

# Recommendation by Chief Contract Expert HFG: Draft for a Certificate / Partial Taking over pursuant Clause 10 + Clause 11.

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From Engineer  
To Contractor and to Employer

## Certificate No 1 Partial Taking Over

The Engineer certifies the substantial completion of the b.m. section of the Highway \_\_\_\_\_.  
The section / part of the works was put into use on Monday, 01. July 2011

Highway	N3
Section of Dual Carriage Way:	Direction from Ladysmith to Durban (LD), two lanes
Chainage	Direction km 15+123 – km 20-456, direction LD-lanes
Contract Law:	FIDIC Pink Book / MDB2010
<b>Partial Taking-Over-Date</b>	<b>01 July 2011</b>
Defect Notification Period / DNP (PCC Part A SC1.1.3.7)	
DNP-Duration	730 days (2 years)
<b>Expiration date (Clause 11)</b>	<b>01 July 2013</b>
Acceptance with reservation	The Contractor must fully complete the outstanding and minor repair works, the tests, and his other contractual obligations in compliance with the Contract Law and the tasks depicted in the Verification list.
Enclosure	<b>Verification list</b> <i>The Contract Expert HFG recommends to produce the Verification list up to 27 July 2011, within 28 days [(SC03.1(d))], otherwise the Taking-over-Certificate “issued” by default / deemed to be issued.</i> <i>The Contract Law allows the Employer to put into use any parts of the Works, hence the Employer is not in breach of contract – however he should issue the TOC – with reservations + verification list – on time -)</i>

Engineer Signature and Name / Date >>> preferable up to 27 JULY 2011 (within 28 days)

*The Contract Expert recommends drafting a verification list with the content*

**A \_ Outstanding works** (minor repairs, outstanding temporary and permanent works, road safety measures, environmental and social issues, other contractual obligations to fulfil, a.s.o)  
*[some write defective works + outstanding works. It is a contradiction! How can I put a car into use - with faulty brakes - and allow to drive. Same applies with a defective / faulty roadway, which might hamper the road safety]*

**B \_ Test on Completion:** Test procedure acc. with SC04.9 QAS / Tech Spec.

**C \_ As-Build Drawings and O+M- Manuals (SC04.1) outstanding!**