

Change Note for PW-CF6 & FTS-6

19 July 2023: The following amendments are made:

TABLE A: DOCUMENTS AMENDED	
Form of Conditions of Contract	Form of Tender and Schedule
PW-CF6 v1.13 29-07-2021	FTS-6 v1.5 07-01-2022

TABLE B: AMENDMENTS PW-CF6	
Ref	DESCRIPTION OF AMENDMENT
A.	<p>Clause 1</p> <p>A new sub-clause 1.10 is added that provides that if a performance bond is required in the Schedule, it must be submitted to the Contracting Authority within 7 days after the Employer sends written acceptance of the Tender. In the Schedule, in a new entry 1.10 is added, Contracting Authorities state whether a performance bond is required, the value of any performance bond, as a percentage of the Price into the Schedule 1.10.</p> <p>A new sub-clause 1.11 is added that provides that if a Contractor is more than one person or legal entity, they are joint and severally liable.</p>
B.	<p>Clause 8</p> <p>Sub-clause 8.4 is amended by the addition of <i>“But the Contractor bears the risk of such loss and damage to the extent caused by the negligence of the Contractor or Contractor's Personnel to the extent (and up to the limit) required to be insured under clause 10.3.”</i></p>
C.	<p>Clause 10</p> <p>Sub-clause 10.7 is amended such that the Contractor is required to provide evidence that the Insurances are in effect, on or before the renewal date of any insurance policy.</p>
D.	<p>Clause 13</p> <p>Clause 13 is amended by replacing the <i>“Prevention of Corruption Acts 1889 to 2010”</i> with the <i>“Criminal Justice (Corruption Offences) Act 2018”</i>.</p>
E.	<p>Clause 16</p> <p>Sub-clause 16.3(1) is amended by the removal, from the first sentence of <i>“excluding the first [7] days in total of the Covid-19 Mandatory Closure or where there is more than one Covid-19 Mandatory Closure, the Covid-19 Mandatory Closures.”</i></p>
F.	<p>Clause 17</p> <p>A New Clause 17 <i>Limit on Liability</i> is incorporated, which - subject to specified exclusions - limits the liability of the Contractor to the Employer to an amount stated in the Schedule (<i>“the Liability Cap”</i>).</p>

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	<p>Sub-clause 17.1 provides that the amount of the Liability Cap is as stated in the Schedule, 1.17 <i>Limit on Liability</i> and sub-clause 17.2 describes exclusions from the application of the Liability Cap.</p> <p>The Contracting Authority is to state the amount of the Liability Cap to apply in a new entry in Schedule, 1.17 <i>Limit on Liability</i>. The Schedule provides that where the Contracting Authority does not state an amount, the amount of the Liability Cap defaults to the amount of the Contract Sum.</p>
G.	<p>Clause 18</p> <p>A new clause 18 Price Variation and corresponding entries in the Schedule are incorporated, as summarised below:</p> <p>Clause 18 permits adjustments to the Price for price fluctuations in Materials and Fuel, where fluctuations in CSO indices exceed threshold values.</p> <p>In a new Appendix 3 in the Schedule, the Contracting Authority assigns, proportions of the Price that are eligible for adjustment for price fluctuations in Materials and Fuel.</p> <p>In order to calculate increases to the Price for Materials and Fuel, the Contracting Authority assigns a value to apply for the Permitted Increase Threshold (which must be between 3% and 10%).</p> <p>In Appendix 4 to the Schedule, the Contracting Authority also assigns weightings to specified Material Categories and Fuel Categories. An abridged version of table 3 in the CSO WPI Indices for Building and Construction Materials (Ex VAT). However, instead of using the abridged Material Categories provided, Contracting Authorities may elect to use a single category for Materials – the “All Materials” Category. This Category uses the “All Materials” index provided by the CSO in the same Table.</p> <p>in order for an adjustment to be permitted, fluctuation in the relevant CSO indices for Material Categories and Fuel Categories must either: (i) increase by more than the applicable Permitted Increase Threshold; or (ii) decrease by more than ten percent. Where these conditions are met, formulae are provided to calculate the amount of the adjustment to the Price.</p>

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