

NEW ENGINEERING CONTRACT (NEC)

Contractual partnering and collaborative working techniques are seen by many users in the construction industry as a key step forward. NEC3 is seen as being at the forefront of this style of working. The Hong Kong construction industry has typically followed traditional contract strategies. The local government has tracked the development of the NEC in the UK and is considering through various departments a series of pilot projects to introduce NEC3.

The Contracts

The NEC is a family of standard contracts currently in its third edition (June 2005) that embraces the concept of partnering and encourages the contracting parties to work together. The term NEC is a composite 'brand name' for a suite of contracts that includes:

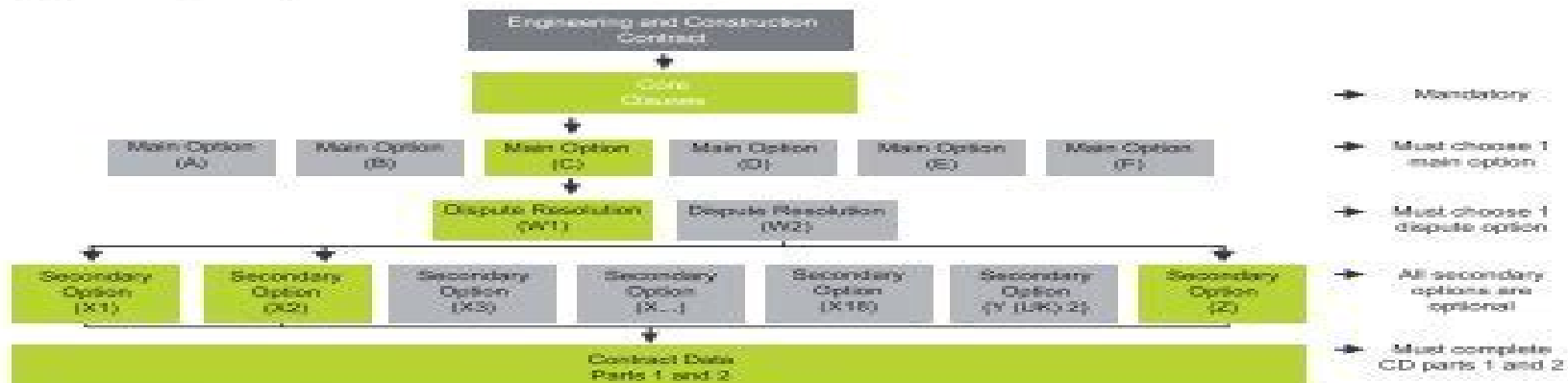
- The Engineering and Construction Contract (ECC)
- The Engineering and Construction Subcontract
- The Engineering and Construction Short Contract
- The Engineering and Construction Short Subcontract
- The Professional Services Contract
- The Term Service Contract
- The Supply Contract
- The Framework Contract
- The Adjudicators Contract

The NEC contract provides a legal framework as well as project management procedures which can be used on a

wide variety of construction and engineering projects. The principle characteristics of the NEC contract are flexibility, simplicity and a stimulus to good project management.

Flexibility

The ECC is the contract form used by an employer to engage a 'main' contractor. It is a flexible modular form of contract with a choice of six main options regarding pricing, risk allocation and payment mechanisms including lump sum, target cost and cost-plus. Most of the procedures based on the core clauses of the ECC are common to all main options. The ECC is then coupled with dispute resolution options and a series of 'secondary' options, which can be used to tailor the contract to suit project-specific requirements. Design responsibility can also reside with either party in whole or in part. The Contract Data introduces project particulars that maintains short and simple core clauses and provides specific relevant contract information.



New Engineering Contract

Terry C. Jones



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