



**An Roinn Airgeadais
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Circular 07/10: Construction Procurement Reform – Construction Contracts and Conditions of Engagement Approval

A Dhuine Uasail

Approval

1. I am directed by the Minister for Finance to refer to the suite of Public Works Contracts and Conditions of Engagement in the Capital Works Management Framework (CWMF) which was put in place by Circular 6/10 (Ref S9/03/10) of 5 May 2010. I wish to inform you that Contracting Authorities proposing to use construction contracts or conditions of engagement for publicly funded projects which are not one of the above-mentioned documents are required to obtain prior approval from the Government Construction Contracts Committee to ensure that such contracts and conditions of engagement are compliant with Government policy in relation to its public sector construction procurement reform initiative. In the context of the new Public Works Contracts and Conditions of Engagement this obligation continues the ongoing requirement set out in Section 13 of Circular 40/02 (Ref: S9/10/00) dated 20 December 2002 which states that “*The approval of this Committee will continue to be required for any changes to the Standard Forms of Contract or the use of once-off Conditions of Contract*”. This Circular should be read in conjunction with Circulars 40/02, 33/06, 04/08 and 06/10.

Contracting Authorities

2. Contracting Authorities is a generic term¹ which means a Sponsoring Agency (as defined in the Department of Finance *Guidelines for the Appraisal and Management of Capital Expenditure Proposals in the Public Sector (February 2005)*) and a Contracting Authority (as defined as those bodies referred to in Sections 7, 8 and 9 of Circular 33/06, Section 6 of Circular 04/08 and Section 1 of Circular 06/10 and as defined in Directive 2004/18/EC and SI No 329 of 2006). It also means a body which does not constitute any of the foregoing but is being funded to the extent of more than 50% from public funds in respect of a project providing public services.

Mise le meas

Dermot Quigley
Principal

¹ This definition is also applicable to the definition of Contracting Authority/Sponsoring Agency/Client in Circulars 33/06; 04/08 and 06/10.