

10 October 1985

Lands and Works Branch Technical Circular No. 22/85

Contract Signing Procedures

Lands & Works Branch Technical Circular No. 3/82 is cancelled. The present circular is a revision of part of LWB TC No. 3/82, the remaining parts being covered by :-

- L.W.B.T.C. No. 19/85 - Security and Retention Money, and Standard Form of Bond  
20/85 - Conditions of Tender  
21/85 - Acceptance of Tender  
23/85 - Incorporation of Amendments into Contract Documentation

Prior to contract signing

2. Identical sets (number to suit Departmental requirements) of documents comprising the contract (i.e. those referred to in the Articles of Agreement) shall be prepared. One set shall combine the booklet returned by the successful tenderer with all the other documents comprising the contract with the exception of the General Specification. The other sets shall be prepared utilising duplicate copies of standard documents and photo copies of non-standard documents taken from the returned tender.

3. The documents shall be bound into separate sets, each set in one volume if practicable, although Drawings are normally bound together in a separate volume. Tape shall be threaded through holes punched in the documents and knotted. The knots shall be sealed with wax and the Office seal applied. The contractor should be given the opportunity of also fixing his seal to the ends of the tape. If further volumes are necessary each volume shall be similarly taped and clearly marked to indicate the total number of volumes in the set (e.g. volume 1 of three volumes).

4. Prior to signing the Articles of Agreement the contractor should submit and the officer responsible for the preparation of the document shall inspect :-

- (a) (i) the bond, if the contractor has elected to provide one (refer to PWDTC 83/77), or
- (ii) the receipt for payment of the security deposit, (in which case the receipt number shall be entered in the space provided on the Form of Tender),
- (b) any insurance policies and receipts for the payment of their premiums, that are required by the contract,
- (c) a power of attorney, if the Articles of Agreement are to be executed under the same,
- (d) any other item required by the contract prior to signing.

5. If the Articles of Agreement are to be signed under a power of attorney and the contractor's representative fails to produce an acceptable power of attorney (PWDTC 83/73 and PWDTC 84/73) prior to the signing then the signing shall be postponed until either an acceptable power of attorney is produced or the contractor's principals sign in person.

6. If the contractor fails to produce any of the items referred to in para. 4 then the signing should be postponed until they are available but it is recognised that there may be exceptional circumstances which, in the opinion of the signing officer, dictate that the signing should be proceed.

#### Formal contract signing

7. Refer to P.W.D. Technical Circulars 83/73, 84/73, 8/74, 9/81, 10/81 and 12/81 and any subsequent amendments with regard to person(s) authorised to sign Articles of Agreement on behalf of the contractor and Government. If the requisite signatories are not present a new date for signing shall be arranged and in the event of the contractor's failure to comply the matter shall be referred to L&WB. If the requisite signatories are present the formal signing shall proceed. The set of contract documents incorporating the returned tender and one other set shall be completed as follows:

- (a) any changes to the printed text shall be initialled by one of the contractors signatories, the Government signatories and the witness but see Lands & Works Branch Technical Circular on this subject;

- (b) the Articles of Agreement signed by all the requisite signatories and the witness;
- (c) a wafer applied alongside the Government signature and, where either (a) or (c) of the Articles of Agreement is used a wafer applied alongside the contractors signature(s); where alternative (b) is used the contractor's seal applied alongside his signature instead of a wafer;
- (d) if a set comprises more than one volume the top sheet of each volume, other than that containing the Articles of Agreement shall be signed by all the signatories and the witness and dated.

8. After the executing of the contract documents the power of attorney, any receipt for payment of the security deposit, and insurance policy shall be returned to the contractor but any insurance policy specific to the contract in hand (i.e. other than an annual policy) shall be kept by the Office administering the contract.

#### Distribution of Contract Documents and Disposal of Unsuccessful Tenders

9. All unsuccessful tenders shall be notified that their tender has not been accepted immediately after the letter of acceptance has been sent, or upon notification from tender board that no tender is to be accepted.

10. Submissions from unsuccessful tenderers shall be retained for a period of three months after commencement of the contract on site, or, until receipt of a notification from tender board that no tender is to be accepted, after which they may be destroyed.

11. The set of signed and sealed documents incorporating the contractors original submission together with the bond (if any) shall be forwarded to the Director of Accounting Services for safe custody. The other set of signed and sealed documents shall be forwarded to the contractor by registered post, or given by hand and a receipt obtained. Two of the sets of unsigned documents shall be forwarded to the Director of Audit and to the Secretary for Lands and Works. The remaining sets shall be used as required to suit Departmental requirements.

**( J.R. Todd )**  
**Secretary for Lands and Works**