

5 August 2021

Ms Sheryl Smith
Sutcliffe Play
Waggon Lane
Upton
Pontefract
WF9 1JS

BY EMAIL: sheryl@sutcliffeplay.co.uk

Dear Sheryl

INSTRUCTION TO PROCEED: Boston Spa Parish Council Stables Lane Phase 2 Junior Play Equipment

We are writing to you in connection with the above project. It is the intention of Boston Spa Parish Council to award a contract "JCLI Landscape Works Contract with Contractor's Design 2017" for the Physical Works, which is defined as the Stables Lane Phase 2 Junior Play Equipment (in the Contract Sum £79,999.84 (exclusive of VAT) to Sutcliffe Play on satisfactory conclusion of the contract, content and conditions. Please note that the Contract Sum as noted above will be subject to final adjustment on confirmation and agreement of the final scope of works.

Until such a time as the contract details are finalised you are hereby authorised to proceed with the following activities:

1. Procure and construct the works in line with the agreed Tender Document dated 29 June 2021 with all contents and appendices and tender addendums.

By this letter Boston Spa Parish Council authorise Sutcliffe Play to commence the above activities with immediate effect so that the physical works can commence on site on (TBC) and be completed on or before (TBC). Works must comply with the requirements already in the possession of Sutcliffe Play, and as adjusted by the requirements of the contract instructions and various meetings and discussions.

Subject to Sutcliffe Play complying with the terms and provisions of this letter, Boston Spa Parish Council undertake to pay Sutcliffe Play all its reasonable costs incurred in providing the aforementioned activities up to the sum of £79,999.84 excluding VAT ("the Maximum Amount").

The authority given by this letter will expire on 26 August 2021. If a contract is not in place at this date then a further letter may be provided extending the scope and value of the Procurement activities until a contract is in place.

Boston Spa Parish Council are not bound to do so by this letter, but in the event that it does enter into a contract for the Physical Works with Sutcliffe Play on or before 26 August 2021:

1. All and any obligations on Boston Spa Parish Council to make payment under the terms of this letter shall determine;
2. Any payments made under the terms of this letter shall be treated as interim payments pursuant to the Physical Works contract;
3. Everything done by or on behalf of Sutcliffe Play pursuant to this letter shall be deemed to have been done pursuant to the Physical Works contract and Boston Spa Parish Council obligation to pay therefore shall be governed by the Physical Works contract.

The conditions of this letter are:

1. Prior to commencing Procurement Activities Sutcliffe Play shall have all necessary insurances in place as required under the Physical Works contract.

A person other than Boston Spa Parish Council and Sutcliffe Play shall have no right under the contracts (Right of Third Parties) Act 1999 to enforce any of the terms of the agreement created by this letter. This provision does not affect any right or remedy of any person which exists or is available otherwise than pursuant to that Act.

For clarity, Keystone Building Consultancy will be acting as Contract Administrator for the project.

This letter shall, in all respects, be governed by and interpreted in accordance with English Law and shall be subject to the non-exclusive jurisdiction of the courts of England and Wales.

In the event of any dispute in respect of the matters addressed in this letter, the dispute resolution methods as described in the JCLI contact documentation shall be followed.

Kindly acknowledge your acceptance of this letter and your agreement to proceed in accordance with its terms by signing and returning the attached copy

Yours sincerely

Signed..... Toby Wade
Authorised as Contract Administrator to sign for and on behalf of Boston Spa Parish Council

[ON COPY ONLY]

We acknowledge and accept the terms and conditions of this letter

Signed.....
For and on behalf of
Sutcliffe Play

cc Kevin Alderson - Boston Spa Parish Council
 Deborah Marshall - Boston Spa Parish Council