

16.0 Main Contract Preliminaries and Conditions of Contract

The Preliminaries consist of a series of work sections used to describe the project and its management.

Where the consultant is employed as the lead contractor the following standards should be met when creating the contract preliminaries –

- The use of the [National Building Specification](#) (NBS) to ensure a consistent approach to the inclusion of 'Preliminaries and General Conditions' within the tendering documents.
- The Highland Council's Draft Preliminaries include a number of clauses that are 'non-standard', and these must be incorporated regardless of whether the lead contractor uses an alternative preliminaries format or not.
- Unless previously agreed otherwise, the following partially completed Preliminary Templates shall be used by all consultants:
 - [Minor Works](#)
 - [Minor Works with Contractor Design](#)
 - [With Quantities](#)
 - [Without Quantities](#)
 - [Contractors Design](#)

The Highland Council Draft Preliminaries are provided for consultants to utilise, however, the onus is on the consultant to complete the sections correctly and ensure that the completed preliminaries are project specific.

The Contract Conditions are the terms and conditions set out in this document and any other special terms and conditions agreed in writing between the Contractor and The Highland Council. These include 'general conditions' which are common to all types of contracts, as well as 'special conditions' which are particular to a specific contract.

The Conditions of Contract sets out the rights and obligations of the contracting parties, when a contract is awarded or entered into.

The version of contract which should be used is dependant on the type of contract being entered into. The version used must be agreed with Project Manager in advance of the tender being submitted but in general will be based on the following criteria:

- JCT Minor Works – straight forward project; fully designed and specified by the Consultant; value < £200K
- JCT Minor Works with Contractor's Design – straight forward project; mostly designed and specified by the Consultant, but with some design elements that need to be undertaken by the Contractor; value < £200K
- JCT With Quantities – more complex or higher value project; measured strictly in accordance with a published Standard Method of Measurement (such as SMM7); can also include Contractor's Designed Portion; value over £200K
- JCT Without Quantities – more complex or higher value project; based on a drawing & specification document (with or without quantities) but not measured strictly in accordance with a published Standard Method of Measurement (such as SMM7); can also include Contractor's Designed Portion; value over £200K
- JCT Contractors' Design – where the Consultant is commissioned to provide Employer's Requirements/Specifications for a Design & Build contract.

No alternative forms of contract preliminaries or conditions, other than JCT, will be accepted.