



CROWN SOLICITOR OF TASMANIA

# OCS BUILDING AND CONSTRUCTION TEMPLATE OVERVIEW: VERSION 2024-02

## [About this document](#)

This document provides an overview of the 'new style' building and construction procurement documents, and related ancillary documents, issued by the Office of the Crown Solicitor of Tasmania.

## [Important information](#)

The OCS Building and Construction Template Guide provides comprehensive instructions and advice in relation to the use of the 'new style' OCS building and construction procurement templates first issued in 2023. The guide is only available, from OCS, to agencies and entities that are required to comply with Treasurer's Instructions issued under the Financial Management Act 2016 (Tas) (unless otherwise expressly approved, in writing, by OCS). It is strongly recommended that users of the 'new style' OCS procurement templates refer to the guide when drafting procurement documents based on the 2024 templates.

Procurement templates issued by OCS before 2023 will continue to be available on the DTF website in the short term. This document and the OCS Building and Construction Template Guide do not apply to the use of procurement templates issued by OCS before 2023.

If you need OCS assistance in relation to a procurement matter, please contact OCS early to discuss the selection of the most suitable template.

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## 1 OCS 'new style' procurement templates and ancillary documents

Schedule 1 of this document contains:

- a list of current versions of the 'new style' building and construction procurement template documents issued by the Office of the Crown Solicitor (OCS); and
- a list of the related ancillary documents issued by OCS.

Schedule 1 also contains information about which 'new style' templates can be used for different procurement matters.

Details of any prior versions of the building and construction procurement templates is set out in the Building and Construction Template History: Version 2024-01.

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## 2 Procurement templates must not be used for a 'Specified Procurement'

The OCS procurement templates listed in Schedule 1 must not be used in relation to any of the following 'types' of procurement matters (each a Specified Procurement) unless expressly approved, in writing, by OCS:

- the procurement (including development) of computer systems, computer software (including software as a service) or computer hardware;
- the procurement of goods;
- the procurement of services (other than construction related services);
- the procurement of electricity, water or gas;
- the procurement of works or construction related services using less common delivery methodologies, including:
  - alliances;
  - public private partnerships (PPPs);
  - guaranteed maximum price;
  - target cost incentive arrangements; or
  - cost plus contracts.

If you have a Specified Procurement, please contact OCS for assistance.

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## 3 Who can use the templates?

The procurement templates are intended for use by:

- a Minister exercising a statutory power;

- an 'officeholder' (for example, a Secretary) exercising a statutory power;
- the Crown in Right of Tasmania exercising the Royal Prerogative;
- any separate 'legal entity' that is subject to Treasurer's Instructions in relation to procurement. Examples include:
  - Brand Tasmania;
  - The Director of Inland Fisheries;
  - the Integrity Commission;
  - the Macquarie Point Development Corporation;
  - the Tasmanian Pharmacy Authority;
  - the Board of Trustees of the Tasmanian Museum and Art Gallery.
- Any use of the procurement templates by any other government entity would require the written approval of OCS together with some adaptation or tailoring of the templates. If any other government entity seeks to use the procurement templates, please contact OCS to discuss the request, and any issues related to the specific nature and status of the entity, so they can be considered.

### Warnings

When a template is to be used in relation to a procurement that is being undertaken pursuant to the exercise of a statutory power, or by a separate 'legal entity' established by legislation, the template must be carefully reviewed to make certain that the template is consistent with the relevant legislation. If you are uncertain as to this, you should seek advice from OCS.

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## 4 Information about filenames

Each building and construction procurement template within the suite has been allocated:

- a short name; and
- an OCS filename (which includes a version number).

The OCS filename for a template is included as 'auto-text' in the footer of each template.

Each time a template is updated by OCS, OCS will create a new version of the template. The updated template will be given a new file name. The short name for the template will remain unchanged.

Generally, the new filename for an updated template will be the same as the previous template filename except for the last six digits. The last six digits of a filename are the version number for the template – for example '2023-01'. The first four numbers are the calendar year in which the template was created (or modified). The last two numbers allow for the differentiation of template versions created (or modified) in the same calendar year. For example, if a template was updated three times during 2024, the filename for the 'third version' of the template would include '2024-03'.

If a template is updated in a later calendar year, the last two digits for the version number will be reset to '01' for the first version of the template created in the later calendar year.

Agencies drafting a procurement document using a building and construction template will need to allocate a 'unique' filename to that document. The agency allocated 'unique'

filename should replace the OCS template filename in the document footer. To avoid confusion, an agency issuing a procurement document should not include the original OCS template filename. ***This is because a specific procurement document prepared by an agency using an OCS template is not a template.***

## Schedule 1:

### List of current OCS building and construction procurement documents

<b>Request for quotation (RFQ)</b>			
<b>Do not use for a Specified Procurement – see clause 2 above.</b>			
<b>No</b>	<b>Template short name</b>	<b>Current OCS filename and version number</b>	<b>Short description and some important information</b>
1.	RFQ Template 1	Pr Docs-BC-RFQ Template 1 (Uses OCS Minor Works Contract)-Version 2024-01	<ul style="list-style-type: none"><li>• Request for quotation for the carrying out of construction works.</li><li>• The RFQ adopts the OCS Minor Works Contract (see row 16 of this table) as the conditions of contract made pursuant to the RFQ process.</li></ul>
2.	RFQ Template 2	Pr Docs-BC-RFQ Template 2 (Uses Amended AS 4905-2002 Contract)-Version 2024-01	<ul style="list-style-type: none"><li>• Request for quotation for the carrying out of construction works.</li><li>• The RFQ adopts the Amended AS 4905-2002 Contract (see row 17 of this table) as the conditions of contract made pursuant to the RFQ process.</li></ul>
3.	RFQ Template 3	Pr Docs-BC-RFQ Template 3 (uses Consultant Services (BC) Contract)-Version 2024-01.doc	<ul style="list-style-type: none"><li>• Request for quotation for the providing Consultancy Services in relation to construction works.</li><li>• The RFQ adopts the Consultant Services (BC) Contract (see row 19 of this table) as the conditions of contract made pursuant to the RFQ process.</li></ul>

## Request for tender (RFT)

No	Template short name	Current OCS filename and version number	Short description and some important information
4.	RFT Template 1A	Pr Docs-BC-RFT Template 1A (Vol 1 - Uses AS 4000) Version 2024-01	<ul style="list-style-type: none"> <li>• Request for tender for the carrying out of construction works.</li> <li>• The RFT adopts the Modified AS 4000-1997 Contract (see rows 12 and 13 of this table) as the conditions of contract made pursuant to the RFT process.</li> <li>• Suitable for both the 'Business as Usual' version and the 'Complex Projects' version.</li> <li>• This is Volume 1, containing the RFT documents.</li> <li>• This is used in conjunction with RFT Template 1B (see row 5 of this table).</li> </ul>
5.	RFT Template 1B	Pr Docs-BC-RFT Template 1B (Vol 2 - Uses AS 4000) Version 2024-01	<ul style="list-style-type: none"> <li>• Request for tender for the carrying out of construction works.</li> <li>• The RFT adopts the Modified AS 4000-1997 Contract (see rows 12 and 13 of this table) as the conditions of contract made pursuant to the RFT process.</li> <li>• Suitable for both the 'Business as Usual' version and the 'Complex Projects' version.</li> <li>• This is Volume 2, containing the Contract documents.</li> <li>• This is used in conjunction with RFT Template 1A (see row 4 of this table).</li> </ul>
6.	RFT Template 2A	Pr Docs-BC-RFT Template 2A (Vol 1 - Uses AS 4902) Version 2024-01	<ul style="list-style-type: none"> <li>• Request for tender for the carrying out of construction works.</li> <li>• The RFT adopts the Modified AS 4902-2000 Contract (see rows 14 and 15 of this table) as the conditions of contract made pursuant to the RFT process.</li> <li>• Suitable for both the 'Business as Usual' version and the 'Complex Projects' version.</li> <li>• This is Volume 1, containing the RFT documents.</li> <li>• This is used in conjunction with RFT Template 2B (see row 7 of this table).</li> </ul>

**Request for tender (RFT)**

No	Template short name	Current OCS filename and version number	Short description and some important information
7.	RFT Template 2B	Pr Docs-BC-RFT Template 2B (Vol 2 - Uses AS 4902) Version 2024-01	<ul style="list-style-type: none"> <li>• Request for tender for the carrying out of construction works.</li> <li>• The RFT adopts the Modified AS 4902-2000 Contract (see rows 14 and 15 of this table) as the conditions of contract made pursuant to the RFT process.</li> <li>• Suitable for both the ‘Business as Usual’ version and the ‘Complex Projects’ version.</li> <li>• This is Volume 2, containing the Contract documents.</li> <li>• This is used in conjunction with RFT Template 2A (see row 6 of this table).</li> </ul>
8.	RFT Template 3A	Pr Docs-BC-RFT Template 3A (Uses Consultant Services (BC) Contract)-Version 2024-01	<ul style="list-style-type: none"> <li>• Request for tender for the providing Consultancy Services in relation to construction works.</li> <li>• The RFT adopts the Consultant Services (BC) Contract (see row 19 of this table) as the conditions of contract made pursuant to the RFT process.</li> <li>• This is Volume 1, containing the RFT documents.</li> <li>• This is used in conjunction with RFT Template 3B (see row 9 of this table).</li> </ul>
9.	RFT Template 3B	Pr Docs-BC-RFT Template 3B (Uses Consultant Services (BC) Contract)-Version 2024-01	<ul style="list-style-type: none"> <li>• Request for tender for the providing Consultancy Services in relation to construction works.</li> <li>• The RFT adopts the Consultant Services (BC) Contract (see row 19 of this table) as the conditions of contract made pursuant to the RFT process.</li> <li>• This is Volume 2, containing the Contract documents.</li> <li>• This is used in conjunction with RFT Template 3A (see row 8 of this table).</li> </ul>

**Formal Instruments of Agreement (FIOA)****Do not use for a Specified Procurement – see clause 2 above.**

<b>No</b>	<b>Template short name</b>	<b>Current OCS filename and version number</b>	<b>Short description and some important information</b>
10.	FIOA Template 1	PR Docs-BC-FIOA Template 1 (uses amended AS 4000-1997 General Conditions of Contract)	<ul style="list-style-type: none"><li>• Formal Instrument of Agreement for building and construction projects.</li><li>• This FIOA includes include, as Attachment 1, PR Docs-BC Amended AS 4000 General Conditions of Contract: Version 2023-01 (see row 12 and 13 of this table).</li></ul>
11.	FIOA Template 2	PR Docs-BC-FIOA Template 2 (uses amended AS 4902-2000 General Conditions of Contract for Design and Construct)	<ul style="list-style-type: none"><li>• Formal Instrument of Agreement for building and construction projects.</li><li>• This FIOA includes include, as Attachment 1, PR Docs-BC Amended AS 4902 General Conditions of Contract: Version 2023-01 (see row 14 and 15 of this table).</li></ul>



**Conditions of Contract****Do not use for a Specified Procurement – see clause 2 above.**

<b>No</b>	<b>Template short name</b>	<b>Current OCS filename and version number</b>	<b>Short description and some important information</b>
12.	BC Contract Template 1	PR Docs-BC Amended AS 4000 General Conditions of Contract – Business as Usual: Version 2023-01	<ul style="list-style-type: none"><li>• Conditions of Contract for Major Works.</li><li>• Suitable for Construct Only projects (not suitable for Design and Construct projects).</li><li>• Available in the following versions:<ul style="list-style-type: none"><li>○ a Business as Usual version (this BC Contract Template 1);</li><li>○ a Complex Projects version (BC Contract Template 2 – see row 13 of this table).</li></ul></li></ul>
13.	BC Contract Template 2	PR Docs-BC Amended AS 4000 General Conditions of Contract – Complex Projects: Version 2023-01	<ul style="list-style-type: none"><li>• Conditions of Contract for Major Works.</li><li>• Suitable for Construct Only projects (not suitable for Design and Construct projects).</li><li>• Available in the following versions:<ul style="list-style-type: none"><li>○ a Business as Usual version (BC Contract Template – see row 12 of this table);</li><li>○ a Complex Projects version (this BC Contract Template 2).</li></ul></li></ul>
14.	BC Contract Template 3	PR Docs-BC Amended AS 4902 General Conditions of Contract – Business as Usual: Version 2023-01	<ul style="list-style-type: none"><li>• Conditions of Contract for Major Works.</li><li>• Suitable for Design and Construct projects.</li><li>• Available in the following versions:<ul style="list-style-type: none"><li>○ a Business as Usual version (this BC Contract Template 3);</li><li>○ a Complex Projects version (BC Contract Template 4 – see row 15) of this table.</li></ul></li></ul>

**Conditions of Contract****Do not use for a Specified Procurement – see clause 2 above.**

<b>No</b>	<b>Template short name</b>	<b>Current OCS filename and version number</b>	<b>Short description and some important information</b>
15.	BC Contract Template 4	PR Docs-BC Amended AS 4902 General Conditions of Contract – Complex Projects: Version 2023-01	<ul style="list-style-type: none"><li>• Conditions of Contract for Major Works.</li><li>• Suitable for Design and Construct projects.</li><li>• Available in the following versions:<ul style="list-style-type: none"><li>○ a Business as Usual version (BC Contract Template 3 – see row 14 of this table);</li><li>○ a Complex Projects version (this BC Contract Template 4).</li></ul></li></ul>
16.	BC Contract Template 5	PR Docs- BC OCS Minor Works General Conditions of Contract - Version 2023-01	<ul style="list-style-type: none"><li>• Conditions of Contract for Minor Works.</li><li>• Suitable for Construct Only projects (not suitable for Design and Construct projects).</li></ul>
17.	BC Contract Template 6	PR Docs-BC Amended AS 4905-2022 General Conditions of Contract - Version 2023-01	<ul style="list-style-type: none"><li>• Conditions of Contract for Minor Works.</li><li>• Suitable for Construct Only projects (not suitable for Design and Construct projects).</li></ul>
18.	BC Contract Template 7	PR Docs-BC Short Form Minor Works -Version 2023-01	<ul style="list-style-type: none"><li>• Conditions of Contract for Minor Works (Short Form).</li><li>• Suitable for Construct Only projects (not suitable for Design and Construct projects).</li></ul>
19.	BC Contract Template 8	PR Docs-BC Consultant Services (BC) Contract -Version 2023-01	<ul style="list-style-type: none"><li>• Conditions of Contract for Consultancy Services for Building and Construction projects.</li><li>• Includes facility for:<ul style="list-style-type: none"><li>○ Novation of the Consultant to the Contractor (Design and Construct);</li><li>○ the Consultant acting as Superintendent.</li></ul></li></ul>

## Annexure Documents

No	Template short name	Current OCS filename and version number	Short description and some important information
20.	BC Novation Deed Template 1	PR Docs-BC Novation Deed Third Party Early Works: Version 2023-01	<ul style="list-style-type: none"> <li>• Deed of Novation for use with AS 4000 and AS 4902 contracts (see rows 12, 13, 14 and 15 of this table).</li> <li>• Held by OCS and available on request.</li> <li>• Suitable when the Principal has had works undertaken by a third party prior to engaging the main contractor.</li> </ul>
21.	BC Novation Deed Template 2	PR Docs-BC Novation Deed New Principal: Version 2023-01	<ul style="list-style-type: none"> <li>• Deed of Novation for use with AS 4000 and AS 4902 contracts (see rows 12, 13, 14 and 15 of this table).</li> <li>• Held by OCS and available on request.</li> <li>• Suitable when the Principal is transferring responsibility for the project to another Principal.</li> </ul>
22.	BC Novation Deed Template 3	PR Docs-BC Novation Deed Subcontractor to Principal: Version 2023-01	<ul style="list-style-type: none"> <li>• Deed of Novation for use with AS 4000 and AS 4902 contracts (see rows 12, 13, 14 and 15 of this table).</li> <li>• Included in the AS 4000 and AS 4902 contracts.</li> <li>• Suitable when the Contractor is insolvent or when the main contract is terminated.</li> </ul>
23.	BC Novation Deed Template 4	PR Docs-BC Novation Deed Consultant to Contractor: Version 2023-01	<ul style="list-style-type: none"> <li>• Deed of Novation for use with AS 4902 contracts (see rows 14 and 15 of this table).</li> <li>• Included in the AS 4902 contracts.</li> <li>• Relevant to Design and Construct projects.</li> <li>• Suitable when the Principal has engaged design consultants prior to the Contractor and the Principal desires to novate (transfer) the Consultant to the Contractor.</li> </ul>

## Annexure Documents

No	Template short name	Current OCS filename and version number	Short description and some important information
24.	BC Warranty Deed Template 1	PR Docs-BC Warranty Deed Subcontractor: Version 2023-01	<ul style="list-style-type: none"> <li>• Deed of Warranty for use with AS 4000 and AS 4902 contracts (see rows 12, 13, 14 and 15 of this table).</li> <li>• Included in the AS 4000 and AS 4902 contracts.</li> <li>• Suitable when the Principal desires to have the comfort of direct commitments from important subcontractors.</li> </ul>
25.	BC Warranty Deed Template 2	PR Docs-BC Warranty Deed Supplier: Version 2023-01	<ul style="list-style-type: none"> <li>• Deed of Warranty for use with AS 4000 and AS 4902 contracts (see rows 12, 13, 14 and 15 of this table).</li> <li>• Included in the AS 4000 and AS 4902 contracts.</li> <li>• Suitable when the Principal desires to have the comfort of direct commitments from important suppliers.</li> </ul>
26.	BC Release Deed Template 1	PR Docs-BC Release Deed Practical Completion: Version 2023-01	<ul style="list-style-type: none"> <li>• Deed of Release for use with AS 4000 and AS 4902 contracts (see rows 12, 13, 14 and 15 of this table).</li> <li>• Included in the AS 4000 and AS 4902 contracts.</li> <li>• Provides the Principal with additional comfort regarding the works and the financial situation as at Practical Completion.</li> </ul>
27.	BC Release Deed Template 2	PR Docs-BC Warranty Final Certificate: Version 2023-01	<ul style="list-style-type: none"> <li>• Deed of Release for use with AS 4000 and AS 4902 contracts (see rows 12, 13, 14 and 15 of this table).</li> <li>• Included in the AS 4000 and AS 4902 contracts.</li> <li>• Provides the Principal with additional comfort regarding the works and the financial situation as at the Final Certificate.</li> </ul>

## Annexure Documents

No	Template short name	Current OCS filename and version number	Short description and some important information
28.	BC Parent Company Deed Template	PR Docs-BC Parent Company Guarantee: Version 2023-01	<ul style="list-style-type: none"> <li>• Deed of Guarantee for use with AS 4000 and AS 4902 contracts (see rows 12, 13, 14 and 15 of this table).</li> <li>• Included in the AS 4000 and AS 4902 contracts.</li> <li>• Provides the Principal with the comfort of a guarantee from the parent company of the Contractor.</li> </ul>
29.	BC Certificate Template 1	PR Docs-BC Survey Certificate: Version 2023-01	<ul style="list-style-type: none"> <li>• A certificate in relation to the laying out of the works for use with AS 4000 and AS 4902 contracts (see rows 12, 13, 14 and 15 of this table).</li> <li>• Included in the AS 4000 and AS 4902 contracts.</li> <li>• Provides the Principal with comfort that the works have been laid out correctly and do not intrude past the site boundaries.</li> </ul>
30.	BC Certificate Template 2	PR Docs-BC Quality Certificate: Version 2023-01	<ul style="list-style-type: none"> <li>• A certificate in relation to the quality of the works for use with AS 4000 and AS 4902 contracts (see rows 12, 13, 14 and 15 of this table).</li> <li>• Included in the AS 4000 and AS 4902 contracts.</li> <li>• Provides the Principal with comfort that the works have been carried out in accordance with the Contract.</li> </ul>
31.	BC Declaration Template	PR Docs-BC Statutory Declaration: Version 2023-01	<ul style="list-style-type: none"> <li>• Statutory Declaration for use with AS 4000 and AS 4902 contracts (see rows 12, 13, 14 and 15 of this table).</li> <li>• Included in the AS 4000 and AS 4902 contracts.</li> <li>• Provides the Principal with the comfort of an assurance from the Contractor that the Contractor has paid all its employees, subcontractors and suppliers.</li> </ul>

**Annexure Documents**

<b>No</b>	<b>Template short name</b>	<b>Current OCS filename and version number</b>	<b>Short description and some important information</b>
32.	BC Moral Rights Template	PR Docs-BC Moral Rights Consent: Version 2023-01	<ul style="list-style-type: none"><li>• A Moral Rights Consent for use with AS 4902 contracts (see rows 14 and 15 of this table).</li><li>• Included in the AS 4902 contract.</li><li>• Provides the Principal with a waiver of Moral Rights by the author of the design and design elements.</li></ul>
33.	BC Undertaking Template	PR Docs-BC Bank Guarantee Template: Version 2023-01	<ul style="list-style-type: none"><li>• A form of Unconditional Undertaking (Bank Guarantee) for use with AS 4000 and AS 4902 contracts (see rows 12, 13, 14 and 15 of this table).</li><li>• Included in the AS 4000 and AS 4902 contracts.</li></ul>

## List of current OCS ancillary documents

No	Template short name	Current OCS filename and version number	Short description and some important information
34.	OCS Building and Construction Template Guide	PR Docs-BC-OCS Building and Construction Template Guide-Version 2023-01	<p>The Building and Construction Template Guide provides comprehensive instructions and advice in relation to the use of the OCS 'new style' building and construction procurement templates.</p> <p><b>Important information</b></p> <p>The guide is only available, from OCS, to agencies and entities that are required to comply with Treasurer's Instructions issued under the Financial Management Act 2016 (Tas) (unless otherwise expressly approved, in writing, by OCS). It is strongly recommended that users of the OCS templates refer to the guide when drafting procurement documents using the 'new style' building and construction procurement templates.</p>
35.	OCS Building and Construction Template Overview	PR Docs-BC-OCS Building and Construction Template Overview-Version 2024-02	The document provides a short overview of the OCS procurement templates (including a list of current templates).
36.	OCS Building and Construction Clause Bank	PR Docs-BC-OCS Building and Construction Clause Bank-Version 2024-01	BC Clause Bank contains 'template clauses' and execution blocks for use with the building and construction procurement templates.
37.	OCS Building and Construction Template History	PR Docs-BC-OCS Building and Construction Template History-Version 2024-02	BC Template History contains a 'history log' of the amendments made to the building and construction procurement suite.