

Standard Types of Contract

Construction Procurement Guidelines

October 2019 v2

Designer/professional services contracts

Te Kāhui Whaihanga | New Zealand Institute of Architects (NZIA)

Agreement for Architects Services (AAS)

Engineering New Zealand and Association of Consulting Engineers New Zealand (ACENZ)

Conditions of Contract for Consultancy Services (CCCS)

Short Form Agreement (SFA)

New Zealand Institute of Quantity Surveyors (NZIQS)

Contract for Quantity Surveying Consultancy Services (CQSCS)

Construction contracts

New Zealand Standards

Conditions of contract for building and civil engineering (NZS 3910, 3916 and 3917)

New Engineering Contracts (NEC)

NEC3 and NEC4

Te Kāhui Whaihanga | New Zealand Institute of Architects (NZIA)

Standard Construction Contract (SCC)

National Building Contract (NBC)

International Federation of Consulting Engineers (FIDIC)

Red, Yellow and Silver books

Designer/professional services contracts

Te Kāhui Whaihanga | New Zealand Institute of Architects (NZIA)

<https://www.nzia.co.nz/store>

Agreement for Architects Services (AAS)

NZIA has developed Agreement for Architects Services (AAS) standard conditions of contract for engagement of architects for professional design services (which has a clear scope of services and is aligned with the NZCIC Guidelines).. They can be used by all architect members of the NZIA and is available for Government client use. They are:

- Agreement for Architects Services (AAS) 2018
- Agreement for Architects Services Short Form 2018
- Agreement for Architects Services Small Projects 2018

Engineering New Zealand and Association of Consulting Engineers New Zealand (ACENZ)

<https://www.engineeringnz.org> | <https://www.acenz.org.nz/contracts>

Conditions of Contract for Consultancy Services (CCCS)

ACENZ has developed a contract, Conditions of Contract for Consultancy Services (CCCS), for both consultant and client use.

Originally developed in 2000 by Auckland Regional Contracts Group, ACENZ, Engineering New Zealand (formerly IPENZ), Association of Local Government Engineers New Zealand (ALGENZ) (then INGENIUM and now known as Institute of Public Works Engineering Australasia New Zealand (IPWEA NZ)) and Transit NZ (now NZTA). The contract has been reviewed by a mixed panel of both consultants and clients to get fair and reasonable terms and conditions.

CCCS is recommended for general use for procuring and providing professional consultancy services. The general contract conditions are intended to be increased or adapted to suit by using the special conditions section.

Short Form Agreement (SFA)

Engineering New Zealand, with ACENZ and other key stakeholders, has developed standard contractual documents to support their members to follow recognised professional practice when engaging with clients on commercial matters.

The Short Form Agreement (SFA) is a two-page document acceptable for use on small to medium projects as risk and responsibility are reasonably shared between the parties.

New Zealand Institute of Quantity Surveyors (NZIQS)

<http://www.nziqs.co.nz>

Contract for Quantity Surveying Consultancy Services (CQSCS)

The Contract for Quantity Surveying Consultancy Services (CQSCS) is recommended by NZIQS for use by its members when contracting to provide quantity surveying (QS) services. It contains an appendix with examples of services that can be cut and pasted to describe the services a QS is being engaged to provide.

Construction contracts

New Zealand Standards

Conditions of contract for building and civil engineering (NZS 3910, 3916 and 3917)

Standards New Zealand provides standard forms of general conditions of contract for incorporation into construction contract documents. It enables principals, engineers, and contractors to quickly establish contractual arrangements that deliver a wide variety of building and civil engineering projects.

There are three contracts in the suite:

- [NZS 3910:2013](#) – Conditions of contract for building and civil engineering – Construction
- [NZS 3916:2013](#) – Conditions of contract for building and civil engineering – Design and construct
- [NZS 3917:2013](#) – Conditions of contract for building and civil engineering – Fixed term

New Engineering Contracts (NEC)

<http://www.neccontract.com>

NEC3 and NEC4

The NEC forms of contracts have been developed based on principles of partnering and a more collaborative approach between the client and contractor in sharing risks and rewards. These forms of contract require a high degree of involvement and commitment from both the client and contractor, as they involve a proactive approach to managing project risks. Within the standard forms there are a range of options for pricing mechanisms.

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<https://www.nzia.co.nz/store>

Standard Construction Contract (SCC)

NZIA has developed the Standard Construction Contract (SCC) for use between client and contractor on construction projects where the architect is engaged to administer the contract. These have been developed collaboratively between representatives of the NZIA and Registered Master Builders. There are two main versions:

- NZIA SCC 2018 - for project of any size and complexity.
- NZIA SCC Short Form 2018 - a short form version designed for use on smaller or less complex projects.

National Building Contract (NBC)

NZIA also provides two forms for use when the architect isn't contractually involved in the administration or control of the contract:

- National Building Contract (General 2018) – for use on larger projects.
- National Building Contract (Short form 2018) – for use on small works projects.

International Federation of Consulting Engineers (FIDIC)

<http://www.fidic.org>

Red, Yellow and Silver books

FIDIC publishes various forms of internationally-recognised standard contracts for use on a range of delivery models and type of projects, including construction works, large-scale machinery supplies, infrastructure projects and consultancy services. Each contract applies to a specific area and is characterised by an individual colour label.

The three most common forms of FIDIC contract are:

- **Red Book** - Conditions of contracts for construction (Second Ed. 2017)
The Red Book is for projects where the employer carries out the design, but it also allows for some elements of the project to be contractor-designed. The Red Book isn't suitable for use where most of the works are to be designed by the contractor. For such projects it's more appropriate to use the Yellow Book or Silver Book.
- **Yellow Book** - Conditions of contracts for plant and design-build (Second Ed. 2017)
The Yellow Book is for contracts where the contractor has most of the design responsibility.
- **Silver Book** - Conditions of contracts for engineering, procurement and construction (EPC)/turnkey (Second Ed. 2017)
The Silver Book is for turnkey projects. This contract places significant risks on the contractor. The contractor is also responsible for most of the design.