DELIVERY PHASE TERMS

**[FOR USE WITH ECI HEAD CONTRACTONLY]**

**EARLY CONTRACTOR INVOLVEMENT HEAD CONTRACT (TWO CONTRACTOR PLANNING PHASE APPROACH) *- [INSERT PROJECT DESCRIPTION/NUMBER]*** entered into by the Commonwealth and ***[INSERT]*** (“Contractor”) on ***[INSERT DATE]*** ("**Contract**")

1. Unless the context otherwise indicates, terms defined in the Contract have the same meaning when used in this document.
2. This document forms the Delivery Phase Terms for the purposes of the Contract, and records the agreement reached by the Commonwealth and the Contractor under and in accordance with clause 2.9(e)(i) of the Conditions of Contract.
3. For the purposes of clause 2.9(e)(i) and the definition of Delivery Phase Terms in clause 1.1 of the Conditions of Contract:
   1. the Contract Particulars are amended and restated in the form set out in Schedule 1; and
   2. the Contract is amended:
      1. by inserting the Works Description as set out in Schedule 2, as a document forming part of the Contract for the Delivery Phase; and
      2. ***[COMMONWEALTH TO INSERT AMENDMENTS TO OTHER DOCUMENTS FORMING PART OF THE CONTRACT (IF ANY)]***.
4. These Delivery Phase Terms:
   1. may be executed in any number of counterparts and all such counterparts taken together will be deemed to constitute one and the same instrument, and the parties consent to execution of this agreement by electronic means; and
   2. will be governed by and construed in accordance with the law applicable to the Contract.

**SIGNED** by the parties as an agreement for the purposes of clauses 2.9(e)(ii) and 2.10(b)(i)B of the Conditions of Contract:

|  |  |  |  |
| --- | --- | --- | --- |
| **Signed** for and on behalf of the **Contractor** by its authorised signatory in the presence of: |  |  |  |
|  |  |  |  |
| Signature of witness |  |  | Signature of authorised signatory |
|  |  |  |  |
| Full name of witness |  |  | Full name of authorised signatory |

|  |  |  |  |
| --- | --- | --- | --- |
| **Signed** for and on behalf of the**Commonwealth of Australia** in the presence of: |  |  |  |
|  |  |  |  |
| Signature of Witness |  |  | Signature of Authorised Officer |
|  |  |  |  |
| Name of Witness in full |  |  | Name of Authorised Officer in full |

**Date: *[COMMONWEALTH TO INSERT]***

1. – Amended and Restated Contract Particulars

Contract PARTICULARS (DELIVERY PHASE)

***[NOTE: AS THIS IS A RESTATEMENT OF THE CONTRACT PARTICULARS, THE FULL CONTRACT PARTICULARS MUST BE EXTRACTED AND SET OUT IN THIS SCHEDULE, WITH ALL RELEVANT AMENDMENTS MADE TO REFLECT THE AGREEMENT OF THE PARTIES IN MOVING TO THE DELIVERY PHASE.]***

1. – Works Description

***[NOTE: THE FINALISED WORKS DESCRIPTION MUST BE INSERTED IN THIS SCHEDULE]***