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Pre-qualified Builder List

Specification and Guide to Becoming a Pre-qualified
Builder



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1 Overview

1.1 Purpose

To provide potential builders/applicants information on the Pre-qualified Builders List (“Builders List”) including the requirements and process to become member.

1.2 Background

The SA Housing Authority (“the Authority”) is committed to maintaining an effective relationship with the building and construction services industry and enhance its opportunities whilst improving the outcome of the Authority’s projects.

In 2020 the Authority established a pre-qualified list of builders under a number of categories that aims to ensure that all builders who have membership, have the appropriate skills, capacity, capability and accreditation to undertake the work in accordance with the requirements of the Authority. The Authority has incorporated a more efficient and discerning application and assessment process, improved transparency and a robust supplier performance procedure.

2 Specification

2.1 Objectives

The objectives are to:

- attract a pool of capable builders to undertake a variety of small to large new construction contract work
- minimise unnecessary tender preparation costs for the Authority and builders
- provide the Authority a streamlined process for the engagement of builders to deliver contracted services
- provide objective, quantifiable data to support the decision-making processes in selecting builders
- ensure builders have the appropriate licences, insurances, skills, capacity and capability to undertake work required and in accordance with the Authority’s requirements
- provide a mechanism where the performance and reliability of builders can be assessed.

2.2 In-Scope Services

The Authority, operating on behalf of the South Australian Housing Trust (SAHT) invites pre-qualified builders to construct new houses, social housing, through a variety of managed projects and programs.

New houses will vary in size, form and amenity, and need to suit a wide range of tenancy needs and objectives. SAHT stock is currently a mix of housing ranging from:

- one-bedroom to three-bedroom dwellings in medium density group sites, townhouses and row housing
- two-bedroom to five-bedroom conventional, single-storey housing on Torrens titled allotments
- specially designed houses suitable to accommodate people with specific disability access requirements.

The Authority may also seek to have apartment buildings developed.

Applicants can nominate the levels of work in accordance with the total value of concurrent contracts with the Authority, which are appropriate to their business as tabled below.

Tiers	Value of Contracts (GST inclusive)
1R	Up to and greater than \$4 million
2R	Up to \$4m
3R	Up to \$2m
4R	Up to \$500,000

Applicants may only be approved for categories at or below the category have selected. When undertaking secondary procurement processes (refer to **Appendix A**), the Authority will assume that the applicant can meet the requirements of a lower 'contract value' if the project is for the same type of work as selected in *Form A - Pre-qualified Builders List Application Form*.

2.3 Mandatory Requirements

Applicants are required to:

- provide a copy of its builder's licence current and compliant to category of building (Class 1a residential)
- complete and submit Form B – Statement of Intent (Builders List) to HousingProcurement@sa.gov.au
- provide an independent **Financial and Credit Risk Assessment and Late Payment Report** on the registered business submitting the tender - that includes but not limited to trade payment information, legal structure, events, collections and commercial defaults, financial summary and office holders. Important: the report must be dated at a maximum of 6 months prior the tender submission date
- confirm it is a South Australian Business:

“A business is a South Australian business in relation to a procurement if the business operates in South Australia and more than 50% of the workforce delivering the contract resulting from the procurement on behalf of the business are residents of South Australia.”
- confirm use of only South Australian based project managers, architects, designers, engineers, surveyors, planners and other professional services (if and where required)
- confirm use of only South Australian based contractors and sub-contractors
- confirm use of the below list of SA Made/Manufactured products (where available):
 1. bricks
 2. timber frames
 3. concrete
 4. reinforcing steel
 5. steel frames
 6. windows
 7. security doors

8. steel – roofing, fencing and rainwater tanks.

Note the above list of products/components will be monitored on an ongoing basis and may be changed to ensure supplies are available. Further information about SA Manufacturing can be found in the *SA Supply Chain – SA Manufactured Products Information Sheet*.

2.4 Financial and Credit Risk Assessment

Applicants are required to attach a recent financial credit and risk assessment report or a standard financial assessment report conducted through a recognised credit agency to verify their financial viability.

The assessment report should cover the following at minimum:

- late payment risk
- failure risk
- legal events, collections and commercial defaults

This assessment report will be valid for a period of six (6) months from the commencement of the pre-qualification list. Following this period further assessment reports will need to be provided as part of any secondary procurement process, these checks will also be valid for six (6) months.

Any pre-qualification or preferred supplier status with another State Government Agency will not exempt respondents from the requirement to provide this assessment report.

The financial credit and risk assessment report, while a mandatory criteria, will not be formally evaluated and assessed.

This will be treated as a baseline assessment provided as evidence to support your submission.

The Authority, at its discretion, can initiate further investigations, if it deems it appropriate to, based on any outlined risks raised near the conclusion of the evaluation stage.

2.5 5% Bank Guarantee Acceptance

A 5% bank guarantee will apply to all contracts entered into. All applicants to the Builders List will be required to accept this.

2.6 \$20 Million Public Liability Insurance and Builders Indemnity Insurance

It is a mandatory requirement that builders applying for the builders list, must have builders indemnity insurance or the capacity to take out the insurance where specified in the contract

2.7 No Adverse Litigation History

Applicants deemed as having an adverse litigation history may be excluded from the pre-qualification evaluation and will not be considered any further.

This does not mean that applicants with some history of litigation and disputes will be automatically excluded. This will be evaluated on a case by case basis based upon the information provided by applicants and internal and external sources and checks.

2.8 Draft Agreement/s Acceptance

The “AS 2124:1992 Contract Agreement” & the “Design and Construction Agreement” (Proposed Contracts) are provided with the application pack. Acceptance of the terms of the Proposed Contracts is mandatory. There may be revisions to the Proposed Contracts over the term of the Builders List.

2.9 Requirements – Evaluation Criteria

2.9.1 Insurance

Applicants for the builders list are required to maintain the following minimum insurances:

- Public and Product Liability: \$20 million
- Professional Indemnity Insurance: no less than \$1 million
- Product Liability Insurance (Insurance of the Works): total contract sum, plus 5% contingency.
- Building Indemnity Insurance: as required for a specific contract

Higher levels of insurances will be viewed more favourably and the Authority may select suppliers with higher insurance levels for certain types of projects.

Professional Indemnity Insurance for each category will be determined by the scope of works as part of the secondary procurement process.

2.9.2 Technical Ability and Experience

Organisational Structure

Applicants will be asked to provide details of their organisational structure and the business units (including any necessary diagrams).

Capacity

Applicants will be asked to provide relevant company information regarding the scale and scope of their current operations, presence and operations in South Australia. Accompanying this will be a description of the applicant's current pipeline of work.

The Authority will use this information to determine the applicant's capacity to undertake different sized projects for the Authority at a given time.

Past Experience

Applicants will be asked to provide details about their specific capabilities and experience in the delivery of services. This should include details of previous or current work, including work with the public sector, related to meeting the Authority's requirements.

At least three (3) examples should be given for each sub-category the applicant is applying for. Where you have provided work for the Authority (South Australian Housing Trust) before, this should be noted.

Applicants are encouraged to sufficient details in order for the Authority to make an informed assessment of your past experience. Applications with insufficient detail may be viewed less favourably.

The following information should be included where appropriate and applicable:

- client and client details
- description of construction and quality standards required for the project
- outcomes required to target performance levels (form of contract, specification, standards, special requirements, etc)
- contract price, variations and final cost
- timeframes

- projects completed within contracted timeframe and including approved extension of time
- provide reason/s for not meeting the required completion date (not including approved extensions of time)
- OHS&W records - issues on project
- any awards, recognitions etc.

In addition to the information provided by applicants, the Authority reserves the right to consider other information available to it in relation to the applicant's previous experience, which may include previous experience it has with work they have performed for the Authority.

Applicants deemed to have an unsatisfactory track-record in relation to timeliness of work, adhering to agreed contract prices, quality of work, defects and defect rectification, safety, and customer satisfaction may be excluded from the pre-qualified list.

2.9.3 Innovation

Applicants will be asked to provide details of any innovative solutions, systems or processes that may add value to the delivery of the Authority's requirements.

2.9.4 Financial Capability

Applicants are required to have the financial capability to meet all the requirements that will be specified for contracts under the pre-qualified list.

The Authority reserves the right, at any time during the evaluation of applications and during the operation of the Builders List, to request or seek from others, additional financial information on the applicant's company, as required regarding the financial capacity of entities assessed.

Despite the response to the statements below, during the evaluation period and prior to acceptance, applicants may be required to submit relevant financial information, including, but not limited to:

- annual audited accounts or report, balance sheets
- profit and loss statements
- cash flow statements for the last three financial years), and / or the Authority may request an independent financial and credit risk assessment analytical report.

This does not preclude the Authority making additional requests prior to any contracts being awarded under the prequalified list.

Applicants will be required to indicate whether they have the financial capacity to meet all the requirements specified under any contract you submit a response to under this pre-qualification as well as indicate whether there are any significant events, matters or circumstances which have arisen within the past 12 months that could significantly affect their operations.

2.9.5 Quality Assurance

Quality Systems

Applicants will be required to provide details on their quality system and/or describe how they propose to monitor the quality of their performance if selected onto the pre-qualified list.

WHS Systems

Applicants will be required to provide details on their Workforce Health and Safety System (WHS) (including safe work method statement – if applicable) and/or describe how they propose to monitor WHS if selected onto the pre-qualified list.

2.9.6 Legal and Litigation

As stated under the mandatory criteria, applicants deemed as having an adverse litigation history may be excluded from the pre-qualification list.

This does not mean that applicants with some history of litigation and disputes will be automatically excluded. This will be evaluated on a case by case basis based upon the information provided by applicants and external sources and checks.

In this section of Form A, applicants will be required to provide details of any legal actions taken by or against their organisation within the past 5 years. Applicants will also be required to provide details of any adverse findings made against their organisation by any regulatory body, including but not limited to ASIC, ICAC, or the Fair Work Ombudsman.

This includes any actions taken against the applicant's organisation for breaches of contract and defective building work.

Applicants will also be asked to provide details of any investigation into their organisation or any subsidiary or affiliated body, whether in Australia or overseas, by ASIC or any other government authority.

This includes where a complaint has been raised to the Commissioner for Consumer Affairs against the applicant's organisation that has resulted in sanctions or adverse findings.

In addition to this, applicants will be asked to provide a summary of any recorded breaches and/or current investigations in relation to the industrial relations record and the work health and safety record of them over the past 5 years.

Throughout the operation of the pre-qualified list, applicants will be required to notify the Authority of any change in circumstances that may be material to their pre-qualification status, including any convictions or breaches of legislation or statutory regulations, as well as defect notices, adverse findings by regulatory bodies and changes in management and ownership.

The Authority may require successful applicants to update these disclosures on a regular basis, including at the time of responding to any tenders.

The Authority also reserves the right to request police checks from applicants or pre-qualified builders.

Applicants will also be required to complete a probity and conflict of interest declaration, and may be required to make further declarations, including statutory declarations, throughout the operation of the pre-qualified list.

2.9.7 Technology systems and management techniques

Applicants are requested to provide details of any innovative solutions, systems or processes that may add value to the delivery of the Authority's requirements in Form A, section 1.10.

3 Guide to Becoming a Pre-qualified Builder

3.1 Dealing with the Authority

To apply to become a pre-qualified builder the Authority requires specific information to be provided.

All information and statements provided by an applicant must be true and correct. The Authority reserves the right to ask for evidence supporting any statements made by an applicant. The Authority may at its option exclude or remove a builder from the pre-qualified list if there are unsupported statements.

Applicants and the Authority may disclose information to any relevant party engaged for the purpose of this Builders List application process providing that third party is required to preserve the confidentiality of that information.

Information supplied by or on behalf of the Authority is confidential to the Authority and applicants are obliged to maintain its confidentiality.

The Authority accepts the need to keep commercial matters confidential in appropriate circumstances, however the Authority reserves the right to disclose some or all of the contents of the application if required to do so by a constitutional convention or in order that the relevant Minister may discharge their duties and obligations to the South Australian parliament and the State.

3.2 Contacting the Authority

Please contact the Authority if you have any questions or require clarification of any matters relating to this application process.

Formal communication must be in writing and addressed to HousingProcurement@sa.gov.au and clearly identified as relating to the Builders List.

3.3 How Do You Apply to Become a Pre-qualified Builder?

There is a link to the application package at: [https://www.housing.sa.gov.au/about-us/Pre-qualified Builders List](https://www.housing.sa.gov.au/about-us/Pre-qualified-Builders-List).

The following documents are included in the package:

Name	Description
Specification and Guide to Becoming a Pre-qualified Builder	This document
Form A – Pre-qualified Builders List Application Form	To be completed by all applicants
Form B – Statement of Intent (Builders List)	To be completed by all applicants
AS 2124:1992 Contract Agreement	For information purposes and to obtain legal review. This is applicable to all pre-qualified builders.
Design and Construction Agreement	For information purposes and to obtain legal review. This is applicable to all pre-qualified builders.

3.4 Lodging an Application

Electronic copies of the following documents must be sent to the Authority:

- signed Form A – Pre-qualified Builders List Application Form
- signed Form B – Statement of Intent (Builders List)
- Builders Licence current and compliant to category of building (Class 1a residential)
- independent *'Financial and Credit Risk Assessment Report'* on the registered business that is dated no more than 6 months.

Please forward the above documents to HousingProcurement@sa.gov.au.

3.5 Assessment of Applications

Following assessment of the criteria for conformance and compliance, there will be an assessment of the threshold evaluation criteria to confirm that applicants have the appropriate organisational capability, capacity and experience to provide in-scope services to the Authority.

Refer to application Forms A and B as applicable. Information that will be assessed includes:

- identity of the applicant
- compliance with mandatory requirements
- financial capability, viability, stability and insurance
- quality assurance
- legal and litigation
- risk management
- all other relevant information in the application regarding general organisational capability, capacity, qualifications, past experience and innovation.

The Authority will advise applicants if their application has been approved or declined. The Authority is not obliged to provide any reasons for its decision.

Note: If unsuccessful in your application to be registered on the pre-qualified list, this does not preclude you from re-applying in the future, nor participating in open call tenders, released by the Authority via the [SA Tenders & Contracts](#) website.

3.6 Conditions of Submitting an Application

This application process does not give rise to or amount to a process contract. Entities with an Australian Business Number that can demonstrate appropriate levels of capability, capacity, qualifications and experience in providing the in-scope services can apply to become a pre-qualified builder.

Applicants must ensure that the information they provide to the Authority is true, correct and accurate. If there are material changes to a builder's capability, capacity, qualifications, experience, or any other relevant information, they must, at the earliest possible opportunity, advise the Authority to ensure their profile is promptly updated on the Builders List.

The Authority reserves the right to:

- invite an applicant to clarify any aspect of an application after receipt of the application
- invite an entity to submit an application to become a pre-qualified builder

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- make enquiries of any person, company or organisation to ascertain information in relation to the applicant and its application
- consider an application submitted otherwise that in accordance with these rules.

The Authority expects that the applicant will:

- declare any actual or potential conflict of interest
- not seek to employ or engage the services of any person who has a duty to the Authority as an adviser, consultant or employee in relation to this application process
- not collude with any other applicant or potential applicant, or existing pre-qualified builder
- comply with all laws in force in South Australia applicable to the process including the Competition and Consumer Act 2010 (Cth) and other Commonwealth legislation
- disclose whether acting as agent, nominee or jointly with another person and disclose the identity of the other person
- not offer any incentive to or otherwise attempt to influence, any employee of the Authority
- not make any news releases or responses to media enquiries or questions pertaining to this process without the Authority's written approval.

By submitting an application the applicant will be taken to:

- license the Authority to reproduce for the purposes of this process the whole or any portion of the application despite any copyright or other intellectual property right that may subsist in the application
- transfer ownership of the documents and any other materials constituting the application to the Authority
- accept that information provided by the State is done so in good faith.

Applicants are responsible for the cost of preparing and submitting an application and all other costs arising out of the process.

APPENDIX A

Secondary Procurement Processes – Utilising the Builders List

The Authority is bound by specific government tendering requirements and is subject to public accountability, the process being bound by the SA Government's Procurement Framework, including policy, tendering guidelines, procedures and documents.

Having a Builders List enables the Authority to undertake more streamlined and consistent tender processes for new construction projects.

The approach to the Builders List is via a selective Invitation to Supply (ITS) on SA Tenders and Contracts detailing the Authority's requirements, including a standard form construction contract(s) for the successful tenderer to engage under.

The ITS is issued via *the [SA Tenders & Contracts](#)* website to pre-qualified builders interested in supporting the Authority's requirements for the in-scope services and in accordance with the categories listed in section 2.2.

The essential elements of the ITS documents include the 'Invitation to Supply' documents suite:

- Part A – ITS – Tendering Process Guidelines
- Part B – ITS – Specifications which includes:
 - design guidelines and accommodation standards
 - minimum technical specification requirements
 - concept drawings and statutory approval (where applicable).
 - project scope and site-specific information such as site surveys, preliminary soils and footing engineering.
- Part C – Draft Agreement
- Part D – Response Document/s - including the mandatory Industry Participant Policy requirements applicable to each contract, schedules of the types and numbers of houses sought to be built on Authority owned land and their location.

In addition, the Authority has a tailored and comprehensive technical building specification relevant to the construction of social housing and that applies to all new construction contracts. It is the responsibility of builders to become familiar with and total understand the specific requirements of this specification.

Tender evaluation includes mandatory, price and non-price weighted criteria, and can vary in criteria and weighting contract by contract.

Following evaluation, recommendation and approval of a tender by the Authority's delegate, the successful builder is notified in writing of acceptance of its tender and the unsuccessful tenderers are also advised. The contract agreement is completed with the builder's tender details and execution of the agreement by the builder's representative and the Authority's delegate occurs as soon as possible after approval.

Conditions precedent apply to the contract terms.

The successful tenderer's details and tender sum are disclosed on the [SA Tenders & Contracts website](#).

Contract and agreement types

The Authority decides the form of contract agreement that applies as part of planning each project. These may include:

- The Australian Standard AS2124:1992 Contract Agreement (Fully Documented Projects)
- Design and Construction Agreement (either with or without development plan consent achieved)

The Australian Standard AS2124:1992 Contract Agreement is the agreement that will be used by the Authority.

Fully Documented

Fully documented projects involve the Authority arranging the design, development plan consent (planning approval), full documentation (working drawings and detailed specifications), building rules consent and full development approval prior to the tender being released and awarded. This form of contract enables the successful builder to commence construction works within a short time frame once the contract is executed or to a date specified in the tender and contract.

Design and Construction—Planning Approval Required by Builder

The Design and Construction (D&C) process requires the builder to prepare and submit plans for each site and dwelling as part of the tender evaluation process. The house design plans included in submissions are subject to a complex tender evaluation process. After winning the tender and executing the contract, successful builders are then responsible for achieving planning approval, followed by building rules consent and full development approval.

D&C allows the private sector to be directly involved in the process and encourages designs that are innovative and meet the Authority current standards and specifications.

Design and Construction—Planning Approval Granted Prior Tender

The D&C with planning approval granted prior tender (“D&C with planning achieved”) process involves the Authority engaging architects/designers to develop concept drawings (plans and elevations) in accordance with standards, guidelines and specifications suitable for the Authority, to achieve planning approval prior to the tender release, or at least prior to execution of a contract.

This form of contract requires the successful builder to produce working drawings based on the provided concept drawings that can be submitted for building rules consent and full development approval.

Planning consent, building consent and development approvals

For both types of D&C agreements, it is the responsibility of the builder to seek and achieve building consent and development approval for the construction of the proposed new homes.

For D&C agreements with planning, the Authority will seek and achieve planning consent – preferably by the time of call for tender, but in some instances during tender or post-tender, but usually prior to execution of a contract.

D&C agreements with planning are preferred for larger, medium-density housing sites where multiple dwellings are to be built on one allotment.

Having preliminary concept designs, site layouts, selection of materials and finishes in place for the builder to work from reduces the time required to achieve full development consent from date of execution of the contract (compared to D&C where designs and planning approval are the responsibility of the builder).

For the smaller, straightforward sites, the builder will be able to develop their own designs that meet the Authority's design guidelines and technical specifications for consideration as part of the tender evaluation, and if accepted and successful for the tender, will prepare working drawings and lodge for development consent. The builder may elect to use either their own preferred private certifier or the local Council for the certification process.

The development consent process takes place following the awarding of the tender to a successful builder. During this period, the successful builder will be required to engage their own engineer to prepare the final footing construction report and any other site engineering required for Council consent.

Note: for select and specific programs' dwellings, the Authority will be responsible for arranging planning consent (or exemption from planning consent) and full development approval of the State Co-ordinator General. As this does not apply to all projects tendered, this requirement will be outlined in the tender documentation for each contract.

Start-ups: Builder possession of site

Once all required approvals are in place, the builder will forward all final certified, approved design working drawings, engineer reports and approvals to the Authority. The Authority will put these documents together for the contract and send both parties a bound 'original' copy of the final contract document (in electronic format)

Following execution of the contract (by both parties), the builder will be required to arrange for a bank guarantee as the preferred form of financial security. The bank guarantee must be provided to the Authority prior to granting site possession.

Please note retention moneys is a contract option but not preferred; and may be negotiated on a case-by-case basis at the discretion of the Authority. The Authority's representatives (Program or Project Manager and Manager Construction or Construction Manager), will meet with the builder and their site supervisor and provide the builder with:

- site possession
- a construction timeframe
- the payment schedule.

The parties will also discuss the commencement of the works (all in accordance with the terms of contract). In accordance with the terms of contract (and conditions precedents being met) the timing of the start will be discussed and agreed with the builder.

The site start is one of the most important project phases. Proactive communication and cooperation are essential for the Authority and the builder to effectively work together and ensure everything is on track and in place to ensure a good site start is achieved.

The Authority's Program or Project Manager will arrange for the sewer and water points to the sites and any necessary land divisions, while the builder will be required to arrange the power supply and connection of the consumer mains to the sites and meter boxes with the power authority.

Progress payments and site assessments

The Authority usually implements a four-stage payment system to assist builders with the cash flow expenditures throughout the contract period, however a five-stage payment system applies to certain forms of contract.

This system allows payment for works as each predefined progress stage is completed. Each stage completed is independently certified, the engagement of the certifier being the responsibility of the builder, but must be agreed to by the Authority.

The stages are defined in principle as:

- stage 1: completion of footings
- stage 2: walls, brickwork and roof cover
- stage 3: second fix, linings and lock up
- stage 4: practical completion and hand over.

Each contract is administered by the Authority staff who works with the builder and assist where required with overview of the project.

The builder has a primary responsibility to manage the site, progress the works and satisfactorily deliver the houses in a timely manner (and in accordance with the terms of contract). Any requests for variations and extensions of time necessary due to delays in completing the contract are subject to specific contract terms.

Financial security and Bank Guarantee

The Authority requires Builders to supply unconditional bank guarantee to the value of 5% of the contracted sum. The bank guarantee acts as a safeguard in protecting the government's financial interests during the construction of the new homes and held usually for a period of 3 months from practical completion being the expiry of the defects liability period.

Construction and Contract Completion

Approximately one week prior to completion of the homes in a contract, the Authority's construction manager will inspect the homes prior to setting the date for accepting keys and the property on behalf of the Authority. Any items that may require fixing or rectifying before taking the keys for occupancy are noted and provided to the builder.

Dwellings that are constructed on Torrens title allotments can be individually handed over on completion, whereas for multiple dwellings built on common allotments all are handed over together on completion the total site.

If the builder has satisfactorily performed to the terms of the contract, completed the homes on time and there are no outstanding items following the prescribed defects liability period (a minimum of three months; this may be longer for specific contracts), the bank guarantee is released in accordance with contract terms.

The Authority conducts a performance assessment of the builder in accordance with a common set of criteria at the completion of each contract, records the results and makes these results available to the builder.