



26 January 2017

Jake Preston

Sent by email:

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Southern Response Earthquake Services Ltd

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Dear Mr Preston

Request for information

I refer to your Official Information Act 1982 (OIA) request dated 16 November 2016 where you requested the following:

"In what part of its contracts with suppliers of engineered resin solutions does Southern Response, its agents or sub-contractors, ensure that the engineered resin solution will meet the longevity requirements of the building code, specifically the longevity requirements for foundation elements?"

In response to your request, the following clauses are used with Southern Response and its agents or sub-contractors to ensure that engineered resin solution will meet longevity requirements.

- clause 7.4 of Southern Response's General Conditions of Contract:

"All work must be carried out in accordance with good trade practice. Materials are to be new, of good quality, and suitable for the intended purpose. For certain products and work other specific warranties and guarantees may also apply (please see the Contractor's prescribed disclosure information regarding any additional warranties or guarantees that may apply)."

- clause 8.4 of Southern Response's General Conditions of Contract:

"The Contractor shall comply in all respects with all laws and legal requirements, including, without limitation, the Building Act 2004, the Resource Management Act 1991, and all regulations, by-laws, licences, permits and consents applicable to the Contract Works."

- The contractor engaged by Southern Response/Arrow is responsible for contracting with suppliers. Mainmark is the main supplier of engineered resin products. Mainmark's *General Conditions of Engagement* includes the following warranty:

"Mainmark warrants that under normal conditions, its injected materials will resist shrinkage and deterioration for up to 50 years."

You are welcome to contact the Ombudsman about this decision. To do so, you can visit their website - <http://www.ombudsman.parliament.nz/>.

Yours Sincerely

Kate Armstrong
Legal Risk Advisor

