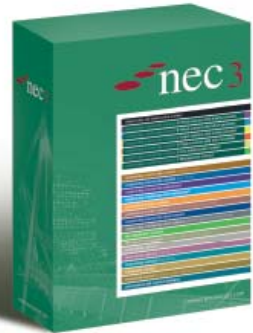


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# nec3



The NEC is a modern-day family of standard contracts that truly embraces the concept of partnership and encourages employers, designers, contractors and project managers to work together through both a powerful management tool and a legal framework to facilitate all aspects of the creation of construction projects.

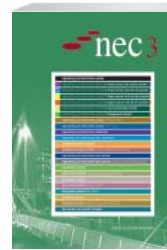


## OGC endorsement of NEC3

NEC3 fully complies with the Office of Government Commerce (OGC) Achieving Excellence in Construction initiative and is endorsed by OGC for use by public sector procurers.

OGC advises public sector procurers that the form of contract used has to be selected according to the objectives of the project, aiming to satisfy the Achieving Excellence in Construction (AEC) principles.

This edition of the NEC (NEC3) complies fully with the AEC principles. OGC recommends the use of NEC3 by public sector construction procurers on their construction projects.



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## The NEC3 Complete Box Set of 23 documents

Each of the documents in the NEC3 family is available individually, however, you can purchase the complete NEC suite of contract documents in a slip case, including the new *Term Service Contract* together with its associated Guidance Notes and Flow Charts as well as the *Framework Contract* with its relevant Guidance Notes and Flow Charts, for the special price of only £275.00.

### CONTENTS

- NEC3 Engineering and Construction Contract (ECC)
- NEC3 Engineering and Construction Contract Option A: Priced contract with activity schedule
- NEC3 Engineering and Construction Contract Option B: Priced contract with bill of quantities
- NEC3 Engineering and Construction Contract Option C: Target contract with activity schedule
- NEC3 Engineering and Construction Contract Option D: Target contract with bill of quantities
- NEC3 Engineering and Construction Contract Option E: Cost reimbursable contract
- NEC3 Engineering and Construction Contract Option F: Management contract
- NEC3 Engineering and Construction Contract Guidance Notes
- NEC3 Engineering and Construction Contract Flow Charts
- NEC3 Engineering and Construction Subcontract (ECS)
- NEC3 Professional Services Contract (PSC)
- NEC3 Professional Services Contract Guidance Notes and Flow Charts
- NEC3 Engineering and Construction Short Subcontract (ECSS)
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- NEC3 Adjudicator's Contract Guidance Notes and Flow Charts
- NEC3 Term Service Contract (TSC)
- NEC3 Term Service Contract Guidance Notes
- NEC3 Term Service Contract Flow Charts
- NEC3 Framework Contract (FC)
- NEC3 Framework Contract Guidance Notes and Flow Charts
- NEC3 Procurement and Contract Strategies



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## NEC3 Engineering and Construction Contract (ECC)

The *NEC3 Engineering and Construction Contract* (June 2005) should be used for the appointment of a contractor for engineering and construction work, including any level of responsibility.

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- Optional Key Performance Indicators for bi-party contracts
- Optional limitation of liability clauses
- Introduction of risk reduction meetings and Risk Register
- Introduction of Key Dates
- New prevention clause with associated Compensation Event and Termination provisions
- Compensation Event quotations accepted if Project Manager does not reply
- Swift Compensation Event assessment by agreement for Options A and B
- Options C, D and E monthly assessment includes forecast to next assessment
- Simplified Schedule of Cost Components
- Two fee percentages introduced

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### NEC3 Engineering and Construction Contract Option A: Priced contract with activity schedule

Option A is a priced contract with an activity schedule where the risk of carrying out the work at the agreed prices is largely borne by the contractor. This document contains all the clauses, the shorter schedule of cost components and contract data relevant to an Option A contract.

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### NEC3 Engineering and Construction Contract Option C: Target contract with activity schedule

Option C is a target cost contract with an activity schedule where the out-turn financial risks are shared between the Client and the Contractor in an agreed proportion. This document contains all the core and secondary option clauses, the schedules of cost components and contract data relevant to an Option C contract.

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### NEC3 Engineering and Construction Contract Option E: Cost reimbursable contract

Option E is a cost reimbursable type contract where the financial risk is taken largely by the client. This document contains all the core clauses and secondary option clauses the schedules of cost components and contract data relevant to an Option E contract.

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### NEC3 Engineering and Construction Contract Guidance Notes

These guidance notes explain the background to the Engineering and Construction Contract, the reasons for some of its provisions and provide guidance on how to use it. They covers usage of all the six A-F options. An introductory section explains NEC objectives, application and project organisation, followed by sections on contract strategy and preparing tender documents. The bulk of the book is then devoted to explanations of the clauses and schedule of cost components with worked examples of contract data forms provided.

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The Subcontract is intended for use in appointing a subcontractor where the contractor has been appointed under the NEC3 Engineering and Construction Contract. It contains core clauses, main option clauses for relevant A-F main options, the available secondary options, schedules of cost components and contract data.

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### NEC3 Professional Services Contract (PSC)

The Professional Services Contract is intended for use in the appointment of a supplier to provide professional services. It can be used for appointing project managers, supervisors, designers, consultants or other suppliers under NEC contracts and can also be used for appointing suppliers on non-NEC construction projects or for non-construction projects. This document contains the core clauses, the relevant main option clauses, the secondary option clauses and the contract data.

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### NEC3 Engineering and Construction Contract Option B: Priced contract with bill of quantities

Option B is a priced contract with a bill of quantities where the risk of carrying out the work at the agreed prices is largely borne by the contractor. This document contains all the core and secondary option clauses, the shorter schedule of cost components and contract data relevant to an Option B contract.

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### NEC3 Engineering and Construction Contract Option D: Target contract with bill of quantities

Option D is a target cost contract with a bill of quantities where the out-turn financial risks are shared between the Client and the Contractor in an agreed proportion. This document contains all the core and secondary option clauses, the schedules of cost components and contract data relevant to an Option D contract.

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### NEC3 Engineering and Construction Contract Option F: Management contract

Option F is a cost reimbursable management contract where the financial risk is taken largely by the client. This document contains all the core clauses and secondary option clauses the schedules of cost components and contract data relevant to an Option F contract.

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### NEC3 Engineering and Construction Contract Flow Charts

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### NEC3 Engineering and Construction Short Subcontract

The Short Subcontract can be used as a subcontract to NEC3 Engineering and Construction Contract (ECC) and NEC3 Engineering and Construction Short Contract (ECSC). It should be used with contracts which do not require sophisticated management techniques, comprise straightforward work and impose only low risks on both the contractor and the subcontractor. It contains the subcontract clauses and contract data forms.

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These guidance notes explain the structure of the Professional Services Contract and the reasons for its provisions. The main options, dispute resolution options and the secondary options are all explained. Explanatory notes are then provided on individual clauses and contract data. Flow charts then set out the procedural logic.

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The Short Contract is an alternative to NEC3 Engineering and Construction Contract and is for use with contracts which do not require sophisticated management techniques, comprise straightforward work and impose only low risks on both the Employer and the Contractor. This document contains the contract clauses and the form for contract data

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The NEC3 Adjudicator's Contract should be used for the appointment of an Adjudicator to decide disputes under the NEC family of contracts. It may also be used for the appointment of an Adjudicator under other forms of contract. This document contains the clauses, form of agreement and contract data.

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## NEC3 Term Service Contract (TSC)

The Term Service Contract is an entirely new NEC document and is intended to be used for the appointment of a supplier for a period of time to manage and provide a service. This document contains the core clauses, the three main option clauses, secondary option clauses and contract data forms.

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To enable users to understand the operation of the Term Service Contract, this book contains flow charts which set out the procedural logic of the 57 clauses that can be presented with benefit by flow charting.

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These guidance notes provide information on preparing and managing framework contracts, and worked examples of contract data. Also provided are flow charts which set out the operational logic of the contract.

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## NEC3 Procurement and Contract Strategies

This is an entirely new addition to the NEC suite of documents which provides guidance for users of NEC in determining the procurement and contract strategies to meet project objectives and in the application of contracts from the NEC3 family in meeting these strategies. It is divided into three parts. Part 1 explains the NEC concept, the contracts and the option structure. Part 2 covers procurement strategies covering traditional approaches; design and build; prime contracting; management contracts; and PFI/PPP. Part 3 covers other procurement aspects such as partnering; incentivisation; KPIs; risk; supply chains; operating, maintenance and compliance periods; framework contracts; value management; novation; and early contractor involvement.

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These guidance notes explain the provisions of the Short Contract package through its three stages: inviting tenders, making an offer and agreeing a contract. Notes are then provided on the clauses and methods of joining disputes with main contract disputes. Worked examples are provided of the contract data forms, together with flow charts which set out the procedural logic.

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## NEC3 Adjudicator's Contract Guidance Notes and Flow Charts

These guidance notes explain the usage of the contract, procedures for appointing an Adjudicator, the nature of the form of agreement. Explanations are then provided on the individual clauses and a worked example of contract data is provided. The second part of the book contains flow charts which set out the procedural logic of the 5 clauses that can be presented with benefit by flow charting.

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## NEC3 Term Service Contract Guidance Notes

These guidance notes place the new Term Service Contract into context with the rest of the NEC suite of documents. They then set out the background to the contract, its provisions and guidance on when and how to use it. The procedure for setting up a contract is covered and explanations are given on the meanings of individual clauses. Finally appendices cover the clause numbering system, sample form of tender, sample form of agreement, use as a subcontract, form of performance bond and price list.

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## NEC3 Framework Contract (FC)

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T. W. Weddell

The NEC is inherently a very simple document which can handle virtually every contract permutation within its options. However, its effective usage requires decisions on the most appropriate strategy to allocate risk, the level of complexity likely to be involved in a project, and how to contract with support services, suppliers and subcontractors.

In this guide, Bill Weddell a long-standing member of the NEC Panel and a highly respected consultant and trainer on the NEC, utilises his wide knowledge and skills of the NEC to provide new and existing users with guidance on how to select and implement NEC contracts to suit differing project needs and objectives.

He explains in a concise and practical manner how to decide the appropriate contract strategy for any given project and how to prepare the contract document for each type of NEC contract. All of the NEC2 and NEC3 contracts are covered. The book describes each of the documents, how to select the options and how these are used to produce the contract document.

The book also shows how the NEC should be used to deal with specific problems that commonly occur both in the design office and on site.

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*NEC Managing Reality* is a series of books written by NEC experts well versed in using the NEC 'at the coal face' that aims to explain how the NEC can be used to optimum benefit in everyday environments. The books are based on usage of the NEC's core document—the *Engineering and Construction Contract*—although the principles and procedures they discuss apply equally across all the documents in the NEC suite. They cover both use of the NEC in its NEC2 version on which virtually all existing NEC contracts have been based and the newly published (July 2005) NEC3, which is expected to be the version of the NEC used on future projects. *NEC Managing Reality* places great emphasis on offering 'practical tips' at appropriate points in the text and highlighted examples. Standard forms are included with their usage explained together with checklists. They are practical manuals designed to aid both existing and new users in implementing the NEC.



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### Contents

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- What is the ECC?
- Why is the ECC different?
- Conventions
- Concepts
- Terminology
- Terminology not used in the ECC
- Other aspects of the ECC
- Roles
- Description of the roles
- List of Duties
- Appendix 1
- List of Duties in the ECC



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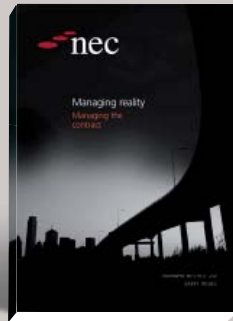
This book is for those who need to know how to procure an ECC contract. It covers in practical detail the invitations to tender, evaluation of submissions, which option to select, how to complete the Contract Data and how to prepare the Works Information. The use of this guidance is appropriate for employers, contractors (including subcontractors) and construction professionals generally.

### Contents

- Procurement. What is involved in procuring an ECC Contract; how to put together an invitation to tender and a responding tender; procurement scenarios.
- Contract options Main Options (A to F); what should be taken into account when choosing a main Option; allocating risks under various contract types; a discussion of secondary Options.
- Instructions for completing the Contract Data
- Works Information guidelines providing the Works; general rules in drafting the Works Information; clauses to be incorporated into the Works Information.
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### Contents

- Payment Procedure for the ECC. Payment procedure; the effects of Y(UK)2; invoicing; payment procedure at Completion; payment procedure after Completion; payment procedure after the Defects date.
- Control of Time. What is the programme; what is included in the programme; submission of the first programme; acceptance of the programme; what the programme is used for; how often is the programme revised; acceleration.
- Control of Quality. Management of quality; who is responsible for quality; notifying, correcting and accepting Defects.
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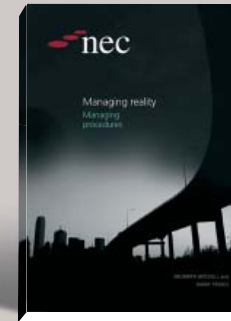
**B. Mitchell and B. Trebes**

This book is for those who are managing change under the contract; whether for the Employer or the Contractor (or Subcontractor) the management of change is often a major challenge whatever the form of contract. The ECC deals with change in a different way to other more traditional forms. This book sets out the steps to managing change efficiently and effectively, bridging the gap between theory and practice.

### Contents

- Compensation events in the ECC. What is a compensation event; where to find a list of compensation events; how to identify a compensation event; quotations for compensation events; assessment of quotations; implementation of compensation events.
- The Schedule of Cost Components. When is the SCC used; how the SCC interacts with the payment clauses; Actual Cost; the Fee; the cost components; Contract Data part two; putting it all together; audits; working on multiple projects on the same site.
- Compensation Event Procedures
- Example Quotation
- People costs

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## NEC – Managing Reality Book 5: Managing Procedures

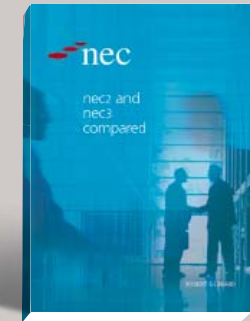
**B. Mitchell and B. Trebes**

This book gives step-by-step guidance on how to apply the most commonly used procedures, detailing the actions needed by all parties to comply with the contract. Anyone administering the contract will benefit from this book.

### Contents

- Contract administration
- Records to maintain
- Review meetings
- Contract administration
- How to use the ECC procedures
- List of administration letters

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## NEC2 and NEC3 Compared

**R. Gerrard**

NEC2 has established itself as the leading contract for civil engineering work and has made major in-roads into the building market.

NEC3 appeared in July 2005 and represents an update to reflect users' experience and changes in the way the construction industry operates in the years since the appearance of NEC2 in 1995. This guide is aimed at those familiar with the provisions of NEC2 and provides an easy-to-use comparison on the changes between the two editions of the NEC.

NEC3 comprises a suite of entirely consistent documents. The guide covers in detail, on a clause-by-clause basis, the differences between the NEC2 Engineering and Construction Contract and the NEC3 Engineering and Construction Contract. However, principles of the changes it introduces have been applied across the complete suite of NEC3 contracts. So anybody wishing to understand the new provisions applied across the suite of NEC3 contracts, will benefit from this book.

The guide presents the wording of NEC2 against that of NEC3 with all changes highlighted. Explanatory notes are also included which cover the significance of more important changes printed under the relevant clauses. Users will be able to look up any clause in the NEC2 Engineering and Construction Contract and see, at a glance, what has changed, if anything, in NEC3.

It will be a valuable resource for anybody involved in the NEC supply chain – including clients, consultants, contractors, subcontractors, project managers, adjudicators, service suppliers – across the complete spectrum of construction activity.

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