

# Memo of Appointment of Principal Representative

(West Nowra Waste Processing Facility Project Agreement)

City Services Directorate | Commercial Services | Waste Services

**To** [REDACTED] – Manager Waste Services  
[REDACTED] – Waste Contracts Coordinator

**From** [REDACTED] – Director City Services

**Subject** Appointment of Principal Representative as defined in  
West Nowra Waste Processing Facility Project Agreement (LD8645)

**Date** 19/01/2022

**File** 59608E                      **Contact** [REDACTED]                      **Ext** [REDACTED]  
(D22/22295)

In accordance with the Resolution of Council (MIN18.888C) I have been appointed as the Principal's Representative for the above mentioned Project Agreement ('Contract') executed by the CEO on 23/12/2020.

As the representative of the Principal, and in accordance with clause 44.1.2 and Item 1 of Schedule 1 of the Contract, I appoint [REDACTED] to be the *Principal Representative* as defined in, and for the purposes of, the Agreement.

Also, in accordance with clause 47.1.1(a)(i) of the Contract I hereby nominate [REDACTED], Waste Contracts Coordinator, as the other representative of the Principal for the required Coordination Group.

In making these appointments I draw your attention to the following key responsibilities of the *Principal Representative*:

- **Functions and powers:** Under clause 44 the Principal Representative may delegate some or all of the Principal Representative's functions and powers under the Agreement to one or more persons, and vary or terminate, in whole or part, such delegations from time to time. The Principal Representative is to always ensure all functions and powers of the Principal Representative under the Agreement.
- **Representation:** Represent Council in the Contract and in particular exercise or facilitate, as appropriate, all the rights of the Principal in accordance with clause 44 of the Contract, and in the best interests of Council.
- **Variations:** Direct or approve variations in accordance with clause 36 of the Contract.
- [REDACTED]
- [REDACTED]



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[Redacted]

- [Redacted]

- **Independent Certifier:** Under clause 39 of the Contract the Principal and Contractor must jointly engage the Independent Certifier on the terms of the Independent Certifier Deed. Facilitate Principal execution of the deed (substantially in the form of Schedule 10), and where necessary consult with and obtain the opinion of the Independent Certifier on any matter relating to the Delivery Activities on behalf of the Principal.
- **Coordination Group:** Facilitate the functioning and meetings of the Coordination Group in accordance with clause 47.
- **SOP Act:** In accordance with clause 66.2 of the Contract, and to the extent the SOP Act applies to the Contract, in receiving Payment Claims or issuing Payment Schedules, the Principal Representative acts as the agent of the Principal.

The following limitations apply:

1. Approval of payment claims up to the purchase order value.

Yours faithfully

[Redacted Signature]

**Director City Services  
Principal's Representative**

*I acknowledge and accept the above Principal Representative appointment.*

[Redacted Signature]

**Manager Waste Services**

*I acknowledge and accept the above Coordination Group nomination.*

[Redacted Signature]

**Waste Contracts Coordinator**

