ERRATA to the FIDIC Conditions of Contract for Plant and Design-Build

The following significant errata are not included in the content of the Second Edition of the Conditions of Contract for Plant and Design-Build. Several minor typographical errors and layout irregularities have also been found but are not included in this list due to their insignificance with regard to the content.

GENERAL CONDITIONS

Page 5  Sub-Clause 1.1.48:  On the second line, replace “Specification” with “Employer’s Requirements”.
Page 7  Sub-Clause 1.1.79:  On the second line after “Payment Certificate under”, add “Sub-Clause 14.2.1 [Advance Payment Guarantee] (if applicable), “.
Page 7  Sub-Clause 1.1.84:  On the second line, replace “Specification” with “Employer’s Requirements”.
Page 7  Sub-Clause 1.1.88:  On the first line, replace “any change to the Works” with “any change to the Employer’s Requirements or the Works”.
Page 27 Sub-Clause 4.5.1:  In sub-paragraph (a) on the first line before “Subcontractor”, add “nominated”.
Page 28 Sub-Clause 4.6:  On the second-last line of the first paragraph before “Contractor’s”, add “of the”.
Page 37 Sub-Clause 4.22:  On the third line of the second paragraph before “4.17”, add “Sub-Clause”.
Page 42 Sub-Clause 6.1:  On the first line, replace “Specification” with “Employer’s Requirements”.
Page 64 Sub-Clause 12.1:  In sub-paragraph (b)(ii) on the second line, delete “been”.
Page 71 Sub-Clause 13.6:  In the fourth paragraph:
- at the end of sub-paragraph (ii), delete “(with detailed supporting particulars)”
- at the end of this fourth paragraph, add “(with detailed supporting particulars)”.
Page 73 Sub-Clause 14.2.1:  On the fifth and sixth lines of the first paragraph, replace “based on the sample form included in the Tender documents” with “in the form annexed to the Particular Conditions”.
Page 81 Sub-Clause 14.12:  On the seventh line of the first paragraph, replace “Sub-Clause 21.6 [Arbitration]” with “Clause 21 [Disputes and Arbitration]”.
Page 90 Sub-Clause 17.1:  On the fourth and fifth lines of the first paragraph, replace “Date of Completion of the Works” with “issue of the Taking-Over Certificate for the Works”.
Page 91 Sub-Clause 17.3:  On the first line of the second paragraph, replace “notice” with “a Notice”.
Page 97 Sub-Clause 19.2.3:  On the first line of the first paragraph, replace “the part of the Permanent Works under Sub-Clause 4.1 [Contractor’s General Obligations], and/or any other design under the Contract” with “the Permanent Works”.

APPENDIX – GENERAL CONDITIONS OF DISPUTE AVOIDANCE/ADJUDICATION AGREEMENT

Page 110 Title  Replace “General Conditions of Dispute Avoidance/Adjudication Agreement” with “General Conditions of DAAB Agreement”.
On both the first and third lines, replace “DAA Agreement” with “DAAB Agreement”.

- on the first line, replace “Dispute Avoidance/Adjudication Agreement” or “DAA Agreement” means” with:
  “DAAB Agreement” is as defined under the Contract and is.
- on the first line of sub-paragraph (c), replace “DAA Agreement” with “DAAB Agreement”
- in sub-paragraph (c)(ii), replace “chairman” with “chairperson”.

Replace all instances of “DAA Agreement” with “DAAB Agreement”

On the second line, delete the text:
“, or in the case of a three-member DAAB the Other Members jointly, “.

ANNEX – DAAB PROCEDURAL RULES

On the fourth line, replace “chairman” with “chairperson”.

On the sixth line, replace “chairman” with “chairperson”.

GUIDANCE FOR THE PREPARATION OF PARTICULAR CONDITIONS

Insert in the beginning of GP5: “Unless there is a conflict with the governing law of the Contract,….” allowing GP5 to read:

“GP5: Unless there is a conflict with the governing law of the Contract, all formal disputes must be referred to a Dispute Avoidance/Adjudication Board (or a Dispute Adjudication Board, if applicable) for a provisionally binding decision as a condition precedent to arbitration.”

Replace all instances of “Sample Forms” with “Forms”.

Replace “1.1.51” with “1.1.50”.

Replace all instances of “DAA Agreement” with “DAAB Agreement”

On the first line of sub-paragraph (c), replace “chairman” with “chairperson”.

GENERAL CONDITIONS

page 87  Sub-Clause 16.1 [Suspension by Contractor]:

The sentence “and such failure constitutes a material breach of the Employer’s obligations under the Contract” following sub-paragraph (d) should be indented so as to be clear that it is part of subparagraph (d).

(d) the Employer fails to comply with:

(i) a binding agreement, or final and binding determination under Sub-Clause 3.7 [Agreement or Determination]; or

(ii) a decision of the DAAB under 21.4 [Obtaining DAAB’s Decision] (whether binding or final and binding)

and such failure constitutes a material breach of the Employer’s obligations under the Contract,

the Contractor may, not less than 21 days after giving a Notice to the...