# NEC4 Professional Services Contract

* 1. The Contract will be the NEC4 Professional Services Contract April. The Conditions of Contract will incorporate all Revisions current at the time of signing, amended as may be required by the Council.
  2. Contract data will be as follows:

|  |  |  |
| --- | --- | --- |
| Clause |  |  |
| 1 General | Conditions are | **the core clauses using Main Option A and Secondary Options as contained in table below.** |
|  | The Client is | **North Somerset Council** |
|  | The Adjudicator | **Royal Institute for Chartered Surveyors, London** |
|  | Services | **The supply of Energy Management consultancy services to the North Somerset estate.** |
|  | Scope | **As set out in the Invitation to Tender document and the tenderer’s submission** |
|  | Language | **English** |
|  | Law | **English** |
|  | Period for reply | **Two weeks** |
|  | Period for retention | **One year** |
|  | Matters in Early Warning Register | **Procurement of the Energy Supply Contract** |
|  | Intervals for Early Warning Meetings | **Initial meeting 6 months prior to tender exercise, then monthly until tender exercise completed.** |
|  | Adjudicator nominating body | **RICS** |
|  | Risk Register | ***None anticipated*** |
| 2 Consultants Main Responsibilities | Key Date and Condition to be met | **Date:**  **Condition:** |
|  | Consultant prepares forecasts of Total Expenses at intervals no longer than | **N/A** |
| 3 Time | Start date | **1st October 2019** |
|  | Client provides access to the following persons and places | **Mechanical, Electrical and Energy Manager** |
|  | Consultant submits revised programmes at intervals no longer than | **Bi-Monthly** |
|  | Completion date for the whole of the service | **30th October 2021 (with option to extend by 1 year)** |
|  | Period after Contract Date within which the Consultant is to submit first programme for acceptance is | **4 weeks** |
| 4 Quality | Statement and plan | **Four weeks** |
|  | Defects date | **Six weeks** |
| 5 Payment | Assessment interval is | **Twelve weeks** |
|  | Currency | **Pounds Sterling** |
|  | Interest Rate | **2%; Bank of England Base Rate** |
|  | Period within which payments are made is | **30 days** |
| 6 Compensation Events |  |  |
| 8 Indemnity, insurance and liability | Skill and care | **£1m** |
|  | Death or injury of non-employee or loss of damage to property | **£5m** |
|  | Death or injury of employee | **£5m** |
|  | Following insurances | **As set out in the Invitation to Tender and the contractor’s submission** |
|  | Total liability limit | **Not Used** |
| Resolving and Avoiding Disputes | Tribunal | **Arbitration** |
|  | Arbitration procedure is | **the latest version of the Institution of Civil Engineers arbitration Procedure or any amendment or modification to it in force when the arbitrator is appointed** |
|  | Place where Arbitration is to be held | **To be decided by the Arbitrator** |
|  | Person or Organisation who will choose an Arbitrator if the Parties cannot agree | **Nominated by the President of the Royal Institute of Chartered Surveyor** |
|  | Senior Representative of the Client is |  |
|  | Adjudicator is | **the Royal Institute of Chartered Surveyors** |
| If option X 2 is used | The law of the project is | **The law of England** |
| Part 2 Data provided by the consultant |  | ***Anticipated September/ October 2018*** |

* 1. The Main Option Clause will be **OPTION A**: Priced contract with activity schedule.
  2. Secondary clauses will or will not apply as follows:

|  |  |
| --- | --- |
| Option |  |
| **W1 Dispute Resolution** | Used |
| X1 Inflationary clauses | Not Used |
| **X2 Changes in the law** | Used |
| X3 Multiple currencies | Not Used |
| X4 Ultimate Holding Guarantee | Not Used |
| X5 Sectional Completion | Not Used |
| X6 Bonus for Completion | Not Used |
| X7 Delay damages | Not Used |
| X8 Collateral warranty agreements | Not Used |
| **X9 Transfer of rights** | Used |
| X10 Information Modelling | Not Used |
| **X11 Termination by the Client** | Used |
| X12 Multi-party collaboration | Not Used |
| X13 Performance Bond | Not Used |
| X18 Limitation of Liability | Not Used |
| X20 Key Performance Indicators | Not Used |
| Y National Legislation | Not Used |
| **Z Clauses** | Used |