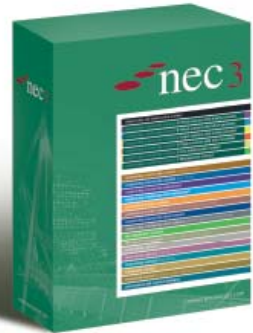


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# nec3



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.

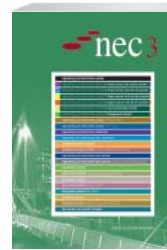


## OGC endorsement of NEC3

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
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- NEC3 Engineering and Construction Contract Guidance Notes
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- 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
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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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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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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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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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## 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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T. W. Weddell

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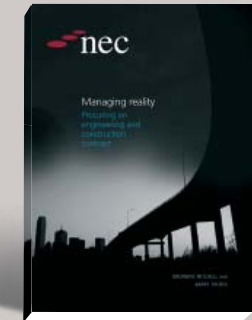
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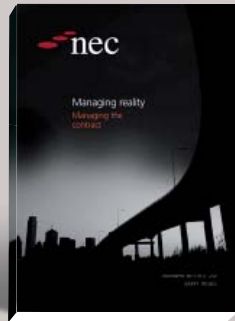
This book is for those who need to know how to procure an ECC contract. It covers in practical detail the invitations to tender, evaluation of submissions, which option to select, how to complete the Contract Data and how to prepare the Works Information. The use of this guidance is appropriate for employers,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

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- 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.
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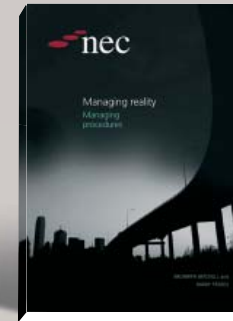
**B. Mitchell and B. Trebes**

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

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- Example Quotation
- People costs

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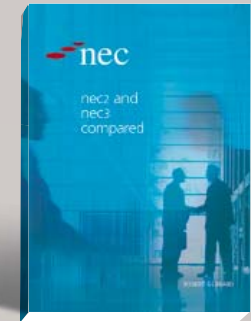
**B. Mitchell and B. Trebes**

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.

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- Contract administration
- How to use the ECC procedures
- List of administration letters

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**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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