

**SPECIAL PROVISIONS TO THE CONDITIONS OF CONTRACT
(VARIATION OF PRICE) FOR CIVIL ENGINEERING WORKS**

A. VARIATION IN PRICE OF BUILDING MATERIALS

1. Adjustments (upwards and downwards) shall be made to the monthly interim payments and finally to the Contract Sum where there is variation in the Unit Prices in respect of selected "Materials" described hereunder:

- (i) Cement
- (ii) Steel Bar Reinforcement
- (iii) Premix (Asphaltic Concrete and Bituminous Macadam)
- (iv) Sand
- (v) Aggregates and Crusher Run
- (vi) Water Pipe and Sewerage Pipe
- (vii) Corrugated Steel Beam Guardrail
- (viii) Steel Fabric Reinforcement

2. Reference Publication

The reference publication to determine the "Unit Prices" of Materials specified in paragraph 1 shall be the Special Release 1 published by the Department of Statistics in the particular month in which the Materials are delivered to site for use.

3. Basic Unit Prices of Materials

The "Basic Unit Prices" for the purposes of calculating variation of price for the Materials specified in paragraph 1 shall be the appropriate Unit Prices of the Materials as stated in the Special Release 1 published by the Department of Statistic for the month during which the tender closes and shall be inserted in the **Appendix A** to this provision prior to the signing of the Contract.

4. Variation in Price of Materials

- (i) Any adjustments will only be made where there is variation in price in respect of Materials specified in paragraph 1 and against which Basic Unit Prices are given in **Appendix A** to this provision.
- (ii) Where a Contractor has paid a higher or lower price for the Materials as compared to the Basic Unit Price specified in **Appendix A** to this provision, the Contract Sum shall be accordingly increased or decreased provided that such increase or decrease shall not exceed the difference between the Basic Unit Price specified in **Appendix A** to this provision and the Unit Price stated in the Special Release 1 published by the Department of Statistics in the particular month in which the Materials are delivered to site for use.

5. Quantity of Materials Subject to Variation of Price

- (i) Quantities for the Materials specified in paragraph 1 shall be pre-ascertained by the Superintending Officer (S.O.) at the time of tendering and inserted in **Appendix A** to this provision. The quantities so ascertained shall be the maximum quantities subject to price variation under this provision.
- (ii) The maximum quantities as fixed in **Appendix A** to this provision may be varied only when the original scope of works have been varied. The adjustment of the maximum quantities of the Materials shall be made proportionately to the variation of the scope of the work in which the relevant Materials so relate.

6. Works Not Included

- (i) This provision shall not apply to any of the Materials which have been used in works which shall have been rejected by the S.O. or which have been executed in places outside the limits of the site without the prior approval of the S.O.
- (ii) The Contractor shall keep accurate and complete records of all Materials or other items required for the replacement of works rejected by the S.O. The quantities of the Materials which have been used in works rejected by the S.O. shall be excluded from any claims for price variations under this provision.

7. Contract Period and Extension

This provision shall only apply to works done within the Contract Period and any extended period which had been allowed in accordance with the terms of the Contract.

8. Works Executed Outside the Period Permitted Under Contract

This provision shall not apply to works carried out by the Contractor outside the period permitted under the terms of Contract except in the following case:-

Where the quantity of Materials used by the Contractor within the period permitted under the terms of Contract is less than that specified in **Appendix A** to this provision, adjustments shall be made to the Contract Sum in respect of the balance of the Materials where there is variation in price notwithstanding that the balance of Materials is used beyond the period permitted under the Contract provided that:

- (i) In the case of any increase in prices, adjustments will only be made if the increase does not exceed the Unit Price stated in the Special Release 1 issued by the Department of Statistics in the final month of the period permitted under the Contract.
- (ii) In the case of any reduction in price, adjustments will be made in accordance with paragraph 4 (ii).

9. Notification and Documentary Evidence

- (i) The Contractor shall within a reasonable time give the S.O. written notice of any variation in the price of Materials.
- (ii) The S.O. may at any time call for invoices, receipts and such other documentary evidence as may be required. The Contractor shall not withhold any information or documentary evidence as required by the S.O.

**B. VARIATION IN PRICE OF PETROLEUM PRODUCTS
(AUTOMOTIVE GAS OIL (DIESOLINE), FUEL OIL AND BITUMEN)**

1. Adjustments (upwards and downwards) shall be made to the monthly interim payments and finally to the Contract Sum where there is variation in the Unit Price in respect of selected "Materials" described hereunder:

- (i) Automotive Gas Oil (Diesoline)
- (ii) Fuel Oil (Light and Medium)
- (iii) Bitumen

2. Unit Prices of Material

The Unit Prices of Automotive Gas Oil (Diesoline), Fuel Oil and Bitumen for the purposes of calculating variation of prices shall be based on the following:

- (i) Government Control Price
The Unit Price of Automotive Gas Oil (Diesoline) shall be tied to the Government of Malaysia Controlled Prices as established by the Ministry of Domestic Trade and Consumer Affairs.
- (ii) Posted Price from SHELL MALAYSIA
The Unit Price of Fuel Oil (Light and Medium) is based on the Posted Prices for medium fuel as obtained from SHELL MALAYSIA.
- (iii) Average ex-Port Klang Price
The Unit Price of Bitumen 80/100 Penetration Grade shall be based on the average ex-Port Klang price quoted to contractors by the main suppliers.

3. Reference Publication

The reference publication to determine the "Unit Prices" of Materials specified in paragraph 1 shall be the Special Release 1 published by the Department of Statistics in the particular month in which the Materials are consumed or incorporated into the works.

4. Basic Unit Prices of Materials

The “Basic Unit Prices” for the purposes of calculating variation of price for the Materials specified in paragraph 1 shall be the appropriate Unit Prices of the Materials as stated in the Special Release 1 published by the Department of Statistic for the month during which the tender closes and shall be inserted in the **Appendix A** to this provision prior to the signing of the Contract.

5. Variation In Prices of Materials

- (i) Any adjustments will only be made where there is variation in price in respect of Materials specified in paragraph 1 and against which Basic Unit Prices are given in **Appendix A** to this provision irrespective of the actual purchase prices of the Materials by the Contractor and whether the Materials are purchased locally or otherwise.
- (ii) When there is a variation in the Basic Unit Prices of the Materials, the amount payable at a particular month upon the issue of the monthly certificates of progress payment or the final certificate shall be increased or decreased by the amount based on the **ACTUAL** differences between the Basic Unit Prices and the Unit Prices of the Materials at a particular month.

6. Variation Must Be Greater Than Five Per Cent (5%)

Adjustment shall only be made to the Contract Sum when the variation (increase or decrease) in the Basic Unit Prices of the Materials is greater than 5%. Where the variation (increase or decrease) in prices is greater than 5% the full amount of the variation shall be added to or deducted from the Contract Sum.

7. Quantities of Materials Subject to Variation of Price

- (i) The Contractor shall submit together with his Tender an estimate of the total requirements of the Materials (diesel, fuel oil and bitumen) for the Contract and such estimate shall be supported by documentary evidence. The estimate of the quantities submitted by the Contractor shall be subject to verification and adjustment by the S.O. as may be necessary before the signing of the Contract. The quantities so ascertained shall be the maximum quantities subject to price variation under this provision. Provided that if the Contractor fails to submit such estimate or any documentary evidence in support thereof, the S.O. shall make a reasonable assessment of the quantities of the Materials for the Contract.
- (ii) The maximum quantities as fixed in **Appendix A** to this provision may be varied only when the original scope of works have been varied. The adjustment of the maximum quantities of the Materials shall be made proportionately to the variation of the scope of the work in which the relevant Materials so relate.

(iii) The Contractor shall submit to the S.O. monthly returns with documentary evidence on the quantities of the Materials consumed or incorporated into the works, as the case may be, during the particular month. Such quantities of the Materials shall be verified by the S.O. and shall be used as the basis of implementing this provision as described herein:

(a) Automotive Gas Oil (Diesoline) and Fuel Oil

At the end of each month the Contractor is required to submit documentary evidences of purchases and consumption of Automotive Gas Oil (Diesoline) and Fuel Oil during the month. The Contractor shall keep records of the consumption of the Materials by individual item of plants which shall be verified and certified by the S.O. The quantities so certified shall be used as the basis for the application of this provision. The Contract Sum shall be increased or decreased by such amount derived by multiplying the quantities of the Materials so certified by the S.O. by the actual differences between the Basic Unit Prices and the Unit Prices of the Materials for that particular month. Provided always Automotive Gas Oil (Diesoline) and Fuel Oil consumed outside the limit of the site shall not be included in the computation of the quantities except diesoline used in the transportation of imported earth to the site for use in the works and disposal of unsuitable materials off site.

(b) Bitumen

The quantities of Bitumen used for the purposes of calculating variations in Basic Unit Prices of the Material shall be the quantities of the Materials incorporated into the works (except Bitumen used in Premix) during a particular month. Such quantities must be verified and certified by the S.O. The Contract Sum shall be increased or decreased by such amount derived by multiplying the quantities so certified by the S.O. by the actual difference between the Basic Unit Price and the Unit Price of the Material for that particular month.

(c) Provided always that this provision shall only apply to such quantities of the Materials as are fixed in **Appendix A** to this provision or such adjusted amounts under paragraph 7 (ii) above and shall not apply to any quantity in excess thereof.

(d) Should the Contractor fail to submit such details of monthly returns or documentary evidence of the quantities of the Materials consumed and/or incorporated into the works, the S.O. reverses the right to make a reasonable assessment of the quantities of the Materials consumed and/or incorporated into the works for the particular month. Such quantities assessed by the S.O. shall be used as the basis of implementation of this provision as described herein.

8. Works Not Included

- (i) This provision shall not apply to any of the Materials which have been used in works which shall have been rejected by the S.O. or which have been executed in places outside the limits of the site without the prior approval of the S.O.
- (ii) The Contractor shall keep accurate and complete records of all Materials or other items required for the replacement of works rejected by the S.O. The quantities of the Materials which have been used in works rejected by the S.O. shall be excluded from any claims for price variations under this provision.

9. Contract Period and Extension

This provision shall only apply to works done within the Contract Period and any extended period which had been allowed in accordance with the terms of the Contract.

10. Works Executed Outside the Period Permitted Under Contract

This provision shall not apply to works carried out by the Contractor outside the period permitted under the terms of Contract except in the following case:

Where the quantity of Materials used by the Contractor within the period permitted under the terms of Contract is less than that specified in **Appendix A** to this provision, adjustments shall be made to the Contract Sum in respect of the balance of the Materials where there is variation in price notwithstanding that the balance of Materials is used beyond the period permitted under the Contract provided that:

- (i) In the case of any increase in prices, adjustments will only be made if the increase does not exceed the Unit Price stated in the Special Release 1 issued by the Department of Statistics in the final month of the period permitted under the Contract.
- (ii) In the case of any reduction in price, adjustments will be made in accordance with paragraph 5 and 6 above.

Appendix A

**LIST OF MATERIALS TOGETHER WITH QUANTITIES AND BASIC UNIT PRICES
SUBJECT TO PRICE VARIATION IN ACCORDANCE WITH THE "SPECIAL
PROVISIONS TO THE CONDITIONS OF CONTRACT
(VARIATION OF PRICE) FOR CIVIL ENGINEERING WORKS"**

Materials	Unit	Quantity	Basic Unit Price
A. Mild Steel Round Bars, BS 4449 - 10mm (3/8") - 12mm (1/2") - 16mm (5/8") - 20mm – 25mm (3/4" – 1") - 32mm (1 1/4")	Metric Ton " " " "	* * * * *	
B. High Tensile Deformed Bars - 10mm (3/8") - 12mm (1/2") - 16mm – 25mm (5/8" – 1") - 28mm (1 1/8") - 32mm (1 1/4")	" " " " "	* * * * *	
C. Ordinary Portland Cement, BS 12 used in:- - On-site/ready-mixed structural and non-structural works; - Precast concrete components	50 kg. Bag "	* *	
D. Premix Asphaltic Concrete - AC 10 (Wearing Course) - AC 14 (Wearing Course) - AC 28 (Binder Course) - ACW 20 (Wearing Course)	Metric Ton " " "	* * * *	
E. Premix Bituminous Macadam - BMR40 (Bound Roadbase) - BMR28 (Bound Roadbase) - BML10 (Levelling Course) - BMB28 (Binder Course) - BMB20 (Binder Course) - BMW14 (Wearing Course) - BMW20 (Wearing Course)	" " " " " " "	* * * * * * *	
F. Sand - River sand - Mining sand	Metric Ton "	* *	

Materials	Unit	Quantity	Basic Unit Price
G. Aggregates (for concreting in-situ/precast and others) - 10mm (3/8") - 20mm (3/4") - 40mm (1 1/2")	Metric Ton " "	* * *	
H. Crushed Aggregate (Crusher Run) - 0.075mm - 0.425mm - 2mm - 5mm - 10mm - 20mm - 28mm - 37.5mm - 50mm	" " " " " " " " "	* * * * * * * * *	
I. Water Pipe and Sewerage Pipe - Mild Steel Pipe - Ductile Iron Pipe - HDPE Pipe - UPVC pipe - VC pipe - ABS pipe - Stainless steel pipe - Reinforced concrete pipe	M " " " " " " "	* * * * * * * *	} Refer to Appendix B
J. Corrugated Steel Beam Guardrail - Single mounted 1.95m post spacing 3.8m post spacing - Double mounted 1.95m post spacing 3.8m post spacing	M " " "	* * * *	
K. High Yield Steel Fabric, MS145 - Square Mesh Ref. No. A6 - A10 Ref. No. A4 - A5 - Rectangular Mesh Ref. No. B12 Ref. No. B6 - B10 Ref. No. B5	Kg " " " "	* * * * *	

Materials	Unit	Quantity	Basic Unit Price
- Long Square Mesh Ref. No. C5 - C10	Kg	*	
- Small Square Mesh Ref. No. DA6 - DA10	"	*	
Ref. No. DA4 - DA5	"	*	
L. Automotive Gas Oil (Diesoline)	Litre	**	
M. Fuel Oil (Light/Medium)	Litre	**	
N. Bitumen 80/100 Penetration Grade in Prime Coat, Tack Coat and Surface Dressing	Metric Ton	**	

* Quantities shall be pre-ascertained by the Superintending Officer at the time of tendering.

** These quantities shall be estimated by the Contractor at the time of tender. Such quantities shall be verified and adjusted by the Superintending Officer before the signing of the Contract.

Notes:

1. The above quantities are intended for the purpose of price variation only and do not necessarily reflect the actual quantities required for the Contract. The Contractor shall ascertain himself the actual quantities required upon which his tender is deemed to have been based.
2. Price Variation shall be applied to the above quantities fixed or actual quantities used, whichever is the lesser.
3. The quantities of materials (subject to those listed above) used in precast concrete components shall be determined and included in the quantities for relevant materials above. The computation for price variation shall be considered when the completed precast components are delivered to site for use.
4. The "Basic Unit Prices" shall be the appropriate Unit Price as stated in the Special Release 1 published by the Statistics Department for the month during which the tender closes and only need to be inserted prior to the signing of the Contract Document.

**LIST OF CATEGORIES AND SIZES OF PIPES
TOGETHER WITH QUANTITIES AND BASIC UNIT PRICES
SUBJECT TO PRICE VARIATION IN ACCORDANCE WITH
THE "SPECIAL PROVISIONS TO THE CONDITIONS OF CONTRACT
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Categories and Sizes of Pipes	Quantity (M)	Unit Price For Basic Material	Price Adjustment Factor	Basic Unit Price
A. Mild steel pipe				
(i) 100 mm ∅	*			
(ii) 125 "	*			
(iii) 150 "	*			
(iv) 200 "	*			
(v) 250 "	*			
(vi) 300 "	*			
(vii) 350 "	*			
(viii) 400 "	*			
(ix) 450 "	*			
(x) 500 "	*			
(xi) 550 "	*			
(xii) 600 "	*			
(xiii) 650 "	*			
(xiv) 700 "	*			
(xv) 750 "	*			
(xvi) 800 "	*			
(xvii) 850 "	*			
(xviii) 900 "	*			
(xix) 950 "	*			
(xx) 1000 "	*			
(xxi) 1200 "	*			
(xxii) 1400 "	*			
(xxiii) 1600 "	*			
(xxiv) 1800 "	*			
(xxv) 2000 "	*			
(xxvi) 2100 "	*			
(xxvii) 2200 "	*			
B. Ductile Iron pipe				
(i) 80 mm ∅	*			
(ii) 100 "	*			
(iii) 150 "	*			
(iv) 200 "	*			
(v) 250 "	*			
(vi) 300 "	*			
(vii) 350 "	*			
(viii) 400 "	*			

Categories and Sizes of Pipes	Quantity (M)	Unit Price For Basic Material	Price Adjustment Factor	Basic Unit Price
(ix) 450 mm ∅ (x) 500 " (xi) 600 " (xii) 700 " (xiii) 800 " (xiv) 1000 " (xv) 1200 "	*			
C. HDPE pipe				
1. HDPE (Profile)				
(i) 100 mm ∅ (ii) 110 " (iii) 150 " (iv) 160 " (v) 180 " (vi) 200 " (vii) 225 " (viii) 250 " (ix) 280 " (x) 300 " (xi) 315 " (xii) 345 " (xiii) 355 " (xiv) 375 " (xv) 450 " (xvi) 600 " (xvii) 750 " (xviii) 900 " (xix) 1200 " (xx) 1500 " (xxi) 3000 "	*			
2. HDPE (Solid) (a)				
(i) 100 mm ∅ (ii) 150 " (i) 225 " (ii) 250 " (iii) 300 " (iv) 350 " (v) 400 " (vi) 450 " (vii) 750 " (viii) 900 " (ix) 1050 " (x) 1800 "	*			

Categories and Sizes of Pipes	Quantity (M)	Unit Price For Basic Material	Price Adjustment Factor	Basic Unit Price
3. HDPE (Solid) (b)				
(i) 20 mm Ø	*			
(ii) 25 "	*			
(iii) 32 "	*			
(iv) 40 "	*			
(v) 50 "	*			
(vi) 63 "	*			
(vii) 75 "	*			
(viii) 90 "	*			
(ix) 110 "	*			
(x) 125 "	*			
(xi) 150 "	*			
(xii) 160 "	*			
(xiii) 180 "	*			
(xiv) 225 "	*			
(xv) 250 "	*			
(xvi) 280 "	*			
(xvii) 315 "	*			
(xviii) 355 "	*			
D. UPVC pipe				
1. UPVC/PE (Profile)				
(i) 100 mm Ø	*			
(ii) 110 "	*			
(iii) 150 "	*			
(iv) 155 "	*			
(v) 160 "	*			
(vi) 200 "	*			
(vii) 225 "	*			
(viii) 250 "	*			
(ix) 315 "	*			
(x) 350 "	*			
(xi) 400 "	*			
(xii) 500 "	*			
(xiii) 600 "	*			
(xiv) 800 "	*			
(xv) 1000 "	*			
2. UPVC/PE (Solid)				
(i) 100 mm Ø	*			
(ii) 150 "	*			
(iii) 155 "	*			
(iv) 200 "	*			
(v) 225 "	*			
(vi) 250 "	*			
(vii) 280 "	*			
(viii) 300 "	*			
(ix) 315 "	*			

Categories and Sizes of Pipes	Quantity (M)	Unit Price For Basic Material	Price Adjustment Factor	Basic Unit Price
(x) 355 mm ∅ (xi) 400 " (xii) 450 " (xiii) 500 " (xiv) 560 " (xv) 600 " (xvi) 630 " (xvii) 700 " (xviii) 710 " (xix) 800 " (xx) 900 " (xxi) 1000 " (xxii) 1200 " (xxiii) 1500 " (xxiv) 1800 "	*			
E. VC pipe 1. VC pipe (standard) (i) 100 mm ∅ (ii) 150 " (iii) 200 " (iv) 225 " (v) 300 " (vi) 375 " (vii) 400 " (viii) 450 " (ix) 500 " (x) 600 " (xi) 700 " (xii) 800 " 2. VCJ Pipe (i) 100 mm ∅ (ii) 150 " (iii) 200 " (iv) 225 " (v) 300 " (vi) 375 " (vii) 400 " (viii) 450 " (ix) 500 " (x) 600 " (xi) 700 " (xii) 800 "	*			

Categories and Sizes of Pipes	Quantity (M)	Unit Price For Basic Material	Price Adjustment Factor	Basic Unit Price
F. ABS pipe				
(i) 10 mm Ø	*			
(ii) 15 "	*			
(iii) 20 "	*			
(iv) 25 "	*			
(v) 32 "	*			
(vi) 40 "	*			
(vii) 50 "	*			
(viii) 65 "	*			
(ix) 80 "	*			
(x) 100 "	*			
(xi) 150 "	*			
(xii) 200 "	*			
(xiii) 225 "	*			
(xiv) 250 "	*			
(xv) 315 "	*			
(xvi) 355 "	*			
(xvii) 400 "	*			
(xviii) 450 "	*			
(xix) 500 "	*			
(xx) 560 "	*			
(xxi) 630 "	*			
G. Stainless steel pipe				
(i) 13 mm Ø (½")	*			
(iii) 25 " (1")	*			
(iv) 32 " (1 ¼")	*			
(v) 38 " (1 ½")	*			
(vi) 50 " (2")	*			
(vii) 63 " (2 ½")	*			
(viii) 75 " (3")	*			
(ix) 88 " (3 ½")	*			
(x) 100 " (4")	*			
H. Reinforced Concrete pipe.				
1. Reinforced Concrete Pipe (without lining)				
(i) 375 mmØ	*			
(ii) 450 "	*			
(iii) 525 "	*			
(iv) 600 "	*			
(v) 675 "	*			
(vi) 750 "	*			
(vii) 900 "	*			
(viii) 1050 "	*			
(ix) 1200 "	*			

Categories and Sizes of Pipes	Quantity (M)	Unit Price For Basic Material	Price Adjustment Factor	Basic Unit Price
(x) 1300 mmØ	*			
(xi) 1350 "	*			
(xii) 1500 "	*			
(xiii) 1650 "	*			
(xiv) 1800 "	*			
2. Reinforced Concrete Pipe with lining (high alumina)				
(i) 375 mmØ	*			
(ii) 450 "	*			
(iii) 525 "	*			
(iv) 600 "	*			
(v) 675 "	*			
(vi) 750 "	*			
(vii) 900 "	*			
(viii) 1050 "	*			
(ix) 1200 "	*			
(x) 1300 "	*			
(xi) 1350 "	*			
(xii) 1500 "	*			
(xiii) 1650 "	*			
(xiv) 1800 "	*			
3. Reinforced Concrete Pipe with lining (sacrificial lining)				
(i) 375 mmØ	*			
(ii) 450 "	*			
(iii) 525 "	*			
(iv) 600 "	*			
(v) 675 "	*			
(vi) 750 "	*			
(vii) 900 "	*			
(viii) 1050 "	*			
(ix) 1200 "	*			
(x) 1300 "	*			
(xi) 1350 "	*			
(xii) 1500 "	*			
(xiii) 1650 "	*			
(xiv) 1800 "	*			

* Quantities shall be pre-ascertained by the Superintending Officer at the time of tendering.

Notes:

1. The above quantities are intended for the purpose of price variation only and do not necessarily reflect the actual quantities required for the Contract.
2. Price Variation shall be applied to the above quantities fixed or actual quantities used, whichever is the lesser.
3. The "Basic Unit Price" for each material shall be based on the Unit Price of the "Selected Basic Material" for the relevant category of pipe as stated in the Special Release 1 published by the Department of Statistics for the month during which the tender closes multiplied by "Price Adjustment Factor" for the said material and only need to be inserted prior to the signing of the Contract Document.
4. Price Adjustment Factor shall be as stated in the Special Release 1 published by the Department of Statistics.
5. The Basic Material is the most commonly used material for the relevant category of pipes in most projects.