



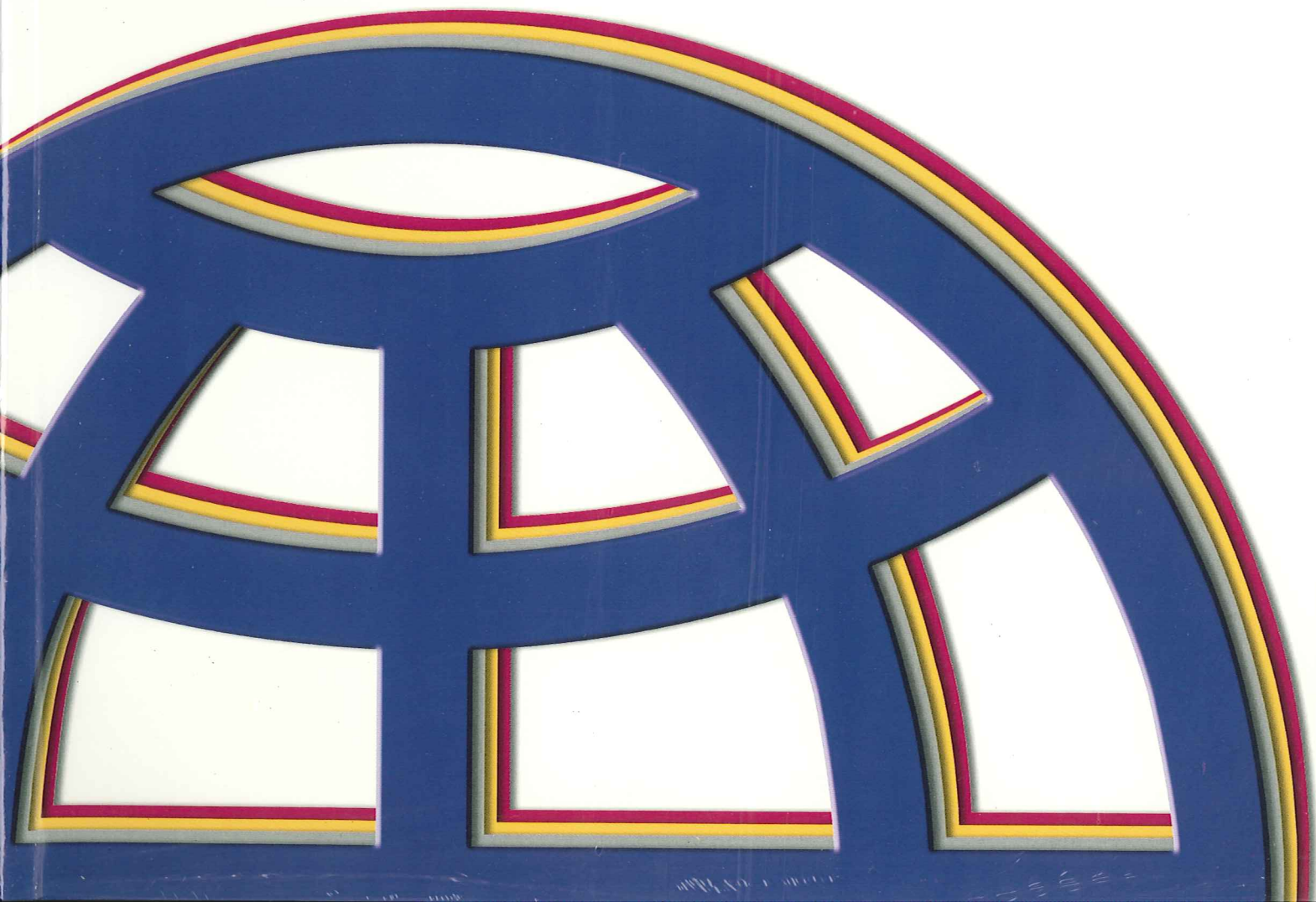
Fédération Internationale des Ingénieurs-Conseils
International Federation of Consulting Engineers
Internationale Vereinigung Beratender Ingenieure
Federación Internacional de Ingenieros Consultores

The FIDIC Contracts Guide

WITH DETAILED GUIDANCE ON USING THE FIRST EDITIONS OF FIDIC'S

CONDITIONS OF CONTRACT FOR CONSTRUCTION
CONDITIONS OF CONTRACT FOR PLANT AND DESIGN-BUILD
CONDITIONS OF CONTRACT FOR EPC/TURNKEY PROJECTS

ISBN 2-88432-029-6



Contents

Foreword and Abbreviations	1
Introduction to the Use of FIDIC's Conditions of Contract	5
Project Procurement	9
Procurement Documentation	17
Example Forms for the Letter of Invitation and Instructions to Tenderers ...	21
Clause 1 General Provisions	41
Clause 2 The Employer	74
Clause 3 CONS/P&DB: The Engineer; EPCT: The Employer's Administration	81
Clause 4 The Contractor	94
Clause 5 CONS: Nominated Subcontractors	132
Clause 5 P&DB/EPCT: Design	137
Clause 6 Staff and Labour	150
Clause 7 Plant, Materials and Workmanship	158
Clause 8 Commencement, Delays and Suspension	168
Clause 9 Tests on Completion	183
Clause 10 Employer's Taking Over	188
Clause 11 Defects Liability	195
Clause 12 CONS: Measurement and Evaluation	205
Clause 12 P&DB/EPCT: Tests after Completion	211
Clause 13 Variations and Adjustments	217
Clause 14 Contract Price and Payment	232
Clause 15 Termination by Employer	258
Clause 16 Suspension and Termination by Contractor	264
Clause 17 Risk and Responsibility	270
Clause 18 Insurance	280
Clause 19 Force Majeure	291
Clause 20 Claims, Disputes and Arbitration	299
Appendix General Conditions of Dispute Adjudication Agreement	318
Glossary of Contract Terminology	339
Index of Sub-Clauses	347

Contents

Foreword and Abbreviations	1
Introduction to the Use of FIDIC's Conditions of Contract	5
Project Procurement	9
Procurement Documentation	17
Example Forms for the Letter of Invitation and Instructions to Tenderers ...	21
Clause 1 General Provisions	41
Clause 2 The Employer	74
Clause 3 CONS/P&DB: The Engineer; EPCT: The Employer's Administration	81
Clause 4 The Contractor	94
Clause 5 CONS: Nominated Subcontractors	132
Clause 5 P&DB/EPCT: Design	137
Clause 6 Staff and Labour	150
Clause 7 Plant, Materials and Workmanship	158
Clause 8 Commencement, Delays and Suspension	168
Clause 9 Tests on Completion	183
Clause 10 Employer's Taking Over	188
Clause 11 Defects Liability	195
Clause 12 CONS: Measurement and Evaluation	205
Clause 12 P&DB/EPCT: Tests after Completion	211
Clause 13 Variations and Adjustments	217
Clause 14 Contract Price and Payment	232
Clause 15 Termination by Employer	258
Clause 16 Suspension and Termination by Contractor	264
Clause 17 Risk and Responsibility	270
Clause 18 Insurance	280
Clause 19 Force Majeure	291
Clause 20 Claims, Disputes and Arbitration	299
Appendix General Conditions of Dispute Adjudication Agreement	318
Glossary of Contract Terminology	339
Index of Sub-Clauses	347

Clause 1 General Provisions

1.1 Definitions

CONS

In the Conditions of Contract ("these Conditions"), which include Particular Conditions and these General Conditions, the following words and expressions shall have the meanings stated. Words indicating persons or parties include corporations and other legal entities, except where the context requires otherwise.

P&DB

In the Conditions of Contract ("these Conditions"), which include Particular Conditions and these General Conditions, the following words and expressions shall have the meanings stated. Words indicating persons or parties include corporations and other legal entities, except where the context requires otherwise.

EPCT

In the Conditions of Contract ("these Conditions"), which include Particular Conditions and these General Conditions, the following words and expressions shall have the meanings stated. Words indicating persons or parties include corporations and other legal entities, except where the context requires otherwise.

RB 1.1 & 1.3; YB 1.1 & 1.3; OB 1.1 & 1.3

The Conditions of Contract are stated to comprise the General Conditions and Particular Conditions. In each Book, the General Conditions are followed by guidance for the preparation of Particular Conditions ("GPPC"). Each GPPC's Introduction proposes the wording which is required in order to define the appropriate General Conditions:

The Conditions of Contract comprise the "General Conditions", which form part of the "Conditions of Contract for ..." published by the Fédération Internationale des Ingénieurs-Conseils (FIDIC), and the following "Particular Conditions", which include amendments and additions to such General Conditions.

In each Book, only those words and expressions which are used many times are defined in this Sub-Clause. With the exception of the words "day" and "year", these defined words and expressions are identifiable by the use of Capital Initial Letters. Therefore, the Particular Conditions should use capital initial letters for words and expressions which are intended to have these defined meanings.

A glossary of commonly used words and phrases is included at the end of this Guide. This glossary lists words and phrases which are used in the fields of building, consultancy, engineering and associated activities, but must not be used to amplify or replace the definitions in this Clause.

The first sentence of Sub-Clause 1.1 (quoted above) states that the definitions

only apply to "these Conditions". If similar words and expressions are used in other contract documents, the words and expressions have capital initial letters, and no other meanings are defined, it will generally be inferred that they have the meanings stated in this Sub-Clause. Throughout the Contract, the use of words and expressions without capital initial letters may (depending upon the context) indicate that they are to have their natural meaning, and not the meaning defined in this Sub-Clause. For example, the General Conditions contain references to "cost" and to other "contractors".

Unless inconsistent with the context, the word "person", and other words normally taken as indicating a person or persons, may refer to an individual or to a firm, corporation, joint venture or other entity having legal capacity.

The defined words and expressions are divided into six groups, 1.1.1 to 1.1.6, in order to facilitate comparison between the definitions of similar expressions. For example, the reader may observe that time-related expressions are defined in Sub-Clause 1.1.3, and will be able to note the similarity between the definitions of "Time for Completion" and "Defects Notification Period". Readers who wish to locate a definition without needing to consider the group in which it should be defined may prefer to consult the page opposite the beginning of Clause 1, which provides a list of the defined words and expressions in alphabetical order.

The following list is a compilation of these lists of defined words and expressions in all the Books: