
All parts of this assignment are based on the lump sum building contract described in the following 'Scenario'.

Scenario (Part 1)

You have been given a copy of the lump sum contract which is comprised of the following component documents:

1. Formal instrument
2. AS4000-1997 - General conditions of contract
3. AS4000-1997 - Annexure Part A
4. AS4000-1997 - Annexure Part B
5. Scope of Works
6. Tender program
7. Bill of quantities
8. Technical specifications
9. Construction drawings

Task 1

For each of the three component documents listed below, describe in your own words it's:

- a) appearance and contents, and
- b) purpose &/or role in the contract

1. Formal instrument
5. Scope of Works
8. Technical specifications

Randomly
select 3 from
9 above
(Item no's to
remain with
description)

Note: Include clause references from AS4000 where applicable.

(100-200 words for each item)

Task 2

Nominate one component document from the list in Task 1 in which the information for the following will be included. Nominate one document only for each of the following – no further explanation is required:

- CHECK THESE**
- a) the parties to the Contract
 - b) dimensions for the Works
 - c) the type and amount of security to be provided by the Contractor
 - d) the contract sum
 - e) the person nominated to act on behalf of the Principal
 - f) the scope of the Works
 - g) the conditions upon which the Contractor is to be given possession of site
 - h) details of the Contractor's obligation to notify of a change to the times between which work will be carried during the day
 - i) specific details of the materials to be used in the Works
 - j) the requirement for evidence of insurances
 - k) clauses that have been deleted from the General Conditions in AS4000
 - l) which party is required to insure against liability for death or injury to persons employed by the Contractor
 - m) which party is required to effect the public liability policy for the project
 - n) the sequence in which the Superintendent expects the Contractor to undertake the Works
 - o) the agreed duration of the contract
 - p) the technical description of WUC
 - q) the geometric details of the Works
 - r) the amounts of any provisional sums
 - s) the extent to which the Contractor is responsible for provision of site amenities for the Superintendent
 - t) how much information about the project that the Contractor can include in it's industry magazine advertising

Randomly
select 5
from list
and number
sequentially

Note: List clause references for any item that will be found in AS4000-1997.

Scenario (Part 2)

Copies of the following component documents from the contract are attached:

- Annexure Part A
 - Annexure Part B
 - Bill of quantities
- 2 versions of this combined document (to be attached)**
- 2 versions of this document also (to be attached)**

Randomly
select one.

Randomly
select one.

REPEATED CHANGES

words to be deleted

was agreed:

Additional Details:

- A. Date of acceptance of tender = 02/06/2017.
- B. ~~It was agreed that~~ the Contractor's overheads and profit percentage: 13%
- C. The Contractor did not reach practical completion until: 01/06/2018
- D. The Superintendent has certified a cumulative total amount of \$560,000.00 to be added to the contract sum.
- E. Eight weeks ago the Contractor issued a notice of dispute but the dispute has not been resolved.

Additional Details:

- A. Date of acceptance of tender = 12/06/2017.
- B. It was agreed that the Contractor's overheads and profit percentage: 13%
- C. The Contractor did not reach practical completion until: 01/06/2018
- D. The Superintendent has certified a cumulative total amount of \$560,000.00 to be added to the contract sum.
- E. Eight weeks ago the Contractor issued a notice of dispute but the dispute has not been resolved.

Additional Details:

- A. Date of acceptance of tender = 02/06/2017.
- B. It was agreed that the Contractor's overheads and profit percentage: 15%
- C. The Contractor did not reach practical completion until: 01/06/2018
- D. The Superintendent has certified a cumulative total amount of \$560,000.00 to be added to the contract sum.
- E. Eight weeks ago the Contractor issued a notice of dispute but the dispute has not been resolved.

Additional Details:

- A. Date of acceptance of tender = 12/06/2017.
- B. It was agreed that the Contractor's overheads and profit percentage: 15%
- C. The Contractor did not reach practical completion until: 01/06/2018
- D. The Superintendent has certified a cumulative total amount of \$560,000.00 to be added to the contract sum.
- E. Eight weeks ago the Contractor issued a notice of dispute but the dispute has not been resolved.

4 6-versions
of this set
of data
Randomly
select one.

Task 3

MISSING

- By what date should the Principal have given the Contractor possession of site?
- How many days late was the date of practical completion?
- How much is the contract sum?
- How long did the Principal have to rectify inadequate Contractor's possession of the site?
- How long is the defects liability period?
- What is the value of the security that should have been provided by the Contractor initially?
- In what form should the Contractor initially have provided security?
- Who is responsible for nominating the arbitrator to resolve the ongoing dispute?
- The units of measure used in the bill of quantities are legal units of what jurisdiction?
- Who is responsible for protecting surplus 'Principal supplied' materials that the Principal does not want returned to the supplier until after practical completion?

All 10 items
to be
answered

Note: Show your workings where applicable and relevant references from AS4000-1997.

Task 4

Randomly
select one

- According to AS4000 what actions should the Contractor / Principal have taken by within 6 weeks of the contract date?
- What is the total amount of security that the Principal is entitled to be holding now (one week after practical completion was achieved). Explain your logic.
- The Superintendent has certified that WUC is complete and the parties have agreed that the actual quantities of work carried out under each B/Q Item. What amounts should be added to or deducted from the contract sum if the final actual quantities are:

Item: 12 = 1204 sq m

Item: 13 = 1004 sq m

Item: 14 = 1267 sq m

Item: 15 = 3104 sq m

Item: 16 = 12 sq m

3 versions
of this set
of data
Randomly
select one

SI B/Q 07
B/Q 11
B/Q 12
B/Q 15
B/Q 20
B/Q 21

Note: List relevant references from AS4000-1997 and show your workings for 2 & 3.

Task 5

Calculate the adjustment required to the contract sum if:

- a) the amount invoiced by a subcontractor to the Contractor for work done under a provisional sum was as follows:

Provisional Sum	= \$108,000.00
Subcontractor invoice	= \$94,500.00

- b) the artwork in Item B/Q 012 of the bill of quantities is **deleted** from the Contract

- c) the **total cost** to the Contractor of work carried out by the Contractor in relation to a provisional sum was as follows:

Provisional Sum	= \$107,500.00
Contractor's <u>costs</u>	= \$98,900.00

Note: Show your workings and relevant references from AS4000-1997.



Calculate the adjustment required to the contract sum if:

- a) the amount invoiced by a subcontractor to the Contractor for work done under a provisional sum was as follows:

Provisional Sum	= \$108,000.00
Subcontractor invoice	= \$95,400.00

- b) the artwork in Item B/Q 012 of the bill of quantities is **deleted** from the Contract

- c) the **total cost** to the Contractor of work carried out by the Contractor in relation to a provisional sum was as follows:

Provisional Sum	= \$105,700.00
Contractor's <u>costs</u>	= \$98,900.00

Note: Show your workings and relevant references from AS4000-1997.

25 versions
of this set
of data
Randomly
select one

Task 6

Assume you the Superintendent for the contract described in the assignment scenario. A situation has arisen where, although you are not certain, you suspect that the quality of one face of a reinforced concrete footing may not meet the requirements of the specification. Unfortunately, the footing was backfilled before you had an opportunity to inspect the workmanship.

Prepare a notice to the Contractor, directing it to open up the work for inspection. It should also inform the Contractor of the possible consequences of this direction and of any defective work that may be revealed by the inspection.



Make the following assumptions regarding the assignment scenario:

- you are the Superintendent for the Contract
- the Contractor is obliged to effect insurance of the Works
- the date for giving the Contractor possession of the site has passed
- whilst the Contractor asserts that the insurance has been effected, it has not provided any evidence of such insurance to the Principal

Prepare a notice to the Contractor, informing it of the contractual consequences of its failure to comply with the Contract.



Make the following assumptions regarding the assignment scenario:

- you are the Superintendent for the Contract
- heavy rain caused the sides of a deep excavation which is part of WUC to become unstable
- a residential building on the adjacent lot is likely to be undermined and collapse within hours unless emergency shoring work is carried out urgently
- it is after midnight and the Contractor's representative has not been contactable for the past 2 hours

Prepare a notice to the Contractor, informing it that the Principal intends to take the urgent action necessary to prevent collapse of the neighbouring building and advising of the contractual consequences of the Contractor's failure to take action.



Make the following assumptions regarding the assignment scenario:

- you are the Contractor's representative for the Contract
- the Principal has not made any payment of moneys due for more than two months
- two weeks ago, in accordance with Cl 39.8 you gave the Principal a notice to show cause within eight days of the notice
- the Principal has not replied

Prepare a notice to the Principal informing it that the Contractor is suspending the whole of WUC, and advising of the potential consequences of the Principal's failure to show cause.

4-5
versions
Randomly
select one

These two should be separated

2

15

14

Task 7

Specify where in AS4000-1997 the following can be found:

- a) identities of the parties to the Contract
 - b) details of substantial breaches by the parties
 - c) how a construction program is instigated
 - d) identity of a nominated subcontractor
 - e) risks of loss or damage to WUC for which the Principal is liable
 - f) whether the bill of quantities forms part of the Contract
 - g) from whom the Contractor is required to take instructions/directions
 - h) in what manner the Superintendent should act
 - i) the primary obligations of the parties to the Contract
 - j) the period after a party becomes aware of a claim in relation to a Superintendent's direction within which the party is required to issue a notice of dispute
 - k) an explicit statement defining a substantial breach by the Principal that is caused by a failure of the Superintendent
 - l) whether the Superintendent has the authority to prevent the Contractor from removing its own equipment from the site once it is no longer required
 - m) who is responsible for the cost of rectifying damage classified under Cl 15.1 d)
 - n) the purpose for which the Principal is permitted to copy the documents in Cl 8.3 a)
 - o) how the work required to rectify damage caused by an excepted risk is valued
 - p) the Contractor's obligation to avoid interference with the ability of pedestrians to move past the site
 - q) what measures the Contractor can take if the Superintendent does not respond as required under Cl 34.6 after receiving the Contractor's request for issue of a certificate of practical completion
-

Randomly
select 6
from list
and number
sequentially

CHECK THESE

Task 8

In your own words describe the purpose of each of the following:

- a) Provisional sum
- b) Order of precedence
- c) Selected subcontractor
- d) Time bar
- e) Cross liability
- f) Novation
- g) Formal instrument of agreement
- h) Annexure Part A Separable Portions
- i) Security
- j) Final certificate

*Randomly
select 2
from list
and number
sequentially*

Note: Use APA Style referencing (including In-text citations and Reference list).

(100-200 words for each item)

Task 9

This task requires you to undertake some in-depth research and analysis. Your response should draw from at least two recognised external sources (excluding Goldfayl).

- a) Investigate the term "in escrow", then

- a) In escrow
- b) Time bar
- c) Prescribed notice
- d) Contract sum

*Randomly
select 1
from list*

- b) Describe in your own words:

- i. what it means in the context of AS4000-1997,
- ii. how &/or when it is used in administering AS4000-1997, and
- iii. differences between its application in AS4000-1997 and in AS2124-1992.

Note: Use APA Style referencing (including In-text citations and Reference list).

(200-3000 words)