principles, documents and processes across a multidisciplinary/multi agency team.
- Managing potential issues proactively and formulating advice and recommendations based on evidence, expertise, options and implications and ensuring that all activities are underpinned by best practice.
- Receiving, analysing and improving systems, processes and procedures to improve management, operations and deliverables within established RMS procedures and processes.

Key relationships

Who	Why
Internal	
Commercial Director Delivery	<ul style="list-style-type: none">• Facilitate commercial working group meetings. Work with Transaction and Structuring Lead to manage the development of the commercial outcomes,• Monitor and coordinate inter-Agency working groups in resolving key Program issues (i.e. interface, due diligence),• Manage commercial engagements to support the development, procurement and delivery of the Program.
Project Directors	<ul style="list-style-type: none">• Coordinate consistency across work streams on all commercial matters including cost control and contract management.

Who	Why
	<ul style="list-style-type: none"> • Provide guidance on the assurance of the Program through the development, procurement and delivery phases. • Participate in meetings to represent commercial perspective and share information. • Participate in discussions and decisions regarding implementation of innovation and best practice
External	
Other Federal, State and Local Government Agencies	<ul style="list-style-type: none"> • Key interdependencies across the public sector that will enable and support project success
Sydney Motorway Corporation and its subsidiaries	<ul style="list-style-type: none"> • Counterparty to the WestConnex project deeds
Other Interface organisations	<ul style="list-style-type: none"> • Organisations interfacing with Roads and Maritime to ensure proactive and successful commercial relationships to achieve timely and cost effective outcomes

Role dimensions

Decision making

The Commercial Manager is fully accountable for ensuring that the project deed management within Motorways is consistent across all Stages, is best practice, commercially sound and consistent with Agency policies and procedures.

The role is fully accountable for ensuring sound commercial practices and standards are embedded into all phases and aspects of project and contract management processes, and the performance of contract negotiations is optimised.

Reporting line

The Commercial Manager reports to the Motorways Delivery Commercial Director who reports in turn to the Program Delivery Director in Motorways.

Direct reports

The role will have a direct report and a variable number of Indirect Reports.

Budget/Expenditure

The budget/expenditure allocation for this role is to be confirmed

Key knowledge and experience

- Proven experience in commercial management, including managing project and contractual risk during the delivery of large scale complex infrastructure projects;
- Demonstrated experience with and understanding of the legislation, policy, processes and practices involved in planning for and delivering major projects;

Essential requirements


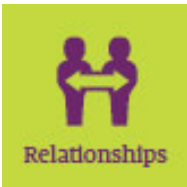


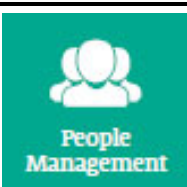
- Tertiary qualifications in relevant discipline, or equivalent relevant experience

Capabilities for the role

The NSW Public Sector Capability Framework applies to all NSW public sector employees. The Capability Framework is available at www.psc.nsw.gov.au/capabilityframework

Capability summary

Below is the full list of capabilities and the level required for this role, the capabilities in bold are the focus capabilities for this role. Refer to the next section for further information about the focus capabilities.

NSW Public Sector Capability Framework		
Capability Group	Capability Name	Level
 Personal Attributes	Display Resilience and Courage	Advanced
	Act with Integrity	Advanced
	Manage Self	Advanced
	Value Diversity	Advanced
 Relationships	Communicate Effectively	Highly Advanced
	Commit to Customer Service	Advanced
	Work Collaboratively	Advanced
	Influence and Negotiate	Highly Advanced
 Results	Deliver Results	Advanced
	Plan and Prioritise	Advanced
	Think and Solve Problems	Advanced
	Demonstrate Accountability	Advanced
 Business Enablers	Finance	Advanced
	Technology	Adept
	Procurement and Contract Management	Highly Advanced
	Project Management	Advanced
 People Management	Manage and Develop People	Advanced
	Inspire Direction and Purpose	Advanced
	Optimise Business Outcomes	Advanced
	Manage Reform and Change	Advanced

Focus capabilities

The focus capabilities for the role are the capabilities in which occupants must demonstrate immediate competence. The behavioural indicators provide examples of the types of behaviours that would be expected at that level and should be reviewed in conjunction with the role's key accountabilities.

NSW Public Sector Capability Framework		
Group and Capability	Level	Behavioural Indicators

NSW Public Sector Capability Framework

Group and Capability	Level	Behavioural Indicators
Personal Attributes Act with Integrity	Advanced	<ul style="list-style-type: none"> • Model the highest standards of ethical behaviour and reinforce them in others • Represent the organisation in an honest, ethical and professional way and set an example for others to follow • Ensure that others have a working understanding of the legislation and policy framework within which they operate • Promote a culture of integrity and professionalism within the organisation and in dealings external to government • Monitor ethical practices, standards and systems and reinforce their use • Act on reported breaches of rules, policies and guidelines
Relationships Communicate Effectively	Highly Advanced	<ul style="list-style-type: none"> • Articulate complex concepts and put forward compelling arguments and rationales to all levels and types of audiences • Speak in a highly articulate and influential manner • State the facts and explain their implications for the organisation and key stakeholders • Promote the organisation's position with authority and credibility cross-government, cross-jurisdictionally and outside of government • Actively listen, and identify ways to ensure all have an opportunity to contribute • Anticipate and address key areas of interest for the audience and adapt style under pressure
Relationships Work Collaboratively	Advanced	<ul style="list-style-type: none"> • Build a culture of respect and understanding across the organisation • Recognise outcomes which resulted from effective collaboration between teams • Build co-operation and overcome barriers to information sharing, communication and collaboration across the organisation and cross-government • Facilitate opportunities to engage and collaborate with external stakeholders to develop joint solutions
Relationships Influence and Negotiate	Highly Advanced	<ul style="list-style-type: none"> • Engage in a range of approaches to generate solutions, seeking expert inputs and advice to inform negotiating strategy • Use sound arguments, strong evidence, and expert opinion to influence outcomes • Determine and communicate the organisation's position and bargaining strategy • Represent the organisation in critical negotiations, including those that are cross-jurisdictional, achieving effective solutions in challenging relationships, ambiguous and conflicting positions • Pre-empt and avoid conflict across organisations and with senior internal and external stakeholders • Identify contentious issues, direct discussion and debate, and steer parties towards an effective resolution
Relationships Deliver Results	Advanced	<ul style="list-style-type: none"> • Drive a culture of achievement and acknowledge input of others • Investigate and create opportunities to enhance the achievement of organisational objectives • Make sure others understand that on-time and on-budget results are required and how overall success is defined

Group and Capability	Level	Behavioural Indicators
Results Think and Solve Problems	Advanced	<ul style="list-style-type: none"> • Control output of business unit to ensure government outcomes are achieved within budget • Progress organisational priorities and ensure effective acquisition and use of resources • Seek and apply the expertise of key individuals to achieve organisational outcomes <hr/> <ul style="list-style-type: none"> • Undertake objective, critical analysis to draw accurate conclusions that recognise and manage contextual issues • Work through issues, weigh up alternatives and identify the most effective solutions • Take account of the wider business context when considering options to resolve issues • Explore a range of possibilities and creative alternatives to contribute to systems, process and business improvements • Implement systems and processes that underpin high quality research and analysis
Business Enablers Procurement and Contract Management	Highly Advanced	<ul style="list-style-type: none"> • Ensure that whole-of-government approaches to procurement and contract management are integrated into the organisation's policies and practices • Ensure that effective governance processes are in place for the organisation's provider, supplier and contractor management, tendering, procurement and contracting policies, processes and outcomes • Monitor and evaluate both compliance and effectiveness of procurement and contract management within the organisation
People Management Manage and Develop People	Advanced	<ul style="list-style-type: none"> • Refine roles and responsibilities over time to achieve better business outcomes • Recognise talent, develop team capability and undertake succession planning • Coach and mentor staff and encourage professional development and continuous learning • Provide timely, constructive and objective feedback to staff • Address and resolve team and individual performance issues, including serious unsatisfactory performance, in a timely and effective way • Implement performance development frameworks to align workforce capability with the organisation's current and future priorities and objectives