

# BUILDING WORK CONTRACTORS ACT 1995 (SA) REQUIREMENTS

## 1. CONTRACT SUM

- 1.1 In the Contract, the Contract Sum is «OPPORTUNITY\_AMOUNT\_EXCL\_TAX» (excluding GST) as adjusted in accordance with the Contract.
- 1.2 The Contract Sum may be adjusted as follows:
  - (a) Clause 5 (Additional Costs);
  - (b) Clause 12 (Variations); and
  - (c) Clause 21 (Force Majeure)
- 1.3 The consideration payable to MAINMARK under the Contract may, without any adjustment to the Contract Sum, vary as follows:
  - (a) Clause 3 (GST); and
  - (b) Clause 6 (Late Payment Charges)

## 2. STATUTORY WARRANTIES

- 2.1 MAINMARK warrants that:
  - (a) the Services will be performed in a proper manner to accepted trade standards and in accordance with the plans and specifications set out in the Contract;
  - (b) all materials to be supplied by MAINMARK will be good and proper;
  - (c) the Services will be carried out in accordance with, and will comply with, the Building Work Contractors Act 1995 (SA) and any other law;
  - (d) the Services will be done within the time stipulated in the Contract, or if no time is stipulated, with reasonable diligence;
  - (e) if the Services consist of the construction of a dwelling, the making of alterations or additions to a dwelling or the repairing, renovation, decoration or protective treatment of a dwelling, the Services will result, to the extent of the Services conducted, in a dwelling that is reasonably fit for human habitation; and
  - (f) the Services and any materials used in doing the Services will be reasonably fit for the specified purpose or result, if the person for whom the work is done expressly makes known to MAINMARK, the particular purpose for which the work is required or the result that the Client desires the work to achieve, so as to show that the Client relies on MAINMARK's skill and judgment.
- 2.2 The warranties in Clause 2.1 supplement and do not derogate from the other provisions of the Contract.

## 3. EXPLANATORY NOTICE

Please see attached explanatory notice in the prescribed form as set out in Schedule 3 of the Building Work Contractors Regulations 2011 (SA).

**mainmark**