

DRAFT

APPENDIX 'C'

SAMPLE FOR ARCHITECT'S CERTIFICATE PURSUANT TO
CLAUSE 35.6 OF CONDITIONS OF CONTRACT

SAMPLE

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**ARCHITECT'S CERTIFICATE PURSUANT TO CLAUSE 35.6
OF CONDITIONS OF CONTRACT**

Date: []
Job no: []
To: []
Works: [Superstructure work]
Location: []

Whereas:

- (a) Pursuant to a Contract entered into on [] ("the Contract") between [] ("the Employer") and [] ("the Main Contractor") the superstructure works at the Site known as [] ("the Works").
- (b) By a Notice dated [] the Employer had determined the Main Contractor's employment in accordance with Clause 35.1 of the Contract.
- (c) The Works have been completed and the accounts therefore have been completed and verified by ourselves.

In accordance with Clause 35.6 of the Contract we hereby certify that the amount of debt due to the Employer from the Main Contractor caused by the determination of the Main Contractor's employment are as follows :-

- | | | |
|--------|--|----------------------|
| (1)(a) | The total cost incurred by the Employer in completing the Works | [INSERT IN FIGURES] |
| (1)(b) | The amount that would have cost the Employer to have carried out and completed the Works if the determination had not occurred | [INSERT IN FIGURES] |
| (2) | Debt due to the Employer from the Main Contractor
(1(a) – 1(b)) | +[INSERT IN FIGURES] |

(Authorised signature)

FOR AND ON BEHALF OF
ARCHITECT

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APPENDIX 'D'

SAMPLE FOR STATEMENT OF DEBT RECOVERABLE FROM
CONTRACTOR PURSUANT TO CLAUSE 35.6
OF THE CONDITIONS OF CONTRACT

SAMPLE

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[PROJECT TITLE]

Calculation of Debt Recoverable from
Contractor Pursuant To Clause 35.6
of the Conditions Of Contract

		Total \$
1.	Total Cost Incurred by the Employer in Completing the Works	
(a)	<u>Expenses incurred by the Employer</u> (refer Cl.35.5(a))	
	Completion Contract (excluding the cost of Variations instructed after determination)	[]
(b)	<u>Damage and direct loss and/or expense caused to the Employer</u> (refer Cl.35.5(b))	
(i)	Liquidated and ascertained damages due up to the date of determination	[]
(ii)	Direct payments to unpaid workers , if any	[]
(iii)	Direct payments to laboratories for unpaid testing fees, if any	[]
(iv)	Direct payment for security measures upon re-entry, if any	[]
(v)	Insurances upon re-entry, if any	[]
(vi)	Emergency works upon re-entry, if any	[]
(vii)	Testing works upon re-entry, if any	[]
(viii)	Additional costs of separate contracts, if any	[]
(ix)	Other works by Government Department and Utility Companies, if any	[]
(x)	Additional Consultants Fees , if any	[]
(xi)	Legal fees , if any	[]
	1.(b) =	[]
	1.(a) + 1.(b) =	[]

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SAMPLE

[PROJECT TITLE]

STATEMENT OF DEBT RECOVERABLE FROM
CONTRACTOR PURSUANT TO CONDITIONS OF
CONTRACT CLAUSE 35.6 OF THE CONTRACT

		Total \$
1.	<u>Total Cost Incurred by the Employer in Completing the Works</u> (Cont'd)	
(c)	<u>Payment made or otherwise discharged in favour of the Contractor</u> (refer Cl.35.5(c))	
(i)	Amount certified and paid to Contractor, net of any retention held	[]
	(LESS)	
(ii)	Bond recovered, if any*	[Credit]
(iii)	Proceed of sale of plants and equipment on Site, if any	[Credit]
	1.(c) =	[]
	Total Cost Incurred by the Employer in Completing the Works (refer Cl.35.6(a))	[]
	Item 1 = 1.(a) + 1.(b) + 1.(c) =	[]
2.	<u>Amount payable had the Contractor been completed the Works</u> (refer Cl.35.6(b))	
(a)	Estimated Notional Final Contract Sum	[]
	Item 2 =	[]
3.	<u>Debt recoverable from Contractor pursuant to Clause 35.5 of the Conditions of Contract</u>	
	Item (1 - 2) =	+ []
	* money recovered from on-demand bond without the requirement to substantiate for the actual loss suffered or from performance bond which actual loss is required to be substantiated.	