

COMPILATION OF PPP TERMS AND CONDITIONS OF CONTRACT

PUBLIC SECTOR VERSION

CLAUSE 40: PAYMENT REQUESTS

DBFOM CONTRACT

DBF CONTRACT

OMF CONTRACT

INTRODUCTION

This section deals with the mechanics for the PPP Co to request payment and the Authority to confirm or dispute the payment. And vice versa.

CORE CONTRACT DRAFTING

40 PAYMENT REQUESTS

40.1 Monthly Report and Payment Requests

- (a) The Monthly Unitary Charge shall be paid from the Services Commencement Date. Within [•] ([•]) Working Days following the last day of each Contract Month during the Operational Period (the “**relevant month**”), the PPP Co shall deliver to the Authority a report setting out the Monthly Unitary Charge payable in respect of such relevant month. The report shall show:
- (i) the Monthly Unitary Charge for that Payment Period in accordance with Part 2 and Part 3 of [Clause 39 - Schedule] (Payment Mechanism);
 - (ii) details of any payment to be made pursuant to [Clause 34 – Schedule A] (Variations);
 - (iii) details of any Deductions to be made pursuant to Parts 4, 5 and 7 of [Clause 39 – Schedule] (Payment Mechanism) for the previous Payment Period;
 - (iv) [•]
 - (v) any VAT payable for the relevant month;
 - (vi) details of any other amount due and payable (including interest) by one party to the other under this Agreement; and
 - (vii) the net amount owing either by the Authority to the PPP Co or by the PPP Co to the Authority.
- (b) The reports delivered pursuant to Clause 40.1(a) shall be accompanied by documentation clearly setting forth the derivation of the matters referred to in Clause 40.1(a) above for the relevant Contract Month, including, where relevant, by way of illustration and/or additional evidence reasonably requested by the Authority in relation to the various matters (including such records as may be necessary to enable the Authority to audit the relevant figure).
- (c) If the report delivered pursuant to Clause 40.1(a) shows a net amount owing by the Authority to the PPP Co, it shall be accompanied by a payment request from the PPP

CROSS REFERENCES

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

- Clause 41 (Payments)
- Clause 53 (Effect of Termination)

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