

KZN Human Settlements

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PROCEDURE ON CLOSING OUT OF PROJECTS

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TABLE OF CONTENTS

- 1. Introduction
- 1.1 Background
- 1.2 Problem Statement
- 2. Objective
- 3. Guidelines for Project Closure
- 3.1 Close-out Project Identification and Conditions
- 3.1.1 Technical Close-out
- 3.1.2 Administrative and administrative Close-out
- 3.1.3 Financial Close-out
- 4. Role Players
- 4.1 The Municipality
- 4.2The developer
- 4.3 Professionals
- 4.3.1 Land surveyor
- 4.3.2 Conveyancer
- 4.3.3 Engineer
- 4.3.4 Accounts Administrator (PHP/ePHP Projects)
- 4.4 Department of Human Settlements (Project Monitors & Inspectors)
- 4.5 Department of Human settlements Officials (Internal)
- 5. Projects with unobtainable Information
- 6. Instituting a Legal Action

PROCEDURE ON CLOSING OUT OF PROJECTS (KZN PROVINCE)

1. INTRODUCTION

Project close- out is the final task in project integration management. Each activity in a project must be finalized and all work that has been completed or cancelled must be documented and communicated to the relevant parties and stakeholders. Closing out of project inherently means bringing the project to an orderly end, and also verifying that all the deliverables are complete. This applies to projects that have reached the completion stage, and those that get terminated before reaching the project gets terminated as this will help to reflect on what can be learned to improve the future projects.

1.1 BACKGROUND

The KZN Department of Human Settlements had a close-out checklist which was in place since June 1999. This was designed for use by project monitors. Unfortunately this was not uniformly adopted by all regions. and hence its application discontinued.

Many projects have become blocked due to project closure not commencing early in the project life cycle. This is due to the mistaken belief by housing practitioners that close- out takes place at the end of the development process.

Project Close Out process is integral to the Project Management and Monitoring function and must commence early in a project cycle. Every deliverable must be verified as the project progresses. Project Close-Out involves a number of role players that ensure that each activity in the project is closed, and the official completion of the project is confirmed. (See attached Flow Chart on Project Close Out -*Annexure A*)

1.2 PROBLEM STATEMENT

Currently this province is burdened with numerous projects that have reached the close- out stage but have not closed out. This is due to certain tasks related to close- out that have not been properly carried out from the initial stages of the project. This has therefore resulted in most projects remaining inactive indefinitely.

2. OBJECTIVE

- To assist in identify problems early in the project cycle so that necessary remedial action is taken in time to prevent blocked projects
- To deliver quality housing to beneficiaries within the funding allocated to projects
- To reduce a number of projects that are classified as blocked on the Housing Subsidy System, due to these projects not being closed off properly
- To assist in identifying policy gaps which will inform policy development.

3. GUIDELINES FOR PROJECT CLOSURE

Once the project agreement has been concluded, the developer and the Provincial Department must open and maintain a project close-out file for the following documents:

- Copy of the Project Agreement
- Land Availability Agreements / Development Rights Agreements / Land
 Purchase Agreements
- Services Agreements
- Sales Agreements
- The various certificates mentioned below as outputs
- Professional indemnity certificates which are valid for a period of at least two years beyond the completion of the project
- Confirmation from the municipality and/or implementing agent/project manager that the contractors/developers guarantees have been released

3.1(a) CLOSE- OUT PROJECT IDENTIFICATION AND CONDITIONS

Projects will qualify for close-out in the following circumstances:

- Projects which have properly carried out the necessary close-out activities to the end
- Slow moving projects : This refers to those projects that are moving far behind the scheduled time frame
- Problematic projects: There are various reasons that may lead to a project being categorized as problematic. The following are some examples of such projects:

- Beneficiary Problems: The advancement of the project is affected in instances where beneficiaries die or go missing before the project is finalized. This impinges on the progress of the project until the problem is resolved
- Legal Processes : Problems within the project that require legal processes to be followed before any action is taken have a negative influence on the continuity of the project. This includes projects where fraud or corruption has been uncovered or the developer becomes liquidated and cannot complete the project
- Additional Funding: Some projects become interrupted as they require additional funding due to escalation. The interruption leads to the project becoming dormant indefinitely until the required funding is approved
- Inadequate Capacity: Existing and new projects require dedicated capacity to ensure that all required processes are pursued. Lack of capacity from the Municipality or the Province may lead to a project becoming delayed
- Land : Any delays related to land may cause a major setback in achieving progress in a project within the set time frame

The project manager compiles a report and submits it to the MEC, recommending project closure. The proposed structure for Project close-out will be the responsibility of Project Management. Project closure takes place under the following conditions:

- At the time of the proposed termination, there are no funds outstanding either to or from the Department, and the project cost and units are the same as stipulated in the Project Agreement
- The project units are less than the units stipulated in the Project Agreement, although there are no funds outstanding at the time of the proposed termination
- At the time of the proposed termination, there are funds outstanding either to or from the Department, and moneys should be paid to, or recovered from, the department

The MEC approves requests for project closure and issues resolutions. The final process of the project (official project closure) must be done not later than 3 months after completion of the project.

Project closure occurs in the following 3 categories:

- Technical
- Administrative and Legal
- Financial

3.1.1 TECHNICAL CLOSE OUT

(a) CONFIRMATION OF GEOGRAPHICAL LOCATION OF THE PROJECT

ACTIVITY: The Land surveyor conducts a survey to determine the exact location of the project. This is done either by way of survey co-ordinates relating to the outside figure of the project area or by way of global positioning system. The land surveyor must also ensure that the project is captured on the Provincial Geographical Information System (GIS).

CLOSE- OUT PROCESS: A certificate confirming that the project co-ordinates are correctly placed and the project has been captured on the Provincial GIS is issued at this stage by the land surveyor.

(b) ENROLMENT OF HOMES

ACTIVITY:

The developer prepares a home enrolment report and submits an application consisting of a home enrolment report to the National Home Builders Registration Council (NHBRC) for the enrolment of each individual home within an enrolled Housing Project. The NHBRC approves application for home enrolment.

CLOSE-OUT PROCESS: The NHBRC issues a home enrolment certificate as proof that home enrolment has taken place at this stage.

(c) CONSTRUCTION OF BULK AND LINK SERVICES

ACTIVITY: The Municipality enters into a service agreement with the developer/IA for the installation of bulk and link services. The developer /IA installs bulk and link services and issues 'as built' drawings to the Municipality and other relevant authorities. The completed services are handed over to Municipality as per the services agreement.

CLOSE-OUT PROCESS: The Municipality issues a certificate confirming that a services agreement has been concluded between itself and the developer/IA, and attach to it a copy of the services agreement. The developer/IA issues a certificate to the Municipality indicating that the installation of bulk and link services has been completed in accordance with the General Plan and the approved designs, and that the services are operational. It is required of the developer/IA to indicate on the certificate that the 'as built' drawings have been issued to the relevant authorities, including the Municipality. A clearance certificate and occupational certificates are issued by the municipality to the developer/IA accepting that the services are completed and also indicating that the services are operational, and that the Municipality is taking over the operation of services.

(d) CONSTRUCTION OF TOP STRUCTURE

ACTIVITY: The developer/IA enters into a building contract with the contractor for the construction of top structure. The contractor constructs top structure to completion as per the building contract between itself and the developer/IA. The developer/IA, contractor, and inspectors from Provincial Department and NHBRC, together conduct a final inspection of completed houses. The contractor hands over the completed top structures to the developer. The developer hands over the completed top structures to the beneficiaries.

CLOSE-OUT PROCESS: The developer/IA issues a certificate undertaking that it has conducted a thorough inspection of all top structures in the project, and that all contractual requirements as contained in the building contract have been complied with by the contractor, and that the contractor's guarantees have been released. The contractor issues a certificate in which all the completed top structures are handed over to the developer, which includes all the relevant professional indemnity certificates which are valid for a period of at least two years beyond the completion of the project. The developer issues a certificate undertaking that all top structures have been handed over to the beneficiaries of the project, and that all 'happy letters' and Standard Home Warranty have been issued and signed by the beneficiaries.

3.1.2 ADMINISTRATIVE AND LEGAL CLOSE OUT

(a) PROJECT AGREEMENT PHASE

ACTIVITY: The MEC approves the project, and a project agreement is concluded between the MEC and the developer/IA

CLOSE- OUT PROCESS: The MEC and the developer/IA conclude an agreement for housing development.

(b) TOWNSHIP ESTABLISHMENT

ACTIVITY: The developer submits an application for township establishment. On approval of application for township establishment, an approved conditions of establishment and an approved layout plan is issued to the developer.

CLOSE- OUT PROCESS: A certificate confirming that all conditions of establishment have been complied with is issued at this stage by the developer.

ACTIVITY: The land surveyor submits an application for an approved general plan together with the necessary documents to the Surveyor General. The Land Surveyor must ensure that all erven on the approved layout plan are provided for in the general plan, and that all services in the layout plan are covered in the general plan by a servitude.

CLOSE- OUT PROCESS: A certificate confirming that the layout plan has been checked against the approved general plan and that all erven on the approved

layout plan have been provided for in the general plan, and all services are covered in the General Plan by a servitude must be issued by the Land Surveyor.

ACTIVITY: The Land Surveyor must lodge both the approved layout plan and the approved general plan with the Municipality.

CLOSE OUT- PROCESS: The Land Surveyor at this stage issues a certificate confirming that the approved layout plan and the approved general plan have been lodged with the municipality. Specific numbers related to the layout plans and general plans must be detailed on the certificate.

ACTIVITY: The Conveyancer opens the township register with the Registrar of Deeds.

CLOSE OUT PROCESS: A certificate is issued by the Conveyancer confirming that a township register has been opened at the Registrar of Deeds.

ACTIVITY: The developer/IA submits notice of proclamation of township to the Provincial Gazzette for publication. The township is proclaimed in the Provincial Gazzette.

CLOSE- OUT PROCESS: A certificate to confirm that the township has been proclaimed in the Provincial Gazzette is issued by the developer. The copy of the notice as published in the Gazette must be attached on the certificate.

(c) BENEFICIARY ADMINISTRATION

ACTIVITY: The developer facilitates the process of capturing beneficiaries on the National Housing Database. The Subsidy Admin section must confirm the following:

- That all beneficiaries have been captured in the National Housing Database
- That beneficiary details on conveyencer's certificate match the entries on the Housing Subsidy System
- That the actual subsidy mix is in accordance with the project agreement and corrections have been made where necessary

CLOSE OUT- PROCESS: A certificate issued by the developer/IA confirming that all beneficiaries have been captured on the National Housing database and should include copy of confirmation from the Provincial Department.

(d) TRANSFER OF ERVEN

ACTIVITY: The Conveyancer transfers Title Deeds to registered beneficiaries and vests all public use erven including roads within the municipality.

CLOSE- OUT PROCESS: A certificate is issued by the Conveyancer confirming that all title deeds have been transferred to registered beneficiaries, and that all public use erven including roads have been vested in the municipality/IA. In the event that some erven have not been transferred to the beneficiaries, the conveyancer has to provide reasons thereof.

3.1.3 FINANCIAL CLOSE- OUT

(a) FINANCIAL RECONCILLIATION

ACTIVITY: The accounts administrators / project managers must check and certify that the actual payments tally with the final subsidy quota for all subsidy mechanisms used in the project.

CLOSE-OUT PROCESS: The Accounts Administrator provides certification of correctness with respect to:

- Comparison between actual payments with final subsidy quota (all subsidy mechanisms)
- Confirmation that all beneficiaries have been reconciled, as provided by the conveyancer
- Provide audited financial statements with regards to Consolidations

projects. A detailed explanation must be submitted in cases where there

are credit balances in the bank account for monies not being refunded to

the Province.

4. ROLE PLAYERS

The following role players have specific obligations with respect to Project Close- Out. The roles include the issuing of certificates that serve as confirmation of completion of different stages within the project.

- 4.1 The Municipality The Municipality may include the Local Municipality or District Municipality. It is broadly responsible for obtaining land for development and submitting land development proposals. It must certify that the project has been completed to their satisfaction and that they accept responsibility for the services.
- **4.2 The developer (Municipality/ Provincial Department of Human Settlements** The developer is responsible for the following activities.
 - To enter into agreement with the government, as represented by the Department of Human Settlements
 - To ensure that all projects activities are carried out to completion in terms of the agreement

• To receive all certificates of completion of activities from professionals and contractors and forward them to the Provincial Department of Human Settlements.

4.3 Professionals

The following professionals are appointed by the Project Manager.

4.31 Land Surveyor

The land surveyor is responsible for the following certification:

- That all erven (as shown on the layout plan) have been provided for on an approved general plan
- All services have been covered by a servitude
- The approved layout plan and approved general plans have been lodged with the Municipality or service provider. (Specific numbers related to the layout plan and general plans must be included on the certificate.

4.3.2 Conveyancer

The conveyance is responsible for the following certification:

- That all residential erven per general plan have been transferred. general plan numbers must be quoted and all erven must be listed
- All public use erven and roads are vested in the municipality
- Where certain erven have not been transferred, the conveyencer must indicate the reason thereof

In the event that erven are not transferred, the General Manager: Project Management must be informed and a directive must be issued and be placed on file.

4.3.3 Engineer

The Engineer has to certify that:

- All services installed have been completed in accordance with the design thereof including of bulk infrastructure
- As- built drawings have been lodged with the Municipality (local/district)
- All services traversing private land (erven)are located within the servitude arcas, as shown on the general plans (general plan numbers to be included)

• Confirmation that the project contracted to between the developer and the beneficiaries(dimension and design of top structure) in terms of the sale agreement has been delivered

4.3.4 Accounts Administrator

The Accounts Administrator is to provide certification related to correctness of payments with respect to:

- Comparison between actual payments with final subsidy quota (all subsidy mechanisms)
- Confirmation that all beneficiaries have been reconciled, as provided by the conveyancer
- Provide audited financial statements with regards to Consolidation projects. A detailed explanation must be submitted in cases where there are credit balances in the bank account for monies not being refunded to the Province
- Section 21 Companies must provide audited financial statements at least 3 months after the end of the financial year.(This refers to Social Housing Institutions) (*This is applicable to PHP/ePHP Projects)

4.4 Provincial Department of Human Settlements (Project Monitors & Inspectors)

• The Departmental Project Monitors and Inspectors are to certify that all technical and contractual obligation of the developer, as it relates to the construction phase of the project to this point have been checked and have been complied with and also comply with norms and standards and NHBRC requirements if applicable

4.5 Provincial Department of Human Settlements(Subsidy Administration & Internal Control)

- Verification by Subsidy Administration that all beneficiaries have been captured on the National Housing data base
- Verification by Subsidy Administration that the beneficiary details as per conveyancer's certificate, matches the entries on the subsidy management systems within the KZN Department of Human Settlements
- Verification by Subsidy Admin that the actual subsidy mix has been compared with the project agreement and that all corrections have been administered and monies in this regard reconciled
- Internal control must reconcile the project account as per the Subsidy management and BAS systems and the approved funding allocation for the project

5. PROJECTS WITH UNOBTAINABLE INFORMATION

This includes among others, projects where critical information was unobtainable or where Implementing Agents abandoned before completion and are now untraceable. All projects categorized as above should be brought into finality in terms of the Law of Prescription Act 68 of 1969.

6. INSTITUTING A LEGAL ACTION

Regions must actively engage in correspondence with the Developer with the view to establish accurate and detailed reasons for non-performance. In cases where regions are of the opinion that based on the information derived, the developer is either in breach or is clearly guilty of non performance, must prepare a comprehensive submission to the MEC. The submission should make recommendations for cancellation with a specific methodology to achieve a "least cost, least risk" solution to the department. Following a thorough investigation by the Department (MEC) may institute procedures of cancellation and inform the region of action taken.

PROCESS FOR CLOSE-OUT PROCEDURE



PROJECT CHECKLISTS LINEAR RESPONSIBILITY CHART PROJECT COMPLETION/CLOSE-OUT

ltem	Description	PM	PGM	RPM	TECH	LL	REG. LA	FIN	SMS	CON	DEV
COA	FINANCIAL COMPLETION/CLOSE-OUT										
COA1	Final accounts and payments/refunds										
COA2	Financial Reconciliation Form										
COA3	Reconciliation of audited financial statements with actual payments										
СОВ	ADMINISTRATIVE AND LEGAL COMPLETION/CLOSE-OUT										
COB1	Verification of lot numbers with Aktex database										
COB2	Beneficiaries entered onto Housing Database										
COB3	Verification that beneficiaries are site owners										
COB4	Title Deeds issued to beneficiaries										
COB5	"Perform Developer Database" updated										
COB6.1	Town Planning Layout with Municipality										
COB6.2	General Plan with Municipality										
COB6.3	Services design drawings with Municipality										
COB6.4	Original MOA and annexures with CoGTA and Regional Office										
COB6.5	Original LAA and annexures with CoGTA and Regional Offiice										
COB6.6	Original Services Agreement and annexures with Municipality										
COB7	Project files archived										
COB8	Developer's guarantees released										
COB9	Developer compliance with duties as per documentation listed in GB10.1 or GB10.2										
COC	TECHNICAL COMPLETION/CLOSE-OUT										
COC1	Confirmation of location as per MOA										
COC2	Confirmation from Services Provider that bulk and link services are completed and operational										
COC3	Confirmation that "as-built" drawings are issued to relevant authorities										
COC4	Completion Certificate from Consulting Engineer and copy on file										
COC5	Top-structure Completion Certificate issued and copy on file										
COC6	Handover Certificate issued and copy on file										

PROJECT CHECKLISTS LINEAR RESPONSIBILITY CHART PROJECT COMPLETION/CLOSE-OUT

ltem	Description	PM	PGM	RPM	TEC	LL	REG. LA	FIN	SMS		DE
					Н					Ν	V
COD	SPECIAL CASE CLOSE-OUT										
COD1	Compliance with "Route Form" (Steps 8 to 23) of "Process Flow Chart" as follows:										
a	Ascertain reason for "breach" or non-performance										
b	Preparation of submission with specific recommendations										
С	c. Resolutions made to cancel/not cancel project d. Resolved not to cancel, implement remedial action/DoHS resolution										
d											
е	. Resolved to cancel project, preparation of formal letter placing developer on terms										
f	Developer compliance with terms, update DoHS/Developer MOA										
g	Developer non-compliance with terms, developer notification of cancellation										
h	Implement close-out procedure										
COD2	Compliance with DoHS resolution i.r.o cancellation										

NOTES:

PM - Project Monitor

PGM - Programme Manager

RPM - Regional Project Manager

TECH - DLG&H Engineering Services

LL - Head Office Land/Legal Team

LA - Regional Land Administration FIN - A.G./Head Office Finance SMS - Subsidy Management System CON - Conveyancer DEV - Developer

PROJECT CHECKLIST

SERIES:"COA"

FINANCIAL COMPLETION/CLOSE-OUT

<u>ITEM</u>	DETAILS	<u>ACTION</u>	DATE (dd/mm/yy)	<u>INITIAL</u>
COA 1	Have all final accounts and payments/refunds been made?	AUDITOR		
COA 2	Has the Financial Reconciliation Form been completed and attached?	AUDITOR		
COA 2.1	If over expenditure has occurred, has the DoHS approved proposals of how to deal with a repayment by the developer?			
COA 2.2	If surplus funds, has the DoHS approved the final account?			
COA 2.3	Has the DoHS approved legal proceedings to be instituted to recover outstanding money?			
COA 3	If this is a consolidation project, institutional, credit-linked or People's Housing Process project, have the audited financial statements from the account administrator or conveyancer been reconciled with actual payments?	AUDITOR		
COA 4	Have any outstanding Beneficiary Applications in the subsidy approval process been tracked down and dealt with?			
COA 5	Have the SMS been advised to stop processing beneficiary applications for approval for this project?			
	Comments:			
		-		
		-		
		-		

CLOSE-OUT FINANCIAL RECONCILIATION FORM

(all project types)

Project Name	:	
Project No.	:	
Final Resolution No.	:_	

Date : _____

1. Approved Subsidy Mix (Board Resolution)

ount of: Facilitatic	ount of: Facilitation costs, Bridging	Dunt of: Facilitation costs, Bridging

2. Final Subsidy Mix (from SMS System)

Number	Subsidy	* Less Loan / Land Cost (if applicable)	Amount per Beneficiary	Total

3. Total Paid per SMS

Number of Subsidies : _____ Total Payments : _____

4. Listing of Beneficiaries from SMS (attach listing from SMS)

5. Amounts Paid / (refunded) per FMS (listing to be made available)

Date	Amount	Cheque No.

6. Project Summary

	Total project value in terms of transfer to beneficiaries	R		
	Amount paid (from 5 above)		R	
	Amount due (to be refunded)	Sub-total 1	R	
7.	Add: Land costs due i.t.o LAA (if applicable)		R	
		Total	R	

AUDITOR SIGNATURE AND NAME DATE

PROJECT CHECKLIST

SERIES:"COB"

ADMINISTRATIVE AND LEGAL COMPLETION/CLOSE-OUT

ITEM	ACTION	DATE (dd/mm/yy)	INITIAL
COB 1	H/O		
COB 2			
COB 3			
COB 4			
COB 5			
COB 6			
COB 6.1			
COB 6.2			
COB 6.3			
COB 6.4			
COB 6.5			
COB 6.6			
COB 7			

KZN -DEPARTMENT OF HUMAN SETTLEMENTS

ITEM	ACTION	DATE (dd/mm/yy)	INITIAL
COB 8			
COB 8.1			
COB 8.2	C		
COB 8.3			
COB 8.4			
COB 8.4.1			
COB 8.4.2	Γ		
COB 8.4.3	Г		
COB 8.4.4	 Г		
COB 8.4.5			
COB 8.4.6	L		
COB 8.4.7			
COB 8.4.8			
COB 8.4.9	Г		
COB 8.4.10			

KZN -DEPARTMENT OF HUMAN SETTLEMENTS

<u>ITEM</u> GB 8.5	<u>ACTION</u>	<u>DATE (</u> dd/mm/yy)	<u>INITIAL</u>
COB 8.5.1	[
COB 8.5.2	[
COB 8.5.3	[
COB 8.5.4	[
COB 8.5.5	[
COB 8.5.6	[
COB 8.5.7	[
COB 8.5.8	[
	1		
COB 8.5.9	l		
COB 8.5.10	[
COB 8.5.11	[
COB 8.5.12	[
COB 8.5.13	[
COB 8.5.14	[

PROJECT CHECKLIST

SERIES:"COC"

TECHNICAL COMPLETION/CLOSE-OUT

<u>ITEM</u>	DETAILS	<u>ACTION</u>	DATE (dd/mm/yy)	<u>INITIAL</u>
COC 1	Has construction taken place in the location stated in the Memorandum of Agreement?			
COC 2	Bulk and Link Services			
COC 2.1	Has the Service Provider confirmed that all bulk services and link services are completed and operational?			
COC 2.1.1	Stormwater			
COC 2.1.2	Major Access Roads			
COC 2.1.3	Electrical			
COC 2.1.4	Bulk Sewer			
COC 2.1.5	Bulk Water			
	Other (State) :			
COC 3	Have the Consulting Engineers' "as-built" drawings been issued to the relevant authorities for all of the Phases of the project and the project as a whole?			
COC 4	Has the Consulting Engineer for the development certified completion (Form D1 or Form P3 "Project Services Completion Certificate" of Memorandum of Agreement) in respect of all of the sites and the relevant services and is a copy on file?			
COC 5	Has Form D3 or Form P5/1 of Memorandum of Agreement been completed and signed by all relevant parties w.r.t top structure completion and is a copy on file?			
COC 6	Has Form D4 or Form P5/2 of Memorandum of Agreement been completed and signed by all relevant parties w.r.t handover?			
	Comments:			

PROJECT CHECKLIST

SERIES:"COD"

SPECIAL CASE CLOSE-OUT

<u>ITEM</u>	<u>DETAILS</u>	<u>ACTION</u>	<u>DATE</u> (dd/mm/yy)	INITIAL
COD 1	Have the processes set out in the Route form/steps 8 to 23 of the "Process Flow Chart" (page 4 of series "G") been complied with?			
COD 2	Have the terms of the DoHS resolution i.r.o cancellation been complied with?			
	Note:			
	"Special case close-out" or cancellation may involve a very high-risk legal element. It is imperative that the letters to the developers be properly set out in legal terms.			
COD 3	Have the Consulting Engineers' "as-built" drawings been issued to the relevant authorities for all of the Phases of the project and the project as a whole?			
COD 4	Has the Consulting Engineer for the development certified completion (Form D1 or Form P3 "Project Services Completion Certificate" of Memorandum of Agreement) in respect of all of the sites and the relevant services and is a copy on file?			
COD 5	Has Form D3 or Form P5/1 of the Memorandum of Agreement been completed and signed by all relevant parties w.r.t top structure completion and is a copy on file?			
COD 6	Has Form D4 or Form P5/2 of the Memorandum of Agreement been completed and signed by all relevant parties w.r.t handover?			
	OTHER ISSUES:			
	Comment:			