

## GUIDANCE ON USE OF PRODUCER STATEMENTS

Producer statements were first introduced with the Building Act 1991. The producer statements were developed by a combined task committee consisting of members of the New Zealand Institute of Architects, Institution of Professional Engineers New Zealand, Association of Consulting Engineers New Zealand in consultation with the Building Officials Institute of New Zealand. The original suit of producer statements has been revised at the date of this form as a result of enactment of the Building Act (2004) by these organisations to ensure standard use within the industry.

The producer statement system is intended to provide Building Consent Authorities (BCAs) with reasonable grounds for the issue of a Building Consent or a Code Compliance Certificate, without having to duplicate design or construction checking undertaken by others.

**PS1 Design** Intended for use by a suitably qualified independent design professional in circumstances where the BCA accepts a producer statement for establishing reasonable grounds to issue a Building Consent;

**PS2 Design Review** Intended for use by a suitably qualified independent design professional where the BCA accepts an independent design professional's review as the basis for establishing reasonable grounds to issue a Building Consent;

**PS3 Construction** Forms commonly used as a certificate of completion of building work are Schedule 6 of NZS 3910:2013 or Schedules E1/E2 of NZIA's SCC 2011<sup>2</sup>

**PS4 Construction Review** Intended for use by a suitably qualified independent design professional who undertakes construction monitoring of the building works where the BCA requests a producer statement prior to issuing a Code Compliance Certificate.

This must be accompanied by a statement of completion of building work (Schedule 6).

The following guidelines are provided by ACENZ, IPENZ and NZIA to interpret the Producer Statement.

### Competence of Design Professional

This statement is made by a Design Firm that has undertaken a contract of services for the services named, and is signed by a person authorised by that firm to verify the processes within the firm and competence of its designers.

A competent design professional will have a professional qualification and proven current competence through registration on a national competence based register, either as a Chartered Professional Engineer (CPEng) or a Registered Architect.

Membership of a professional body, such as the Institution of Professional Engineers New Zealand (IPENZ) or the New Zealand Institute of Architects (NZIA), provides additional assurance of the designer's standing within the profession. If the design firm is a member of the Association of Consulting Engineers New Zealand (ACENZ), this provides additional assurance about the standing of the firm.

Persons or firms meeting these criteria satisfy the term "suitably qualified independent design professional".

### \*Professional Indemnity Insurance

As part of membership requirements, ACENZ requires all member firms to hold Professional Indemnity Insurance to a minimum level.

The PI Insurance minimum stated on the front of this form reflects standard, small projects. If the parties deem this inappropriate for large projects the minimum may be up to \$500,000.

### Professional Services during Construction Phase

There are several levels of service which a Design Firm may provide during the construction phase of a project (CM1-CM5 for Engineers<sup>3</sup>). The Building Consent Authority is encouraged to require that the service to be provided by the Design Firm is appropriate for the project concerned.

### Requirement to provide Producer Statement PS4

Building Consent Authorities should ensure that the applicant is aware of any requirement for producer statements for the construction phase of building work at the time the building consent is issued as no design professional should be expected to provide a producer statement unless such a requirement forms part of the Design firm's engagement.

### Attached Particulars

Attached particulars referred to in this producer statement refer to supplementary information appended to the producer statement.

### Refer Also:

- 1 Conditions of Contract for Building & Civil Engineering Construction NZS 3910: 2013
- 2 NZIA Standard Conditions of Contract SCC 2011
- 3 Guideline on the Briefing & Engagement for Consulting Engineering Services (ACENZ/IPENZ 2004)
- 4 PN Guidelines on Producer Statements

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