

TABLE OF CONTENTS

TABLE OF CONTENTS.....	1
CHAPTER 1 – GENERAL PROVISIONS	1
1.1 Definitions.....	1
1.2 Interpretation	38
1.3 Communications.....	39
1.4 Law and Language	41
1.5 Priority of Documents	42
1.6 Contract Agreement	44
1.7 Assignment.....	46
1.8 Care and Supply of Documents.....	47
1.9 Delayed Drawings or Instructions.....	49
1.10 Employer’s Use of Contractor’s Documents	51
1.11 Contractor’s use of Employer’s Documents	52
1.12 Confidential Details	53
1.13 Compliance with Laws.....	54
1.14 Joint and Several Liability	55
CHAPTER 2 - EMPLOYER.....	58
2.1 Right of Access to the Site	60
2.2 Permits, Licenses or Approvals.....	66
2.3 Employer’s Personnel	70
2.4 Employer’s Financial Arrangements.....	73
2.5 Employer’s Claims.....	74
CHAPTER 3 - ENGINEER	78
3.1 Engineer’s Duties and Authority.....	79
3.2 Delegation by the Engineer	83

3.3	Instructions of the Engineer	87
3.4	Replacement of the Engineer	90
3.5	Determinations	91
CHAPTER 4 - CONTRACTOR.....		97
4.1	Contractor's General Obligations	97
4.2	Performance Security	101
4.3	Contractor's Representative	105
4.4	Subcontractors.....	107
4.5	Assignment of Benefit of Subcontract	112
4.6	Co-operation.....	113
4.7	Setting Out.....	115
4.8	Safety Procedures.....	117
4.9	Quality Assurance	121
4.10	Site Data	123
4.11	Sufficiency of the Accepted Contract Amount	127
4.12	Unforeseeable Physical Conditions.....	129
4.13	Rights of Way and Facilities	132
4.14	Avoidance of Interference	134
4.15	Access Route	136
4.16	Transport of Goods	138
4.17	Contractor's Equipment	139
4.18	Protection of the Environment	140
4.19	Electricity, Water and Gas	142
4.20	Employer's Equipment and Free-Issue Material	143
4.21	Progress Reports.....	145
4.22	Security of the Site	147
4.23	Contractor's Operations on Site	148

4.24 Fossils.....	150
CHAPTER 5 - NOMINATED SUBCONTRACTOR	152
5.1 Definition of “Nominated Subcontractor”	152
5.2 Objection to Nomination.....	155
5.3 Payments to nominated Subcontractors	158
5.4 Evidence of Payments	163
CHAPTER 6 – STAFF AND LABOUR.....	167
6.1 Engagement of Staff and Labour	167
6.2 Rates of Wages and Conditions of Labour	169
6.3 Persons in the Service of Employer	170
6.4 Labour Laws.....	171
6.5 Working Hours.....	171
6.6 Facilities for Staff and Labour	174
6.7 Health and Safety	175
6.8 Contractor’s Superintendence	180
6.9 Contractor’s Personnel	181
6.10 Records of Contractor’s Personnel and Equipment	182
6.11 Disorderly Conduct	183
CHAPTER 7 – PLANT, MATERIALS AND WORKMANSHIP.....	186
7.1 Manner of Execution.....	186
7.2 Samples	194
7.3 Inspection	197
7.4 Testing.....	204
7.5 Rejection.....	215
7.6 Remedial Work	217
7.7 Ownership of Plant and Materials.....	220
7.8 Royalties.....	223

CHAPTER 8 – COMMENCEMENT, DELAYS AND SUSPENSION	224
8.1 Commencement of Works.....	224
8.2 Time for Completion.....	226
8.3 Programme	232
8.4 Extension of Time for Completion	239
8.5 Delays Caused by Authorities	246
8.6 Rate of Progress	248
8.7 Delay Damages	252
8.8 Suspension of Work	261
8.9 Consequences of Suspension	265
8.10 Payment for Plant and Materials in Event of Suspension	267
8.11 Prolonged Suspension	269
8.12 Resumption of Work	270
CHAPTER 9 – TESTS ON COMPLETION.....	272
9.1 Contractor's Obligations	273
9.2 Delayed Tests	275
9.3 Retesting.....	276
9.4 Failure to Pass Tests on Completion.....	278
CHAPTER 10 – EMPLOYER'S TAKING OVER.....	281
10.1 Taking Over of the Works and Sections	288
10.2 Taking Over of Parts of the Works	293
10.3 Interference with Tests on Completion	298
10.4 Surfaces Requiring Reinstatement	300
CHAPTER 11 – DEFECTS NOTIFICATION PERIOD.....	302
11.1 Completion of Outstanding Work and Remedying Defects ..	312
11.2 Cost of Remedying Defects	316
11.3 Extension of Defects Notification Period	321

11.4	Failure to Remedy Defects.....	322
11.5	Removal of Defective Work	327
11.6	Further Tests.....	330
11.7	Right of Access	331
11.8	Contractor to Search.....	336
11.9	Performance Certificate	338
11.10	Unfulfilled Obligations	339
11.11	Clearance of Site	340
CHAPTER 12 - MEASUREMENT AND EVALUATION		341
12.1	Works to be Measured	341
12.2	Method of Measurement	345
12.3	(RB) Evaluation.....	348
12.4	Omissions	351
CHAPTER 13 – VARIATIONS AND ADJUSTMENTS.....		353
13.1	Right to Vary.....	359
13.2	Value Engineering.....	364
13.3	Variation Procedure.....	368
13.4	Payment in Applicable Currencies.....	369
13.5	Provisional Sums.....	369
13.6	Daywork	372
13.7	Adjustments for Changes in Legislation	375
13.8	Adjustments for Changes in Cost.....	379
CHAPTER 14 – CONTRACT PRICE AND PAYMENT.....		384
14.1	The Contract Price.....	385
14.2	Advance Payment.....	386
14.3	Application for Interim Payment Certificate.....	389
14.4	Schedule of Payments	391

14.5 Plant and Materials Intended for the Works	393
14.6 Issue of Interim Payment Certificates	395
14.7 Payment.....	397
14.8 Delayed Payment.....	398
14.9 Payment of Retention Money.....	399
14.10 Statement of Completion.....	401
14.11 Application for Final Payment Certificate	403
14.12 Discharge.....	404
14.13 Issue of Final Payment Certificate	405
14.14 Cessation of Employer's Liability	406
14.15 Currencies of Payment	407
CHAPTER 15 – TERMINATION BY EMPLOYER.....	409
15.1 Notice to Correct	418
15.2 Termination by Employer	419
15.3 Valuation at Date of Termination	422
15.4 Payment after Termination.....	423
15.5 Employer's Entitlement to Termination.....	424
CHAPTER 16 – SUSPENSION AND TERMINATION BY CONTRACTOR	426
16.1 Contractor's Entitlement to Suspend Work	431
16.2 Termination by Contractor	438
16.3 Cessation of Work and Removal of Contractor's Equipment.....	442
16.4 Payment on Termination	443
CHAPTER 17 – RISK AND RESPONSIBILITY	444
17.1 Indemnities	444
17.2 Contractor's Care of the works	446
17.3 Employer's Risks	448
17.4 Consequences of Employer's Risks	453

17.5 Intellectual and Industrial Property Rights	454
17.6 Limitation of Liability.....	455
CHAPTER 18 – INSURANCE	457
18.1 General Requirements for Insurances	459
18.2 Insurance for Works and Contractor’s Equipment	463
18.3 Insurance Against Injury to Persons and Damage to Property.....	466
18.4 Insurance for Contractor’s Personnel.....	469
CHAPTER 19 – FORCE MAJEURE	470
19.1 Definition of Force Majeure.....	470
19.2 Notice of Force Majeure	471
19.3 Duty to Minimize Delay.....	472
19.4 Consequence of Force Majeure.....	473
19.5 Force Majeure Affecting Subcontractor.....	474
19.6 Optional Termination, Payment and Release.....	475
19.7 Release from Performance under the Law	476
CHAPTER 20 – CLAIM, DISPUTES & ARBITRATION.....	478
20.1 Contractor’s Claims	478
20.2 Appointment of the Dispute Adjudication Board	482
20.3 Failure to Agree Dispute Adjudication Board	485
20.4 Obtaining Dispute Adjudication Board’s Decision	486
20.5 Amicable Settlement	488
20.6 Arbitration	491
20.7 Failure to Comply with Dispute Adjudication Board’s Decision.....	493
20.8 Expiry of Dispute Adjudication Board’s Appointment	494
APPENDIX	495
BIBLIOGRAPHY	508