

# **Model Waste and Recycling Collection Contract Section H: Formal Instrument of Contract**

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EPA 2015/0601

October 2015

# Formal Instrument of Contract

DATE 201

## PARTIES

**[Click here and type Council's name, ABN and address]**

('Council')

## AND

**[Click here and type Contractor's name, ABN and address]**

('Contractor')

## Recitals

- A. The Council has lately called tenders for the provision of **[click here to identify the waste services for which the Tender was called]** particularly outlined in the Specification(s) referred to in the Schedule ("Services").

### Option 1

- B. The Council declined to accept any Tender for the provision of the Services and resolved to negotiate with certain tenderers to vary the manner of the provision of the Services.  
C. The Council and the Contractor have reached agreement on the manner and cost of providing the Services and enter into this contract to record their agreement.

B and C above to be used if no tender accepted but subsequent negotiations result in agreement being reached.

### Option 2

- B. The Council has resolved to accept the Contractor's tender to provide the Services and enter into this Contract to record their agreements.

Use B above if Council resolves to accept the Contractor's Tender.

## Operative Part

1. The Contractor will perform the Services in accordance with the Contract Documents specified in the Schedule.
2. The Council will pay the Contractor for the performance of the Services in accordance with the Contract Documents specified in the Schedule.

## The Schedule

### Contract Documents

1. Conditions of Contract
2. Performance Specification(s)
3. Relevant Tender Schedules

[NOTE: the 'Relevant' tender schedules will be only those of relevance to the performance of the Contract e.g. Schedules 2 (price), 9(subcontractors), 11 (price for transport to alternate facility), 12 (rise and fall), 14 (MGBs), 17 (education) and 24 (method of services delivery)]

4. The Bank Guarantee.

[The documents should be attached after this page. The execution page should be the last page of this Instrument]

Copies of the said Contract Documents are attached excepting the Bank Guarantees.

# Contract Documents

EXECUTED as an Agreement

The Common Seal of

hereunto affixed on the        day of        201  
pursuant to a resolution of the Council passed on  
201

in the presence of:

\_\_\_\_\_  
General Manager

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Name of General Manager (BLOCK LETTERS)

\_\_\_\_\_  
Name of Mayor (BLOCK LETTERS)

Executed by

in accordance with section 127 of the Corporations Act:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Director

\_\_\_\_\_  
Name of Secretary (BLOCK LETTERS)

\_\_\_\_\_  
Name of Director (BLOCK LETTERS)