

8 CIVIL ENGINEERING CONTRACTS

8.1 DEFINITION

A contract is a legally enforceable agreement between two or more parties. The core of most contracts is a set of mutual promises. The promises made by the parties define the rights and obligations of the parties.

Contracts are enforceable in the courts. If one party meets its contractual obligations and the other party doesn't ("breaches the contract"), the nonbreaching party is entitled to receive relief through the courts.

8.2 ELEMENTS OF A CONTRACT

The first step in a contract question is always to make sure that a contract actually exists. There are certain elements **that must** be present for a legally binding contract to be in place.

a) Offer

An offer: an expression of willingness to contract on a specific set of terms, made by the offeror with the intention that, if the offer is accepted, he or she will be bound by a contract.

b) Acceptance

Acceptance: an expression of absolute and unconditional agreement to all the terms set out in the offer. It can be oral or in writing. The acceptance must exactly mirror the original offer made.

c) Counter-offer

A counter-offer is not the same as an acceptance. A counter-offer extinguishes the original offer: you can't make a counter-offer and then decide to accept the original offer!

A counter-offer is when a person would like to accept an offer but on different terms than those set out in the original offer. Again, there has to be an acceptance of the counter-offer for there to be a contract.

d) Request for information

A request for information is not a counter-offer. If you ask the offeror for information or clarification about the offer, that doesn't extinguish the offer; you're still free to accept it if you want.

e) Invitation to treat

Is an invitation for other people to submit offers. Some everyday situations which we might think are offers are in fact invitations to treat:

NB: an offer can be revoked at any time before it is accepted, so long as you inform the person you made the offer to that the offer no longer stands.

Civil Engineering Contracts

S. Wearne



Civil Engineering Contracts:

Civil Engineering Contracts Stephen Wearne, 1989 Contracts and equivalent internal orders are link the design and construction of all civil engineering projects They should state who is who what is to be constructed where when and how much payment will be due and what is to happen if these intentions are frustrated This title is useful for engineers working in design or construction The NEC Engineering and Construction Contract Jon Broome, 1999 This book provides an essential guide for the successful operation of a contract let under the NEC Engineering and Construction Contract ECC It includes a brief history of the development of the NEC family of contracts detailed advice on contract strategy and an outline of the main clauses and procedures of the ECC It discusses the experience of users from all parts of the industry and most importantly takes readers through the changes necessary for the effective and efficient operation of the ECC This book covers NEC2 only Tendering for Civil Engineering Contracts Institution of Civil Engineers (Great Britain), Institution of Civil Engineers Staff, 2001 Introduction General Tender documents Tender period Tender adjudication Acceptance procedures Check list Bibliography Civil Engineering Construction Contracts M. P. O'Reilly, 1996 This work provides guidance on all aspects of the most commonly used construction contracts for all those involved in specifying contracts whether in drafting administration claims or dispute resolution The main sections of the text deal with the general concepts of traditional construction contracts as well as design and construct contracts Contracts examined in detail include the ICE 6th editions FCEC subcontract and the NEC The text concludes with a discussion of dispute avoidance and resolution

Civil Engineering Contracts S. Wearne, 1989 *The New Engineering Contract* Arthur McInnis, 2001 The introduction of the New Engineering Contract NEC encourages a systematic approach to contracting which is multidisciplinary in nature and fully interlocked in form The NEC is intended by its supporters to be more flexible and easier to use than any current leading traditional standard forms of contract It is believed that these features reduce adversariality and disputes The NEC seeks to achieve this aim primarily through co operative management techniques and incentives built into the NEC s procedures This commentary analyses and evaluates these and related claims of innovation The New Engineering Contract A legal commentary examines the background to the NEC its design objectives structure procedures and likely judicial interpretation to determine whether it improves upon the traditional standard forms of contract Special attention is given in the commentary to the development and the significance of the principles underlying preparation of the NEC as well as the arguments in favour of and against them Throughout the detailed commentary upon the NEC clauses comparisons to the traditional forms are also made to highlight unique features and principles of general application The conclusion reached is that the NEC does make a significant contribution to the development of standard forms of contract addresses many of their short comings and offers one of the best models for their future development direction and design The commentary draws upon the body of the project management literature and legal analysis to support its conclusions The New Engineering

Contract A legal commentary will be essential reading for lawyers barristers and solicitors as well as engineers and project managers

Civil Engineering Contracts Charles K. Haswell, Douglas S. de Silva, 2013-10-22 Civil Engineering Contracts Practice and Procedure Second Edition explains the contract procedures used in civil engineering projects Topics covered include types of contract in civil engineering general conditions of contract insurances and tender procedures The powers duties and functions of the engineer and his representative are also considered This book is comprised of 14 chapters and begins with an overview of the philosophy underlying the contract system in civil engineering followed by a discussion on the promotion of civil engineering works The reader is then introduced to types of civil engineering contracts contract risk and contract responsibility the application of contract documents and general conditions of contract The remaining chapters focus on contract specifications bill of quantities and methods of measurement principles and types of insurance procedures for competitive bids or tenders cost estimates methods of pricing and rate fixing and claims on civil engineering contracts The final chapter is devoted to arbitration and related procedure for the settlement of contract disputes This monograph will be useful to practicing civil engineers who are involved with contract administration and to younger engineers who are aspiring to obtain professional qualifications

Aspects of Civil Engineering Contract Procedure R. J. Marks, R. J. E. Marks, R. E. Jackson, 2013-10-22 Revised and expanded this book provides an up to date and comprehensive description of civil engineering contract procedures and covers the whole spectrum of the legal contractual and valuation implications of contracts for construction works This third edition covers relevant English Law up to 1983 The extensive amendments also include a thoroughly revised chapter on overseas contracts and a comparison of the JCT 80 contract with the ICE contract

Engineering and Construction Short Contract, 1999 The Contract Conditions of Contract Engineering Law and the I.C.E. Contracts M.W. Abrahamson, 2003-09-02 The forms of tender agreement conditions and bond published by the Institution of Civil Engineers have been designed to standardise the duties of contractors employers and engineers and to distribute fairly the risks inherent in civil engineering This classic guide to the contracts provides an authoritative reference and also a rich and practical

Contracting in Civil Engineering Since Banwell Great Britain. Economic Development Committee for Civil Engineering, 1968

Engineering Contracts ROBERT RIBEIRO, 1997-01-02 Engineering Contracts is intended for those who wish to acquire skills in drafting negotiating and working with commercial and engineering contracts It aims to bring a different approach to the subject combining the traditional legal perspective of the law of contract with the needs of the commercial manager or engineer who is seeking solutions to technical and commercial problems The context within which these matters are examined is as wide as possible for the purposes of illustration cases are drawn from the fields of mechanical electrical chemical electronic and civil engineering as well as from construction and building contracts In many cases the important points are common to all disciplines for instance the importance of ensuring that what has been specified is what is delivered by a supplier and that any such delivery or indeed any event critical to the timely conclusion of

a project takes place when arranged There is advice on how to the concepts broached relate to real life requirements and the reader will benefit from the helpful Legal Questions Answered section that is included in most chapters In addition there is a summary guide to drafting an engineering contract a section on the relevant statutes and other legislation in force and a list of the engineering institutions and their standard forms of contract Case studies of genuine and practical origin from the author s wide ranging experience in industrial practice complete this comprehensive treatment of the subject matter *The International Civil Engineering Contract* Ian Norman Duncan Wallace,1974 **Practical Guide to the NEC3 Professional Services Contract** Michael Rowlinson,2012-05-08 Currently in its third edition the NEC suite has become one of the UK s leading families of standard forms of contract for major construction and civil engineering projects Part of the NEC suite the Professional Services Contract PSC was drafted with the same process based approach and objectives offering a standard contract for the appointment of consultants providing professional services in an engineering or construction project Embodying best practice in terms of project management the basic philosophy of the PSC differs from the principles and approach of other standard contracts used to appoint consultants This book is a practical guide to the application of the PSC Starting with a brief discussion of the background and philosophy behind the PSC it identifies the roles and responsibilities of each of the named functions within the contract explains the approaches required to achieve a successful working relationship between all parties and examines all the procedures in the PSC The book explains the links between the various sections of the contract to assist the reader with cross referencing and covers all the variations created by the Main and Secondary Options As a very practical guide it will aid users in the transition from their use and understanding of the other standard contracts to the collaborative project management based approach of the PSC Written for anyone working in the construction and related industries using the PSC to procure or provide consultancy services in relation to a construction project it will be of interest to the complete construction supply chain particularly architects structural engineers services M E engineers civil engineers quantity surveyors and interior designers together with Contractors and Sub Contractors who have a design liability and employ consultants to assist them 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

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specified within the code **The Engineering and Construction Contract** Institution of Civil Engineers (Great Britain),1995 Aspects of Civil Engineering Contract Procedure Raymond John Marks,1978 **Conditions of Contract, Agreement and Contract Schedule for Use in Connection with Minor Works of Civil Engineering Construction** Institution of Civil Engineers (Great Britain),1988 Index Agreement The Contract Schedule Definitions Engineer General obligations Starting and completion Defects Additional payment Payment Assignment and sub letting Statutory obligations Liabilities and insurance Disputes Scotland Appendix to the Conditions of Contract The Foundations of Engineering Contracts F R Roulston **Decd**,M.O'C. Horgan,F.R. Roulston,2003-09-02 A highly readable guide that explains the main features applicable to engineering contracts The book is particularly suitable for those new to the subject who will find practical guidance on understanding contracts in a wide range of civil engineering and construction works

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