

Deed of Assignment of Warranties

Works Packages C2 and C8: City Rail Link Project, Auckland

City Rail Link Limited (Assignor)

Auckland Transport (Assignee)

DEED OF ASSIGNMENT OF WARRANTIES

Date: 28 April 2022

PARTIES

City Rail Link Limited (*Assignor*)

Auckland Transport (*Assignee*)

BACKGROUND

- A The Assignor has the benefit of contractor warranties and various subcontractor warranties relating the City Rail Link Project (*Project*). These are listed in Schedule 1 (*Warranties*).
- B The Assignee is the end user of the relevant aspect of the Project, and as such the Assignor has agreed to assign its rights and interest in the Warranties to the Assignee.
- C The parties have agreed to enter into this deed to record the assignment of the Warranties to the Assignee.

BY THIS DEED the parties agree as follows:

1 ASSIGNMENT

In consideration of the Assignee's covenants in this deed, the Assignor assigns to the Assignee the Assignor's interest in the Warranties to enable the Assignee to enforce such Warranties, and the Assignee accepts the assignment of the Assignor's interest in the Warranties on and from the date of this deed, or the date that the Warranties are issued if such date is after the date of this deed (*Assignment Date*).

2 ASSIGNOR'S WARRANTY AND COVENANT WITH ASSIGNEE

The Assignor covenants with the Assignee that if any of the Warranties are not assignable to the Assignee but are capable of being enforced after the Assignment Date by the Assignor, the Assignor, will hold such Warranties on trust for the Assignee and will from time to time when requested by the Assignee take steps to enforce such Warranties for the benefit of the Assignee.

3 ASSIGNEE'S COVENANT WITH ASSIGNOR

If the Assignor is required to take steps to enforce the Warranties for the benefit of the Assignee pursuant to clause 2 of this deed, the Assignee will pay to the Assignor all reasonable costs and expenses which the Assignor incurs in doing so.

4 FURTHER WARRANTIES

To the extent that there is a contractor or subcontractor warranty relating to C2 or C8 of the Project that is capable of being enforced after the Assignment Date but which has not been included in Schedule 1, or to the extent that a Warranty in Schedule 1 is incomplete, the Assignee shall have the right to request that the Assignor provide such warranty (in full) and the terms of this deed shall apply as if that warranty was listed in Schedule 1.

5 INTERPRETATION

In this deed references to the *Assignor*, and the *Assignee* include the respective executors, administrators, successors and permitted assigns of each of those parties.

6 COSTS

Each party will pay its own costs of, and incidental to, the preparation and completion of this deed.

7 COUNTERPARTS EXECUTION

This deed may be executed in two or more counterparts, all of which will together be deemed to constitute one and the same agreement. A party may enter into this deed by signing a counterpart copy and sending it to the other party, including by facsimile or email.

EXECUTED AND DELIVERED AS A DEED

City Rail Link Limited by:



Sir Brian Roche
Director

in the presence of:



Name: Emma Clare Kurtovich
Occupation: Legal Counsel and Company
Secretary
Address: Auckland, New Zealand

Auckland Transport by:

Director / Authorised Signatory

in the presence of:

Name:

Occupation:

Address:

**FIRST SCHEDULE
WARRANTIES**

C2

Date of Warranty	Description of Warranty	Warrantor	Date of expiry of Warranty
17 October 2020	Subcontractor's Guarantee: <ul style="list-style-type: none"> - Sealants (5 years product, 2 years installation); - Natural stone paving full system (15 years materials, structure and workmanship); - Epoxy resin bound aggregate surfacing (5 years product, 2 years installation); - Kassel kerbs (5 years product, 2 years installation); and - Installation of grates (2 years). 	Contrax Limited	17 October 2035 in respect of natural stone paving full system, materials, structure & workmanship. Lesser periods in respect of other works as specified
17 October 2020	Subcontractor's Guarantee: <ul style="list-style-type: none"> - Minimum 85,000hrs running time for street lighting, LED 50,000hrs and control gear rated for 100,000hrs; - Design, material and workmanship for lighting poles, including accessories (10 years); 	CSLi Infrastructure Limited	17 October 2030 or end of light running hours (whichever is the later)

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Date of Warranty	Description of Warranty	Warrantor	Date of expiry of Warranty
	<ul style="list-style-type: none"> - Surface coatings and paint finishes for columns and luminaire bodies (10 years) 		
17 October 2020	Subcontractor's Guarantee – Irrigation System	The Plant People (2006) Limited	17 October 2025
18 November 2020	Subcontractor's Guarantee – Traffic Signage: <ul style="list-style-type: none"> - Face sign material – high intensity grade (7 years); - Face sign materials – wide observation angle (10 years), and installation of the above for 2 years	Traffic Systems Limited	18 November 2030
17 October 2020	Subcontractor Warranty: Various works and products	Ventia NZ Operations Limited	Up to 17 October 2035 (actual date dependant on product and works)

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C8:

Date of Warranty	Description of Warranty	Warrantor	Date of expiry of Warranty
1 August 2020	Installation of metal wall cladding, metal roofing and stainless-steel box gutters	Paton Roofing Services Limited	22 September 2025
31 July 2020	Membrane Gutter Product Warranty	Nuralite Waterproofing Limited	31 July 2040
3 Sept 2020	Waterproofing materials and workmanship	Terracon Industries Ltd	25 June 2020 (workmanship) 31 July 2040 (materials)
5 August 2020	Aluminium Joinery & Rainscreen Cladding System (workmanship and materials)	Insite Facades Ltd	22 September 2030
31 August 2020	Laminated Glass	Glass Projects Ltd	22 September 2030
18 August 2020	Ceramic Tiling and Waterproofing	NZC Tileworks Limited	22 September 2022
16 November 2020	Carpet Tiles	Hills Commercial Floors Limited	22 September 2025 (materials) 22 September 2022 (workmanship)
16 November 2020	Vinyl Flooring	Hills Commercial Floors Limited	22 September 2025 (materials) 22 September 2022 (workmanship)
16 November 2020	Rubber Flooring	Hills Commercial Floors Limited	22 September 2025 (materials)

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Date of Warranty	Description of Warranty	Warrantor	Date of expiry of Warranty
			22 September 2022 (workmanship)
16 November 2020	Entry Mat	Hills Commercial Floors Limited	22 September 2025 (materials) 22 September 2022 (workmanship)
1 August 2020	Metal wall cladding, metal roofing and stainless-steel box gutters (installation)	Paton Roofing Services Limited	22 September 2025
28 August 2020	Access Safety System – Corrosion, Fixing and Associated Flashing	PBI Height Safety Limited	22 September 2030
13 May 2020	Windows & Doors	MJN McNaughton Ltd	Sashes and doors: 13 May 2025 Fixed frames: 13 May 2030 Hardware: lesser of 13 May 2022 or manufacturers specified warranty Timber profiles: lesser of 13 May 2030 or manufacturers specified warranty