## **Contents**

	Agreement	1
	Recitals	2
	Articles	5
1	Contractor's obligations	5
2	Contract Sum	
3	Collaborative working	
4	Architect/Contract Administrator	
5	Quantity Surveyor	
6	CDM Regulations – Principal Designer and Principal Contractor	
7 8	Building Regulations – Principal Designer and Principal Contractor Adjudication	
9	Arbitration	
10	Legal proceedings	
	Contract Particulars	8
	Contract Faiticulars	Ů
	Attestation	22
	Conditions	29
Section 1	Definitions and Interpretation	29
	Definitions	
1.1	Definitions	
	Interpretation	
1.2	Reference to clauses etc.	
1.3	Agreement etc. to be read as a whole	
1.4	Headings, references to persons, legislation etc.	
1.5 1.6	Reckoning periods of days Contracts (Rights of Third Parties) Act 1999	
1.7	Notices and other communications	
1.8	Issue of Architect/Contract Administrator's certificates	
1.9	Effect of Final Certificate	
1.10	Effect of certificates other than Final Certificate	
1.11 1.12	Consents and approvals Applicable law	
1.12	Applicable law	
Section 2	Carrying out the Works	37
	Contractor's Obligations	
2.1	General obligations	
2.2 2.3	Contractor's Designed Portion Materials, goods and workmanship	
2.0		
0.4	Possession	
2.4 2.5	Date of Possession – progress Deferment of possession	
2.6	Early use by Employer	
2.7	Work not forming part of the Contract	
	Supply of Documents, Setting Out etc.	
2.8	Contract Documents	
2.9	Construction information and Contractor's master programme	
2.10	Levels and setting out of the Works	
2.11	Information Release Schedule	

2.12	Further drawings, details and instructions	
2.13 2.14 2.15 2.16 2.17 2.18	Errors, Discrepancies and Divergences Preparation of Employer's Requirements CDP-related documents – errors and inadequacy Notice of discrepancies etc. Discrepancies in CDP-related documents Divergences from Statutory Requirements Emergency compliance with Statutory Requirements	
2.19 2.20	CDP Design Work Design liabilities and limitation Errors and failures – other consequences	
2.21 2.22 2.23	Fees, Royalties and Patent Rights Fees or charges legally demandable Patent rights and royalties – Contractor's indemnity Patent rights – Instructions	
2.24 2.25	Unfixed Materials and Goods – property, risk etc.  Materials and goods – on site  Materials and goods – off site	
2.26 2.27 2.28 2.29	Adjustment of Completion Date Related definitions and interpretation Notice by Contractor of delay to progress Fixing Completion Date Relevant Events	
2.30 2.31 2.32	Practical Completion, Lateness and Liquidated Damages Practical completion and certificates Non-Completion Certificates Payment or allowance of liquidated damages	
2.33 2.34 2.35 2.36 2.37	Partial Possession by Employer Contractor's consent Practical completion date Defects etc. – Relevant Part Insurance – Relevant Part Liquidated damages – Relevant Part	
2.38 2.39	Defects Schedules of defects and instructions Certificate of Making Good	
2.40 2.41	Contractor's Design Documents As-built Drawings Copyright and use	
Section 3	Control of the Works	51
3.1 3.2 3.3 3.4 3.5 3.6	Access and Representatives Access for Architect/Contract Administrator Site Manager Employer's representative Clerk of works Replacement of Architect/Contract Administrator or Quantity Surveyor Contractor's responsibility	
3.7 3.8 3.9	Sub-Contracting Consent to sub-contracting List in Specification/Work Schedules Conditions of sub-contracting	
3.10 3.11 3.12 3.13	Architect/Contract Administrator's Instructions Compliance with instructions Non-compliance with instructions Instructions other than in writing Provisions empowering instructions	

3.14 3.15 3.16 3.17 3.18 3.19 3.20 3.21 3.22	Instructions requiring Variations Postponement of work Instructions on Provisional Sums Inspection – tests Work not in accordance with the Contract Workmanship not in accordance with the Contract Executed work Exclusion of persons from the Works Antiquities, asbestos, contaminated material and unexploded ordnance	
3.23	CDM Regulations and Part 2A of the Building Regulations CDM Regulations and Part 2A of the Building Regulations	
Section 4	Payment	58
4.1 4.2 4.3 4.4	Contract Sum and Adjustments Work included in Contract Sum Adjustment only under the Conditions Items included in adjustments Taking adjustments into account	
4.5 4.6	Taxes VAT Construction Industry Scheme (CIS)	
4.7 4.8 4.9 4.10 4.11 4.12 4.13	Payments, Certificates and Notices – general provisions Advance payment Interim payments – due dates Interim Certificates and valuations Contractor's Payment Applications and Payment Notices Interim and final payments – final date and amount Pay Less Notices and other general provisions Contractor's right of suspension	
4.14 4.15	Interim Payments – calculation of sums due Gross Valuation Sums due as interim payments	
4.16	Listed Items Listed Items	
4.17 4.18 4.19	Retention Rules on treatment of Retention Retention Bond Retention – amounts and periods	
4.20 4.21 4.22 4.23 4.24	Loss and Expense Matters materially affecting regular progress Notification and ascertainment Relevant Matters Amounts ascertained – addition to Contract Sum Reservation of Contractor's rights and remedies	
4.25 4.26	Final Adjustment and Final Payment Final adjustment Final Certificate and final payment	
Section 5	Variations	68
5.1 5.2 5.3 5.4 5.5	General Definition of Variations Valuation of Variations and provisional sum work Variation Quotation Contractor's right to be present at measurement Giving effect to Valuations, agreements etc.	
5.6 5.7	The Valuation Rules Measurable Work Daywork	

5.8 5.9 5.10	Contractor's Designed Portion – Valuation Change of conditions for other work Additional provisions	
Section 6	Injury, Damage and Insurance	72
6.1 6.2 6.3	Personal Injury and Property Damage Contractor's liability – personal injury or death Contractor's liability – loss, injury or damage to property Loss or damage to Existing Structures or their contents	
6.4 6.5 6.6	Insurance against Personal Injury and Property Damage Contractor's insurance of its liability Contractor's insurance of liability of Employer Excepted Risks	
6.7 6.8 6.9 6.10 6.11 6.12 6.13 6.14	Insurance of the Works and Existing Structures Insurance Options and period Related definitions Sub-contractors – Specified Perils cover under Works Insurance Policies Terrorism Cover – policy extensions and premiums Terrorism Cover – non-availability – Employer's options Evidence of insurance Loss or damage – insurance claims and reinstatement Loss or damage to Existing Structures – right of termination	
6.15 6.16	CDP Professional Indemnity Insurance Obligation to insure Increased cost and non-availability	
6.17 6.18 6.19 6.20	Joint Fire Code – compliance Application of clauses Compliance with Joint Fire Code Breach of Joint Fire Code – Remedial Measures Joint Fire Code – amendments/revisions	
Section 7	Assignment, Performance Bonds and Guarantees, Third Party Rights and Collateral Warranties	80
7.1 7.2	Assignment General Rights of enforcement	
7.3	Performance Bonds and Guarantees Performance Bonds and Guarantees	
7.4 7.5 7.6	Clauses 7.7 to 7.11 – Preliminary Rights Particulars Notices Execution of Collateral Warranties	
7.7 7.8	Third Party Rights from Contractor Rights for Purchasers and Tenants Rights for a Funder	
7.9 7.10	Collateral Warranties from Contractor Contractor's Warranties – Purchasers and Tenants Contractor's Warranty – Funder	
7.11	Third Party Rights and Collateral Warranties from Sub-Contractors Third Party Rights and Collateral Warranties from Sub-Contractors	
Section 8	Termination	84
8.1 8.2 8.3	General Meaning of insolvency Notices under section 8 Other rights, reinstatement	

8.4 8.5 8.6 8.7 8.8	Termination by Employer Default by Contractor Insolvency of Contractor Corruption and regulation 73(1)(b) of the PC Regulations Consequences of termination under clauses 8.4 to 8.6 Employer's decision not to complete the Works	
8.9 8.10	Termination by Contractor Default by Employer Insolvency of Employer	
8.11	<b>Termination by either Party and regulation 73(1)(a) of the PC Regulations</b> Termination by either Party and regulation 73(1)(a) of the PC Regulations	
8.12	Consequences of Termination under clauses 8.9 to 8.11, etc. Consequences of Termination under clauses 8.9 to 8.11, etc.	
8.13	Termination Payment – final date, notices and amount Termination Payment – final date, notices and amount	
Section 9	Settlement of Disputes	92
9.1	Notification and negotiation of disputes Notification and negotiation of disputes	
9.2	Mediation Mediation	
9.3	Adjudication Adjudication	
9.4 9.5 9.6 9.7 9.8 9.9	Arbitration Conduct of arbitration Notice of reference to arbitration Powers of Arbitrator Effect of award Appeal – questions of law Arbitration Act 1996	
	Schedules	94
Schedule 1	Design Submission Procedure	94
Schedule 2	Variation and Acceleration Quotation Procedures	96
Schedule 3	Insurance Options	99
	Insurance Option A (New Buildings – All Risks Insurance of the Works by the Contractor)	
	Insurance Option B (New Buildings – All Risks Insurance of the Works by the Employer)	
	Insurance Option C (Joint Names Insurance by the Employer of Existing Structures and Works in or Extensions to the	em)
Schedule 4	Code of Practice	102
Schedule 5	Third Party Rights Part 1: Third Party Rights for Purchasers and Tenants Part 2: Third Party Rights for a Funder	103
Schedule 6	Forms of Bonds Part 1: Advance Payment Bond Part 2: Bond in respect of payment for off-site materials and/or goods Part 3: Retention Bond	108