S35 – REFUSAL TO approve SUBCONTRACTing

(Subclause 9.2)

DATE: [INSERT DATE OF NOTICE]

TO CONTRACTOR: [INSERT CONTRACTOR]

PROJECT NAME: [INSERT PROJECT/CONTRACT NAME]

CONTRACT No.: [INSERT CONTRACT NUMBER]

The Superintendent acknowledges receipt of the Contractor’s request dated [INSERT DATE OF CONTRACTOR'S REQUEST FOR APPROVAL] to [DESCRIBE THE CONTRACTOR'S REQUEST E.G. "TO SUBCONTRACT [INSERT WORK] TO [INSERT SUBCONTRACTOR]" OR "TO PERMIT [INSERT NAME OF SUBCONTRACTOR] TO SUB-SUBCONTRACT [INSERT WORK]"

[OPTION 1 - DELETE IF NOT REQUIRED]The Superintendent is unable to approve the Contractor’s request until the following further information is provided, namely [SET OUT FURTHER INFORMATION REQUIRED].

[OPTION 2 - DELETE IF NOT REQUIRED]The Superintendent does not approve the Contractor’s request because [PROVIDE REASON(S) FOR REFUSAL TO APPROVE SUBCONTRACTING]. The Superintendent requests the Contractor provide an alternative subcontractor for approval.

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

|  |  |
| --- | --- |
| [REMOVE BEFORE SENDING] Notes: | |
| a) | This form is drafted to allow it to be used when the Contractor is refused approval to subcontract or when a Contractor’s subcontractor is refused approval to further subcontract the relevant work. Adapt form accordingly by deleting the inappropriate option if not required. |
| b) | If for instance insufficient information is provided, subclause 9.2 requires the Superintendent initially to refuse approval even if the Superintendent requires further information before giving approval, because the Superintendent, within 10 days of the Contractor’s request, has either to approve or reject the request. If the Superintendent requires further information (which is not obtainable within 10 business days) he or she should refuse permission and at the same time request that the further information required be supplied, and when the required further information is received, make a further decision on the request within 10 business days of the further request. |
| c) | As to service of the Form S35, refer to clause 7. |