



Government of **Western Australia**  
Department of **Commerce**  
**Building Commission**

**Building**  
**Commission**

# **Call for expressions of interest**

## **Advertisement of fixed/low-fee adjudications/advisory services**

**June 2017**



### **Expression of interest**

The Building Commission is seeking expressions of interest from registered adjudicators who currently provide, or wish to provide, adjudications and/or advisory services on a fixed fee or low cost basis to prospective applicants (or respondents) involved in low-value adjudications (for example payment disputes of \$100,000 or less) under the *Construction Contracts Act 2004*.

Registered adjudicators are requested to advise the Building Commission of the details and cost of their services in accordance with the requirements specified in this document. The details will be made available under the adjudicator profiles on the [Building Commission's website](#). The Building Commission will also advertise the availability of the services to prospective applicants and respondents.

### **Disclaimer**

Registered adjudicators participate in this expression of interest at their own costs. The Building Commission will not pay for any costs or loss suffered by making a submission in connection with this process.

While all care will be taken to ensure the accuracy of any information made available on the Building Commission's website, the Building Commission, or its agents or employees, shall not be liable in negligence, or howsoever, for any loss suffered in connection with the information provided.

### **Contact**

All expressions of interest should be forwarded by **close of business 31 July 2017**.

Expressions of interest should be made by email to:

David Purshouse, Project Officer  
[david.purshouse@commerce.wa.gov.au](mailto:david.purshouse@commerce.wa.gov.au)

Please include "EOI fixed fee/low cost advisory services" in the subject line

## 1. Background

- 1.1 As part of its role in administering the *Construction Contracts Act 2004* (the Act) and promoting the use of rapid adjudication to resolve contractual payment dispute, the Building Commission is interested in providing information to construction industry participants on the availability of:
- 1.1.1 adjudicators who are willing to conduct adjudications under the Act at a fixed fee or low cost rate; and
  - 1.1.2 adjudicators who provide or are willing to provide advisory services to assist with preparing applications (or responses) in adjudication proceedings, and/or providing advice on contractual payment disputes.
- 1.2 The Building Commission is particularly focused on providing information to parties involved in lower value contractual payment disputes (ie less than \$100,000), as they tend to be less familiar with using the adjudication process under the Act.
- 1.3 To this end, the Building Commission is seeking expressions of interest from registered adjudicators who currently provide, or are interested in providing, adjudications and/or advisory services to parties on a fixed fee or low cost basis for low value payment disputes.
- 1.4 Advisory services may include, but are not limited to, advising parties on the merits of a payment dispute and preparing documentation used in an adjudication conducted under the Act.
- 1.5 Information about the fixed fee/low cost adjudications and/or advisory services provided will be made available on the Building Commission’s website under the relevant adjudicator’s profile, and in other documents and publications made available by the Building Commission.

## 2. Requirements

- 2.1 Registered adjudicators who provide fixed fee/low cost adjudications and/or advisory services and wish to have the details made available on the Building Commission’s website are requested to provide:
- a brief description of the services provided; and
  - an estimated fixed cost **or** hourly rate charged.

- 2.2 Registered adjudicators are encouraged to consider using the table below in advising of costs.

| Total amount in dispute | Fixed fee                     | Hourly rate (plus any disbursements) |
|-------------------------|-------------------------------|--------------------------------------|
| \$50,000 or less        | <input type="checkbox"/> \$ . | <input type="checkbox"/> \$ .        |
| \$50,000 to \$100,000   | <input type="checkbox"/> \$ . | <input type="checkbox"/> \$ .        |

- 2.3 If adjudicators wish to advertise the availability of both fixed fee/low cost adjudications and advisory services, please provide separate information for each.
- 2.4 Any fees or costs charged for advisory services will be entirely at the discretion of the registered adjudicator and the Building Commission will not be responsible for monitoring or enforcing the published rate.
- 2.5 Registered adjudicators will be responsible for entering into any costs agreement for the provision of services to interested parties, as well as managing potential conflicts that may arise due to the provision any such services.
- 2.6 Registered adjudicators will be responsible for advising the Building Commission of any change to the services provided and/or fees charged.

### 3. Contact

- 3.1 All responses to this expression of interest should be directed to the officer listed at the front of this document using the contract details provided.
- 3.2 Any questions or enquiries in relation to the information requested can be directed to Mr David Purshouse on 6251 1337 or at [david.purshouse@commerce.wa.gov.au](mailto:david.purshouse@commerce.wa.gov.au).

## Department of Commerce | Building Commission

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Phone: 1300 489 099 Fax: (08) 6251 1501

Email: [bcinfo@commerce.wa.gov.au](mailto:bcinfo@commerce.wa.gov.au)

Web: [www.commerce.wa.gov.au/building-commission](http://www.commerce.wa.gov.au/building-commission)

**National Relay Service: 13 36 77**

**Quality of service feedback line: 1800 30 40 59**

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