

Moray Council Retention Policy Statement - 31 August 2024

1	Policy on retention in construction contracts is as set out below with respect to Chapter 17 in Handbook 1 of The Client Guide to Construction Projects	
	1.1 Derived directly and solely from it Not applicable	Yes No
	1.2 Derived from it and other sources Policy and standard forms of contract (NEC, SBCC)	Yes No
	1.3 Diverges from it We may diverge from policy if the contract type is in conflict. In reference to ch 17 s 4.10, only insofar as there is any conflict between the policy and standard forms of contract. If there is divergence from the latter, this will be on a case-by-case basis, dependant on the complexity of the project and would be included in the tender documentation.	Yes No
	1.4 Not required to and does not follow it Not applicable	Yes No
	1.5 Other Not applicable	Yes No
2	The strategic approach to retention taken by Moray Council is as set out below	
	2.1 Aims for the contractor to deliver zero defects Moray Council is committed to the Construction Quality Improvement Collaborative (CQIC)	Yes No
	2.2 Retention is applied in all construction contracts regardless of project-specific factors Not applicable	Yes No
	2.3 Retention is applied uniformly in all construction contracts regardless of project-specific factors Not applicable	Yes No
	2.4 Some construction contracts apply retention We apply across some based on risk where retention is a standard in a chosen form of contract	Yes No
	2.5 Some construction contracts do not apply retention We don't apply it based on risk where retention is not required and standard form of contract is not used	Yes No
	2.6 Other Not applicable	Yes No
3	Policy on retention in construction contracts takes account of the following factors	
	3.1 Project type Project type will determine form of contract and retention	Yes No
	3.2 Project value Not applicable	Yes No
	3.3 Project duration Not applicable	Yes No
	3.4 Project design complexity and/or novelty including ergonomics and buildability Not applicable	Yes No
	3.5 Extent of off-site and on-site work specified or implied by the design	Yes No
	3.6 Availability of project materials and associated trade skillsets for the required standard of finish Not applicable	Yes No
	3.7 Project procurement route, see Handbook 2 Chapter 5 of The Client Guide to Constructipon Projects Not applicable	Yes No
	3.8 Project procurement procedure, see Chapter 2 Section 3 of The Public Contracts (Scotland) Regulations 2015 Not applicable	Yes No
	3.9 Form of contract Evaluation of the form of contract most suitable to the project. Generally this will be SBCC for buildings, NEC for civil engineering, and simple Purchase Order for non-complex, routine, or temporary requirements.	Yes No
	3.10 Volume, detail and format of as-built, operating and maintenance information, including compliance with BIM requirements Not applicable	Yes No
	3.11 Market conditions Not applicable	Yes No
	3.12 Availability and affordability of a trust-based commercial bank account into which the main contractor can deposit subcontractors' retention Not applicable	Yes No
	3.13 Inspection and testing regime for materials and workmanship on site Not applicable	Yes No
	3.14 Targeting distinct activities/trades/elements for specific retention treatment Not applicable	Yes No
	3.15 Implementing a payment process triggered by demonstrable milestone events on site instead of set intervals of time Not applicable	Yes No
	3.16 Holding no retention on temporary works procured directly by the public contract that will not be permanently incorporated into the completed works Not applicable	Yes No
	3.17 Enabling the replication of main contract retention provisions in successive contracts along the supply chain as far as reasonably possible Not applicable	Yes No
	3.18 Other factor(s) Not applicable	Yes No

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