

Contents

Foreword	xi
Acknowledgements	xiii
Preface to the third edition	xv
Abbreviations	xvii
About the authors	xix

Part 1	Introduction to Part 1	1
01	Introduction to the FIDIC Conditions of Contract	3
	1.1. Construction contracts	3
	1.2. The FIDIC Conditions of Contract	4
	1.3. The Traditional FIDIC Conditions of Contract	5
	1.4. The 1999 FIDIC Conditions of Contract	6
	1.5. The MDB Harmonised Construction Contract	8
	1.6. Social clauses	8
	1.7. Contents of this book	8
02	Comparisons between the different FIDIC Conditions of Contract	9
	2.1. The Traditional and the 1999 Conditions of Contract	9
	2.2. The Traditional Old Red Book and the Conditions of Contract for Construction	9
	2.3. Comparison between the different 1999 Conditions of Contract	12
	2.4. <i>The Conditions of Contract for EPC/Turnkey Projects (The Silver Book)</i>	14
	2.5. <i>The Short Form of Contract (The Green Book)</i>	16
	2.6. <i>The Contract for Dredging and Reclamation Works (The Blue Book)</i>	18
	2.7. <i>The MDB Harmonised Conditions of Contract for Construction (The PNK Book)</i>	18
	2.8. <i>Conditions of Contract for Design, Build and Operate Projects (The Gold Book)</i>	20
	2.9. <i>Conditions of Subcontract for Construction (The Subcontract Book)</i>	20
	2.10. <i>FIDIC Procurement Procedures Guide</i>	21
03	The 1999 FIDIC Red, Pink, Yellow and Subcontract Books	23
	3.1. Contents of the FIDIC publication	23
	3.2. Preparation of the Contract Documents	26
	3.3. The layout of the General Conditions	32
	3.4. The sequence of construction operations	40
	3.5. Preparation of the Particular Conditions	41
04	Claims and dispute procedures	43
	4.1. Introduction	43

	4.2. Claims and the Conditions of Contract	44
	4.3. Claims by the Contractor	44
	4.4. Claims by the Employer	48
	4.5. The Dispute Adjudication Board (DAB)/ The Dispute Board (DB)	50
	4.6. Amicable Settlement	52
	4.7. Arbitration	52
	4.8. The Courts	53
05	Flow Charts	55
Part 2	The FIDIC Conditions of Contract for Construction For Building and Engineering Works designed by the Employer (RED and PNK Books)	77
06	Introduction to Part 2	79
	The Red Book	81
07	Clause 1: General Provisions	83
	7.1. Definitions that depend on the date for the submission of the Tender	89
	7.2. Definition in the Letter of Tender that was accepted by the Employer	89
	7.3. Definitions that depend on the Letter of Acceptance or the Contract Agreement	89
	7.4. Definitions that depend on the Contract documents, the Specification or Schedules	90
08	Clause 2: The Employer	107
09	Clause 3: The Engineer	115
	9.1. Additional Sub-Clause 3.6 [<i>Management Meetings</i>]	122
10	Clause 4: The Contractor	125
11	Clause 5: Nominated Subcontractors	149
12	Clause 6: Staff and Labour	153
13	Clause 7: Plant, Materials and Workmanship	159
14	Clause 8: Commencement, Delays and Suspension	167
15	Clause 9: Tests on Completion	179
16	Clause 10: Employer's Taking Over	183
17	Clause 11: Defects Liability	189
18	Clause 12: Measurement and Evaluation	197
19	Clause 13: Variations and Adjustments	203

20	.....	Clause 14: Contract Price and Payment	213
21	.....	Clause 15: Termination by Employer	231
22	.....	Clause 16: Suspension and Termination by Contractor	237
23	.....	Clause 17: Risk and Responsibility	241
24	.....	Clause 18: Insurance	247
25	.....	Clause 19: Force Majeure	255
26	.....	Clause 20: Claims, Disputes and Arbitration	261
		26.1. Alternative to Sub-Clause 20.4 [<i>Obtaining Dispute Adjudication Board's decision</i>]	274
27	.....	Appendix: General Conditions of Dispute Adjudication Agreement	281
28	.....	Annexes and Forms	289
		The Pink Book	291
29	.....	Introduction to the Pink Book	293
30	.....	Clause 1: General Provisions	295
31	.....	Clause 2: The Employer	299
32	.....	Clause 3: The Engineer	301
33	.....	Clause 4: The Contractor	303
34	.....	Clause 5: Nominated Subcontractors	307
35	.....	Clause 6: Staff and Labour	309
		35.1. Sub-Clauses 6.12–6.22 for additional staff and labour	310
36	.....	Clause 7: Plant, Materials and Workmanship	313
37	.....	Clause 8: Commencement, Delays and Suspension	315
38	.....	Clause 9: Tests on Completion	317
39	.....	Clause 10: Employer's Taking Over	319
40	.....	Clause 11: Defects Liability	321
41	.....	Clause 12: Measurement and Evaluation	323
42	.....	Clause 13: Variations and Adjustments	325
43	.....	Clause 14: Contractor's Price and Payment	327
44	.....	Clause 15: Termination by Employer	331
45	.....	Clause 16: Suspension and Termination by Contractor	333

46	.....	Clause 17: Risk and Responsibilities	335
47	.....	Clause 18: Insurance	337
48	.....	Clause 19: Force Majeure	339
49	.....	Clause 20: Claims, Disputes and Arbitration	341
50	.....	Appendix: General Conditions of Dispute Board Agreement	347
		50.1. Changes to Annex: Procedural Rules	349
51	.....	Particular Conditions and Standard Forms	351
		51.1. Changes to standard forms	351
Part 3		The FIDIC Conditions of Contract for Plant and Design Build for Electrical and Mechanical Plant, and for Building and Engineering Works, designed by the Contractor (Yellow Book, YLW Book)	353
52	.....	Introduction to Part 3	355
53	.....	Clause 1: General Provisions	361
54	.....	Clause 2: The Employer	365
55	.....	Clause 3: The Engineer	367
56	.....	Clause 4: The Contractor	369
57	.....	Clause 5: Design	373
58	.....	Clause 6: Staff and Labour	381
59	.....	Clause 7: Plant, Materials and Workmanship	383
60	.....	Clause 8: Commencement, Delays and Suspension	385
61	.....	Clause 9: Tests on Completion	387
62	.....	Clause 10: Employer's Taking Over	389
63	.....	Clause 11: Defects Liability	391
64	.....	Clause 12: Tests after Completion	393
65	.....	Clause 13: Variations and Adjustments	397
66	.....	Clause 14: Contract Price and Payment	401
67	.....	Clause 15: Termination by Employer	405
68	.....	Clause 16: Suspension and Termination by Contractor	407
69	.....	Clause 17: Risk and Responsibility	409
70	.....	Clause 18: Insurance	411

71	.....	Clause 19: Force Majeure	413
72	.....	Clause 20: Claims, Disputes and Arbitration	415
Part 4		The FIDIC Conditions of Subcontract for Construction for Building and Engineering Works Designed by the Employer (SUBCONTRACT Book)	419
73	.....	Introduction to Part 4	421
74	.....	Clause 1: Definitions and Interpretation	423
75	.....	Clause 2: The Main Contract	435
76	.....	Clause 3: The Contractor	439
77	.....	Clause 4: The Subcontractor	443
78	.....	Clause 5: Assignment of the Subcontract and Subcontracting	447
79	.....	Clause 6: Co-operation, Staff and Labour	451
80	.....	Clause 7: Equipment, Temporary Works, Other Facilities, Plant and Materials	455
81	.....	Clause 8: Commencement and Completion	459
82	.....	Clause 9: Tests on Completion	465
83	.....	Clause 10: Completion and Taking-Over the Subcontract Works	467
84	.....	Clause 11: Defects Liability	471
85	.....	Clause 12: Measurement and Evaluation	475
86	.....	Clause 13: Subcontract Variations and Adjustments	479
87	.....	Clause 14: Subcontract Price and Payment	483
88	.....	Clause 15: Termination of the Main Contract and Termination of the Subcontract by the Contractor	493
89	.....	Clause 16: Suspension and Termination by the Subcontractor	499
90	.....	Clause 17: Risk and Indemnities	503
91	.....	Clause 18: Subcontract Insurances	507
92	.....	Clause 19: Subcontract Force Majeure	511
93	.....	Clause 20: Notices, Subcontractor's Claims and Disputes	513

Part 5	Future updates	525
	Future updates	527
Part 6	Appendices	529
01	Notice Requirements for the RED and PNK Books	531
02	Notice Requirements for the YLW Book	543
03	Notice Requirements for the Subcontract Book	555
04	Contents: General Conditions for the RED Book	563
05	Contents: General Conditions for the PNK Book	569
06	Contents: General Conditions for the YLW Book	575
07	Contents: General Conditions for the SUB Book	581
08	Forms and Annexes for the Red and Yellow Book	585
	Index	601