



ASSESSMENT WORKBOOK



CPCCBBC4003

Select, prepare and administer a construction contract

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Introduction

The assessments in this workbook are divided into three categories: Knowledge Assessment and Practical Assessment.

The **Knowledge Assessment** is a set of general and workplace questions testing your knowledge and understanding of the general theory behind the unit.

You must answer all Knowledge Assessment Questions using your own words. However, you may refer to your Learner Guide and other relevant resources and learning materials to complete this assessment.

Some questions cover processes you would likely encounter in a workplace. Ideally, you should be able to answer these questions based on the processes that are currently in place in your workplace. However, if you do not currently have access to a workplace, then answer the questions based on processes that should be implemented in a typical workplace setting.

The **Practical Assessment** is made up of the **Practical Assignment** and **Workplace Assessment**. This assessment tests your practical skills with respect to the requirements of the unit of competency relevant in this workbook.

The Practical Assessment requires you to complete and submit workplace documents and other documentation relevant to the unit of competency.

The evidence you submit must be your own work except where due reference is made and where you are required to submit supplementary workplace documents such as policies and procedures.

When completing the assessments included in this workbook:

1. Read the instructions provided in each task carefully before attempting to complete the task. The instructions will guide you on how to answer the question or complete the task satisfactorily.
2. Follow the steps provided in each task.
 - If the question instructs you to describe, provide a description as your response. If the question instructs you to list, provide a list as your response.
 - Where there is a number of required responses, provide the required number of responses. For example, if you are asked to list three responses, provide three responses.
3. Ensure that all your submissions for this assessment indicate your first and last name and that these submissions have been named according to the file naming convention prescribed in each task.

Competency-Based Assessments

Definition of Competency

Assessment in this context can be defined as the fair, valid, reliable, and flexible gathering and recording of evidence to support the judgement on whether competency has been achieved. Skills and knowledge (developed in a structured learning situation, at work, or in some other context) are assessed against national standards of competence required by industry, rather than compared with the skills and knowledge of other candidates.

The features of a competency-based assessment system are:

- It is focused on what candidates can do and whether it meets the criteria specified by the industry as competency standards.
- Assessment should mirror the environment the candidate will encounter in the workplace.
- Assessment criteria should be clearly stated to the candidate at the beginning of the learning process.
- Assessment should be holistic. That is, it aims to assess as many elements and/or units of competency as is feasible at one time.
- In competency assessment, a candidate receives one of only two outcomes – ‘competent’ or ‘not yet competent.’
- The basis of assessment is in applying knowledge for some purpose. In a competency system, knowledge for the sake of knowledge is seen to be ineffectual unless it assists a person in performing a task to the level required in the workplace.
- The emphasis in assessment is on assessable outcomes that are clearly stated for the trainer and candidate. Assessable outcomes are tied to the relevant industry competency standards where these exist. Where such competencies do not exist, the outcomes are based upon those identified in a training needs analysis.

Assessing Nationally-Recognised Training

Developing and conducting assessment, in an Australian Vocational Education and Training (VET) context, is founded on the Principles of Assessment and the Rules of Evidence:

Principles of Assessment

1. Assessment must be valid

- Assessment must include the full range of skills and knowledge needed to demonstrate competency.
- Assessment must include the combination of knowledge and skills with their practical application.
- Assessment, where possible, must include judgements based on evidence drawn from a number of occasions and across a number of contexts.

2. Assessment must be reliable

- Assessment must be reliable and must be regularly reviewed to ensure that assessors are making decisions in a consistent manner.
- Assessors must be trained in national competency standards for assessors to ensure reliability.

3. Assessment must be flexible

- Assessment, where possible, must cover both the on- and off-the-job components of training within a course.
- Assessment must provide for the recognition of knowledge, skills, and attitudes regardless of how they have been acquired.
- Assessment must be made accessible to candidates through a variety of delivery modes, so they can proceed through modularised training packages to gain competencies.
- Assessment must be mutually developed and agreed upon between assessor and the assessed.
- Assessment must be able to be challenged. Appropriate mechanisms must be made for reassessment as a result of challenge.

4. Assessment must be fair

- Assessment process must consider the individual needs of the candidate.
- Assessment must provide for reasonable adjustments, where appropriate, to consider the individual candidate's needs.

(Source: Standards for RTOs 2015, Clauses 1.8 – 1.12)

Rules of Evidence

When collecting evidence, certain rules apply to that evidence. All evidence must be valid, sufficient, authentic, and current:

1. Valid

Evidence gathered should meet the requirements of the unit of competency. This evidence should match, or at least reflect, the type of performance that is to be assessed, whether it covers knowledge, skills, or attitudes.

2. Sufficient

This rule relates to the amount of evidence gathered. Enough evidence must be gathered to satisfy the requirements that the candidate be competent in all aspects of the unit of competency.

3. Authentic

When evidence is gathered, the assessor must be satisfied that evidence is the candidate's own work.

4. Current

This relates to the recency of the evidence and whether the evidence relates to current abilities.

(Source: Training in Australia by M Tovey, D Lawlor)

Dimensions of Competency

The national concept of competency includes all aspects of work performance and not only narrow task skills. The four dimensions of competency are:

1. Task skills
2. Task management skills
3. Contingency management skills
4. Job or role environment skills

Reasonable Adjustment

'Reasonable adjustment' in VET is the term applied to modifying the learning environment or making changes to the training delivered to assist a candidate with a disability. A reasonable adjustment can be as simple as changing classrooms to be closer to amenities or installing a particular type of software on a computer for a person with vision impairment.

Why make a reasonable adjustment?

We make reasonable adjustments in VET to make sure that candidates with a disability have:

- The same learning opportunities as candidates without a disability, and
- The same opportunity to perform and complete assessments as those without a disability.

Reasonable adjustment applied to participation in teaching, learning, and assessment activities can include:

- Customising resources and assessment activities within the training package or accredited course
- Modifying the presentation medium
- Learner support
- Use of assistive/adaptive technologies
- Making information accessible both before enrolment and during the course
- Monitoring the adjustments to ensure candidate needs continue to be met

Assistive/Adaptive Technologies

Assistive/Adaptive technology means 'software or hardware that has been specifically designed to assist people with disabilities in carrying out daily activities' (World Wide Web Consortium - W3C). It includes screen readers, magnifiers, voice recognition software, alternative keyboards, devices for grasping, visual alert systems, digital note-takers.

(Adapted Reasonable Adjustment in teaching, learning and assessment for learners with a disability - November 2010 - Prepared by - Queensland VET Development Centre)

IMPORTANT:

Reasonable adjustment made for collecting candidate assessment evidence must not impact on the standard expected by the workplace, as expressed by the relevant unit(s) of competency. For example, if the assessment were gathering evidence of the candidate's competency in writing, allowing the candidate to complete the assessment verbally would not be a valid assessment method. The method of assessment used by any reasonable adjustment must still meet the competency requirements.

The Unit of Competency

The units of competency specify the standards of performance required in the workplace.

This assessment addresses the following unit of competency:

CPCCBC4003 - Select, prepare and administer a construction contract

1. Identify and analyse business contracts.
2. Select appropriate contract.
3. Prepare the contract.
4. Administer the contract.
5. Finalise a contract.

A complete copy of the above unit of competency can be downloaded from the TGA website:

<https://training.gov.au/Training/Details/CPCCBC4003>

The Context of Assessment

To complete the assessments in this workbook, students need to have access to their learning materials and the Internet. The Knowledge Assessment may be completed wholly at the candidate's home or chosen place of study. The Practical Assessment must be completed in a workplace or a simulated environment.

Assessment Methods

This workbook uses the following assessment method/s:

- 1. Knowledge Assessment**

A set of general and workplace questions testing the candidate's general knowledge and understanding of the general theory behind the unit.

- 2. Practical Assignment**

A series of written practical tests assessing the candidate's practical knowledge and understanding of the unit of competency.

- 3. Workplace Assessment**

A set of tasks or activities completed according to set instructions and guidelines to meet the requirements of the relevant unit. These tasks and activities require you to have access to a workplace or a similar environment.

Resources Required for Assessment

The Training Organisation to provide/organise candidate with access to:

- Workplace, or a similar environment, where the candidate can complete the assessments, and that will allow them access to:
 - Building and construction project
E.g., for a Residential Building (Class 1 and 10 buildings, max two storeys) or Commercial (Class 2 to 9, Type C only constructions).
 - Opportunities to complete the workplace assessment tasks within this project.
 - Workplace resources to select, prepare and administer legal requirements in the project, such as but not limited to:
 - Organisational templates for drafting project contracts and agreements.
 - Relevant project documents such as project plans, specifications, timelines, and schedules, etc.
 - Resources to conduct a site inspection, e.g., materials, equipment, plant, concrete work, etc. the candidate can inspect.
 - Resources to monitor the progress of the project, e.g., organisational site diary templates, any software (e.g. Gantt chart) used by the organisation to monitor the progress of the project.
 - Certification documents for building, subcontractor, workers' compensation, materials, etc., including certificates of insurances/certificate of currency.
 - Invoices from project suppliers and subcontractors.
 - Relevant government building and construction and contract legislation
 - Current building and construction codes and standards
 - Relevant construction industry contracts
 - Construction drawings and specifications
 - Organisational policies and procedures and other quality documentation required to undertake the performance criteria and assessment requirements.
 - Digital devices, applications, and software to transmit and receive information electronically.

The candidate will need access to:

- Computer with Internet, email access, and a working web browser
- Installed software: MS Word, Adobe Acrobat Reader

Assessment Workbook Cover Sheet

To the candidate: Print this cover sheet and complete it by filling in all the required information and signing in the space provided. Your signature must be handwritten. Scan the completed cover sheet and submit it along with your evidence submissions. Use the filename: **CPCCBC4003 Cover Sheet**

Workbook	CPCCBC4003
Title	Select, prepare and administer a construction contract
First and Last Name	Rex Henderson
Phone	0490785772
Email	ricpredator@hotmail.com

Please read the Candidate Declaration below and if you agree to the terms of the declaration, sign and indicate the date in the spaces provided.

By submitting this work, I declare that:

- I have been advised of the assessment requirements, have been made aware of my rights and responsibilities as an assessment candidate, and choose to be assessed at this time.
- I am aware that there is a limit to the number of submissions that I can make for each assessment, and I am submitting all documents required to complete this Assessment Workbook.
- I have organised and named the files I am submitting according to the instructions provided. I am aware that my assessor will not assess work that cannot be identified and may request the work be resubmitted according to the correct process.
- This work is my own and contains no material written by another person except where due reference is made. I am aware that a false declaration may lead to the withdrawal of qualification or statement of attainment.
- I am aware that there is a policy of checking the validity of qualifications that I submit as evidence as well as the qualifications/evidence of parties who verify my performance or observable skills. I give my consent to contact these parties for verification purposes.

Name: Rex Henderson

Signature:



Date signed: 19/06/2023

Knowledge Assessment

1. Answer the following questions about the Australian legal system.

i. What is a legal system?

The 'legal system' is a broad term that describes the laws we have, the process for making those laws, and the processes for making sure the laws are followed.

ii. What form of legal system does Australia have?

Australia and all its states and territories, including New South Wales, follow the common law legal system. Unlike the US, Australia has a singular uniform common law across the nation.

iii. What are the two major sources of Australian law?

- a. laws made or authorised by the Legislative Assembly (legislation and instruments made under legislation)
- b. and the decisions of the courts (the common law).

iv. Provide the legal elements required for a contract to be formed.

- a. Offer
- b. Acceptance
- c. Intention
- d. Consideration

v. How does the Australian legal system affect construction contracts?

Australian contract law is based on legislatively modified English common law, rather than a civil code. The basic principle is freedom of contract, in which parties free to bargain as they choose within legislated parameters.

2. Listed below are pieces of legislation that affect construction constructs in Australia. Explain how these are applied in drafting construction contracts.

Legislation	Application
i. Fair Work Act	<i>The fair Act is used to ensure contact stipulations comply with;</i> <i>Employee/employer relationship requirements</i> <i>Regulation against workplace discrimination</i> <i>Minimum entitlements</i> <i>Working arrangements</i> <i>Fairness at work</i>
ii. WHS Laws	The WHS Laws are used to ensure contact stipulations comply with: Risk management requirements Health and safety requirements in the workplaces Worker's compensation insurance
iii. Building and construction	The Building and construction legislation are used to ensure contract stipulation comply with: Building specification requirements Construction specification requirements
iv. Consumer Laws	Consumer law are used to ensure contact stipulations comply with: Fair contract terms Lay-by agreements rules Product safety laws Consumer rights requirements

3. Listed below are different types of construction contracts in Australia. When is each contract used or necessary?

Types of contracts	When is it used or necessary?
i. Residential contracts	When you are a party to a contract carrying out residential building work. When a residential building or a part of it is being sold, if the contract requires residential building work. When there is an arrangement for someone to carry out residential building work.
ii. Commercial contracts	In general, a commercial contract is a legally binding agreement between parties to do or not to do an action. The building involved must be used for non-residential purposes (unlike residential contracts) such as retail store, hotels, offices, and other spaces that may be needed for private businesses.
iii. Subcontractor agreements	Sub contract agreements are made between the main contractor and subcontractor, wherein a subcontractor's services are called for specialist and specific work in the construction project on behalf of the main contractor. Subcontractors sign with the primary contractor and not the company. With this, the subcontractor <i>agreements</i> does not interact much with the company. You may think of the subcontractor in the company-contractor-subcontractor relationship as a contractor under another contractor <i>Subcontractor</i>.
iv. Lump-sum contracts	<i>Lump sum contracts</i> or <i>fixed sum contracts</i> are contracts wherein the contractor and the principal arrange a fixed price for the work that needs to be done. With this, the contractor will be hired before the project commences and will finish the project with the set price. This type of contract applies to both commercial and residential contracts.

v. Cost-plus contracts	A cost plus contract is a more flexible alternative to lump sum contracts. Under a <i>cost plus contract</i>, the hirer agrees to reimburse the contractor's company for the building expenses such as the labour performed, the material purchased, and the other costs, plus additional payment that is usually stated as a percentage of the contract's full price. The client, in turn, has the right to complete transparency of the contractor's expenses for the project. This type of contract incurs less risk for the contractor as it allows for more flexible provisions. Also, it ensures that the contractor will make a profit out of it. In some cases, the contract will have clauses referring to a maximum price as cost-plus contracts operate under a reimbursement principle. This contract applies to both commercial and residential contracts.

4. Answer the following questions Australian Building Industry Contracts (ABIC).

i. What are Australian Building Industry Contracts (ABIC)?

Australian Building Industry Contracts (ABIC) are standard-form contracts produced by Master Builders Australia with the Australian Institute of Architects. They are drafted solely for architects involved in a building project to use when they are administering building contracts.

ii. Identify the two bodies who publish ABIC contracts.

- a. Master builders Australia limited (Master Builders)
- b. Australian institute of Architects (institute)

iii. List four features of Australian Building Industry Contracts (ABIC).

- a. Contracts are drafted in an easily digested format with clear language minimising confusion.
- b. Are varied and cater to specific needs
- c. Include ancillary documents explaining the ABIC contract further such as user guides
- d. Aim to evenly distribute liability of potential risk on each party

- iv. Differentiate an *Australian Building Industry – ABIC Major Works (MW)* contract from an *Australian Building Industry – ABIC Simple Works (SW)* contract, by explaining what each is for.

The *Australian Building Industry – ABIC SW* contract is for:

ABIC Simple Works (SW) Contract is intended for simpler projects than MW.

While the *Australian Building Industry – ABIC MW* contract is for:

ABIC Major Works (MW) contract is intended for major/more complex projects than SW.

- v. List five things the MW contract provides/covers which the SW contract does not.
- a. Typically a budget exceeding 3 million
 - b. Multi Story
 - c. Projects that require a high level of detail
 - d. Complex or large projects
 - e. Separable parts to works(staged Practical completion)

5. Listed below are terminologies commonly used in construction contracts.

For each of the following terminologies provide a brief definition and explain how each impacts the project.

Terminology	Definition	Impact on projects
i. Extension of time (EOT)	An extension of time (EOT) in a construction contract is a formal request for an additional time period that can make up for delay losses. It is granted for valid reasons such as ongoing legal disputes, delays in the delivery of goods, changes to the scope of work, and unexpected weather conditions	overrunning of time and cost, delay by the contractor in repayment of loans, disputes, and poor quality of work
ii. Practical completion	Practical completion is the stage of construction when all the works described in the contract have been carried out. Practical completion allows contractors to hand over a project to their clients since it is complete and fit for use. Practical completion may be issued by the agent or the contract administrator to relieve contractors with the responsibility to insure.	The owner can move into the property or start using the renovated space while the builder addresses any outstanding defects during the defects liability period.

Terminology	Definition	Impact on projects
iii. Liquidated damages	In construction, the liquidated amount of damages is the agreed-upon compensation owed to one party (most often the client) when the other party (often the contractor) doesn't meet the timeline requirements.	Liquidated damages allow injured parties to collect compensation when there is a breach of contract.
iv. Force majeure	Literally translating from French as 'superior force,' force majeure generally refers to unforeseen events or circumstances beyond any reasonable control of the people involved in the contract. These events are ones that cannot be reasonably avoided, overcome, or blamed on either party.	Force majeure are relevant events that may allow contractors an extension of

v. Terminations	This refers to clauses in the contract which lays out the circumstances in which the contract may be legally ended.	The general purpose of an award of damages for breach of contract is to compensate the innocent party for the actual loss suffered. The damage incurred is assessed as at the date of the breach of contract.
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6. Answer the following questions about AS2124 and AS4000.

i. What are the common features between the AS2124 and AS4000? List five common features.	a. Lump sum price b. Practical completion c. Fixed timeframe d. Provisional sums e. Separable portions
ii. What must be considered when choosing AS2124 for construction contracts? Provide one example.	To ensure that the works are finished by an agreed 'date for practical completion,' the contractor is essential, otherwise liquidated damages may apply.
iii. What are two distinguishing features of AS4000.	a. Relief for latent conditions b. Apportionments of concurrent delays

iv. What are differences between AS2124 and AS4000? List five differences.

- a. The availability of EOTs
- b. The calculation of delay costs
- c. The consequences of failing to communicate
- d. The certification of liquidated damages.
- e. Interest on late progress payments

7. Answer the following questions about the relationship between the organisation and its clients

- i. Briefly explain the relationship between the organisation and its clients.

Building a working relationship with customers is key to the long-term success of a business. Having a strong connection based on trust and communication helps customers feel more secure and connected with a brand, and it can also lead to growing customer retention and your repeat purchase rate

- ii. Why is a contract necessary for this relationship?

The main purpose of a contract is to formalize new relationships and outline the various legal obligations each party owes to the other.

8. Provide two ways CRM systems can benefit a business.

- i. helps companies stay connected to customers

- ii. It can streamline processes, and improve profitability.

9. Why are the following items important when drafting a contract?

Items	Importance to contracts
i. Equipment information	Equipment information allows parties to know the set of tools required for a building and construction project. It outlines the equipment needed for the project and those that will be provided.
ii. Site accommodation information	Site accommodation documents allow parties involved to understand the scope of accommodation that will be provided, and the responsibilities attached to providing site accommodation.
iii. Services information	Services information allow parties involved to understand the scope of services or labour that will be done, and the responsibilities attached to doing these.
iv. Human resource projections	Human resource projection helps the company plan and find the people they need and measure its working capacity to meet its goals. Human resource projections allow parties involved to know the essential human resource required for the project and anticipate the needed manpower for projects tasks.
v. Materials list	The materials list refers to the list of materials that will be used for the construction project. The materials lists would include the brand, the supplier, the dates of delivery and use, the quantities, and other relevant information. Keeping track of all this is also essential when it comes to identifying costs incurred.

Items	Importance to contracts
vi. Construction drawings and specifications	Construction drawing is a document that regularly refers to a detailed graphic representation of what needs to be constructed. This would include the materials, procedures, specifications, techniques, and so on that is required to perform the project. The drawings are generally drawn to scale Specifications typically contain a detailed description of the products, materials, and the work that needs to be completed as stated in the construction contract. These are used in conjunction with the construction drawings in carrying out the works, evaluating the efficiency of the choices made in the contract and if changes are to be implemented, and identifying the cost of the project
vii. Project timelines	A project timeline refers to a visual representation of the schedules for the construction project. It breaks down the stages of work that needs to be done throughout the provided timeframes, and it can also be used to evaluate the effectivity of the current schedules at a glance.
viii. Schedules	A schedule refers to the list of tasks that need to be completed under the obligations of the contract within the agreed time and dates of commencement and completion of the tasks mentioned above.

10. Listed below are examples of digital tools and devices that can be used to communicate and collaborate. Explain how these tools and devices can be used in building and construction.

Digital tools and devices	Use
i. Internet blog	Businesses use blogs to inform and educate their audience , making them more knowledgeable about their sector.
ii. Video conferencing	Video conferencing allows experts such as architects, engineers and inspectors (that cannot be on site everyday) to give their input, in real-time, remotely
iii. Smartphone	Mobile devices can be used to track quality control processes, such as inspections and testing, to ensure that construction projects meet high standards. Mobile technology improves quality control by enabling workers to easily document and track inspections.
iv. Personal computer	Computer Aided Drafting, or (CAD), can draw plans that are exactly to scale and viewable in 3D from every angle imaginable. This allows new modern design techniques and style to become possible and put to use. Excel and Access create spreadsheets and compute equations to organize and categorize necessary material.

11. Listed below are examples digitally based technology and applications for researching information. Explain how these technology and applications can be used in construction of energy efficient buildings.

Technology and application	Use
i. Scholarly websites	While research can reveal some areas of needed improvement, it can also showcase the ways the industry is succeeding and excelling. In the ongoing efforts to recruit new talent into the skilled trades, it can be effective to highlight these positive statistics.
ii. eBooks	EBooks are a great resource. They are exactly like a physical book , only in a digital format.
iii. ArticleSearch (application)	Construction information systems help you collect data on operators, tools, vehicles, and equipment. This information is necessary when it comes to planning and budgeting .
iv. FlipBoard (application)	FlipBoard gathers content from social networks, news publications and blogs. Then the app displays stories, articles, blog posts, videos and other pieces of content in a magazine-like format. The Flipboard app is available on multiple operating systems and devices, including smartphones and tablets

Practical Assessment

Candidate Instructions

The Practical Assessment is a set of tasks that must be completed in a workplace, or in an environment with conditions similar to that of a real workplace.

This assessment will help you demonstrate skill requirements relevant to selecting, preparing and administering a construction contract.

The Practical Assessment includes the following:

1. Practical Assignment

A series of written practical tests assessing the candidate's practical knowledge and understanding of the unit of competency.

2. Workplace Assessment

A set of tasks or activities completed according to set instructions and guidelines to meet the requirements of the relevant unit. These tasks and activities require you to have access to a workplace or a similar environment.

Preliminary Assessment Information

The tasks in this practical assessment must be completed in a workplace (or a similar environment) and in the context of a building and construction project which you are currently a part of.

E.g., You are a builder, a site manager in training, foreperson, or an apprentice in this project, etc.

Before starting the practical assessment, record the following information for your assessor's reference.

When completing the tasks in this practical assessment ensure that your responses and performance must align with the information you have provided below.

For example (but not limited to):

- If the task asks you to refer to building and construction legislation and regulatory requirements, refer to the requirements that apply to the state/territory where your nominated building and construction project is undertaken.
- If the task requires you to follow organisational policies and procedures, refer to the policies and procedures in your nominated organisation/workplace.

Work role/title	Sub Foreman
Organisation/workplace	McNab Developments
Building and construction project	Rockpool Pelican waters
Project overview	150 room, aged care facility.
Building classification	9C
Project site address	90 Spitfire banks drive, Pelican waters
State/territory where this project is being undertaken	Queensland

Practical Assignment

Overview

The goal of this assessment is to assess your practical knowledge of:

- Various types of building and construction contracts, their legal requirements and application.

This assessment has three tasks:

- Task 1 – Identify Building and Construction Contract
- Task 2 – Identify Intention of Legal Relation
- Task 3 – Identify Parts of a Contract

This task must be completed in the context of the workplace you have nominated in the “Preliminary Assessment Information” section.

You are required to:

- Identify information about the construction contract relevant to the project you are working on.
- Identify the legal requirements of contracts relevant to your state/territory.
- Identify the application of contracts relevant to your state/territory.
- Access and review a range of documents associated with a contract:
 - equipment, site accommodation and services information
 - human resource projections
 - materials lists
 - construction drawings and specifications
 - project timelines
 - schedules
- Review the task instructions included in this Practical Assignment
- Record your response as required in the instructions.

Resources required for assessment

- Various types of building and construction contracts
- Organisational policies and procedures and other quality documentation

Practical Assignment

Task 1 – Identify Building and Construction Contract

1. Review each and in the spaces provided below:
 - i. Provide two legal requirements that apply to each type of contract.
 - ii. Explain each contract's application or use.

Type of contract	Legal requirement	Application
i. Residential Contracts	a. Payment terms b. Scope of work	– These include the terms of payment agreed upon with the costs. – Also known as 'statement of work'. This outlines the total output and work needed for the construction project. The scope of work needs to include the following:
ii. Commercial contracts	a. Payment terms b. Schedule of work	– These include the terms of payment agreed upon with the costs. – These are instructional lists of the work required.
iii. Lump-sum contracts	a. Payment terms b. Identification information	– These include the terms of payment agreed upon with the costs. – This will include the names of the parties involved, their addresses and signatures in all the necessary pages of the documents attached.

Task 2 – Identify Intention of Legal Relation

2. What is the importance of the intention to create legal relations?

It is important to remember that all agreements made with other people are not necessarily bound by law. In general, parties entering general agreements have no intention to be legally bound. Agreeing with a friend to go to Paris for a summer vacation may constitute an agreement for the two of you, but it is not one bound by law. Buying the plane tickets that will take you from Victoria to Paris, on the other hand, constitutes a legally binding agreement between you and the airline company. In the latter example, there is an intention to create legal relations because both parties accept that there can be legal consequences of breach or termination once they entered into the agreement. You may claim for damages or compensation if the company loses your luggage or causes you harm during the duration of the trip, whereas the first example cannot give you those options.

The intention of the parties to create legally binding relations indicates that the parties involved are serious about the contract and that they are ready to accept its consequences.

An intention to create legal relations is established by fact. Agreements made in a commercial context are generally created with legal intentions as compared to social or domestic arrangements.

Intention to create legal relations is required for a contract to exist. It is important that the contracting parties intend to create legal relations in order for a contract to be legally binding

Task 3 – Identify Parts of a Contract

3. Access and review a construction contract from your workplace and answer the following questions about the different components.

Note: If you are unable to access a construction contract from your workplace use the following:

- Example - Building Contract (HO5), which can be located in Study Central.

i. Based on the contract provided, identify all the contract elements that are present.

1. Scope of work
2. Duration of work
3. Payment and billing
4. Insurance
5. Prohibition of Assignment
6. Indemnity
7. Promises and warranty
8. Termination or modification/ Variation
9. Entirety of agreement

- ii. Identify five terms related to construction that was used on the contract and provide a brief explanation for each.

Term	Explanation
a. Contract price	Includes the direct project cost including field supervision expenses plus the markup imposed by contractors for general overhead expenses and profit
b. Builder's margin	A builders margin is the percentage added to the cost price of a building project and can vary from builder to builder
c. Contract period	Construction contracts conclude at the time when the contractors and subcontractors deliver on what was agreed in the contract and have performed the contract in its entirety.
d. Liquidated damages	Liquidated damages are an amount which the builder agrees to pay to the homeowner for late completion of the project
e. Practical completion	The licensed contractor has completed all work according to the contract, plans and specifications

- iii. Outline all the sections contained in the contract.
- iv. Particulars of the contract
- v. Progress Payments
- vi. Excluded Items
- vii. Description of work
- viii. Warranty Insurance
- ix. Prime cost and Provisional sum items
- x. Signatures
- xi. Deed of guarantee and indemnity
- xii. Conditions

- xiii. Outline one clause that states an obligation of the client.

INITIAL PERIOD (Clause 4)

If nothing stated in 15 days

The owner must satisfy the essential matters in Clause 4 within the initial period being a period of 15 working days

The builder does not need to commence on site until the essential matters are satisfied and may terminate the contract if the essential matters are not satisfied.

- xiv. Outline one clause that states an obligation of the contractor.

Clause 2. Builders obligations

Refer to Clause 38 for statutory warranties

Refer to Clause 43 for mandatory conditions

2.1 The builder must carry out and complete the building works in accordance with this contract

- xv. Outline one clause that states a right of the client.

Unreasonable or Vexatious Notice

- xvi. Outline one clause that states a right of the contractor.

Scheduling Progress Payments

xvii. How is the contractor liable for the performance of their obligations?

Indemnity - This ensures that the subcontractor will be liable for the quality of work they make.

xviii. How is the client liable for the performance of their obligations?

While it is ideal that contracts are fully realised without any hiccups or issues, it is not uncommon for specific situations to occur wherein the contract will be breached.

Most contracts, while varying in content, will have one clause or another discussing breach of contract. There are various ways that these breaches can occur, and in this subchapter, we will be discussing four of the most common ways that breach of contract occur.

When one party refuses to perform its obligation, the contract is terminated by **breach**. The innocent party has the opportunity to treat the contract as concluded and may sue for damages for the unperformed portion. Alternatively, the innocent party may refuse to perform any unfinished part of their obligation and the breach as a defence. The last remedy is to seek an order for specific performance if the unfinished part of the contract involves the transfer of promised property or goods. In some cases, it is possible to sue for damages as a result of the breach.

You must remember, however, that the breach does not automatically discharge the contract. Beware of refusing to perform your own contractual obligations without legal advice, or you could be the one who gets sued.

xix. Outline the circumstances that constitute a breach of the provided contract.

Ousting the Contractor from the Building or Construction Site

Included in the rights of contractors along with timely payments, time extensions, contract termination, and appointment of subcontractors, is site access. The contractor has the right to access and be present in the site where the project or construction shall commence at the time and date agreed upon in the contract.

Expelling the contractor from the building or construction site and even failure to provide access to the contractor to such site constitutes as a breach as it frustrates the purpose of the contract.

xx. Outline the circumstances that constitute termination of the contract.

Abandonment in business and contracts means that the control has been relinquished and the terms have been given up. **Contract abandonment** occurs when both contracting parties have acted in such a way that the contract is rendered invalid and mutually agree to abandon the contract. This may happen when both parties violated the terms of the contract or when one party acted inconsistently with its terms and the other party consented to this. Contract abandonment can only be applied in private contracts.

Once again, it is important to remember that if only one person abandons the contract, then that is a case of a breach of contract.

An example of contract abandonment occurs when a contract cannot comply with the outcomes needed for the project. Without valid reasons for abandonment, legal and disciplinary action may be enforced. This may be for the following reasons:

- The contractor failed to start the project within time.
- The contractor cannot finish the project within time.

The contractor fails to complete what is left of the project within time

xxi. Identify the legislative requirements addressed in the contract and briefly describe the procedure for each.

Legislative procedures are set of legally bound steps that follow a consistent path to achieve a result. A contract would usually contain multiple procedures, such as the procedure for contract disputes, the procedure for contract termination, and the procedure for reviewing the project for practical completion, among others. Procedures like these are essential to the contract's completion and are discussed in-depth in valid construction contracts.

Legislative requirements, as discussed in Section 1.1, are certain pieces of legislation relevant to your state/territory that your contract is required to be compliant with.

In this subchapter, we will be discussing the Australian Standards that are incorporated in most construction contracts used in Australia today as well as Australian Building Industry Contracts. This Section will also discuss a few of their functions that serve as legislative procedures followed in contract administration.

Workplace Assessment

Overview

The goal of this assessment is to assess your practical knowledge and skills in:

- Identifying and analysing business contracts
- Selecting appropriate contracts
- Preparing the contract
- Administering the contract
- Finalising a contract

This workplace assessment is made up of three workplace tasks:

Task 1 – Meet with Contracting Parties

Task 2 – Select the Type of Contract

Task 3 – Prepare and Compile the Range of Documents to be Used in the Contract

Task 4 – Draft the Contract

Task 5 – Review Contract Draft with Relevant Persons

Task 6 – Prepare Final Contract

Task 7 – Process Progress Payment

Task 8 – Process Application for Extension of Time

Task 9 – Negotiate Contract Variations

Task 10 – Workplace Measures Against Breach of Contract

Task 11 – Confirm Performance of Work

Task 12 – Review Conditions for Issuing a Final Certificate

Task 13 – Verify Practical Completion of the Project

Task 14 – Finalise Contract

Task 15 – Issue Certificate Upon Completion of Work

Task 16 – Secure Documentation for Records Purposes

Each task comes with a set of instructions. You are to follow and perform these instructions and submit any required documentation.

You are required to:

- Complete the tasks within the time allowed.
- Review the instructions in each task.
- Identify and analyse business contracts
- Select appropriate contracts
- Prepare the contract
- Administer the contract
- Finalise the contract
- Perform the workplace task according to the instructions provided.
- Complete and submit any required documentation.

Resources required for assessment:

To complete this assessment, you will need access to the following:

- A workplace or a similar environment that will allow you access to:
 - Building and construction project contract
 - Building and construction project site and personnel
 - Colleagues who are also working on the building and construction project
 - Organisational policies and procedures, including:
 - Policies and procedures relevant to communicating with contracting parties.
 - Policies and procedures relevant to selecting appropriate contract.
 - Policies and procedures relevant to preparing and finalising contract.
 - Policies and procedures relevant to dispute resolution.
 - Policies and procedures relevant to processing progress payments
 - Policies and procedures relevant to applying for Extension of Time
 - Policies and procedures relevant to site inspections
 - Documentation templates, including:
 - equipment, site accommodation and services information
 - human resource projections

- materials lists
- construction drawings and specifications
- project timelines
- schedules
- progress payments
- policies and procedures checklist
- application for Extension of Time
- construction certificates
- relevant government building and construction and contract legislation
- current building and construction codes and standards
- digital devices, applications and software to transmit and receive information electronically

Task 1 – Liaise with Contracting Parties

Liaise with all the contracting parties to review and discuss contract matters.

You will be required to liaise with all members of the construction contracting party to ensure that all terms of the contract, duties and responsibilities and the general plan for the construction project are clearly understood and accepted by all parties.

This can be completed via email correspondence with any relevant members of the contracting party and should relate to (but not limited to) recording the identities of the contracting parties, type of contract, capacity to consent to a contract, contract offer, contract acceptance.

You will be assessed on:

- Practical knowledge of the factors and special conditions associated with the parties' consent to a contract and the requirements associated with an offer and acceptance of a contract.
- Practical skills relevant to communicating with contracting parties.

Before starting this task, review the **Workplace Assessment Task 1 – Assessor's Checklist** provided along with this workbook. This form lists all the practical skills you need to demonstrate while completing this task.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing this task, submit a copy of any emails sent/received in relation to discussing any construction contract matters with any of the contracting party.

Task 2 – Select the Type of Contract

Identify the type of contract appropriate to the building and construction project you are undertaking for this assessment.

Residential Building Contract

Task 3 – Prepare and Compile the Range of Documents to be Used in the Contract

Prepare and compile the range of documents that collectively make up the contract for the project you are working on. The range of documents included must be for the contract type you indicated in Task 2.

Documents you prepare and compile for this task may include the following:

- equipment, site accommodation and services information
- human resource projections
- materials lists
- construction drawings and specifications
- project timelines
- schedules

Compile them in a folder for submission to your assessor.

You will be assessed on:

- Practical knowledge of range of documents that collectively relevant to the project contract.
- Practical skills in preparing and compiling the range of documents that collectively make up the contract.

Before starting this task, review the **Workplace Assessment Task 3 – Assessor's Checklist** provided along with this workbook. This form lists the criteria your folder submission must address to complete this task satisfactorily.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing this task, submit the folder with all the documents you have compiled to your assessor.

Task 4 – Draft the Contract

1. Draft the contract for the building and construction project you are undertaking for this assessment. Ensure the type of contract you draft is appropriate for this project (as specified in Task 2).

Use your organisation's template for drafting the type of contract appropriate for this project.

Assess how you will schedule the progress payments, e.g., quarterly, or based on milestone completion, percentages of payments to be made at different points in the project.

Include in your contract the schedule of progress payments (based on your assessment) as well as processes for applying for extension time.

You will be assessed on:

- Practical knowledge relevant to drafting the contract, including all relevant details, definitions of unreasonable or vexatious notice, repudiation of a contract, conditions for completion at the cost of the contractor, ousting the contractor, and abandonment of a contract, etc.
- Practical skills in drafting the contract accurately.

Before starting this task, review the **Workplace Assessment Task 4 – Assessor's Checklist** provided along with this workbook. This form lists the criteria your draft contract submission must address to complete this task satisfactorily.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing this task, submit the following to your assessor:

- Contract draft

2. Explain how you assessed the schedule of progress payments in the previous task.

Stage	Percent	Amount
Acceptance & signing of Contract(less deposit of \$20,000)	10.00%	\$44,586.60
Completion of Footings and slab	10.00%	\$44,586.60
Completion of Frames and Trusses	20.00%	\$89,173.20
Completion of External Cladding	25.00%	\$111,466.50
Completion of Mould out	25.00%	\$111,466.50
Final-Practical Completion When the building works are complete except for some minor omissions and defects that do not prevent the building from being used for their usual purpose.	10.00%	\$44,586.60
Total	100.00%	\$445,866.00

Task 5 – Review Draft Contract with Relevant Persons

Present your draft contract to the relevant contracting parties. This can be done via email to all members of the contracting party and should include any discussions relating to:

- Reviewing the legality and validity of the draft contract with the contracting parties.
- Resolving any discrepancies or disagreements with the contracting parties.
- Recording any amendments to be made in the draft contract.

You will be assessed on:

- Practical knowledge relevant to resolving discrepancies or disagreements between parties prior to contract preparation.
- Practical skills relevant to reviewing the contract in terms of legality and validity.

Before starting this task, review the **Workplace Assessment Task 5 – Assessor’s Checklist** provided along with this workbook. This form lists all the practical skills you need to demonstrate while completing this task.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing this task, submit any relevant emails (including responses from the contracting parties) during the draft contract phase of the construction project to your assessor. Remember to include any acceptance emails

Task 6 – Prepare Final Contract

Based on the outcomes of your meeting in Task 5, make the necessary amendments in your draft and prepare the final contract based on the legal process of your organisation.

You will be assessed on:

- Practical knowledge of organisation's legal process in relation to preparing final contracts.
- Practical skills in preparing the final contract in accordance with the organisation's legal process.

Before starting this task, review the **Workplace Assessment Task 6 – Assessor's Checklist** provided along with this workbook. This form lists the criteria your draft contract submission must address to complete this task satisfactorily.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing this task, submit the copy of the final contract to your assessor.

Task 7 – Process Progress Payments

Process progress payments as due under contract (in two separate instances).

You will be assessed on:

- Your practical knowledge of progress payments
- Your practical skills in processing progress payments

Before starting this task, review the **Workplace Assessment Task 7 – Assessor’s Checklist** provided along with this workbook. This form outlines all the practical skills you need to demonstrate while completing this task.

After completing this task, submit any evidence (in two separate instances) of any progress payments made by the client e.g., Progress payment invoices relating to the relevant construction stages.

Submit two pieces of evidence, one for each instance you processed progress payments.

Note: *In the event that this task was not conducted as part of the workplace example that the candidate has used in previous assessment tasks, then it is expected that the candidate will simulate this scenario.*

Task 8 – Process Application for Extension of Time

Process application for Extension of Time, in accordance with organisational policies and contract conditions. (in two separate instances).

You will be assessed on:

- Your practical knowledge on the process of application of Extension of Time
- Your practical skills in processing applications for Extensions of Time

Before starting this task, review the **Workplace Assessment Task 8 – Assessor’s Checklist** provided along with this workbook. This form outlines all the practical skills you need to demonstrate while completing this task.

After completing this task, submit the following to your assessor:

- evidence of processing application for Extension of Time. E.g., copy of written notice to the contract administrator and relevant people.
- copy of relevant organisational policies you followed to complete this task
- excerpt from contract showing relevant conditions you followed to complete this task

Note: *In the event that this task was not conducted as part of the workplace example that the candidate has used in previous assessment tasks, then it is expected that the candidate will simulate this scenario.*

Task 9 – Negotiate Contract Variations

Identify variations from the contract. Liaise with the contracting parties and negotiate identified variations to the construction contract. This can be achieved through a series of emails with the relevant contracting parties.

You will be assessed on:

- Practical knowledge of construction contract variations.
- Practical skills in negotiating and documenting contract variations.

Before starting this task, review the **Workplace Assessment Task 9 – Assessor’s Checklist** provided along with this workbook. This form lists the criteria your folder submission must address to complete this task satisfactorily.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing this task, submit any relevant emails (including responses from the contracting parties during contract variation negotiations. Remember to include any acceptance emails.

Note: *In the event that this task was not conducted as part of the workplace example that the candidate has used in previous assessment tasks, then it is expected that the candidate will simulate this scenario.*

Task 10 – Workplace Measures Against Breach of Contract

Review the policies and procedures in your organisation to ensure there are measures in place to prevent breach of contract.

You will be assessed on:

- Your practical knowledge of minimising liquidated damages and penalties.
- Your practical skills in reviewing policies and procedures to ensure there are measures in place to minimise liquidated damages and penalties.

Use the **Policies and Procedures Checklist** provided along with this workbook to document your checks of these training agreements.

Before starting this task, review the **Workplace Assessment Task 10 – Assessor’s Checklist** provided along with this workbook. This form lists the criteria your draft contract submission must address to complete this task satisfactorily.

After completing your review, submit your completed Policies and Procedures Checklist to your assessor as well as copies of policies and procedures you reviewed for this task.

Task 11 – Confirm Performance of Work

1. You will need to complete the following to confirm performance of work:

- Discuss project progress with relevant site personnel
- Discuss compliance of performance with contracts terms to contracting parties
- Review compliance with relevant legislation and regulations

This can be achieved through a series of email communications between the candidate and the Building Site Supervisor.

You will be assessed on:

- Your practical knowledge of contract administration and dispute resolution.
- Your practical skills in administering the project contract.

Before starting this task, review the **Workplace Assessment Task 11.1 – Assessor's Checklist** provided along with this workbook. This form lists the criteria your folder submission must address to complete this task satisfactorily.

After completing your review, submit evidence of Performance of Work. E.g., the documents used to confirm performance of work in accordance with the contract and relevant legislations and regulations and any relevant email communication between the candidate and the Building Site Supervisor in relation to the performance of work.

Note: *In the event that this task was not conducted as part of the workplace example that the candidate has used in previous assessment tasks, then it is expected that the candidate will simulate this scenario.*

2. You will need to complete the following to confirm performance of work:

- Apply contractual dispute resolution processes to resolve disputes with the contract
- Record outcomes of the contractual dispute resolutions.

You will be assessed on:

- Your practical knowledge of contractual dispute resolution processes and relevant contract legislation and regulations.
- Your practical skills in resolving contractual disputes in accordance with contract and relevant legislation and regulations.

Before starting this task, review the **Workplace Assessment Task 11.2 – Assessor's Checklist** provided along with this workbook. This form outlines all the practical skills you need to demonstrate while completing this task.

After completing this task, submit documents from your dispute resolution to your assessor.

Task 12 – Review Conditions for Issuing a Final Certificate

1. Review the conditions for issuing a final certificate in the contract. Compare actual construction conditions presented by the contractor and verify if the conditions for issuing a final certificate in the contract are met.

You will be assessed on:

- Practical knowledge on issuance of final certificates.
- Practical skills in assessing conditions for issuance of final certificate.

Use the **Final Certificate Checklist** provided along with this workbook to document your checks of these conditions.

Before starting this task, review the **Workplace Assessment Task 12 – Assessor's Checklist** provided along with this workbook. This form lists the criteria your folder submission must address to complete this task satisfactorily.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing this task, you must submit the following:

- Final Certificate Checklist
- Copies of the workplace resources showing actual construction conditions presented by the contractor. E.g., photographs of the construction site, invoice for the work completed.
- Except from the contract showing the conditions for issuing a final certificate.

Note: *In the event that this task was not conducted as part of the workplace example that the candidate has used in previous assessment tasks, then it is expected that the candidate will simulate this scenario.*

2. Answer the questions below:

- i. Based on the review and comparison you did in Task 12.1, are the conditions for issuing final certificate met?
- ii. Explain your response.

Are the conditions for issuing final certificate met?

YES

Explanation:

Practical completion is the stage of construction when all the works described in the contract have been carried out.

Practical completion allows contractors to hand over a project to their clients since it is complete and fit for use.

- **Practical completion**

The contract acknowledges that the project can be used and occupied before all the works are finished, including minor works. This can be seen in the concept of 'practical completion'.

The process for practical completion depends on the type of contract used. Practical completion is the stage of construction when all the works described in the contract have been carried out. Practical completion allows contractors to hand over a project to their clients since it is complete and fit for use. Practical completion may be issued by the agent or the contract administrator to relieve contractors with the responsibility to insure.

AS 4000 defines practical completion as:

‘that stage in the carrying out and completion of WUC when:

(a) the Works are complete except for minor defects:

(i) which do not prevent the Works from being reasonably capable of being used for their stated purpose;

(ii) which the Superintendent determines the Contractor has reasonable grounds for not promptly rectifying; and

(iii) the rectification of which will not prejudice the convenient use of the Works;

(b) those tests which are required by the Contract to be carried out and passed before the Works reach practical completion have been carried out and passed; and

(c) documents and other information required under the Contract which, in the Superintendent’s opinion, are essential for the use, operation and maintenance of the Works have been supplied.’

Task 13 – Verify Practical Completion of the Project

Conduct a site inspection to verify practical completion of the project as defined by the contract.

You will be assessed on:

- Practical knowledge of the process for practical completion of contract.
- Practical skills in applying the process practical completion of contract.

Use the **Practical Completion Checklist** provided along with this workbook to document your checks of these conditions.

Before starting this task, review the **Workplace Assessment Task 13 – Assessor’s Checklist** provided along with this workbook. This form lists all the practical skills you need to demonstrate while completing this task.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing this task, submit the following to your assessor:

- The Practical Completion Checklist
- Excerpt from the contract showing the definition of Practical Completion

Note: *In the event that this task was not conducted as part of the workplace example that the candidate has used in previous assessment tasks, then it is expected that the candidate will simulate this scenario.*

Task 14 – Finalise Defects Liability

Review the terms of the defects liability period in the contract, and verify that the make good instructions for all defects are satisfied. This can be confirmed via email from a suitable workplace supervisor confirming the end of defects liability.

You will be assessed on:

- Your practical knowledge on finalising defects liability.
- Your practical skills in finalising defects liability.

Use the **End of Defects Liability Checklist** provided along with this workbook to document your checks of these satisfied make good instructions.

Before starting this task, review the **Workplace Assessment Task 14 – Assessor’s Checklist** provided along with this workbook. This form lists the criteria your draft contract submission must address to complete this task satisfactorily.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing your review, submit the following:

- Copies of the workplace resources you reviewed to verify make good instructions of defects are satisfied. E.g., clearance for site restoration, survey certification.
- End of Defects Liability Checklist (provided in an email from a suitable workplace supervisor confirming the end of defects liability).

Note: *In the event that this task was not conducted as part of the workplace example that the candidate has used in previous assessment tasks, then it is expected that the candidate will simulate this scenario.*

Task 15 – Issue Certificate Upon Completion of Work

Review contract terms for completion of work. Verify if terms have been met and issue the relevant certificates for completion of work.

You will be assessed on:

- Your practical knowledge on issuance of appropriate certificates upon completion of the contract work.
- Your practical skills in issuing of appropriate certificates upon completion of the contract work.

Before starting this task, review the **Workplace Assessment Task 15 – Assessor’s Checklist** provided along with this workbook. This form lists the criteria your folder submission must address to complete this task satisfactorily.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing your review, submit copies of certificates you issued upon completion of work to your assessor.

Note: *In the event that this task was not conducted as part of the workplace example that the candidate has used in previous assessment tasks, then it is expected that the candidate will simulate this scenario.*

Task 16 – Finalise the Contract and Secure Documentation for Records Purposes

Finalise the contract and collate all documentation relevant to the finalisation of the contract. Consolidate them in a folder and submit them to your assessor.

Follow relevant legislation, contract provisions and organisational policies and procedures when completing this task.

You will be assessed on:

- Your practical knowledge of finalising the contract and securing necessary documentation.
- Your practical skills in finalising the contract and securing necessary documentation.

Before starting this task, review the **Workplace Assessment Task 16 – Assessor’s Checklist** provided along with this workbook. This form lists the criteria your folder submission must address to complete this task satisfactorily.

Your assessor will also:

- Address your queries and concerns regarding this task.

After completing your review, submit the folder containing all the documents you secured while completing this task to your assessor.

2. Where would you secure/store the following documentation in your workplace:

Document	Secured/Stored
a. Final Contract	Password protected/ intranet – Project File
b. Certificate of Practical Completion	Password protected/ intranet – Project File
c. Certificate issued by contractor	Password protected/ intranet – Project File
d. Health and Safety inspection certificates	Password protected/ intranet – Project File
e. Statement of Compliance	Password protected/ intranet – Project File

Assessment Workbook Checklist

TO THE CANDIDATE

When you have completed this assessment workbook, review your work, and ensure that:

- ☐ **You have completed all the Knowledge Assessments Questions.**
- ☐ **You have completed the Practical Assessments in this workbook**
 - ☐ Practical Assignment
 - ☐ Task 1 – Identify Building and Construction Contract
 - ☐ Task 2 – Identify Intention of Legal Relation
 - ☐ Task 3 – Identify Parts of a Contract
 - ☐ Workplace Assessment
 - ☐ Task 1 – Meet with Contracting Parties
 - ☐ Task 2 – Select the Type of Contract
 - ☐ Task 3 – Prepare and Compile the Range of Documents to be Used in the Contract
 - ☐ Task 4 – Draft the Contract
 - ☐ Task 5 – Review Contract Draft with Relevant Persons
 - ☐ Task 6 – Prepare Final Contract
 - ☐ Task 7 – Process Progress Payment
 - ☐ Task 8 – Process Application for Extension of Time
 - ☐ Task 9 – Negotiate Contract Variations
 - ☐ Task 10 – Workplace Measures Against Breach of Contract
 - ☐ Task 11 – Confirm Performance of Work
 - ☐ Task 12 – Review Conditions for Issuing a Final Certificate
 - ☐ Task 13 – Verify Practical Completion of the Project
 - ☐ Task 14 – Finalise Contract
 - ☐ Task 15 – Issue Certificate Upon Completion of Work
 - ☐ Task 16 – Secure Documentation for Records Purposes
- ☐ **You have saved and submitted the following evidence:**
 - ☐ This completed workbook
 - ☐ Assessment Workbook Cover Sheet signed and scanned

☐ **You have saved and submitted the following evidence:**

- ☐ Workplace Assessment Task 1
 - ☐ Copy of any relevant emails sent/received in relation to discussing any construction contract matters with any of the contracting party.
- ☐ Workplace Assessment Task 3
 - ☐ Folder with the range of documents
- ☐ Workplace Assessment Task 4
 - ☐ Contract draft
- ☐ Workplace Assessment Task 5
 - ☐ Copy of any relevant emails (including responses from the contracting parties) during the draft contract phase of the construction project to your assessor.
- ☐ Workplace Assessment Task 6
 - ☐ Final contract
- ☐ Workplace Assessment Task 7
 - ☐ Evidence of progress payment processing
- ☐ Workplace Assessment Task 8
 - ☐ Evidence of processing application for Extension of Time
 - ☐ Copy of relevant organisational policies
 - ☐ Excerpt from contract showing relevant conditions
- ☐ Workplace Assessment Task 9
 - ☐ Copy of any relevant emails (including responses from the contracting parties during contract variation negotiations.
- ☐ Workplace Assessment Task 10
 - ☐ Policies and Procedures Checklist
 - ☐ Copy of relevant organisational policies and procedures
- ☐ Workplace Assessment Task 11
 - ☐ Copy of any relevant email evidence of Performance of Work
- ☐ Workplace Assessment Task 12
 - ☐ Final Certificate Checklist
 - ☐ Excerpt from contract showing relevant conditions

- ☐ Workplace Assessment Task 13
 - ☐ Practical Completion Checklist
 - ☐ Excerpt from contract showing definition of Practical Completion
- ☐ Workplace Assessment Task 14
 - ☐ Copy of email evidence from Workplace Supervise confirming the end of defects liability.
 - ☐ End of Defects Liability Checklist
- ☐ Workplace Assessment Task 15
 - ☐ Issued Certificate
- ☐ Workplace Assessment Task 16
 - ☐ Documentation folder

IMPORTANT:

You must achieve a satisfactory result in ALL assessment tasks to be deemed COMPETENT for the unit/s relevant to this workbook.

To be deemed competent in the unit/s of competency relevant to this workbook, you must successfully complete all the requirements listed above according to the prescribed benchmarks provided to the assessor.

Record of Assessment (Assessor's Use Only)

RECORD OF ASSESSMENT	
Candidate's Name	
RTO Name	
Assessor's Name	
Unit of Competency	CPCBC4003 - Select, prepare and administer a construction contract

Knowledge Assessment	S	NYS
Question 1	☐	☐
Question 2	☐	☐
Question 3	☐	☐
Question 4	☐	☐
Question 5	☐	☐
Question 6	☐	☐
Question 7	☐	☐
Question 8	☐	☐
Question 9	☐	☐
Question 10	☐	☐
Question 11	☐	☐

Practical Assessment		
Practical Assignment	S	NYS
Task 1	☐	☐
Task 2	☐	☐
Task 3	☐	☐

Workplace Assessment	S	NYS
Task 1	☐	☐
Task 2	☐	☐
Task 3	☐	☐
Task 4	☐	☐
Task 5	☐	☐
Task 6	☐	☐
Task 7	☐	☐
Task 8	☐	☐
Task 9	☐	☐
Task 10	☐	☐
Task 11	☐	☐
Task 12	☐	☐
Task 13	☐	☐
Task 14	☐	☐
Task 15	☐	☐
Task 16	☐	☐

Rules of Evidence	S	NYS
All knowledge and skills evidence submissions are valid	☐	☐
All knowledge and skills evidence submissions are authentic	☐	☐
All knowledge and skills evidence submissions are sufficient	☐	☐
All knowledge and skills evidence submissions are current	☐	☐

Signature Authentication Checklist

This checklist will guide you in authenticating the signatures provided by the candidate in their assessment workbook and evidence submissions.

Read each checklist item and tick the box only if you confirm that the item is a true and accurate reflection of the signature authentication you have conducted.

Checklist	Completed
I have checked the signature provided by the candidate in the Assessment Workbook Cover Sheet against the signature they provided to the Training Provider.	☐
I confirm the signature provided by the candidate in the Assessment Workbook Cover Sheet matches the signature they provided to the Training Provider.	☐
I confirm ALL signatures provided by the candidate in their evidence submissions match with the signature they provided to the Training Provider.	☐

Third-Party Verification Log

Instructions for the Assessor:

You are required to contact all third-party personnel involved in the candidate's assessment to verify the candidate's performance to confirm with them whether the candidate's evidence submissions are true and accurate.

Complete this Third-Party Verification Log to document your completion of this process. When completing this log, provide all the following information for each third-party personnel:

- Name of third-party personnel contacted
- Relevant qualifications and/or experience of Third-party personnel contacted
- Role in the candidate's assessment (e.g. workplace supervisor, observer, or candidate)
- Contact details (phone number or email address)
- Date contacted

You must also confirm that third-party personnel have verified the candidate's evidence submissions are true and accurate.

Contact No.1

Name and job title of Third-party Contacted		
Relevant Qualifications/experience of Third-party		
Role in the Candidate's Assessment	Contact Details (Phone number or email address)	Date contacted

Contact No.2

Name and job title of Third-party Contacted		
Relevant Qualifications/experience of Third-party		
Role in the Candidate's Assessment	Contact Details (Phone number or email address)	Date contacted

Contact No.3

Name and job title of Third-party Contacted		
Relevant Qualifications/experience of Third-party		
Role in the Candidate's Assessment	Contact Details (Phone number or email address)	Date contacted

Assessor Declaration	
I declare that the information recorded in this <i>Third-Party Verification Log</i> is true and accurate.	
Assessor's name	Assessor's signature
Date signed	

End of Record of Assessment (For the Assessor's Use Only)