



Fédération Internationale des Ingénieurs-Conseils
International Federation of Consulting Engineers
Internationale Vereinigung Beratender Ingenieure
Federación Internacional de Ingenieros Consultores

Conditions of Contract for **Plant & Design Build**

GENERAL CONDITIONS
GUIDANCE FOR THE PREPARATION
OF PARTICULAR CONDITIONS AND ANNEXES:
FORMS OF SECURITIES
FORMS OF LETTER OF TENDER, LETTER OF
ACCEPTANCE, CONTRACT AGREEMENT AND DISPUTE
ADJUDICATION/AVOIDANCE AGREEMENT

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SECOND EDITION 2017

GENERAL CONDITIONS

GUIDANCE FOR THE
PREPARATION OF
PARTICULAR CONDITIONS
AND ANNEXES: FORMS
OF SECURITIES

FIDIC® Conditions of Contract for
PLANT and DESIGN-BUILD

FOR ELECTRICAL & MECHANICAL PLANT,
AND FOR BUILDING AND ENGINEERING
WORKS, DESIGNED BY THE CONTRACTOR

FORMS OF LETTER OF
TENDER, LETTER OF
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NOTES

This Second Edition of the Conditions of Contract for Plant and Design-Build has been published by the Fédération Internationale des Ingénieurs-Conseils (FIDIC) as an update of the FIDIC 1999 Conditions of Contract for Plant and Design-Build (Yellow Book), First Edition.

Along with the FIDIC 1999 Red Book (the Conditions of Contract for Construction) and the FIDIC 1999 Silver Book (the Conditions of Contract for EPC/Turnkey Projects), the FIDIC 1999 Yellow Book has been in widespread use for nearly two decades. In particular, it has been recognised for, among other things, its principles of balanced risk sharing between the Employer and the Contractor in projects where the Contractor designs and constructs the works, and may provide plant, in accordance with the Employer's requirements, including any combination of civil, mechanical, electrical and/or construction works.

This second edition of the FIDIC Yellow Book continues FIDIC's fundamental principles of balanced risk sharing while seeking to build on the substantial experience gained from its use over the past 18 years. For example, this edition provides:

- 1) greater detail and clarity on the requirements for notices and other communications;
- 2) provisions to address Employers' and Contractors' claims treated equally and separated from disputes;
- 3) mechanisms for dispute avoidance and
- 4) detailed provisions for quality management, and verification of Contractor's contractual compliance.

These Conditions of Contract for Plant and Design-Build include conditions, which are likely to apply to the majority of such contracts. Essential items of information which are particular to each individual contract are to be included in the Particular Conditions Part A – Contract Data.

In addition, it is recognised that many Employers, especially governmental agencies, may require special conditions of contract, or particular procedures, which differ from those included in the General Conditions. These should be included in Part B – Special Provisions.

It should be noted, that the General Conditions and the Particular Conditions (Part A – Contract Data and Part B – Special Provisions) are all part of the Conditions of Contract.

To assist Employers in preparing tender documents and in drafting Particular Conditions of Contract for specific contracts, this publication includes Notes on the Preparation of Tender Documents and Notes on the Preparation of Special Provisions, which provide important advice to drafters of contract documents, in particular the Employer's Requirements and Special Provisions. In drafting Special Provisions, if clauses in the General Conditions are to be replaced or supplemented and before incorporating any example wording, Employers are urged to seek legal and engineering advice in an effort to avoid ambiguity and to ensure completeness and consistency with the other provisions of the contract.

This publication begins with a series of comprehensive flow charts which typically show, in visual form, the sequences of activities which characterise the FIDIC Plant and Design-Build form of contract. The charts are illustrative, however, and must not be taken into consideration in the interpretation of the Conditions of Contract.

This publication also includes a number of sample forms to help both Parties to develop a common understanding of what is required by third parties such as providers of securities and guarantees.

Drafters of contract documents are reminded that the General Conditions of all FIDIC contracts are protected by copyright and trademark and may not be changed without specific written consent, usually in the form of a licence to amend, from FIDIC. If drafters wish to amend the provisions found in the General Conditions, the place for doing this is in the Particular Conditions Part B – Special Provisions, as mentioned above, and not by making changes in the General Conditions as published.

FIDIC considers the official and authentic texts to be the versions in the English language.

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General Conditions

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