

SUPPLIER'S WARRANTY

THIS DEED POLL is made on the 7th day of October 2012

BY: **Procon Waterproofing Pty Ltd**

The party described in Item 1 of the Schedule ("Supplier") which expression will include its successors and assigns.

RECITALS:

- (a) The Supplier will supply the product(s) described in Item 2 of the Schedule ("Product") to the party described in Item 3 of the Schedule ("Contractor") for the project known **Assisi Centre – Residential Aged Care Facility Redevelopment – Stage 2**
- (b) It is a requirement imposed on the Contractor that certain of its suppliers must warrant that their product will satisfy the relevant requirements identified in Item 4 of the Schedule ("Product Requirements").
- (c) The Supplier has agreed to execute this Deed Poll for the benefit of the person's names in Item 5 of the Schedule ("Beneficiaries").

THIS DEED WITNESSES THAT THE SUPPLIER HEREBY COVENANTS, WARRANTS AND AGREES with and for the benefit of the Beneficiaries as follows:

- (i) The Supplier warrants that the Product does and will satisfy the Product Requirements, and is and will remain free from any defects, deficiencies or other faults for the period specified in Item 6 of the Schedule ("Warranty Period") from the date stated in Item 7 of the Schedule.
- (ii) Any defects, deficiencies or other faults in the Product which become apparent during the Warranty Period will be repaired or otherwise remedied, by replacement if necessary, by the Supplier, at no cost to the Beneficiaries.
- (iii) The Supplier will be liable for the cost of any work necessary to enable the requirements of Clause (ii) to be carried out.
- (iv) The above warranties are in addition to and do not derogate from any warranty implied by law in respect of the Product.
- (v) The Beneficiaries may assign the benefits and rights accrued under this Deed Poll.
- (vi) This Deed Poll is governed by the laws of the State of Victoria.

SCHEDULE

- Item 1** **Name & Address of Supplier:**
Procon Waterproofing Pty Ltd
Suite 103
254 Bay Road
Sandringham Vic 3191
- Phone: (03) 9702 4199**
 Fax: (03) 9702 4324
- Item 2** **Product:**
Internal and External Waterproofing
- Item 3** **Contractor:**
Buxton Constructions (Vic) Pty Ltd
Suite 3, 16 Salmon Street
Port Melbourne VIC 3207
- Item 4** **Product Requirements:**
Warranty that materials supplied and installed under this contract will remain in good condition, secure against faulty workmanship and / or defective materials for a period of 20 years from the date of practical completion
- Item 5** **Beneficiaries:**
Assisi Centre
230 Rosanna Road, Rosanna VIC 3084
- Item 6** **Period of Warranty:**
20 Years for external waterproofing
10 Years for internal waterproofing
- Item 7** **Date when Warranty Starts:**
Start of practical completion

SIGNED as a deed.

THE COMMON SEAL of Procon)
Waterproofing Pty Ltd ABN 33 143 671 612)
was here to affixed in accordance with its)
Constitution in the presence of:







Director

Name of Director (print)

Director/Secretary

Name of Director/Secretary (print)