



MASTER BUILDERS
A U S T R A L I A

**Contractors' Forms – Major Works Subcontract
MW.SC 2008**

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* Two forms – simple version and complex version – for use where Security of Payment legislation operates.

CONTRACTOR'S FORMS Con 1

**Australian Building Industry Contract
(ABIC)**

MW.SC 2008

[Insert your company details here]

CONTRACTOR'S INSTRUCTION

No:

Project:

Project no:

Subcontractor (name and address):

Date issued:

To Subcontractor:

In accordance with clause number.....you are instructed as follows:

[insert details here].

This instruction is / is not an urgent instruction *[delete where not applicable].*

CONTRACTOR'S FORMS Con 2

Australian Building Industry Contract (ABIC)

MW.SC 2008

[Insert your company details here]

REQUEST FOR INFORMATION

No:

Project:

Project no:

Subcontractor (name and address):

Date issued:

To Subcontractor:

In accordance with clause number, and clause H3.2, please provide information to resolve the following matter [insert details here]:

.....(signature) for
(response date)
Contractor

Please respond by no later than : ____ / ____ / ____

Distribution: **Original:** Subcontractor **Copies:** File Other

Note to Contractor:
This form may be used for any request for information including under clauses E9, H3.2, N5, N11.

CONTRACTOR'S FORMS Con 3

Australian Building Industry Contract (ABIC)

MW.SC 2008

[Insert your company details here]

CONTRACTOR'S WRITTEN DECISION

No:

Project:

Project no:

Subcontractor (name and address):

Date issued:

To Subcontractor:

In accordance with clause the following written decision is provided in response to your claim in respect of *[insert details of claim]*.

.....(signature) for
Contractor

Distribution: **Original:** Subcontractor **Copies:** File Other

Note for Contractor

The written decision must specify any adjustment to the subcontract price, the date for substantial completion or both.
This form may be used for all written decisions arising from claims including claims under clauses B2, E9, F7, F8, F9, G8, G11, H1, J2, J4, J7, J8, J11, K2, L1, M7, M8, N9, N10, Q12.
The form may also be used for written decisions under clause H4 and M12.

[Insert your company details here]

INSTRUCTION FOR VARIATION QUOTATION

No:

Project:

Project no:

Subcontractor (name and address):

Date issued:

To Subcontractor:

In accordance with clause J1 you are instructed to provide the information detailed below with respect to the following variation to the subcontract works:

[Insert or attach description of variation]

[delete where not applicable]

- a detailed estimate of the whole, or any part, of the cost or saving as a result of the variation;
- an estimate of the effect of the *variation* on the date for substantial completion;
- a detailed quotation for the whole, or any part, of the cost of the variation;
- other information.

.....(signature) for
Contractor

Distribution: **Original:** Subcontractor **Copies:** File Other

[Insert your company details here]

INSTRUCTION TO PROCEED WITH VARIATION

No:

Project:

Project no:

Subcontractor (name and address):

Date issued:

To Subcontractor:

In accordance with clause J3 you are instructed to proceed / not to proceed *[delete where not applicable]* with the variation.

Your estimation and quotation provided on *[date details provided]* is accepted/not accepted *[delete where not applicable]*.

You are hereby instructed to negotiate with us on the scope/cost/time *[delete where not applicable]* of the variation and time for acceptance of any offer *[delete if not applicable]*.

.....*(signature)* for
Contractor

Distribution: **Original:** Subcontractor **Copies:** File Other

[Insert your company details here]

URGENT INSTRUCTION TO PROCEED WITH VARIATION

No:

Project:

Project no:

Subcontractor (name and address):

Date issued:

To Subcontractor:

THIS IS AN URGENT INSTRUCTION.

In accordance with clause J9 you are instructed to proceed with the following variation: *[insert details]*.

.....(signature) for
Contractor

Distribution: **Original:** Subcontractor **Copies:** File Other

[Insert your company details here]

NOTICE OF SUBSTANTIAL COMPLETION

No:

Project:

Project no:

Subcontractor (name and address):

Date issued:

To Subcontractor:

In accordance with clause M4 you are notified that inspection of the subcontract works was undertaken on
[date] and is complete and substantial completion was reached on the [insert date of substantial
completion].

.....(signature) for
Contractor

Distribution: **Original:** Subcontractor **Copies:** File Other

Note to Contractor

This notice must be issued to the Subcontractor within ten (10) *working days* of completing the inspection.

CONTRACTOR'S FORMS Con 8 Complex

Australian Building Industry Contract (ABIC)

MW.SC 2008

For use where Security of Payments Legislation is in Force. Check with your Legal Adviser

PROGRESS PAYMENT SCHEDULE NO:
REFERS TO: PROGRESS PAYMENT CLAIM No..... **Date**.....
FOR THE PERIOD **to**

PROJECT:

SUBCONTRACT: **SUBCONTRACT NO:**

SCHEDULE PREPARED BY:

(Contractor)

OF: (ordinary place of business)

TELEPHONE NO: FAX NO:

TO:(Subcontractor)

THE AMOUNT OF THE PAYMENT THE CONTRACTOR PROPOSES TO MAKE IS \$.....

- 1. **Assessed progress on the original Subcontract Work since the last payment** \$.....
- 2. **Add for:**
 - (a) Work completed on approved variations since the last payment \$.....
 - (b) Extras adjustments to provisional allowances since the last payment \$.....
 - (c) Other extras adjustment/s under the subcontract \$.....
- 3. **Assessed value of work done** since the last payment \$.....
- 4. **Less:**
 - (a) Credit adjustments to provisional allowances since the last payment \$.....
 - (b) Liquidated damages (if any) \$.....
 - (c) Set offs etc due to the Contractor (see separate schedule) \$.....
 - (d) Other deductions/credits under the subcontract \$.....
- 5. **Cost of Building work in this payment** \$.....
- 6. **Less** cash retention \$.....
- 7. **Nett amount of payment** \$.....
- 8. **Plus GST** \$.....

NOTE: Items 1 to 5 should exclude GST

THE REASONS FOR THE DIFFERENCE (IF ANY) BETWEEN THE CLAIMED AMOUNT AND THE SCHEDULED AMOUNT AND THE REASONS FOR WITHHOLDING ANY PAYMENT (IF APPLICABLE) ARE SET OUT IN THE ATTACHED SCHEDULES (IF ANY).

.....(signature) for
Contractor

Distribution: **Original:** Subcontractor **Copies:** File Other

Note to Contractor.

You must issue a payment statement to the Subcontractor within twenty (20) *business days* of receiving a claim for a progress payment.

[Insert your company details here]

PROGRESS PAYMENT STATEMENT

No:

Project:

Project no:

Subcontractor (name and address):

Date issued:

To Subcontractor:

1	Adjustments to the subcontract price since previous assessment	\$.....
2	Value of work completed:	\$.....
3	Allowance <i>[if any]</i> for cost of rectifying defects:	\$.....
4	Value of materials and equipment delivered to site:	\$.....
5	Allowance for cash retention <i>[where clause C2 applies]</i> :	\$.....
6	Set off of monies <i>[if any]</i> :	\$.....
7	Liquidated damages <i>[if any]</i> :	\$.....
8	Other:	\$.....
9	GST:	\$.....

Amount of this claim including GST, due to Subcontractor / Contractor <i>[delete where not applicable]</i>	\$.....
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The reason that the GST exclusive amount claimed and the GST exclusive amount certified are different is as follows:
[insert reason here if applicable].

.....(signature) for
Contractor

Distribution: Original: Subcontractor Copies: File Other

Note to Contractor.
You must issue a payment statement to the Subcontractor within twenty (20) *business days* of receiving a claim for a progress payment.

CONTRACTOR'S FORMS Con 9 Complex

Australian Building Industry Contract (ABIC)

For use where Security of Payments Legislation is in Force. Check with your Legal Adviser

MW.SC 2008

PROGRESS PAYMENT SCHEDULE NO: **(FINAL)**
REFERS TO: FINAL PROGRESS PAYMENT CLAIM No..... **Date**.....

PROJECT:

SUBCONTRACT: **SUBCONTRACT NO:**

SCHEDULE PREPARED BY:

(Contractor)

OF: (ordinary place of business)

TELEPHONE NO: FAX NO:

TO: (Subcontractor)

THE AMOUNT OF FINAL PAYMENT THE CONTRACTOR PROPOSES TO MAKE IS
(see Item 5 below) \$.....

1. The original *subcontract price*, as stated in the subcontract \$.....

2. Total (net) value of contract adjustments \$.....

3. Final adjusted *subcontract price* (including GST) \$.....

4. Less: total amount paid to date \$.....

5. Proposed amount to be paid in respect of the final claim (Item 3 – Item 4) \$.....

THE FOLLOWING SECURITIES WILL ALSO BE RELEASED AS PART OF THE FINAL PAYMENT:

[Empty box for listing securities to be released]

The reason that the GST exclusive amount claimed and the GST exclusive amount certified are different is as follows: *[delete if not applicable/insert reasons if applicable]*.

.....(signature) for
Contractor

Distribution: Original: Subcontractor Copies: File Other

Note to Contractor.

You must issue a final payment statement to the Subcontractor within thirty (30) *business days* of receiving a claim for a final payment.

[Insert your company details here]

FINAL PAYMENT STATEMENT

No:

Project:

Project no:

Subcontractor (name and address):

Date issued:

To Subcontractor:

Amount of this claim including GST, due to Subcontractor / Contractor

[delete where not applicable].

\$.....

The amount of GST included in the payment is:

\$.....

The reason that the GST exclusive amount claimed and the GST exclusive amount certified are different is as follows:

[insert reasons here if applicable].

The Contractor hereby acknowledges their obligation to release the remaining security in the sum of \$.....

[if applicable].

.....(signature) for

Contractor

Distribution: **Original:** Subcontractor **Copies:** File Other

Note to Contractor.

You must issue a final payment statement to the Subcontractor within thirty (30) *business days* of receiving a claim for a final payment.

[Insert your company details here]

INSTRUCTION SUBCONTRACT WORKS NOT AT BUT NEAR SUBSTANTIAL COMPLETION No:

Project:

Project no:

Subcontractor (name and address):

Date issued:

To Subcontractor:

In accordance with clause M5 you are instructed that the subcontract works are not at, but are near, substantial completion.

You are instructed to complete the following works promptly in order for substantial completion to be reached:

[insert description of works outstanding].

.....(signature) for
Contractor

Distribution: **Original:** Subcontractor **Copies:** File Other

Note to Contractor

You must issue this instruction to the Subcontractor within ten (10) *working days* of completing the inspection.

[Insert your company details here]

WRITTEN STATEMENT SUBCONTRACT WORKS NOT AT & NOT NEAR SUBSTANTIAL COMPLETION
No:

Project:

Project no:

Subcontractor (name and address):

Date issued:

To Subcontractor:

In accordance with clause M6 you are advised that for the following reasons the works are not at, and not near, substantial completion *[insert summary of reasons]*.

.....(signature) for
Contractor

Distribution: **Original:** Subcontractor **Copies:** File Other

Note to Contractor

You must issue this statement to the Subcontractor within ten (10) *working days* of completing the inspection.

[Insert your company details here]

NOTICE SUBCONTRACT WORKS TO BE DIVIDED INTO SEPARABLE PARTS **No:**

Project:
Project no:
Subcontractor (name and address):
Date issued:

To Subcontractor:

In accordance with clause M9 you are instructed that the subcontract works are to be divided into separable parts as defined below *[list separable parts as applicable]*.

[Attach amended copy of Item 23 of Schedule 1].

.....(signature) for
Contractor

Distribution: **Original:** Subcontractor **Copies:** File Other

Note to contractor
If security is by unconditional guarantees you must change the security arrangements under clause C3.

[Insert your company details here]

CONTRACTOR'S NOTICE TO SUBCONTRACTOR

No:

Project:

Project no:

Subcontractor (name and address):

Date issued:

To Subcontractor:

In accordance with clause..... you are notified as follows: *[insert details]*.

.....(signature) for
Contractor

Distribution: **Original:** Subcontractor **Copies:** File Other

Note to Contractor

This form may be used for all written notifications to Subcontractors, for instance under clause B1.

[Insert your company details here]

NOTICE OF ENTITLEMENT TO LIQUIDATED DAMAGES

No:

Project:

Project no:

Subcontractor (name and address):

Date issued:

To Subcontractor:

In accordance with clause M12 you are notified that, as the subcontract works have not reached substantial completion by the due date, the Contractor is entitled to liquidated damages calculated in accordance with **Item 24 of Schedule 1**.

.....(signature) for
Contractor

Distribution: **Original:** Subcontractor **Copies:** File Other

[Insert your company details here]

INSTRUCTION TO CORRECT DEFECTS OR FINALISE WORK

No:

Project:

Project no:

Subcontractor (name and address):

Date issued:

To Subcontractor:

In accordance with clause M14 you are instructed to correct the following defects / finalise the following works *[delete where not applicable]* by *[insert date as agreed or five (5) working days]*.

.....*(signature)* for
Contractor

Distribution: **Original:** Subcontractor **Copies:** File Other

[Insert your company details here]

REQUEST TO SUBMIT FINAL CLAIM

No:

Project:

Project no:

Subcontractor (name and address):

Date issued:

To Subcontractor:

In accordance with clause N11 you are requested to submit a final claim for payment for the whole of the works / a part of the works as defined below within fifteen (15) *working days* [delete where not applicable].

.....(signature) for
Contractor

Distribution: **Original:** Subcontractor **Copies:** File Other

[Insert your company details here]

ASSESSMENT OF COST OF COMPLETING SUBCONTRACT WORKS

No:

Project:

Project no:

Subcontractor (name and address):

Date issued:

To Subcontractor:

In accordance with clause Q8 the following is an assessment of the cost of completing the subcontract works:

.....(signature) for
Contractor

Distribution: **Original:** Subcontractor **Copies:** File Other

Note to Contractor
The amount shown here excludes any amount paid to sub-subcontractors under clause Q7.

[Insert your company details here]

Q9 PAYMENT STATEMENT AS TO AMOUNT PAYABLE

No:

Project:

Project no:

Subcontractor (name and address):

Date issued:

To Subcontractor:

As at the date of termination the amount of the subcontract price as adjusted is as follows:

1	Amount of subcontract price as adjusted at date of termination.	\$.....
2	Value of building work completed, including GST, assessed in the last payment statement issued under clause N5.	\$.....
3	Cost to the Contractor of completing the subcontract works, including GST.	\$.....
4	Sum paid by Contractor to a sub-subcontractor or supplier, including GST, under clause Q7 not already paid to the Subcontractor for the same work, materials or equipment necessary to complete the subcontract works.	\$.....
5	Assessment of any claim by Contractor under this contract for a set off of monies due	\$.....
6	Liquidated damages in accordance with clause M13, since any previous payment statement, calculated up to the date of termination of Subcontractor.	
7	Total of items 2 to 6	\$.....
8	Amount of security drawn or appropriated to date	\$.....
9	Amount of security by cash retention held by Contractor	\$.....
10	Total of items 8 and 9	\$.....

Amount at item 1	\$.....
less amount at item 7	\$.....
plus amount at Item 10 = ADJUSTED PRICE	\$.....

The value of remaining security by unconditional guarantee is as follows: \$.....

.....(signature) for
Contractor

Distribution: Original: Subcontractor Copies: File Other

[Insert your company details here]

NOTICE TO REMEDY DEFAULT

No:

Project:

Project no:

Subcontractor (name and address):

Date issued:

To Subcontractor:

In accordance with clause Q1 you are required to remedy the following default within ten (10) *working days*.
[insert details of default].

.....(signature) for
Contractor

Distribution: **Original:** Subcontractor **Copies:** File Other

[Insert your company details here]

P2 NOTICE OF DISPUTE

Project:

Project no:

Subcontractor (name and address):

Claim notice no:

Date issued:

To Subcontractor

In accordance with clause P2.1 you are notified of a dispute in respect of *[insert a description of the substance of the dispute]*:

You are required to meet with us within five (5) *working days* after delivery of this notice to make a bona fide attempt to resolve the dispute.

..... (signature) for
Contractor

Distribution: **Original:** Subcontractor **Copies:** File Other

[Insert your company details here]

NOTICE OF TERMINATION

No:

Project:

Project no:

Subcontractor (name and address):

Date issued:

To Subcontractor:

In accordance with clause Q1 / Q2 *[delete where not applicable]* you are notified that, as you have not complied with *[insert details of default or insolvency]*

the subcontract is terminated.

.....(signature) for
Contractor

Distribution: **Original:** Subcontractor **Copies:** File Other



Subcontractors' Forms – Major Works Subcontract MW.SC 1 2008

No.	Title
	Standard Form
Sub 1	Request for Information/Instruction/Notice
Sub 2	Notice of Intention to Claim
Sub 3	Details of Claim
Sub 4	Additional Information
Sub 5	Security – By Unconditional Guarantees
Sub 6	Evidence of Insurances – Subcontractor to Insure
Sub 7	Subcontract Works Program
Sub 8	Notice to Contractor – Subcontract Works Near Substantial Completion
Sub 9*	Progress Claim – Summary Sheet
	Other Forms
Sub 10	Final Claim – Summary Sheet
Sub 11	Notice of Start or End of Delay
Sub 12	Amended Program
Sub 13	Subcontractor's Notice to Contractor
Sub 14	Separate Subcontractor – Objection to Engagement as a Sub-subcontractor
Sub 15	Notification of Official Document
Sub 16	Notice of Substantial Completion
Sub 17	Notice of Dispute
Sub 18	P2 Notice of Dispute
Sub 19	Notice to Remedy Default
Sub 20	Notice of Suspension/Termination

* Two forms – simple version and complex version – for use where Security of Payment legislation operates.

[Insert your company details here]

REQUEST FOR INFORMATION / INSTRUCTION / NOTICE **No:**

Project:

Project no:

Date issued:

To Contractor:

In accordance with clause number, please provide an instruction / a notice / information [delete where not applicable] to resolve the following matter [insert details here]:

.....(signature) for
Subcontractor

Response Date: ____ / ____ / ____

Distribution: **Original:** Contractor **Copies:** File Other

Note to Subcontractor:
This form may be used for any request, including requests under clauses F5, F9, J1, J5, M7, M8, N9.

SUBCONTRACTOR'S FORMS Sub 2

**Australian Building Industry Contract
(ABIC)**

MW.SC 2008

[Insert your company details here]

NOTICE OF INTENTION TO CLAIM

Project:

Project no:

Claim notice no:

Date issued:

To Contractor

You are notified of our intention to make a claim in accordance with clause number *[insert a brief description of the intended claim]:*

..... *(signature) for*
Subcontractor

Distribution: **Original:** Contractor **Copies:** File Other

Note to Subcontractor:

You must notify your intention to make a claim promptly after becoming aware of the circumstances that will cause the claim. Details of your claim must be provided within ten (10) *working days*. This form may be used for all claims including claims under clauses B2, E9, F7, F8, F9, G8, G11, H1, J2, J4, J7, J8, J11.

SUBCONTRACTOR'S FORMS Sub 3

**Australian Building Industry Contract
(ABIC)**

MW.SC 2008

[Insert your company details here]

DETAILS OF CLAIM

Project:

Project no:

Claim notice no:

Date issued:

To Contractor:

The details of our claim numbered _____ *[ie. the same as its matching notice of claim no.]* and dated _____ are as follows: *[insert complete details of the claim]:*

Note: For progress payment claims use Sub 9

..... *(signature) for*
Subcontractor

Distribution: **Original:** Contractor **Copies:** File Other

Note to Subcontractor:

In most cases you must notify your intention to make a claim promptly after becoming aware of the circumstances that will cause the claim. Details of your claim must be provided within ten (10) *working days*. This form may be used for claims under clauses B2, E9, F7, F8, F9, G8, G11, H1, J2, J4, J7, J8, J11, L1, N10, Q12, Q19.

SUBCONTRACTOR'S FORMS Sub 4

**Australian Building Industry Contract
(ABIC)**

MW.SC 2008

[Insert your company details here]

ADDITIONAL INFORMATION

Project:

Project no:

Claim notice no:

Date issued:

To Contractor:

In accordance with your request dated for additional information regarding our claim numbered the following details are provided, *[insert details of the additional information]*:

..... *(signature) for*
Subcontractor

Distribution: **Original:** Contractor **Copies:** File Other

Note to Subcontractor

As this additional information is required to assess your claim, comprehensive information should be provided. This form may be used when making claims under clauses E9, F7, F8, F9, G8, G11, J2, J4, J7, J8, J11, L1, M7, M8, N5, N10, Q12, Q19 in conjunction with H2.

SUBCONTRACTOR'S FORMS Sub 5

**Australian Building Industry Contract
(ABIC)**

MW.SC 2008

[Insert your company details here]

SECURITY – BY UNCONDITIONAL GUARANTEES

Project:

Project no:

Date issued:

To Contractor:

In accordance with clause C3, security in the form of two equal unconditional guarantees is attached.

..... (signature) for
Subcontractor

Distribution: **Original:** Contractor **Copies:** File Other

Note to Subcontractor:

The unconditional guarantees must be provided with ten (10) *working days* of the subcontract being executed. Furthermore, the first progress payment will not be paid until the Contractor has possession of them. Where the project is subdivided into separable parts, two equal unconditional guarantees must be provided for each separable part.

SUBCONTRACTOR'S FORMS Sub 6

**Australian Building Industry Contract
(ABIC)**

MW.SC 2008

[Insert your company details here]

EVIDENCE OF INSURANCES – SUBCONTRACTOR TO INSURE

Project:

Project no:

Date issued:

To Contractor:

I have read the contract conditions in Section E regarding insurance and certify that:

- the subcontractor has an insurance policy in place for which the premium has been paid
- the insurance complies with the requirements of the contract; and
- the insurance policy names the contractor and the owner and any other person included in the works as interested parties.

Insurance Type	Name of insurer	Details of insurance
Public Liability	Cover \$ Excess \$ Expiry date
Worker's compensation and employer's liability	Cover \$ Excess \$ Expiry date
Other Insurance:	Cover \$ Excess \$ Expiry date

Copies of the insurance / certificates of currency are attached.

..... (signature) for
Subcontractor

Distribution: **Original:** Contractor **Copies:** File Other

^N
Note to Subcontractor
Failure to provide evidence of Insurance if requested by the contractor within five (5) days allows the Contractor to take out the insurance at your expense.

SUBCONTRACTOR'S FORMS Sub 7

**Australian Building Industry Contract
(ABIC)**

MW.SC 2008

[Insert your company details here]

SUBCONTRACT WORKS PROGRAM

Project:

Project no:

Date issued:

To Contractor:

In accordance with clause G5, a program with respect to the subcontract works is attached *[insert details or attach relevant documents]*.

OR

In accordance with clause G6, the updated program dated is attached *[insert details or attach relevant documents]*.

..... *(signature) for*
Subcontractor

Distribution: **Original:** Contractor **Copies:** File Other

Note to Subcontractor:

The program must include:

- commencement and completion dates of major stages and any separable parts
- the date for substantial completion as defined in clause M1 of the contract
- the start and completion date for all relevant trades
- a critical path

If an updated program is being provided you must indicate how the previous program has been affected by adjustments of time.

SUBCONTRACTOR'S FORMS Sub 8

**Australian Building Industry Contract
(ABIC)**

MW.SC 2008

[Insert your company details here]

NOTICE TO CONTRACTOR – SUBCONTRACT WORKS NEAR SUBSTANTIAL COMPLETION

Project:

Project no:

Date issued:

To Contractor:

In accordance with clause M2 a detailed list of defects and incomplete work and a timetable for the correction of defects and incomplete work is attached.

..... (signature) for
Subcontractor

Distribution: **Original:** Contractor **Copies:** File Other

Note to Contractor:

You are required to commence inspection of the works promptly and complete the inspection within ten (10) *working days*.

[Insert your company details here]

PROGRESS CLAIM – SUMMARY SHEET

Project:

Project no:

Claim no:

Date issued:

To Contractor:

- 1. The contract value of building work completed to date in accordance with clause N3 \$.....
- 2. The value of materials delivered to the site \$.....
- 3. Less the amount of retention pursuant to clause C2 \$.....
- 4. The GST applicable to this net amount \$.....
- 5. Total for this claim including GST \$.....**
- 6. The total amount previously paid including GST \$.....

7. Amount of this claim including GST	\$.....
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Substantiating details as required by Item 27 Schedule 1 are attached.

I declare that:

- all wages and other entitlements including building industry superannuation and long service leave levies due have been paid to or on behalf of all employees of the Subcontractor
- all monies due to sub-subcontractors have been paid
- all insurances required to be maintained by the Subcontractor are in force.

..... (signature) for
Subcontractor

Distribution: Original: Contractor **Copies:** File Other

Note to Subcontractor:

This summary sheet should form the first page of your claim. Comprehensive details should be submitted with all progress claims.

SUBCONTRACTOR'S FORMS Sub 9 Complex

Australian Building Industry Contract (ABIC)
To be used where Security of Payments legislation is in place. Seek legal advice.

MW.SC 2008

PROGRESS PAYMENT CLAIM NO: **FOR THE PERIOD** **to**

PROJECT:

SUBCONTRACT: **SUBCONTRACT NO:**

MADE BY: (Subcontractor)

OF: (ordinary place of business)

TELEPHONE NO: **FAX NO:**

TO: (Contractor)

TOTAL AMOUNT OF THIS PAYMENT CLAIM (see Item 12 below) \$.....

THE WORK FOR WHICH THIS CLAIM IS MADE AND THE METHOD OF CALCULATION OF THE TOTAL AMOUNT OF THE CLAIM ARE SET OUT BELOW (AND IN THE ATTACHED SCHEDULES)

1. Progress on the original Subcontract Work	
(a) Value of original work completed to date ¹ (...% of the subcontract price)	\$.....
(b) Less: Value of original work completed to the date of the last payment claim	\$.....
Amount claimed for work done in the claim period on the original subcontract works	\$.....
2. Adjust for:	
(a) Work completed on approved variations since the last claim ²	\$.....
(b) Adjustments to Prime Cost Items since the last claim ³	\$.....
(c) Adjustments to Provisional Sums since the last claim ⁴	\$.....
3. Total value of work done since the date of the last payment claim	\$.....
4. Add: Any monies due and payable to the Subcontractor (but unpaid) as of the date of this claim.	\$.....
5. Less: Any credits or monies due to the Contractor	\$.....
6. Gross Payment Claim (including GST)	\$.....
7. GST applicable to the above (1/11 th of Item 6)	\$.....
8. Cost of building work in this payment (Item 6 – Item 7)	\$.....
9. Less: Cash retention (if any) to be withheld from this payment	\$.....
10. Sub-total (Item 8 – Item 9)	\$.....
11. Add GST (10% of Item 10)	\$.....
12. Amount Claimed (Item 10 + Item 11)	\$.....

..... (signature) for
Subcontractor

Distribution: Original: Contractor **Copies:** File Other

Note to Subcontractor:
This summary sheet should form the first page of your claim. Comprehensive details should be submitted with all progress claims.

SUB-9

CLAIM NO:

SUBCONTRACT NO:

FOR the PERIOD to

Schedule 1: Itemised Claim for Progress Payment

Item No.	Item of Work	Value of Item in the Original Subcontract Price \$	Percentage Completed to Date \$	Value of Work Completed to Date \$
1				
2				
3				
4				
5				
6				
TOTAL VALUE OF WORK TO DATE		\$ 4	[%] ⁵	\$

Schedule 2: Variation Work Completed Since Last Claim

No.	Description of Variation Item	Approved Value of Variation \$	Percentage Completed Since Last Claim \$	Amount Now Claimable \$
TOTAL ADJUSTMENT FOR WORK ON VARIATIONS SINCE LAST CLAIM				\$

..... (signature) for
Subcontractor

Distribution: Original: Contractor Copies: File Other

Note to Subcontractor:

This summary sheet should form the first page of your claim. Comprehensive details should be submitted with all progress claims.

SUB-9

CLAIM NO:
SUBCONTRACT NO: _____ **FOR the PERIOD** **to**

Schedule 3: Adjustments to Prime Cost Items Since Last Claim

No.	Item	Amount Allowed in the Subcontract \$	Actual Cost of the Item \$	Adjustment Extra [Or Credit]	Margin on Extra (%) \$	Gross Adjustment to Subcontract Price \$
TOTAL ADJUSTMENT FOR PRIME COST ITEMS SINCE LAST CLAIM						\$

Schedule 4: Adjustments To Provisional Sums Since Last Claim

No.	Item	Amount Allowed in the Subcontract \$	Actual Cost of the Item \$	Adjustment Extra [Or Credit]	Margin on Extra (%) \$	Gross Adjustment to Subcontract \$
TOTAL ADJUSTMENT FOR PROVISIONAL SUMS SINCE LAST CLAIM						\$

..... (signature) for
Subcontractor

Distribution: **Original:** Contractor **Copies:** File Other

Note to Subcontractor:
 This summary sheet should form the first page of your claim. Comprehensive details should be submitted with all progress claims.

[Insert your company details here]

FINAL CLAIM – SUMMARY SHEET

Project:

Project no:

Claim no:

Date issued:

To Contractor:

In accordance with the terms of the contract:

- 1. The original cost of building work was \$.....
- 2. The total adjustments to the cost of building work are \$.....
- 3. GST is \$.....
- 4. The final contract sum is (1 + 2 + 3) \$.....**
- 5. The total amount previously paid including GST is \$.....

6. Amount of this claim including GST is (4 – 5)	\$.....
---	---------

Substantiating details as required by **Item 27** of **Schedule 1** are attached.

I declare that:

- All obligations under this subcontract have been performed
- All monies due to sub-subcontractors at the date of this declaration have been paid.

..... (signature) for
Subcontractor

Distribution: Original: Contractor Copies: File Other

Note to Subcontractor:
This summary sheet should form the first page of your final claim. Comprehensive details should be submitted with the claim.

SUBCONTRACTOR'S FORMS Sub 11

**Australian Building Industry Contract
(ABIC)**

MW.SC 2008

[Insert your company details here]

NOTICE OF START OR END OF DELAY

Project:

Project no:

Date issued:

To Contractor:

In accordance with clause L2 we advise that as of*[insert date here]* the subcontract works are being delayed / the delay in the subcontract works has ended *[delete where not applicable]*.

The cause of the delay is as follows:

Following is the amount attributable to the cause of delay *[delete if the cause is not set out in clause L1.5]*.

It is estimated that the delay will affect working days.

..... *(signature) for*
Subcontractor

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^N
Note to Subcontractor:
You must give notice within two (2) *working days* of becoming aware of the start or end of a delay due to one of the causes in clause L1.

SUBCONTRACTOR'S FORMS Sub 12

**Australian Building Industry Contract
(ABIC)**

MW.SC 2008

[Insert your company details here]

AMENDED PROGRAM

Project:

Project no:

Date issued:

To Contractor:

In accordance with your instruction dated under clause G7, we are unable to provide an amended program for the following reasons *[insert detailed reasons]*:

In accordance with your instruction dated under clause G7, an amended program is attached *[attach relevant documents]*:

..... *(signature) for*
Subcontractor

Distribution: **Original:** Contractor **Copies:** File Other

Note to Subcontractor:

If you intend to make a claim for an adjustment to the contract sum as a result of the contractor's instruction to amend the program, clause G9, you must provide full details of your claim within ten (10) days after receiving the instruction. *[Form Sub 3]*.

SUBCONTRACTOR'S FORMS Sub 13

**Australian Building Industry Contract
(ABIC)**

MW.SC 2008

[Insert your company details here]

SUBCONTRACTOR'S NOTICE TO CONTRACTOR

Project:

Project no:

Date issued:

To Contractor:

In accordance with clauseyou are notified as follows; *[insert details]:*

..... (signature) for
Subcontractor

Distribution: **Original:** Contractor **Copies:** File Other

Note to Contractor:
This form may be used for all notifications to the contractor including under clauses B1, E9, F5, F8, G7, J4, J8, R10.

SUBCONTRACTOR'S FORMS Sub 14

**Australian Building Industry Contract
(ABIC)**

MW.SC 2008

[Insert your company details here]

SEPARATE SUBCONTRACTOR – OBJECTION TO ENGAGEMENT AS A SUB-SUBCONTRACTOR

Project:

Project no:

Date issued:

To Contractor

In accordance with clause K3.3, we object to engaging the separate contractor as a sub- subcontractor for the following reasons *[insert the name of the separate subcontractor and details of the cause for objection]*.

..... *(signature) for*
Subcontractor

Distribution: **Original:** Contractor **Copies:** File Other

Note to Subcontractor:

Full details of the basis for the objection should be provided. This notice must be provided to the Contractor promptly.

SUBCONTRACTOR'S FORMS Sub 15

**Australian Building Industry Contract
(ABIC)**

MW.SC 2008

[Insert your company details here]

NOTIFICATION OF OFFICIAL DOCUMENT

Project:

Project no:

Date issued:

To Contractor

In accordance with clause J5 we notify that we have received an official notice / official order *[delete where not applicable]* fromin respect of

Please provide a written instruction to address the official notice / official order *[delete where not applicable]*:

A copy of the official document *[delete where not applicable]* is attached.

..... (signature) for
Subcontractor

Distribution: **Original:** Contractor **Copies:** File Other

Note to Subcontractor:
You must provide this notice to the contractor promptly of receiving the official document.

SUBCONTRACTOR'S FORMS Sub 16

**Australian Building Industry Contract
(ABIC)**

MW.SC 2008

[Insert your company details here]

NOTICE OF SUBSTANTIAL COMPLETION

Project:

Project no:

Date issued:

To Contractor

In accordance with clause M3 you are notified that the subcontract works have reached substantial completion as at..... *[insert date works reached substantial completion]*.

A copy of the schedule of defects and incomplete work indicating correction is attached.

..... *(signature) for*
Subcontractor

Distribution: **Original:** Contractor **Copies:** File Other

Note to Contractor:
You are required to commence inspection of the subcontract works promptly and complete the inspection within ten (10) *working days*.

SUBCONTRACTOR'S FORMS Sub 17

**Australian Building Industry Contract
(ABIC)**

MW.SC 2008

[Insert your company details here]

NOTICE OF DISPUTE

No:

Project:

Project no:

Date issued:

To Contractor:

You are notified that we wish to dispute your [delete items that are not applicable]:

- **Payment schedule** dated
- **Notice** dated
- **Written decision** dated
- **Written assessment** dated
- **Failure to issue** [list the item(s) the contractor has failed to issue]
- **Other act or omission, details of which are described below:**
.....

.....(signature) for
Subcontractor

Distribution: **Original:** Contractor **Copies:** File Other

Note to Subcontractor:

You must give this notice to the Contractor within fifteen (15) working days of receiving the payment statement, notice written decision or assessment or becoming aware of the failure of the contractor to issue something.
You must continue to perform your obligations under the subcontract.
This form may be used for notification of all disputes including disputes in relation to clauses B1, F7, G8, G11, J1, L1, M5, M6, M8, N9.

SUBCONTRACTOR'S FORMS Sub 18

**Australian Building Industry Contract
(ABIC)**

MW.SC 2008

[Insert your company details here]

P2 NOTICE OF DISPUTE

Project:

Project no:

Claim notice no:

Date issued:

To Contractor

In accordance with clause P2.1 you are notified of a dispute in respect of *[insert a description of the substance of the dispute]*:

You are required to meet with us within five (5) *working days* after delivery of this notice to make a bona fide attempt to resolve the dispute.

..... (signature) for
Subcontractor

Distribution: **Original:** Contractor

Copies: File Other

SUBCONTRACTOR'S FORMS Sub 19

**Australian Building Industry Contract
(ABIC)**

MW.SC 2008

[Insert your company details here]

NOTICE TO REMEDY DEFAULT

No:

Project:

Project no:

Date issued:

To Contractor:

In accordance with clause Q11 you are required to rectify the following default within ten (10) *working days*. Failure to rectify may lead to suspension of the necessary work and termination of the Subcontractor's engagement:
[insert details of default].

.....(signature) for
Subcontractor

Distribution: **Original:** Contractor **Copies:** File Other

SUBCONTRACTOR'S FORMS Sub 20

**Australian Building Industry Contract
(ABIC)**

MW.SC 2008

[Insert your company details here]

NOTICE OF SUSPENSION / TERMINATION

No:

Project:

Project no:

Date issued:

To Contractor:

In accordance with clause Q12 / Q13 / Q14 *[delete where not applicable]* you are notified that as you have not complied with *[insert details of default]*.

the subcontract is suspended / terminated *[delete where not applicable]*.

.....*(signature)* for
Subcontractor

Distribution: **Original:** Contractor **Copies:** File Other