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2.1 Development of a project

When a need arises in a community, for example for the supply of electricity or water, the authorities responsible will have to take steps to satisfy that need, usually by the provision of a facility of some kind, such as an electricity generating station or a water treatment plant.

Unless the authorities have sufficient resources of their own to design and construct the required works, they will have to engage help from outside their organisation for this task. The same applies to a private individual wishing to construct a house, or to a private company wishing to obtain a facility, for example, a hotel building or a factory. The authority or private individual or company then takes on the role of 'employer' and his project is to procure or implement the required works or facility.

Procurement is the act of obtaining something, especially by care or effort, so the employer wishes to procure his project, or, in other words, to have his facility constructed or otherwise put into effect.

in this guide, the word 'project' covers all the stages from the initial idea to solve a need (or part of a need) by constructing a given physical asset or facility to the final taking over by the employer of the completed facility, and also, where prescribed, the operation thereafter of the facility to provide a service to the users. This guide, however, only deals with the 'procurement' stages of the project, i.e., up to the award of the contract or contracts for the construction or

implementation. Nevertheless, for an appropriate project strategy to be determined, it is necessary to take into consideration how the works stage shall be dealt with and who will operate the facility when construction is complete.

The employer may be a government, a government agency, a public company, a corporation or a private body, or an individual developer. The project can normally be expected to involve financing, design, manufacture, construction, installation of plant and equipment and, if necessary, operation and maintenance of the completed facility. Some projects may instead involve the decommissioning and demolition of a facility, or perhaps the clean-up of a polluted site, or some other undertaking. The actual physical work will be carried out by the contractor, who may be a single contracting company, or a joint venture or a consortium of contracting companies.

The works required to carry out a project, however small or large, will first need to be defined in outline by the one promoting the project, that is, the employer. Thereafter, the development of a physical project will entail several stages from initial and feasibility studies, through preliminary design to final engineering, before manufacture, construction and installation can be commenced. The extent of the design and level of detail to be specified by the employer will depend on the project strategy that is chosen, but they must anyway be sufficient to enable contractors to give responsive offers to carry out the required works.

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David Lowe

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The FIDIC Red Book Contract Christopher Seppälä, 2023-04-25 Conditions of Contract for Construction known universally as the Red Book published by the International Federation of Consulting Engineers known by its French acronym FIDIC is the most widely used standard form of international construction contract This book is a detailed commentary on the 2022 reprint of the 2017 FIDIC Red Book For each of the Red Book s 168 Sub Clauses the commentary identifies changes from the 1999 edition analyses the meaning and significance of the Sub Clause and lists related Sub Clauses describes related international arbitration awards national court decisions and legal principles and where appropriate proposes amendments to improve the Sub Clause As the FIDIC Yellow and Silver Books are very similar to the Red Book much of the commentary is equally applicable to those forms of contract The author is a FIDIC insider having served for more than thirty years as Legal Special Adviser to or Member of the FIDIC Contracts Committee which is responsible for preparing FIDIC s contracts This book is an indispensable resource for all parties called on to work with a FIDIC contract With guidance for every stage of a construction project whether in drafting negotiating performing interpreting or administering a FIDIC contract the book s easy to use structure includes such issues and topics as the following introduction to FIDIC and its contracts and to publications of FIDIC and others relevant to the Red Book including the 2022 FIDIC Contracts Guide critical examination of each Sub Clause and advice for amending the same in order to better adapt it to the interests of each party the Employer or the Contractor special attention to each Sub Clause relating to the Contractor's and the Employer's claims and claims procedure and to how to assert claims effectively as well as to time bars and other pitfalls and how they may be overcome detailed examination of Sub Clauses relating to the referral of issues or disputes to the Dispute Avoidance Adjudication Board and if necessary to international arbitration and optimal strategies for doing so discussion of the changes required to the 2017 Red Book by The World Bank's Conditions of Particular Application COPA reference where appropriate to the UNIDROIT Principles of International Commercial Contracts and trade usages comprehensive discussion of practical issues that arise under common law civil law and international legal principles especially when a contract is with a state or public body comparison of common law and civil law methods of contract interpretation and a suggested practical approach to interpretation given a FIDIC contract s international arbitration clause and overcoming problems that can arise when a contract is governed by the law of a less developed country Legal and technical terms are clearly defined and numerous figures and tables are included to illustrate steps in contract procedures Detailed attention is paid to terminological distinctions among the various legal traditions including a comparison of British English and American English construction contract terms Unquestionably the most detailed and thorough commentary ever published on the FIDIC Red Book this highly practical work enables preparers of FIDIC contracts to amend and adapt the Red Book's provisions to a particular project Dispute adjudicators arbitrators and judges will welcome the book s authoritative guidance on interpreting the

provisions of a FIDIC contract and engineers and other construction professionals involved in contract administration will appreciate the book s many practical features FIDIC Procurement Procedures Guide ,2011 Collaborative Construction Procurement and Improved Value David Mosey, 2019-04-04 The guide that explores how procurement and contracts can create an integrated team while improving value economy quality and client satisfaction Collaborative Construction Procurement and Improved Value provides an important guide for project managers lawyers designers constructors and operators showing step by step how proven collaborative models and processes can move from the margins to the mainstream It covers all stages of the project lifecycle and offers new ways to embed learning from one project to the next Collaborative Construction Procurement and Improved Value explores how strategic thinking intelligent team selection contract integration and the use of digital technology can enhance the value of construction projects and programmes of work With 50 UK case studies plus chapters from specialists in 6 other jurisdictions it describes in detail the legal and procedural route maps for successful collaborative teams Collaborative Construction Procurement and Improved Value Examines the ways to create an effective contract that will spell success throughout the procurement process Contains helpful case studies from real world projects and programmes Explores the benefits of the collaborative construction process and how to overcome common obstacles Bridges the gaps between contract law collaborative working and project management Includes the first analysis of the NEC4 Alliance Contract the FAC 1 Framework Alliance Contract and the TAC 1 Commercial Management David Lowe, 2013-08-05 Commercial Management theory and practice Term Alliance Contract defines the role of commercial management within project oriented organisations providing a framework for and helping to develop a critical understanding of the factors that influence commercial management practice It also identifies generic aspects of this practice and provides a theoretical foundation to these activities by reference to existing and emergent theories and concepts as well as to relevant management best practice. The book is structured into four parts Part 1 Introduction Commercial Management in Project Environments explores the nature of commercial practice within project oriented organisations at the buyer seller interface It presents a Commercial Management framework which illustrates the multiple interactions and connections between the purchaser's procurement cycle and a supplier's bidding and implementation cycles Additionally it outlines the principle activities undertaken by the commercial function identifies the skills and abilities that support these activities and reviews the theories and concepts that underpin commercial practice Finally it identifies areas of commonality of practice with other functions found within project oriented organisations plus sources of potential conflict and misunderstanding Part 2 Elements of Commercial Theory and Practice covers commercial leadership exploring strategy risk and uncertainty management financial decision making and key legal issues Part 3 Approaches to Commercial Practice addresses best practice management and commercial and contracting strategies and tactics Finally Part 4 Case Studies offers two extended case studies Football Stadia the Millennium Stadium Cardiff the

Emirates Stadium Islington and Wembley Stadium London and Heathrow Terminal 5 The book provides a one stop shop to the many topics that underpin commercial management practice from both a demand buy side and a supply sell side perspective It will help develop an understanding of the issues influencing commercial management leadership strategy risk financial legal best practice management and commercial and contracting strategy and tactics This book s companion website is at www wiley com go lowecommercialmanagement and offers invaluable resources for both students and lecturers PowerPoint slides for lecturers on each chapter Sample exam questions for students to practice Weblinks to key journals and relevant professional bodies FIDIC Contracts in Asia Pacific Donald Charrett, 2021-11-29 FIDIC contracts are the most widely used contracts for international construction around the world and are used in many different jurisdictions both common law and civil law For any construction project the General Conditions of Contract published by FIDIC need to be supplemented by Particular Conditions that specify the specific requirements of that project subject to the relevant laws FIDIC Contracts in Asia Pacific provides readers with detailed quidance and resources for the preparation of the Particular Conditions that will comply with the requirements of the applicable laws for a number of the jurisdictions in which FIDIC contracts are used The laws that apply to the governing law of the contract construction works and dispute resolution in each jurisdiction are identified This book offers chapters on the FIDIC Conditions of Contract for Underground Works and the perspective of a bilateral aid agency on the use of FIDIC contracts Each jurisdiction features an outline of its construction industry and information on the impact of Covid 19 on both the execution of construction projects and the operation of construction contracts This book is essential reading for construction professionals lawyers and students of construction law FIDIC Procurement Procedures Guide FIDIC (Federation Internationale Des Ingenieurs using FIDIC contracts Conseils),2011 Fidic Procurement Procedures Guide ,2011 The FIDIC Contracts Guide Fidic, Thomas Telford Limited, 2000-06-30 FIDIC - A Guide for Practitioners Axel-Volkmar Jaeger, Götz-Sebastian Hök, 2009-11-11 In 1999 a suite of three new conditions of contract was published by FIDIC following the basic structure and wording harmonised and updated around the previous FIDIC Design Build and Turnkey Contract the 1992 Orange Book These conditions known as the FIDIC rainbow were the Conditions of C tract for l Construction the so called Red Book for works designed by the Employer l Plant and Design Build the so called Yellow Book for works designed by the Contractor I EPC Turnkey Projects the so called Silver Book for works designed by the Contractor The rst is intended for construction works where the Employer is responsible for the design as for per the previous so called Red Book 4th Edition 1987 with an important role for the Engineer The other two conditions of contract are intended for situations when the Contractor is responsible for the design The Plant and Design Build Contract has the traditional Engineer while the EPC Turnkey Contract has a two party arran ment generally with an Employer's Representative as one of the parties **Guide to the FIDIC Conditions of Contract** for Construction Michael D. Robinson, 2023-02-21 Enables readers to easily understand the contract to enable better

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