

# Schedule of Contractual authorities (Minor Works Contracts)

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## Minor Works contracts - General Conditions of Contract

Refer to [Notes](#) regarding use of these authorities.

Clause title	Clause No	Authorities (Minor Works contracts - General Conditions of Contract)	Principal's approval required?	Comments or restrictions
Contract	2.3	Direct the interpretation to be followed in case of discrepancy, ambiguity or error	Yes	If the Principal may incur additional cost
Design and Construction	3.2	Require statutory certificates	No	
	3.3	Direct departure from Principal's design	Yes	
Insurance	5.4	Approve policies insurers and terms	No	
	5.6	Require Contractor to provide evidence of insurance policies	No	
		Effect or maintain insurance in event of Contractor's failure to do so	Yes	Principal to pay premiums
Site and Possession	6.1, 6.2	Give possession of the Site	Yes	
Site Conditions	7.2	Direct a variation for Site conditions	Yes	
Non-Conforming Work	8.2	Direct uncover and recover work, or additional testing or re-testing	Yes	If the Principal may incur additional cost
	8.3	Decide on reasonable costs payable or assess those costs	Yes	
	8.4	Direct correction to non-conforming work	No	
	8.5	Direct others to correct non-conforming work	Yes	
	8.6	Assess the reasonable costs for others to correct non-conforming work	No	
	8.7	Accept all or some of the non-conforming work and assess the increase or decrease in the value and any other loss or detriment	Yes	
Variations	9.1	Direct a variation	Yes	
	9.2	Agree on or assess variation amount	Yes	
Suspension	10.1	Direct Contractor to suspend all or part of the Works	Yes	
	10.2	Agree on or assess extra costs	Yes	
	10.3	Direct to recommence the Works	No	
Completion of the Works	11.3	(a) Determine if the Works have reached date of Completion; and (b) give Contractor written notice of determination of Completion	No	
Delay in Completion	12.1	Determine the cause of delay and the period for Completion to be extended	Yes	
	12.2	Assess a reasonable extension of time; extend the period for Completion	Yes	
Payment and Retention	13.2	Request a statutory declaration	No	
	13.3	Provide a payment schedule	No	Copy to the Principal for payment. Inform the Principal if withholding any payment

Clause title	Clause No	Authorities (Minor Works contracts - General Conditions of Contract)	Principal's approval required?	Comments or restrictions
	13.5	Make payment	Not Project Manager Role	Inform Principal
	13.8	Retain 2.5% of Contract Sum	No	
Defects Liability Period	14.2	Direct any non-conforming work be corrected and specify a reasonable time	No	
	14.3	Have any non-conforming work corrected by others	Yes	
	14.4	Assess the reasonable costs of any non-conforming work corrected by others	No	
	14.5	Determine the amount of retention moneys to be paid, or unconditional undertakings to be returned at the end of the Defects Liability Period less any amounts	No	Advise the Principal
Default and Insolvency	15.1	Write, specifying breach and asking reasons why Principal should not take further action	Yes	
	15.4	Take over the uncompleted Works; suspend payments and have the Works completed by others	Yes	
	15.5	Terminate the Contract	Yes	
	15.6	Calculate the difference	No	
	15.7	Make a written demand for payment	No	
	15.8	Pay excess to Contractor	Not Project Manager Role	Advise the Principal
Disputes	16.1	Provide notice of a dispute	Yes	Inform Principal if a notice of a dispute is received
	16.2	Attempt to resolve the dispute	Yes	
	16.3	a) appoint independent Expert, or b) request nomination of Expert, or c) nominate an Expert	Not Project Manager Role	Advise the Principal
	16.5	Appoint expert in writing		
	16.7	Make a written submission to the Expert	Yes	

## Minor Works contracts - Preliminaries

Refer to [Notes](#) regarding use of these authorities.

### Guidance notes

- Clauses and clause numbering in the contract may differ from this schedule. Revise this schedule if required to correspond with the contract.
- Remove these guidance notes.

Clause title	Clause No	Authorities (Minor Works Contracts - Preliminaries)	Principal's approval required?	Comments or restrictions
<b>Administration and Contracting</b>				
Collusive Arrangements	1.3	Withhold from any payment due on any account an equivalent sum as liquidated damages.	Yes	

Clause title	Clause No	Authorities (Minor Works Contracts - Preliminaries)	Principal's approval required?	Comments or restrictions
Exchange of information between government agencies	1.4	Make information concerning the Contractor available to other NSW agencies	Yes	
		Reject claims arising out of the provision or receipt of information	Yes	
Goods and Services Tax - Reimbursable Expenses	1.5	Amount of the reimbursable expense and GST	No	Assess amount and advise the Principal
Goods and Services Tax - Recipient Created Tax Invoices		Enter into a Voluntary Agreement for the withholding of Pay as You Go taxation	Not Project Manager role	
		Notify the Contractor if Principal ceases to be registered or if it ceases to satisfy any requirements for the issue of RCTI's.	Yes	If so advised by Principal
		Issue Recipient Created Tax Invoices and Adjustment Notes	No	
Goods and Services Tax - Pay as You Go		Withhold tax from payments	No	
Quality Management requirements - Inspection and Test Plans	1.8	Endorse to proceed beyond a Hold point.	No	
Quality Management requirements - Failure to Comply		Implement inspections and tests	No	
Security of Payment - Trust for Cash Security and Retention Moneys	1.10	Request evidence verifying an amount is held in trust.	No	
		Withhold an equivalent amount from payments	Yes	
Security of Payment - Register of Subcontracts		Request an up to date copy of the subcontracts register.	No	
		Request an unpriced copy of the subcontract agreement.	No	
Additional Security and Obligations for Trustees	1.11	Retain security against the due and proper performance	No	
		Return the unconditional undertaking	Yes	
Protection of children and other vulnerable people	1.14	Advise person poses unacceptable risks	No	
		Instruct screening form	No	
<b>Site and Works</b>				
Working hours and working days	2.2	Approve a variation to the working hours or working days and attach conditions	Yes	Recommend conditions if applicable

Clause title	Clause No	Authorities (Minor Works Contracts - Preliminaries)	Principal's approval required?	Comments or restrictions
Hazardous substances - Response to Unexpected Discovery	2.5	Require reasonable details of unexpected discovery	No	
Hazardous substances - Decontamination by Principal		Suspend the whole or any part of the Works until the hazardous substances are isolated or removed.	Yes	
Hazardous substances - Working Hours		Approve decontamination be carried out other than outside normal hours of occupation	Yes	
Work Method	2.11	Direct that a particular work method must be used	No	
		Accepted or approve proposed work method	No	
Proprietary items- Implication	2.14	Identify a proprietary item	No	
Proprietary items- Alternative Offer		Approve an alternative to any proprietary item	No	