

COMPILATION OF PPP TERMS AND CONDITIONS OF CONTRACT

PUBLIC SECTOR VERSION

CLAUSE 13: NOTICES

DBFOM CONTRACT

CONCESSION CONTRACT

DBFM CONTRACT

DBF CONTRACT

DBOM CONTRACT

DBM CONTRACT

OMF CONTRACT

O&M CONTRACT

INTRODUCTION

This clause deals with the process for giving notices under the contract and indicates when the notice will be deemed to have been received. This is an important “boiler plate” clause, which should be included in all contracts in order to avoid a dispute in relation to this issue.

CORE CONTRACT DRAFTING

13 NOTICES

13.1 Requirement for Writing

Wherever in this Agreement provision is made for the giving or issuing of any notice, submission, endorsement, consent, approval, Approval, acknowledgement, certificate or determination by any person (a “**Notice**”), unless otherwise specified such Notice shall be in writing and the words “notify”, “endorsed”, “consent”, “approval”, “Approval”, “acknowledged”, “Acknowledged”, “certify” or “determined” shall be construed accordingly.

13.2 Notice Specify Response Period

Subject to Clauses 13.4 (Authority Notice) and 13.5 (Changes), any Notice issued by the PPP Co under this Agreement which requires a response from the Authority within a particular period of time (pursuant to the provisions of this Agreement), shall expressly specify the particular period.

13.3 Addresses¹

Any Notice shall be duly given if signed by or on behalf of a duly authorised officer of the person giving the Notice and left at or sent by registered post or by facsimile or email transmission to the following addresses:

Authority

Telefax: []
Email: []
Attention: []

PPP Co [Name]
[Address]

Telefax: []
Email: []
Attention: []

Authority's Representative

[Name]

[Address]

Telefax: []
Email: []
Attention: []

PPP Co's Representative

[Name]

[Address]

Telefax: []
Email: []
Attention: []

13.4 Authority Notice

Where this Agreement contemplates the service of any Notice to the Authority, notwithstanding the provisions of Clause 2.1(p) such Notice must be delivered to the Authority itself (with a copy to the Authority's Representative).

13.5 Changes

Either party may change its address for Notice to another address in the State by prior notice to the other party (with a copy to the Authority's Representative).

¹

Details to be inserted.

13.6 Receipt

Save where otherwise provided in this Agreement, any Notice shall be deemed to have been given:

- (a) if sent by hand, when delivered; or
- (b) if sent by registered post, [●] ([●]) Working Day after posting; or
- (c) if sent by facsimile, upon confirmation of receipt by the addressee; or
- (d) if sent by email, at the time of confirmation of receipt by the addressee.

CROSS REFERENCES

This clause is referred to in the following clauses of the Compendium:

- Clause 3 (Effectiveness of this Agreement)

There are no references to this clause in the Risk Matrix.