

Changes to Letter of Award Process

Infrastructure Canberra would like to advise contractors of an important change to how contracts will now be formally established.

Following consultation with the ACT Government Solicitor's Office, Infrastructure Canberra will no longer be issuing Letters of Award as a method of contract formation. This change reflects our commitment to strengthening legal certainty and ensuring all agreements meet the legislative requirements for valid and enforceable contract execution.

The use of Letters of Award has been identified as insufficient for formal contract formation. To reduce ambiguity and ensure consistent application of procurement requirements, all future contracts and deeds issued by Infrastructure Canberra will now be executed through a Formal Instrument of Agreement. This approach provides improved clarity around contract commencement, reduces the risk of misunderstanding contractual obligations, and aligns with whole-of-government expectations for contract execution.

A Formal Instrument of Agreement is the legally binding document that sets out the full terms of the contract. It generally includes the contract conditions, drawings and specifications (for construction works), relevant components of the contractor's tender, and any additional documents forming part of the agreement. Contracts will only be considered active upon execution of this instrument by all parties.

Contractors who would like further information on this change, or who wish to discuss any impact on current contract establishment processes, are welcome to contact icbrcontractrequests@act.gov.au