

Programme(NEC and NZS3910 Compared)

NZS 3910

- Programme to be submitted within nominated time
- Engineer may require the Contractor to amend its programme
- Contract does not define an “accepted programme”

NEC:

- Accepted Programme is latest accepted by *Project Manager* and includes
 - key dates
 - Provisions for float and time risk allowance
 - method statement for each operation
 - order and timing of operations
- Terminal float owned by Contractor

Variations (NEC and NZS3910 Compared)

NZS 3910

- Process is
 - Value to be agreed “as far as possible” between Contractor and Engineer
 - Failing agreement to be determined by Engineer
 - Where practicable to be valued before commencing work
 - Valued using 1) rates, 2) similar rates, 3) new prices

NEC:

- Process is
 - Notification
 - Quotation
 - Assessment
 - Implementation
- If the *Contractor* does not notify a compensation event within eight weeks of becoming aware of the event, he is not entitled to a change in the Prices, or the Completion Date (Cal 61.3)
- Failure by the *Project Manager* to reply within two weeks of notification is treated as acceptance by the *Project Manager* (Cal 61.4)

Risk (NEC and NZS3910 Compared)

NZS 3910

- Contains excepted risk clause (5.6.6) – namely riot, ionising radiations, force majeure, acts and omissions of Principal or Engineer
- No provision to alter risk allocation pre-contract other than through drafting of Special Conditions
- No Provision made post-contract to re-appraise risk allocation when quoting for effects of Variations

NEC:

- Provision made to alter risk allocation pre-contract according to project risk register and any negotiation
- Provision made post-contract to re-appraise risk allocation when quoting for effects of compensation events

NZS 3910 and NEC Compared

Provisions for	NZS: 3910	NEC
Requirement to act in spirit of mutual trust and co-operation	X	✓
Early warning	X	✓
KPIs option	X	✓
Target Cost options	X	✓
Multi-party partnering option	X	✓
Limitation on liability option	X	✓
Time bar (in effect) on making claims	X	✓