

Role Description

Commercial Lead



Transport
for NSW

Cluster	Transport for NSW
Agency	Transport for NSW
Division/ Branch/ Unit	Infrastructure and Place / Motorways – Strategic Transactions
Location	North Sydney
Classification/ Grade/ Band	TSSE 1A
Role Number	TBC
ANZSCO Code	133612
PCAT Code	3119192
Date of Approval	March 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, centres 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 nine 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.

Primary purpose of the role

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

The role provides leadership and guidance, ensuring that assigned projects align with Agency contract and commercial management policies and sound commercial practices.

Key accountabilities

- Lead and oversee the management of interfaces between the Program, internal Transport for NSW divisions, external agencies and third parties facilitating the commercial development of the Program to ensure outcomes align to program objectives.
- Lead the Legal, Commercial, Transaction and Cost advisers to develop the commercial/ procurement principles, documents and processes and ensure alignment to TfNSW policies and frameworks to deliver effective contract management and commercial engagement through the delivery phase.
- Provide expert and authoritative advice on business cases and assurance processes for large infrastructure initiatives to support commercial development and lead the assurance processes within Programs.

- Provide timely and strategic advice to senior management on interface activities, including risks, issues, and mitigation strategies to facilitate executive decision making and ensure decisions align to overarching objectives.
- Lead the procurement of one or more projects within the Program through to delivery, ensuring alignment to TfNSW and public sector procurement requirements and policies to deliver value for money, fit for purpose outcomes.
- 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.
- Lead the development, assessment, negotiation, approval and execution of commercial agreements between TfNSW and third parties
- Provide proactive management of all assurance and Cabinet processes as required to achieve the procurement and delivery strategy.

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.

Key relationships

Who	Why
Internal	
Transactions and Structuring Lead / 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.
(Other) Commercial Managers	<ul style="list-style-type: none"> • Facilitate the development of the procurement and delivery strategy. • Develop documentation through the procurement and delivery phases that support the Government's procurement objectives. • Ensure that procedures and systems have been correctly established and working effectively • Provide regular updates on issues and resolutions
Project Directors	<ul style="list-style-type: none"> • Coordinate consistency across Program workstream on all commercial matters, including cost control and contract management. • Provide guidance on the assurance of the Program through the development, procurement and delivery phases. • Participate in meetings to share information and represent the Agency's commercial perspective • Participate in discussions and decisions regarding the implementation of innovation and best practice

Role dimensions

Decision making

The Commercial Lead role is part of a high performing team accountable for the development of delivery and procurement strategy options for the Programs in collaboration with other Government Agencies.

The role will be fully accountable for the development of commercial principles that will inform the development of procurement processes and documentation, following through to delivery on agreed standards, timeframes at or below budget.

The role defers to the Transaction and Project Director on complex matters, those with political ramifications, financial delegation or matters requiring a high level of authority.

Reporting line

The Commercial Lead will report directly to the Transaction and Structuring Lead or Project Director

Direct reports

The role will have a variable number of Advisers and Technical specialists depending on business/ project requirements

Budget/Expenditure

As per the approved TfNSW Financial Delegations

Essential requirements






- Tertiary qualifications in a relevant field and demonstrated ability to effectively manage complex contracts
- Experience in working with key Government Agencies (incl. RMS, TfNSW, INSW and NSW Treasury)
- Experience in the procurement and delivery of large-scale transport infrastructure projects (>\$1B), potentially involving Public Private Partnerships (PPP) and Design & Construct (D&C) delivery models
- Experience with PPP and/or D&C, and Government processes including: assurance review, delivery readiness, preparation of Cabinet submissions, budget reporting and contract management

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	Adept
	Manage Self	Advanced
	Value Diversity	Adept
 Relationships	Communicate Effectively	Highly Advanced
	Commit to Customer Service	Adept
	Work Collaboratively	Advanced
	Influence and Negotiate	Highly Advanced
 Results	Deliver Results	Advanced
	Plan and Prioritise	Advanced
	Think and Solve Problems	Adept
	Demonstrate Accountability	Adept
 Business Enablers	Finance	Adept
	Technology	Adept
	Procurement and Contract Management	Advanced
	Project Management	Highly Advanced
 People Management	Manage and Develop People	Adept
	Inspire Direction and Purpose	Adept
	Optimise Business Outcomes	Advanced
	Manage Reform and Change	Adept

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
Personal Attributes Display Resilience and Courage	Advanced	<ul style="list-style-type: none"> Stay calm and act constructively in highly pressured and unpredictable environments Give frank, honest advice in the face of strong, contrary views Accept criticism of own ideas and respond in a thoughtful and considered way Welcome new challenges and persist in raising and working through novel and difficult issues Develop effective strategies and show decisiveness in dealing with emotionally charged situations, difficult and controversial issues
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

NSW Public Sector Capability Framework

Group and Capability	Level	Behavioural Indicators
		<ul style="list-style-type: none"> 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 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
Results 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 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
Results Plan and Prioritise	Advanced	<ul style="list-style-type: none"> Understand the links between the business unit, organisation and the whole-of-government agenda Ensure business plan goals are clear and appropriate including contingency provisions Monitor progress of initiatives and make necessary adjustments Anticipate and assess the impact of changes, such as government policy/economic conditions, to business plans and initiatives, and respond appropriately Consider the implications of a wide range of complex issues, and shift business priorities when necessary Undertake planning to transition the organisation through change initiatives and evaluate progress and outcome to inform future planning
Business Enablers Procurement and Contract Management	Advanced	<ul style="list-style-type: none"> Ensure that government and organisational policy in relation to procurement and contract management is implemented Monitor procurement and contract management risks and ensure that this informs contract development, management and procurement decisions

NSW Public Sector Capability Framework

Group and Capability	Level	Behavioural Indicators
		<ul style="list-style-type: none"> • Take responsibility for procurement and contract management activities and decisions by applying the guidelines and procedures • Promote the principles of risk management as applied to procurement projects, to identify and mitigate risk • Implement effective governance arrangements to monitor provider, supplier and contractor performance against contracted deliverables and outcomes • Represent the organisation in the resolution of complex/sensitive disputes with providers, suppliers and contractors
Business Enablers Project Management	Highly Advanced	<ul style="list-style-type: none"> • Implement effective governance processes for acceptance of projects based on sound business cases • Use historical, political and broader context to inform project directions and mitigate risk • Obtain the commitment of key stakeholders to major project strategies, including cross-organisational initiatives, and ensure ongoing communication • Ensure that project risks are managed effectively and appropriate strategies are in place to respond to variance • Implement systems for monitoring and evaluating effective management, expenditure of project budgets and resources, to achieve organisational goals
People Management Optimise Business Outcomes	Advanced	<ul style="list-style-type: none"> • Develop workforce plans that effectively distribute organisational resources to achieve business goals • Plan for strategic use of human resources that links to wider organisational aims and goals • Encourage others to strive for ongoing performance improvement • Align systems and processes to encourage improved performance and outcomes