

DATED

3rd February 2022

NATIONAL HIGHWAYS LIMITED

JOE ROOCROFT AND SONS LIMITED

Scheme Delivery Framework

Form of Agreement

relating to the provision of the works in relation to the motorway and trunk road network in National Highways

Lot(s):4.2/E

Contract Reference Number

SDF MODEL FORM OF AGREEMENT

CONTENTS AMENDMENT SHEET

| Issue No. | Document revision | Amendments | Initials | Date |
|-----------|-------------------|---|----------|--------|
| 1 | 0 | Tender issue | AJP | Dec 20 |
| 1 | 1 | Post Award | PO | Sep 21 |
| 1 | 1 | Amendments to reflect change of company name to National Highways Limited | PO | Sep 21 |
| | | | | |

DATE:

3rd February 2022

PARTIES:

1 **NATIONAL HIGHWAYS LIMITED** (company no 09346363) whose registered office is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ ("*the Client*"); and

JOE ROOCROFT AND SONS LIMITED a company incorporated in and in accordance with the laws of England & Wales with registered number 1493369 whose registered office is at Aston Way, Moss Side Development Park, Leyland, PR26 7UX ("*the Supplier*").

RECITALS:

- A The *Client* wishes to appoint a number of suppliers to undertake the provision of the works under the *Client's* Scheme Delivery Framework and for that purpose has issued invitations to tender to, amongst others, the *Supplier*.
- B In response to the *Client's* invitation to tender, the *Supplier* has submitted a tender to Provide the works in conformity with this Agreement.
- C The *Client* has examined the *Supplier's* tender and now wishes to appoint the *Supplier* on the terms of this Agreement in relation to Lot(s): 4.2/E

1 Definitions and interpretation

1.1 In this Agreement (including the Recitals) words and expressions have the meanings assigned to them in the Conditions referred to below.

1.2. The Conditions are

- the clauses of the NEC4 Framework Contract (June 2017) and the *additional conditions of contract* set out in the document entitled "Framework Z clauses" referred to in the Contract Data, and
- the core clauses of the NEC4 Engineering and Construction Contract (June 2017 with amendments January 2019), the main and secondary Option clauses listed in the Contract Data together with dispute resolution Option W2 and the *additional conditions of contract* set out in the document entitled "ECC Z clauses" referred to in the Contract Data for Work Orders

2 Agreement

2.1 In consideration of the *Client* making payment in accordance with the Conditions, the *Supplier* agrees to provide the works in accordance with the provisions of this Agreement.

3 Contract Documents

3.1 The following documents form part of this

Agreement: the Conditions
the Contract Data
the Framework
Information the Scope
Tender Amendments
the *Supplier's* tender including the tender
commitments the *quotation information*

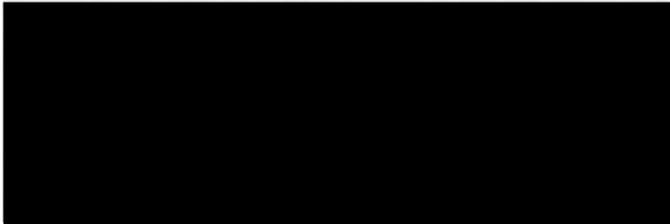
3.2 The several documents forming part of this Agreement are to be taken as mutually explanatory of one another.

4 Publication of Information

4.1 The *Supplier* acknowledges that the *Client* is obliged to publish the provisions of this contract in accordance with the Crown Commercial Service note entitled "*Publication of Central Government Tenders and Contracts*" dated November 2017 (or any later revision), except to the extent that any information

in it is exempt from disclosure pursuant to the Freedom of Information Act 2000 (Amendment) (EU Exit) Regulations 2018. The *Client* shall consult with the *Supplier* before deciding whether information is exempt, but the *Supplier* shall acknowledge that the *Client* has the final decision. The *Supplier* shall cooperate with and shall assist the *Client* to publish this Agreement in accordance with the *Client's* obligation.

Delivered as a deed on the date of this document.



(David Roocroft) signature
of Director



(Phillip Bradley)
signature of Director/Company Secretary

Executed as a deed by
NATIONAL HIGHWAYS LIMITED
by affixing its common seal 2022 no 287
in the presence of:



Head of Pre-Contract Commercial Services

