

6 Compensation events

6.1 Introduction

Compensation events, including their definition, notification, quotations, assessment and implementation, are covered within the Engineering and Construction Short Contract (ECSC) by Clauses 60.1(1) to 63.10.

When considering the principle of compensation events under the ECSC, it is appropriate first to consider how change is managed with most other standard forms of contract.

6.2 The 'traditional approach' to managing change

The 'traditional approach' to managing change in construction contracts is normally dealt with in three separate elements within the contract.

(i) Variation

The changes in the form of additions, omissions or substitutions are priced by measuring the changed work, then pricing the change using rates consistent with the Contractor's original tender. The pricing document for that tender is normally in the form of a bill of quantities, schedule of rates or a contract sum analysis.

Where the changed work is similar to that referred to in the pricing document, executed under similar conditions, and does not significantly change the quantity of work set out in the tender, the original rates and prices apply. Where the changed work is similar to that referred to in the tender, but not executed under similar conditions, and/or there is a significant change in the quantity of work, the original rates and Prices form the basis of the pricing, i.e. they are adjusted to allow for the differences in conditions and/or quantities. There are normally provisions for the parties to agree fair rates and Prices, consistent with the tender prices, and where the work cannot be clearly defined and/or measured then daywork provisions apply.

The problem is that there are rarely specific time scales within the contracts for submitting the Prices and agreeing them, apart from the Final Account, which is normally submitted by the Contractor and agreed by the Contract Administrator (Engineer, Architect, etc.) months or even years after the works have been completed.

Understanding Nec3 Engineering And Construction Short Contract A Practical Handbook

Kelvin Hughes

Understanding Nec3 Engineering And Construction Short Contract A Practical Handbook:

Understanding NEC3: Engineering and Construction Short Contract Kelvin Hughes, 2014-06-05 As usage of the NEC formerly the New Engineering Contract family of contracts continues to grow worldwide so does the importance of understanding its clauses and nuances to everyone working in the built environment This set of contracts currently in the third edition is different to others in concept as well as format so users may well find themselves needing a helping hand along the way Understanding the NEC3 Engineering and Construction Short Contract uses plain English to lead the reader through the contract s key features including the use of early warnings programme provisions payment compensation events preparing and assessing tenders Common problems are signalled to the reader throughout and the correct way of reading each clause explained In addition the things to consider when deciding between the ECSC and the longer Engineering and Construction Contract are discussed in detail Written for professionals without legal backgrounds by a practicing construction contract consultant this handbook is the most straightforward balanced and practical guide to the NEC3 ECSC available An ideal companion for Employers Contractors Project Managers Supervisors Engineers Architects Quantity Surveyors Subcontractors and anyone else interested in working successfully with the NEC3 ECSC *Understanding the NEC3 ECC Contract* Kelvin Hughes, 2013 As usage of the NEC formerly the New Engineering Contract family of contracts continues to grow worldwide so does the importance of understanding its clauses and nuances to everyone working in the built environment Currently in its third edition this set of contracts is different to others in concept as well as format so users may well find themselves needing a helping hand along the way Understanding the NEC3 ECC Contract uses plain English to lead the reader through the NEC3 Engineering and Construction Contract s key features including main and secondary options the use of early warnings programme provisions payment compensation events preparing and assessing tenders Common problems experienced when using the Engineering and Construction Contract are signalled to the reader throughout and the correct way of reading each clause explained The way the contract effects procurement processes dispute resolution project management and risk management are all addressed in order to direct the user to best practice Written for construction professionals by a practicing international construction contract consultant this handbook is the most straightforward balanced and practical guide to the NEC3 ECC available An ideal companion for employers contractors project managers supervisors engineers architects quantity surveyors subcontractors and anyone else interested in working successfully with the NEC3 ECC *Understanding NEC3 : Professional Services Contract* Kelvin Hughes, 2013-08-15 As use of the NEC formerly the New Engineering Contract family of contracts continues to grow worldwide so does the importance of understanding its clauses and nuances to everyone working in the built environment Currently in its third edition this set of contracts is different to others in concept as well as format so users may well find themselves needing a helping hand along the way Understanding NEC3 Professional Services Contract uses plain English to lead the reader through the NEC3

Professional Services Contract's key features including Main and Secondary Options the use of early warnings programme provisions payment compensation events preparing and assessing tenders Common problems experienced when using the Professional Services Contract are signalled to the reader throughout and the correct way of reading each clause is explained The ways in which the contract affects procurement processes dispute resolution project management and risk management are all addressed in order to direct the user to best practice Written for construction professionals by a practising international construction contract consultant this handbook is the most straightforward balanced and practical guide to the NEC3 PSC available It is an ideal companion for Employers Consultants Contractors Engineers Architects Quantity Surveyors Subcontractors and anyone else interested in working successfully with the NEC3 PSC **Understanding the NEC4 ECC Contract** Kelvin Hughes,2024-10-17 As usage of the NEC family of contracts continues to grow worldwide so does the importance of understanding its clauses and nuances to everyone working in the built environment This second edition of Understanding the NEC4 ECC Contract uses plain English to lead the reader through the NEC4 Engineering and Construction Contract's key features Chapters cover Contractor's main responsibilities The use of early warnings Contractor's design Quality management Payment Liabilities and insurance Termination Avoiding and resolving disputes Tendering Common problems experienced when using the Engineering and Construction Contract ECC are signalled to the reader throughout and the correct way of reading each clause explained The way the contract affects procurement processes dispute resolution project management and risk management are all addressed in order to direct the user to best practice This second edition takes into account the updates to the contract released in 2019 2020 and 2023 and brings the book up to date with the most current practice Written for construction professionals by a practising international construction contract consultant this handbook is the most straightforward balanced and practical guide to the NEC4 ECC available An ideal companion for employers contractors project managers supervisors engineers architects quantity surveyors subcontractors and anyone else interested in working successfully with the NEC4 ECC **Understanding FIDIC** Kelvin Hughes,2020-12-20 Understanding FIDIC explains in simple and practical terms what is often seen as a very complex range of international engineering and construction contracts Covering the FIDIC 2017 Red Yellow and Silver Books referred to as The Rainbow Suite the book gives an overview of all three contracts including coverage of changes between the 1999 contracts and the present 2017 suite FIDIC contracts are widely used as far afield as Europe the Middle East Asia and Australia and this book provides a practical yet thorough guide to the key elements that practitioners preparing and administering these contracts would need to be aware of In his approachable and readable style Kelvin Hughes covers The obligations and responsibilities of the Employer the Employer's Representative the Engineer and the Contractor Quality and Defects Liability Design Responsibility and Liability Variations Measurement and Payment Procedures Progress Delays Extensions of Time and Completion Suspension and Termination Insurances Employer's and Contractor's Claims The Dispute

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[Understanding NEC4](#) Kelvin Hughes,Patrick Waterhouse,2018-03-12 With the release of the new NEC formerly the New Engineering Contract the use of the family of contracts continues to grow worldwide as does the importance of understanding its clauses and nuances to everyone working in the built environment Now in its fourth edition this set of contracts is different to others in concept as well as format so users may well find themselves needing a helping hand along the way Written in plain English Understanding NEC4 Term Service Contract offers a practical guide to the use and management of the NEC4 Term Service Contract TSC The authors describe the full life of a contract from the initial selection of options and contract formation through to the operations period and ultimately termination and dispute resolution Although born of the same stable as the NEC4 construction contracts the TSC is aimed at maintaining infrastructure and differs significantly from its siblings This is the first book to be written on the new contract and takes the reader through the important provisions including communications planning early warnings compensation events and payments It is ideal for clients contractors and their advisors describing how to deploy the contract successfully [Understanding JCT Standard Building Contracts](#) David Chappell,2017-09-29 This tenth edition of David Chappell s bestselling guide has been revised to take into account changes made in 2016 to payment provisions loss and or expense insurance and many other smaller but

significant changes and includes a section on performance bonds and guarantees This remains the most concise guide available to the most commonly used JCT building contracts Standard Building Contract with quantities 2016 SBC16 Intermediate Building Contract 2016 IC16 Intermediate Building Contract with contractor s design 2016 ICD16 Minor Works Building Contract 2016 MW16 Minor Works Building Contract with contractor s design 2016 MWD16 and Design and Build Contract 2016 DB16 Chappell avoids legal jargon and writes with authority and precision Architects quantity surveyors contractors and students of these professions will find this a practical and affordable reference tool arranged by topic

Contracts for Construction and Engineering Projects Donald Charrett,2021-12-22 Contracts for Construction and Engineering Projects provides unique and invaluable guidance on the role of contracts in construction and engineering projects The work explores various aspects of the intersection of contracts and construction projects involving the work of engineers and other professionals engaged in construction whether as project managers designers constructors contract administrators schedulers claims consultants forensic engineers or expert witnesses Compiling papers written and edited by the author refined and expanded with additional chapters in this new edition this book draws together a lifetime of lessons learned in these fields and covers the topics a practising professional might encounter in construction and engineering projects developed in bite sized chunks The chapters are divided into five key parts 1 The engineer and the contract 2 The project and the contract 3 Avoidance and resolution of disputes 4 Forensic engineers and expert witnesses and 5 International construction contracts The inclusion of numerous case studies to illustrate the importance of getting the contract right before it is entered into and the consequences that may ensue if this is not done makes this book essential reading for professionals practising in any area of design construction contract administration preparation of claims or expert evidence as well as construction lawyers who interact with construction professionals

Understanding the Nec4 Ecc Contract

Kelvin Hughes (Engineering consultant),2024 Understanding the NEC4 ECC Contract 3rd edition uses plain English to lead the reader through the NEC4 Engineering and Construction Contract s key features This is one of the most widely used contracts in the UK and internationally

A Practical Guide to the NEC3 Engineering and Construction Contract

Michael Rowlinson,2011-04-06 Launched in 1991 the New Engineering Contract NEC has become one of the UK s leading standard forms of contract for major construction and civil engineering projects Currently in the third edition popularly known as NEC 3 it is a process based construction contract embodying project management best practice and thus the basic philosophy behind the contract is different to the more adversarial principles and approach of other standard construction contracts Written as a practical guide to the application of the procedures contained in NEC 3 this book will aid users in the transition from their use and understanding of the other standard construction contracts to the collaborative project management based approach of the ECC Written for anyone working in the construction industry working on a project under the ECC it will be of interest to the complete construction supply chain including employers construction

professions contractors and sub contractors It will also be of interest to consultants and lawyers advising any of these parties either in the preparation of contract documentation or the resolution of problem situations which may arise A practical guide to the application of the procedures contained in the NEC Engineering and Construction Contracts Written specifically for people actually using and administering the NEC contracts rather than lawyers Covers all the variations created by the Main and Secondary Options

Understanding the Nec3 Ecc Contract Kelvin Hughes,2020-12-18 As usage of the NEC formerly the New Engineering Contract family of contracts continues to grow worldwide so does the importance of understanding its clauses and nuances to everyone working in the built environment Currently in its third edition this set of contracts is different to others in concept as well as format so users may well find themselves needing a helping hand along the way Understanding the NEC3 ECC Contract uses plain English to lead the reader through the NEC3 Engineering and Construction Contract s key features including main and secondary options the use of early warnings programme provisions payment compensation events preparing and assessing tenders Common problems experienced when using the Engineering and Construction Contract are signalled to the reader throughout and the correct way of reading each clause explained The way the contract effects procurement processes dispute resolution project management and risk management are all addressed in order to direct the user to best practice Written for construction professionals by a practicing international construction contract consultant this handbook is the most straightforward balanced and practical guide to the NEC3 ECC available An ideal companion for employers contractors project managers supervisors engineers architects quantity surveyors subcontractors and anyone else interested in working successfully with the NEC3 ECC

A Practical Guide to Construction Adjudication James Pickavance,2015-10-23 In the United Kingdom adjudication is available as a right for parties to a construction contract following the enactment of the Housing Grants Construction and Regeneration Act 1996 In general within a comparatively short period of time parties in dispute will have a decision from an adjudicator which except in limited circumstances the courts will enforce Adjudication has become the number one method of dispute resolution in the construction industry The short timescale means that a party needs to know what to do when to do it and be able to check that the other party and the adjudicator are following the right steps A Practical Guide to Construction Adjudication gives parties the necessary information to achieve this It provides a straightforward overview of the process and procedure of adjudication by reference to legislation and case law augmented with practical guidance including suggestions on what to do or not to do drafting tips and checklists Separate chapters for Scotland and Northern Ireland identify and explain the differences in procedure and judicial interpretation between those jurisdictions and England and Wales and further detailed explanations of the adjudication regimes in Australia Ireland Malaysia New Zealand and Singapore are included Each of the chapters on jurisdictions outside England and Wales has been written by senior experts in those jurisdictions to ensure the content is accurate and insightful There are a range of helpful appendices including a bank of model form adjudication

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Construction Contract a must have resource for any contractor using the latest version of this contract **Practical Guide to the NEC3 Engineering and Construction Contract** Michael Rowlinson,2015-12-14 Launched in 1993 the NEC Engineering and Construction Contract has become one of the UK's leading standard forms of contract for major construction and civil engineering projects The third edition popularly known as NEC3 is a process based contract embodying project and commercial management best practice so its basic philosophy differs from the more adversarial approach of other standard construction contracts Since the first edition of this book the third edition of the contract has seen the introduction of a new secondary option for use in the UK and amendments to a number of clauses In addition in September 2011 changes were introduced to cater for the amendments to the Housing Grants Construction and Regeneration Act 1996 contained in the Local Democracy Economic Development and Construction Act 2009 which became effective for all new contracts entered into from 1 October 2011 These amendments have been incorporated into the text A Practical Guide to the NEC3 Engineering and Construction Contract will be useful to everyone in the construction industry working on a project under this contract It will be of interest to the complete construction supply chain including employers construction professions contractors and sub contractors as well as consultants and lawyers advising any of these parties either in the preparation of contract documentation or the day to day management or the resolution of problem situations which may arise **na , NEC3** Jon Broome,2012 This book is a practical guide for anyone involved in preparing administering or contributing to a NEC3 contract It introduces the NEC3 family of contracts how they fit together and provides a better understanding of how to build up and assemble a contract and how to run a NEC3 Engineering and Construction Contract ECC for successful project outcomes **Proceedings of the Institution of Civil Engineers** ,2005

The Contractor's NEC3 ECC Handbook Steven C. Evans,2017-08-14 Addresses the daily challenges faced by contractors who use the NEC3 ECC with clear practical and useable advice on how to solve them Written in plain English for contractors and their staff this book explains how the NEC3 contract works and provides answers to common questions It presents complicated concepts in a simple straightforward and understandable way focusing mainly on day to day use Steven Evans an expert with thirty years of experience in construction considers all the provisions of the contract and explains the procedures obligations and liabilities contained within it NEC3 ECC is a process based contract based on project management best practices The basic philosophy behind it differs radically from the more adversarial approaches embodied by traditional contracts While the NEC3 ECC may appear quite simple on the surface it is often misunderstood and mismanaged by its day to day users Despite the clear and urgent need for expert guides for those who use the NEC3 ECC or who are considering adopting this increasingly popular contract available books on the subject are highly technical and written for lawyers and professional consultants until now Written specifically for contractors using the NEC3 ECC contract this book is aimed specifically at a level consistent with the knowledge and experiences of contractors and their staff A

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