**FORM 2**

**Payment Response**

**(Construction Industry Payment & Adjudication Act 2012, section 6)**

|  |  |
| --- | --- |
| Payment Response Reference: | Date: |
| From the Non-Paying Party:  Name:  Address: | To the Unpaid Party:  Name:  Address: |
|  | (*Mode of service*[[1]](#footnote-1)) |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **In response to Payment Claim Reference:** | **Date of Receipt:** | **Amount Claimed:** | **Amount Admitted:** | **Amount Disputed:** |
| (*Identify the Payment Claim*) | (*Date*) | (*Amount*) | (*Amount:* State ‘Nil’ where no amount is admitted) | (*Amount*: State ‘Nil’ where no amount is disputed) |

|  |
| --- |
| Contract Reference Number:  Date Contract Was Made:  Project / Work Description:  Project Site Location:  Contract Sum: |

**\*\*PAYMENT RESPONSE PARTICULARS:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Description of Work/ Services** | **Amount Claimed** | **Response** | **Reasons for difference/dispute** | **Supporting Documents[[2]](#footnote-2)** |
| 1. Total Contract Sum: 2. Original Contract Sum 3. Total Variation as of (*Date*)(*if applicable*)   **TOTAL ADJUSTED CONTRACT SUM** | (as in Payment Claim) | (A)  (B)  **(A + B)** |  | **Schedule 1\***  **Schedule 2\*** |
| 1. Total Value of Works Certified/ Claimed/ as per Joint Valuation No: [ ] as of (*Date*), etc. 2. Total original contract work certified/ claimed/ valued as of (*Date*), etc. 3. Total variation work certified/ claimed/ valued as of (Date), etc. 4. Total unfixed goods and materials on site (*if applicable*)   *#(set out any other applicable items)*  **TOTAL VALUE OF WORKS CERTIFIED/ CLAIMED/ AS PER JOINT VALUATION, ETC.**  *LESS:*   1. Retention Monies [ ]% as per Clause [ ] of the Conditions of Contract (*if applicable*) 2. Total amount previously paid/claimed/certified 3. Defective / Rectification Works 4. Liquidated and Ascertained Damages (from [*date*] to [*date*])   *#(set out any other applicable items)*  **TOTAL VALUE OF WORKS CERTIFIED/ CLAIMED/ AS PER JOINT VALUATION, ETC.** | (as in Payment Claim) | (C)  (D)  (E)  **(F)=(C + D + E)**  (G)  (H)  (I)  (J)  **(K)=(G + H + I + J)** |  | **Schedule 3\***  **Schedule 4\***  **Schedule 5\***  **Schedule 6\***  **Schedule 7\***  **Schedule 8**  **Schedule 9** |
| **TOTAL AMOUNT ADMITTED** |  | (*Amount*: State ‘Nil’ where no amount is admitted) |  | **Schedule 10** |
| **TOTAL AMOUNT DISPUTED** |  | (*Amount*: State ‘Nil’ where no amount is disputed) |  |  |
| **TOTAL CROSS-CLAIM AMOUNT BY THE NON-PAYING PARTY AGAINST THE UNPAID PARTY [*if any*]** |  | **(L)** |  |  |

**\* If the Response Amount differs from the Claimed Amount.**

**\*\*ATTACHMENTS:**

Schedule 1: Relevant Extracts from the Contract showing the agreed Original Contract Sum. If the valuation is based on any of the default provisions in sub-sections in 36(1) or 36(2) of the CIPA Act 2012, a Table showing the computation of the value and the relevant documents supporting the basis of the valuation.

Schedule 2: Relevant Instructions (eg. Architect’s Instructions/ S.O.’s Instructions/ Engineer’s Instructions) and a Table showing the breakdown and description of each variation work ordered and the computation of the total value of these variation works. If the valuation is based on any of the default provisions in sub-sections in 36(1) or 36(2) of the CIPA Act 2012, a Table showing the computation of the value and the relevant documents supporting the basis of the valuation.

Schedule 3: Relevant Payment Certificates/ Claim Submissions/ Records of Joint Valuation Conducted / etc (as the case may be), and a Table showing the breakdown and description of the works done, the percentage of the works done as certified / claimed/ valued, and the total value completed as at the relevant date. If the valuation is based on any of the default provisions in sub-sections in 36(1) or 36(2) of the CIPA Act 2012, a Table showing the computation of the value and the relevant documents supporting the basis of the valuation.

Schedule 4: Relevant Payment Certificates/ Claim Submissions/ Records of Joint Valuation Conducted / etc, and a Table showing the breakdown and description of the variation works done, the percentage of these variation works done as certified / claimed/ valued, and the total value completed as at the relevant date. If the valuation is based on any of the default provisions in sub-sections in 36(1) or 36(2) of the CIPA Act 2012, a Table showing the computation of the value and the relevant documents supporting the basis of the valuation.

Schedule 5: Relevant extracts from the Contract showing the entitlement for payment for unfixed goods and materials delivered to site, the necessary documents to show the goods and materials delivered to the site, and a Table showing the breakdown and description of the unfixed goods and materials delivered to site, and the computation of the value of these goods and materials.

Schedule 6: Relevant extracts from the Contract relating to the withholding of Retention Monies, and a Table showing the computation of the value of the Retention Monies entitled to be withheld as at the relevant date.

Schedule 7: Relevant documents showing proof/ acknowledgement of the payments made as at the relevant date.

Schedule 8: Relevant Instructions (eg. Architect’s Instructions/ S.O.’s Instructions/ Engineer’s Instructions) and a Table showing, essentially:

1. the breakdown and description of defective work identified/ rectification works ordered to be carried out;
2. the computation of the total value of these defective works / rectification works which have been carried and which have not been carried out;
3. the total value of defective works, or any rectification works carried out/ to be carried out by third party contractor (if any).

Set out or enclose extracts of the relevant contractual provision.

Schedule 9: Relevant Certificate/s of Extension of Time, Certificate of Non-Completion, Certificate of Practical Completion (if any), relevant extracts from the Contract showing entitlement to charge or deduct Liquidated and Ascertained Damages for delay from payment claims, and a Table showing the computation of the Liquidated and Ascertained Damages sought to be deducted. Set out or enclose extracts of the relevant contractual provision.

Schedule 10: Payment in respect of the amount as admitted by the Non-Paying Party.

1. As per any of the prescribed modes of service under section 38(a) – 38(d) of the CIPA Act 2012. [↑](#footnote-ref-1)
2. Section 6 of the CIPA Act 2012 does not envisage supporting documents to be provided in the Payment Response. However, it may be good practice to do so. [↑](#footnote-ref-2)