

MWD/Scot User Checklist

This is a checklist of the key information that will help you to complete the Agreement.

Parties' details

- Employer's name and address
- Contractor's name and address

Works (First Recital)

- nature
- location

Contractor's Designed Portion (Second Recital)

- description

Documents which the Employer has had prepared to show and describe the work to be done (Third Recital)

- Contract Drawings: identification
- Contract Specification
- Work Schedules
- Bills of Quantities

Pricing document provided by the Contractor (Fourth Recital)

- a copy of the priced Contract Specification
- a copy of the priced Work Schedules
- a Schedule of Rates
- a Bill of Quantities

Construction Industry Scheme (Fifth Recital and clause 5.2)

- Is the Employer a 'contractor'?

CDM Regulations (Sixth Recital)

- Is the project notifiable?

Framework Agreement (Seventh Recital)

- Is the Contract supplemented by a Framework Agreement?
- details (date, title, parties)

Supplemental Provisions (Eighth Recital and Schedule Part 3)

Collaborative working (Schedule Part 3, Supplemental Provision 1)

- applicable?

Health and safety (Schedule Part 3, Supplemental Provision 2)

applicable?

Cost savings and value improvements (Schedule Part 3, Supplemental Provision 3)

applicable?

Sustainable development and environmental considerations (Schedule Part 3, Supplemental Provision 4)

applicable?

Performance Indicators and monitoring (Schedule Part 3, Supplemental Provision 5)

applicable?

Notification and negotiation of disputes (Schedule Part 3, Supplemental Provision 6)

applicable?

name of the Employer's nominee

name of the Contractor's nominee

Named Specialists (Schedule Part 3, Supplemental Provision 9)

applies to both Pre-Named and Post-Named Specialist Work

applies to Pre-Named Specialist Work only

applicable?

Contract Sum (Article 2)

amount

Architect/Contract Administrator (Article 3)

name and address

Principal Designer (Article 4)

name and address

Quantity Surveyor (Article 5)

name and address

Principal Contractor (Article 6)

name and address

Adjudication (Article 7 and clause 8.2)

applicable?

Adjudicator's name?

Adjudicator nominating body?

Arbitration (Article 8 and Schedule Part 1)

applicable?

appointor of Arbitrator?

Arbitration Default Rules (Article 8, clause 8.3 and Schedule Part 1)

- list the default rules that do not apply

Base Date (Fifth Recital and Schedule Part 2)

- date

Works commencement date (clause 2.3)

- date

Date for Completion (clause 2.3)

- date

Liquidated damages (clause 2.9)

- rate and period

Rectification Period (clause 2.11)

- period

Interim payments – Interim Valuation Date (clause 5.3)

- first Interim Valuation Date
 period for the intervals between Interim Valuation Dates

Percentage of the total value to be certified before practical completion (clause 5.3)

- percentage

Percentage of the total value to be certified on and after practical completion (clause 5.3)

- percentage

Fluctuations provision (clauses 5.3 and 5.8)

- applicable option: Schedule Part 2, no fluctuations provision, or other provision?
 percentage addition (Schedule Part 2, paragraph 13)

Supply of documentation for computation of amount to be finally certified (clause 5.8.1)

- period

Insurance: Contractor's Public Liability insurance – injury to persons or property (clause 6.3)

- amount

Insurance of the Works etc. (clauses 6.4A, 6.4B and 6.4C)

- applicable option:
 - i) clause 6.4A (Works insurance by Contractor in Joint Names)/
 - ii) clause 6.4B (Works and existing structures insurance by Employer in Joint Names)/
 - iii) clause 6.4C (Works and existing structures insurance by other means)?
- percentage to cover professional fees (clauses 6.4A and 6.4B)
- insurance arrangements – details of the required policy or policies (clause 6.4C)

Insurance: Contractor's Professional Indemnity Insurance (clause 6.5)

- claims or series of claims
- aggregate
- amount pollution and contamination required?
- Period of insurance

Signing

- Testing clause completed
- Full names and capacity of parties
- Signature, full names and addresses of witnesses

Contract Documents (Schedule Part 4 and Second Recital)

- List completed