

Appendix 20

Sample Documents for General Maintenance Works Contract

A
p
p
e
n
d
i
x

Appendix 20 Sample Documents for General Maintenance Works Contract

Notes:

The attached samples are correspondence for invitation of tenders (with or without Project Consultant), as well as samples of contract conditions for small scale maintenance works (contract amount up to HK\$1 million). For works exceeding HK\$1 million, it is considered to the best interest of the owners to engage a building professional as a Project Consultant to coordinate, arrange and supervise the required works.

The suggested formats of letters and documents for building maintenance works in this Appendix have been prepared by private consultants. They are for reference only. Advice should be sought from Project Consultants, if employed by the building owners for the proposed works, on whether such formats should be modified to suit the special circumstances of each case. If no Project Consultant has been employed for the works, the building owners should at least appoint an experienced member from the Project Steering Committee or appropriate person with backgrounds in contract administration to give similar advice.

Appendix 20 Sample Documents for General Maintenance Works Contract

(1) Sample of "Tender Document for Maintenance Works below HK\$1 Million (With Project Consultant)"

To : Contractor's name and address

Re : (Title of Contract)

On behalf of our Client, _____ **[Name of OC]**, we invite you to submit a tender for the above works. Enclosed please find the following documents for your information which would form parts of your tender:

- Form of Tender
- Specifications
- Schedule of Rates
- One set of Tender Drawings

The scope of works, terms and conditions as well as the relevant project particulars are listed below:

1. **Site Location** - _____

2. **Project Particulars**

Employer - _____

Project t - _____

3. **Scope of Works**

The works to be carried out shall comprise (but not to be limited to the following items):

3.1 The Contractor shall use his best endeavor to complete all works as required and as directed by the Employer/Project Consultant.

3.2 }
 3.3 } work items
 3.4 }
 3.5 }

Appendix 20 Sample Documents for General Maintenance Works Contract

(1) *Sample of "Tender Document for Maintenance Works below HK\$1 Million (With Project Consultant)"(continues)*

4. Terms and Conditions

- 4.1 The materials and workmanship for the works shall follow the attached Specifications. In case of doubt or discrepancy, the Project Consultant shall be notified as soon as possible for necessary clarification.
- 4.2 Apart from the Form of Tender, the Contractor should also complete and submit the Schedule of Rates with the tender. The tendered sum shall be deemed to include all costs associated with all the works, such as provision of temporary electricity and water, overheads, insurances, supervision and other expenses as well as the contract preliminaries.
- 4.3 The Contractor is advised to visit the Site and make himself thoroughly acquainted with the location, general site conditions, accessibility, restrictions for loading and off-loading plants, etc., and any other conditions which may affect pricing. No claims for extra payment or extension of time for completion will be allowed on the grounds of ignorance of the conditions under which the Works are to be carried out.
- 4.4 The contract period shall be _____ calendar days starting from the approved contract commencement date. Liquidated damages shall be HK\$ _____ per day.
- 4.5 Any defects, excessive shrinkages or other faults, which appear within _____ months of the date of completion certified by the Project Consultant and which are due to materials or workmanship not in accordance with the Contract, shall be made good by the Contractor within a reasonable time entirely at his own cost, unless otherwise instructed by the Project Consultant. The Project Consultant shall certify the date when, in his opinion, the Contractor's obligations under this clause have been fulfilled.
- 4.6 The tender shall be a lump sum fixed price tender for the carrying out of the whole works in conformity with the Drawings and the Specifications.
- 4.7 Except where specifically stated to the contrary, all prices entered in the tender shall be at the risk of the contractor and no adjustment will be made at the settlement of accounts.
- 4.8 The tender shall be valid and open for acceptance for a period of 90 calendar days from the tender closing date.
- 4.9 The Project Consultant may issue instructions regarding the alteration of the design, quality or quantity of the Works and he may confirm in writing any variation made by the Contractor.

Appendix 20 Sample Documents for General Maintenance Works Contract

(1) *Sample of "Tender Document for Maintenance Works below HK\$1 Million (With Project Consultant)"(continues)*

5. Payment

- 5.1 The Project Consultant shall, at intervals of one month, issue Interim Certificates stating the amount due to the Contractor from the Employer.
- 5.2 For the purpose of ascertaining the amount due in Interim Certificates, the Project Consultant shall satisfy himself as to the estimated value of the Works properly carried out, calculated in accordance with the sums or rates, if any, contained in the Contract Documents.
- 5.3 The total ascertained under 5.2 shall be subject to the deduction of a retention of 10% and any previous payments made by the Employer.
- 5.4 The Project Consultant shall within fourteen days after the certified date of completion, issue the Practical Completion Certificate or Penultimate Certificate. The total ascertained for the Practical Completion Certificate or Penultimate Certificate shall be subject to the deduction of a retention of 5% and any previous payments made by the Employer.
- 5.5 The Project Consultant shall within fourteen days after the certified date of completion of making good defects, issue the Final Certificate. The Final Certificate shall state amounts remaining and due to the Contractor or due to the Employer as the case may be.
- 5.6 The Employer shall honour the Certificate within 28 days upon submission by the Contractor.

6. Insurance

- 6.1 The Contractor is required to effect and maintain appropriate insurance for the Works.
- 6.2 The Contractor is also required to insure for and shall indemnify the Employer against claims or proceedings arising in respect of injury to property or injury to or the death of persons in the course of carrying out the Works.

Appendix 20 Sample Documents for General Maintenance Works Contract

- (1) *Sample of "Tender Document for Maintenance Works below HK\$1 Million (With Project Consultant)"(continues)*

7. Surety Bond

- 7.1** The Contractor shall obtain the guarantee of an Insurance Company or Bank, in the sum of HK\$ _____, to be jointly and severally bound with the Contractor to the Employer for the due performance of the Works/Contract and the terms of the said Bond shall be approved by the Employer and the cost of obtaining the Bond shall be borne by the Contractor.

Your tender must be returned to the tender box of this office at _____ on or before _____ in a plain and sealed envelope with the cover marked project name. Late submission will not be accepted.

Yours faithfully,

C.C.

Appendix 20 Sample Documents for General Maintenance Works Contract

(2) Sample of "Tender Document (Without Project Consultant)"

Date:

To: Contractor's name and address

Tender Notice - Maintenance Project

You are invited to submit a tender for a maintenance project for our building, details of which are listed in the attached Form of Tender. If your company is interested in the project, please submit a tender to the Owners Corporation on or before _____ [Time & Date] and drop it in the Tender Box at _____ [Address]. Late submission will not be accepted.

Your tender should also include a photocopy of your Business Registration Certificate, details of similar projects undertaken including position, contact details of referees and information of your company's financial condition.

In case of doubt, please contact _____ [Name and telephone number of the person authorized by the Owners Corporation] directly.

Signature: _____

Name: _____

Chairman

Management Committee of the Owners' Corporation

Encl. Form of Tender **

(**See attached sample at (3))

Appendix 20 Sample Documents for General Maintenance Works Contract

(3) Sample of "Simplified Form of Tender (Without Project Consultant)"

Form of Tender			
1. Site Location	-	_____	

2. Employer	-	_____	
3. Scope of Works		<u>Quantity</u>	<u>Unit Rate</u> <u>Sub-total</u>
3.1	} (Work items to be specified by Employer)		
3.2			
3.3			
3.4			
	Total:		
4. Preliminaries			
5. Contract Period	-	_____	calendar days
			(preferably to be specified by Employer)
6. Payment Terms	(to be specified by Employer)		

	Total Tendered Sum (3.+4.): _____		

_____	Signature and Stamp of Contractor		_____
			Date

Appendix 20 Sample Documents for General Maintenance Works Contract

(4) Sample of "Record of Invitation for Tenders"

Date: _____

Record of Invitation for Tenders

Invitation letters for tenders for _____ [project name] have been sent to the following companies:

Name of Company	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____

Signature: _____

Name: _____

Chairman

Management Committee of the Owners' Corporation

Appendix 20 Sample Documents for General Maintenance Works Contract**(5) Sample of "Record of Collection for Tenders"**

(Description of Project)

Record of Collection of Tenders

Name of Company	Acknowledgement of Receipt of Tender Documents & Date
-----------------	---

1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____

Appendix 20 Sample Documents for General Maintenance Works Contract

(6) Sample of "Record of Opening Tender"

Record of Opening Tender

Tenders for _____ have been invited and those received before the submission deadline were opened on _____ [Time & Date]. A total of _____ tenders in respect of the above-mentioned project were received, names of which and their respective tender prices are listed below:

Name of Tenderer

1. _____
2. _____
3. _____
4. _____
5. _____

Tender Price

- _____
- _____
- _____
- _____
- _____

Signature of Witnesses

Name

1. _____
2. _____
3. _____
4. _____
5. _____

Post

- _____
- _____
- _____
- _____
- _____

Signature

- _____
- _____
- _____
- _____
- _____

Appendix 20 Sample Documents for General Maintenance Works Contract**(7) Sample of "Letter to Announce Tendering Result (For unsuccessful tenderers)"**

Date:

To: Tenderers

Dear Sir,

Tendering Result (For unsuccessful tenderers)

Thank you for your tender submitted for _____ [Name of Project] at our building, I regret to inform you that you have not been selected for the Works. The selected company is _____ with a price of _____.

If you have any queries, please contact _____ [Name / Post] of the Owners Corporation at _____.

Signature: _____

Name: _____

Chairman

Management Committee of the Owners' Corporation

Appendix 20 Sample Documents for General Maintenance Works Contract

(8) Sample of "Notice on Resolution on the Selection of Contractor"

Date: _____

To: Owners/Occupants

Resolution on the Selection of Contractor

I refer to the tendering exercise held recently for _____ at our building. After careful consideration, it was resolved that the contract would be awarded to _____ [Name of the Company] in the sum of HK\$ _____, reason(s) being: _____

SAMPLE

Signature: _____

Name: _____

Chairman
 Management Committee of the Owners' Corporation

Appendix 20 Sample Documents for General Maintenance Works Contract

(9) Sample of "Letter of Award and Contract Conditions (With or Without Project Consultant)"

Date:

(ABC Construction Co. Ltd.)

(Address)

Dear Sirs,

Re : (TITLE OF CONTRACT) – LETTER OF AWARD

We thank you for your Tender submitted on [Date] and the subsequent discussions in connection with the above.

I have been duly authorized by the Employer, _____,
to award to you the contract for the captioned contract.

The award is subjected to the following terms and conditions :-

1. Contract Sum

The Contract Sum shall be in the amount of HK\$ _____
(Hong Kong Dollars _____ Only) derived as follows:

HK\$

1.1 Original Tender Price

1.2 Less

1.3 Add

etc.

TOTAL HK\$ _____

Appendix 20 Sample Documents for General Maintenance Works Contract

(9) Sample of "Letter of Award and Contract Conditions (With or Without Project Consultant)" (continues)

2A. Commencement and Completion Dates (See drafting note 1)

You are required to carry out works within the Designated Contract Area of this contract as delineated in Drawing No. _____ (Hereinafter called "the site").

Possession of the Site for commencement of the Works shall be _____ (date, usually 2 weeks to 1 month from the date of award) which will also be the Commencement Date of the Contract.

The whole of the Works shall be completed within _____ calendar days from the Commencement Date, that is to say, the Completion Date shall be _____ (date).

DRAFTING NOTE 1

This Section is applicable only if no permit is required or the permit to carry out building works is in hand at the date of issuing Letter of Award. Otherwise, use Section 2B.

OR

2B. Commencement and Completion Dates (See drafting note 2)

You are required to carry out works within the Designated Contract Area of this contract as delineated in Drawing No. _____ (Hereinafter called "the site").

Possession of the Site for Commencement of the Works shall be 14 days calculated from the date of this letter indicating acceptance of your tender. The date for the said possession of the Site will also be the Commencement Date of the Contract, and all Works shall be completed within _____ calendar days from the Commencement Date, that is to say, the Completion Date shall be _____ (date).

In the event the permit to carry out building works is not obtained by the site possession date, the Contract Commencement Date shall be the date of the permit to be issued by the Building Authority. You agree that there shall be no cost implication of whatsoever nature to the Contract hereby awarded as a consequence of such delay in the obtaining of the permit to carry out the Works.

In case the permit is granted before the aforesaid date for site possession, the latter date shall still be regarded as the Contract Commencement Date (i.e. 14 days from the acceptance of tender).

Appendix 20 Sample Documents for General Maintenance Works Contract

(9) Sample of "Letter of Award and Contract Conditions (With or Without Project Consultant)" (continues)

DRAFTING NOTE 2

Use this Section if permit to carry out building works is required but NOT yet obtained at the date of issuing Letter of Award

3.)
-) List all particular items clarified or agreed
4.) (after the submission of Tender) with the
-) Contractor
5.)

6. Contract Documents

The following letters and documents shall constitute integral parts of the contract hereby awarded :

6.1

6.2

6.3

- 6.4 The terms and conditions stated in this letter shall prevail in the event of any inconsistency between the terms and conditions stated in the earlier letters and documents identified above.

Please signify your acceptance of the terms and conditions of this award by signing and returning the duplicate copy to us immediately. The original copy is for your retention.

Pending the execution of a formal agreement between you and the Employer, your Tender together with the duly signed copy of this letter shall constitute a binding contract between you and the Employer.

In the meantime, please submit the following to us for approval prior to the Commencement Date of the Contract :

Appendix 20 Sample Documents for General Maintenance Works Contract

(9) Sample of "Letter of Award and Contract Conditions (With or Without Project Consultant)" (continues)

1. A program in accordance with Clause ____ of the Conditions of Building Contract and (as amplified in) the Tender Documents.
2. A make-up of rates and prices in accordance with Clause ____ of the Conditions of Building Contract.
3. Insurance policies and premium receipts for the Works in accordance with the Tender Documents.
4. Performance Bond in the form of a Banker's Guarantee in accordance with the Tender Documents.

Yours faithfully,

c.c.

ACKNOWLEDGEMENT

I, in the capacity of duly authorized to sign for and on behalf of [CONTRACTOR'S NAME] hereby confirm acceptance of the terms and conditions stipulated in this letter.

Signature & Stamp of Contractor

Date : _____

(See Drafting Note 3)

DRAFTING NOTE 3

Space letter such that the "Acknowledgement" portion is an integral part of the last page

Appendix 20 Sample Documents for General Maintenance Works Contract

(10) Sample of "Simplified Letter of Award (Without Project Consultant)"

Date:

(ABC Construction Co. Ltd.)
(Address)

Dear Sirs,

Re : (Title of Contract) – Letter of Award

I refer to the tender submitted by you on _____ [Date] for _____
[Description of Works] at our building. I am pleased to inform you that the Owners' Corporation
has decided to award the contract to your company for the sum of HK\$ _____.
Please contact _____ [Name / Post] of the Owners' Corporation at
_____ to discuss the arrangements for the works.

Signature: _____

Name: _____

Chairman

Management Committee of the Owners' Corporation

CAUTION

This simplified form should only be used for simple work orders.

This is a blank page