S129 – PROGRESS CERTIFICATE (WHERE CONTRACTOR HAS NOT CLAIMED)

(Subclause 37.2)

DATE: [INSERT DATE OF NOTICE]

TO PRINCIPAL: [INSERT PRINCIPAL NAME]

TO CONTRACTOR: [INSERT CONTRACTOR NAME]

PROJECT NAME: [INSERT PROJECT/CONTRACT NAME]

CONTRACT No.: [INSERT CONTRACT NUMBER]

PROGRESS CERTIFICATE NO. [INSERT RELEVANT NUMBER OF THIS CERTIFICATE]

As the Contractor has failed to make a progress claim in accordance with Item 28 of the Annexure A of the Contract, the Superintendent elects to issue the following Progress Certificate.

The Superintendent hereby certifies the amount due to the [INSERT 'CONTRACTOR' OR 'PRINCIPAL' AS APPROPRIATE] is $[INSERT AMOUNT OF CERTIFICATE] (excluding GST), assessed as follows:

|  |  |  | DESCRIPTION |  | AMOUNT  (EXCLUDING GST) |
| --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |
| Claimable Amount |  |  | Assessment of value of WUC done to date |  | $[INSERT AMOUNT WHICH IN THE SUPERINTENDENT'S OPINION IS THE VALUE OF WUC DONE TO THE APPROPRIATE DATE INSERTED IN THE SECOND LINE OF ITEM 28(a)] |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  | PLUS |  | Other moneys due by the Principal to Contractor and not included in previous Progress Certificates |  | $[INSERT AMOUNT OF OTHER MONEYS DUE BY THE PRINCIPAL] |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
| Required Deductions | LESS |  | Amounts paid previously under the Contract |  | $[INSERT THE AMOUNT PREVIOUSLY PAID BY PRINCIPAL UNDER THE CONTRACT] |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  | LESS |  | Retention moneys to be deducted pursuant to Item 13 |  | $[INSERT AMOUNT OF RETENTION. IF NOT APPLICABLE, INSERT 'NIL'] |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  | LESS |  | Other amounts due from the Contractor to the Principal in connection with the Contract |  | $[INSERT OTHER AMOUNTS DUE FROM CONTRACTOR TO THE PRINCIPAL WHETHER OR NOT IN CONNECTION WITH THE CONTRACT. IF NOT APPLICABLE, INSERT NIL] |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  | LESS |  | Amounts due from the Contractor to the Principal otherwise than in connection with the Contract |  | $[INSERT OTHER AMOUNTS DUE FROM CONTRACTOR TO THE PRINCIPAL IN CONNECTION WITH THE CONTRACT. IF NOT APPLICABLE, INSERT NIL] |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  | LESS |  | The estimated cost to the Principal of having any work of removal, demolition, replacement, correction or rectification the subject of a direction pursuant to subclause 29.3 or clause 35 carried out by a third party |  | $[INSERT VALUE OF ANY WORK WHICH IS REQUIRED TO BE TESTED FOR WHICH THESE CONDITIONS HAVE NOT BEEN MET. IF NOT APPLICABLE, INSERT NIL] |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  | LESS |  | Amounts in respect of work which is required by the Contract to be tested and for which any of the following conditions have not been met:   * all required tests have been completed; * the results of the tests do not reveal a failure of the Contractor to comply with the Contract; and * the Contractor has made good WUC and provided the results of the tests to the Superintendent and to the *Principal* in accordance with subclause 30.6. |  | $[INSERT ESTIMATED COST OF DEFECT WORK WHICH HAS NOT BEEN COMPLETED BY CONTRACTOR AND FOR WHICH PRINCIPAL HAS NOT INCURRED COST. IF NOT APPLICABLE, INSERT NIL] |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  | **SUBTOTAL** |  | $[INSERT SUBTOTAL EXCLUDING GST. IF A NEGATIVE AMOUNT, WRITE THIS AS ($AMOUNT)] |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  | **GST** |  | $[INSERT AMOUNT OF GST. IF A NEGATIVE AMOUNT, WRITE THIS AS ($AMOUNT)] |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  | **\*TOTAL (INCLUDING GST)** |  | $[INSERT TOTAL INCLUDING GST. IF A NEGATIVE AMOUNT, WRITE THIS AS ($AMOUNT)] |
|  |  |  |  |  |  |

***\* The reasons for the figures noted in this Progress Certificate are stated in the attached schedule.***

*Nb// Unless the Principal itself issues a payment schedule which complies with the requirements of the Building Industry Fairness (Security of Payment) Act 2017 Qld within the timeframes permitted under that legislation, this certificate shall be deemed to be the Principal's payment schedule. If the certificate certifies that an amount is due to the Contractor, then that amount is taken to be the amount which the Principal proposes to pay. If the certificate certifies that an amount is due to the Principal, then the amount which the Principal proposes to pay is taken to be nil.*

|  |  |
| --- | --- |
| Signed by the Superintendent: | |
|  |  |
| Signature |  |
|  |  |
| Name |  |
|  |  |
| Date |  |

|  |  |
| --- | --- |
| [REMOVE BEFORE SENDING] Notes: | |
| a) | This certificate may be issued by the Superintendent in appropriate circumstances when the Contractor has failed to claim payment as required by Annexure Part A. |
| b) | This Certificate complies with the requirements of subclause 37.2 as amended by Annexure Part B. It reflects all of the amounts which the Superintendent is required to include and deduct in its certificate. |
| c) | If the net balance is payable by the Contractor to the Principal, the Contractor must pay the net balance within 15 Business Days after receiving written notice of the net balance payable. |
| d) | As to service of this Form S127, refer to clause 7. |
| e) | Full particulars of and reasons for any deductions are to be attached to the progress certificate. |

[BREAKDOWN OF SCHEDULED AMOUNT TO BE INCLUDED]