

1. Record Nr.	UNINA9910840767203321
Autore	Higginbottom Guy
Titolo	Design and Build Contracts
Pubbl/distr/stampa	Newark : , : John Wiley & Sons, Incorporated, , 2023 ©2024
ISBN	1-119-81483-9 1-119-81485-5
Edizione	[1st ed.]
Descrizione fisica	1 online resource (435 pages)
Disciplina	343.078624
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di contenuto	Cover -- Title Page -- Copyright -- Contents -- List of Figures -- List of Tables -- List of Cases -- Preface -- Chapter 1 Introduction -- 1.1 Some Types of 'Design and Build' -- 1.2 The Nature of Design and Build -- 1.3 A Brief History of Design and Build Contracts -- 1.4 Recent Developments in Design and Build -- 1.5 How to Use This Book -- Chapter 2 Construction Contracts -- 2.1 General -- 2.2 The Structure of a Construction Contract -- 2.2.1 The General Nature of Standard Forms of Design and Build Contract -- 2.2.2 The Specific Information -- 2.2.3 The Conditions of Contract -- 2.2.4 The Documents Comprising the Contract -- 2.2.5 The Relationship Between the Conditions of Contract and the Contract Documents -- 2.3 Fairness as a Concept -- 2.3.1 Assistance from the Contract Terms? -- 2.3.2 Understanding the Contract and its Implications -- Part I -- Chapter 3 Design and Build as Originally Intended -- 3.1 The Parties' Primary Obligations Under a Design and Build Contract -- 3.1.1 The Employer's Primary Obligations -- 3.1.2 The Contractor's Primary Obligations -- 3.2 The Employer's Representative -- 3.3 The Relationship Between the Employer's Requirements and the Contractor's Proposals -- 3.3.1 FIDIC Yellow Book 2017 -- 3.3.2 JCT DB 2016 -- 3.3.3 NEC4 -- 3.4 The Employer's Requirements -- 3.4.1 The Employer's Requirements - Essential Content -- 3.4.2 The Employer's Requirements - Common Format and Contents -- 3.4.3

Responsibilities Retained by the Employer -- 3.5 The Contractor's Proposals -- 3.5.1 Contractor's Proposals - Common Format and Contents -- 3.5.2 Contractor's Proposals - Review of Contractor's Design -- 3.5.3 Contractor's Proposals - Programme (Documents for Managing the Works) -- 3.5.4 Contractor's Proposals - Documents for Managing the Works (Cost) -- 3.6 The Pricing Document. 3.6.1 Pricing Document - Common Format and General Contents -- 3.6.2 Pricing Document - Contractor's Preliminaries -- 3.6.3 Pricing Document - Pricing Alternatives -- 3.6.4 Provisional Sums -- 3.6.5 Employer's General Analysis of the Pricing Document -- Chapter 4 Consultants and the Employer's Representative -- 4.1 Means of Appointing Consultants -- 4.1.1 Conditions of Engagement - Typical Format and Contents -- 4.2 Obligations and Services -- 4.2.1 Applicable Standard for Performing the Services -- 4.2.2 Typical Duties Owed by the Designer to the Employer -- 4.2.3 Scope of Services -- 4.2.4 Incorporation of Services -- 4.2.5 Design Services -- 4.2.6 Lead Designer -- 4.2.7 Project Lead -- 4.2.8 Contract Administration -- Chapter 5 Procurement and Tendering -- 5.1 Procurement -- 5.1.1 Procurement Criteria - Public Sector to 31 December 2020 -- 5.1.2 Procurement Criteria - Public Sector from 1 January 2021 -- 5.2 Tendering -- 5.2.1 Tendering Criteria - General Requirements -- 5.2.2 Tendering Criteria - Instructions to Tenderers -- 5.2.3 Information Necessary for the Tenderer to Submit a Bid -- 5.3 Types of Tender Processes -- 5.3.1 Prequalification -- 5.3.2 SingleStage Tendering -- 5.3.3 TwoStage Tendering -- 5.3.4 Negotiation -- 5.3.5 Midtender Events -- 5.4 Early Contractor Involvement -- 5.4.1 Early Contractor Involvement in Engineering Projects -- 5.4.2 Early Contractor Involvement in Construction Projects -- 5.4.3 Early Contractor Involvement (NEC4 Option X22) -- 5.4.4 Advantages of Early Contractor Involvement -- 5.4.5 Disadvantages of Early Contractor Involvement -- 5.4.6 Preconstruction Services Agreements -- 5.5 Tender Returns and Evaluation -- 5.5.1 Tender Receipt and Initial Checks -- 5.5.2 Tender Evaluation -- 5.5.3 Evaluation of the Tenderer's Design -- 5.5.4 Evaluation of Other Aspects of the Tender -- 5.5.5 Tender Interviews. 5.6 Contractor Selection and Appointment -- 5.6.1 Inform the Successful Tenderer -- 5.6.2 Inform the Unsuccessful Tenderers -- 5.6.3 Conclude Negotiations and Enter into the Building Contract -- Chapter 6 Subcontracting -- 6.1 General -- 6.1.1 The General Nature of Subcontracts -- 6.1.2 Types of Subcontract for Each Main Contract -- 6.2 Domestic Subcontractors -- 6.2.1 Domestic Subcontractor Selection -- 6.2.2 Employer's Approval of Subcontractors -- 6.2.3 Administration of a Domestic Subcontract -- 6.3 'Nominated' or 'Named' Subcontractors -- 6.3.1 Nominated or Named Subcontractor Selection -- 6.3.2 Contractor's Objection to Nominated or Named Subcontractors -- 6.3.3 Risks Associated with Nominated or Named Subcontractors -- 6.3.4 Administration of a Nominated or Named Subcontract -- 6.3.5 Decline of Nominated or Named Subcontractors -- 6.4 Early Subcontractor Involvement -- Chapter 7 Collateral Warranties, ThirdParty Rights, Bonds, and Guarantees -- 7.1 General -- 7.1.1 Collateral Warranties - General Points -- 7.1.2 ThirdParty Rights - General Points -- 7.1.3 Bonds and Guarantees - General Points -- 7.2 Collateral Warranties -- 7.2.1 Collateral Warranties Under the Main and Subcontracts -- 7.2.2 Collateral Warranties for Designers -- 7.3 ThirdParty Rights -- 7.4 Bonds and Guarantees -- 7.4.1 Security for Performance -- 7.4.2 Security for Payment -- 7.4.3 Retention Bonds -- 7.4.4 OffSite Materials/Goods Bond -- 7.4.5 Other Bonds -- Chapter 8 Construction -- 8.1 General -- 8.1.1 Prestart Obligations -- 8.1.2 Contract Agreement and Performance Security Obligations --

8.1.3 Financial Obligations -- 8.1.4 Design Obligations -- 8.2 Commencement -- 8.2.1 JCT DB 2016 -- 8.2.2 FIDIC Yellow Book 2017 -- 8.2.3 NEC4 -- 8.3 Completion in Sections (Subdividing the Whole Works) -- 8.3.1 JCT DB 2016 -- 8.3.2 FIDIC Yellow Book 2017 -- 8.3.3 NEC4. 8.3.4 Summary of Sectional Completion Provisions -- 8.3.5 Summary of Milestone or Key Date Provisions -- 8.4 Progress -- 8.4.1 Rate of Progress -- 8.4.2 Manner of Progress -- 8.4.3 JCT DB 2016 -- 8.4.4 FIDIC Yellow Book 2017 -- 8.4.5 NEC4 -- 8.4.6 Reporting Progress -- 8.4.7 Advance or Early Warning -- 8.5 Acceleration -- 8.5.1 JCT DB 2016 -- 8.5.2 FIDIC Yellow Book 2017 -- 8.5.3 NEC4 -- 8.5.4 Summary of Acceleration Provisions -- 8.6 Programme -- 8.6.1 Generating the Programme -- 8.6.2 Programme Requirements for Each Design and Build Contract -- 8.6.3 Revising the Programme and Employer's Acceptance -- 8.6.4 Monitoring Progress on the Programme -- 8.7 Interim Payments -- 8.7.1 JCT DB 2016 -- 8.7.2 FIDIC Yellow Book 2017 -- 8.7.3 NEC4 -- 8.7.4 Consultants' Conditions of Engagement -- 8.8 Variations -- 8.8.1 General Points -- 8.8.2 Is the 'Variation' Recognised Under the Terms of the Contract? -- 8.8.3 JCT DB 2016 -- 8.8.4 FIDIC Yellow Book 2017 -- 8.8.5 NEC4 -- 8.8.5.1 NEC4 - Compensation Events -- 8.8.5.2 NEC4 - Compensation Events Procedure -- 8.9 Valuation (or Assessment) of Variations -- 8.9.1 JCT DB 2016 -- 8.9.2 FIDIC Yellow Book 2017 -- 8.9.3 NEC4 -- 8.9.3.1 Assessing Changes to the Prices -- 8.9.3.2 Assessing Changes to the Completion Date and Any Key Dates -- 8.10 Extensions of Time -- 8.10.1 Ascertaining Delaying Effects -- 8.10.2 Procedures for the Supervising Officer -- 8.10.3 Extensions of Time under JCT DB 2016 -- 8.10.4 FIDIC Yellow Book 2017 -- 8.10.4.1 FIDIC's 'Claims' Procedure -- 8.10.4.2 Extensions of Time under FIDIC Yellow Book 2017 -- 8.10.5 Extensions of Time under NEC4 -- 8.11 Additional Costs (Loss and Expense) -- 8.11.1 Categories of Additional Costs (Loss and Expense) -- 8.11.2 JCT DB 2016 -- 8.11.3 FIDIC Yellow Book 2017 -- 8.11.4 NEC4 -- 8.12 Testing and Defects -- 8.12.1 JCT DB 2016 -- 8.12.2 FIDIC Yellow Book 2017. 8.12.3 NEC4 -- 8.12.4 Summary of Testing and Defects Procedures -- Chapter 9 Concluding the Contract -- 9.1 Termination -- 9.1.1 JCT DB 2016 -- 9.1.2 FIDIC Yellow Book 2017 -- 9.1.3 NEC4 -- 9.2 Obligations Prior to Completing the Physical Works -- 9.2.1 JCT DB 2016 -- 9.2.2 FIDIC Yellow Book 2017 -- 9.2.3 NEC4 -- 9.3 Meaning of 'Completion' -- 9.3.1 JCT DB 2016 - 'Practical Completion' -- 9.3.2 FIDIC Yellow Book 2017 - 'Taking Over' -- 9.3.3 NEC4 'Completion' and 'Taking Over' -- 9.3.4 Summary of Procedures and Obligations on 'Completion' -- 9.4 Damages for Late Completion -- 9.4.1 JCT DB 2016 -- 9.4.2 FIDIC Yellow Book 2017 -- 9.4.3 NEC4 -- 9.4.4 Damages for Late Completion Summary -- 9.5 Rectification or Completing Outstanding Works After Completion -- 9.5.1 JCT DB 2016 -- 9.5.2 FIDIC Yellow Book 2017 -- 9.5.3 NEC4 -- 9.5.4 Summary of Rectification Procedures After 'Completion' -- 9.6 Final Account -- 9.6.1 JCT DB 2016 -- 9.6.2 FIDIC Yellow Book 2017 -- 9.6.3 NEC4 -- 9.7 Resolving Disputes -- 9.7.1 Informal Dispute Resolution Methods -- 9.7.2 Contractual Dispute Resolution Methods -- 9.7.2.1 FIDIC Yellow Book 2017 - 'Agreement or Determination' -- 9.7.2.2 NEC4 Option W3 (Dispute Avoidance Board) -- 9.7.3 Formal Dispute Resolution Methods -- 9.7.3.1 Mediation -- 9.7.3.2 Dispute Avoidance/Adjudication Board -- 9.7.3.3 Arbitration -- 9.7.3.4 Expert Determination -- 9.7.4 Statutory Methods of Dispute Resolution -- 9.7.4.1 Adjudication -- 9.7.4.2 Litigation -- 9.7.5 Summary of Dispute Resolution Methods -- 9.8 Concluding the Contract -- 9.8.1 JCT DB

2016 -- 9.8.2 FIDIC Yellow Book 2017 -- 9.8.3 NEC4 -- 9.8.4
Summary -- 9.8.5 Latent Defects -- Part II -- Chapter 10 Design and
Build in Its Current Form -- 10.1 Reduction of the Contractor's Design
-- 10.2 Novation of Design Consultants -- 10.2.1 How to Achieve
Novation -- 10.2.2 Problems with Novation.
Chapter 11 Common Amendments to Design and Build Contracts.
