

DELEGATION OF THE SUPERVISOR DUTIES UNDER THE EU CONDITIONS OF CONTRACT FOR CONSTRUCTION - ARTICLE 5.2

On Contract “Rasina District: Regional Water Supply Project” (08SER01/13/11)”

Article	Description	Supervisor's duties	Delegation to
4.1	Communications	To receive and issue communication or to appoint preparation.	Chief Engineer and Deputy Chief Engineer
5.1	The Supervisor	The Supervisor is required; to perform the specified duties in the GC and SC, to obtain the specific approval of the Contracting Authority before instructing any variation, which would increase the Contract Price, or awarding extension of time.	The Chief Engineer in consultation with the Team Leader
5.2	Supervisor's Representative	Appointment of the Supervisor's Representative, The Supervisor is required inform the parties of any delegation of his authorities	Resident Engineer
6.	Assignment of Contract Duties	To instruct the Contractor on his duties and assist the Contracting Authority in preparation of the Instructions.	Chief Engineer
7.2	Sub - Contracting	Consent to the Contractor on his decision to Sub Contract Works and assist the Contracting Authority in preparation of the Instructions.	Chief Resident Engineer on instruction of the CA and the Chief Engineer
8.1	Issuing of Drawings	Supervisor hand over in 30 days all drawings and documents	Chief Resident Engineer in consultation with D Chief Engineer
8.3	Administrative Order details	Supervisor can issue AO and related drawings and documents	Chief Resident Engineer
9.1	Right of Access to the Site	To instruct the Contractor on Access to Site and assist the Contracting Authority in preparation of the Instructions.	Chief Engineer
10	Assistance on Local Regulations	To assist the Contracting Authority in executing of his duties	D Chief Resident Engineer and Resident Engineer
11	Delayed Payments to Contractor's Staff	Assistance to the Contracting Authority in executing of his function	Chief Engineer on information from RE
12.6	Confidential Details	Information reasonably required verifying	Chief Engineer

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		Contractor's compliance with the Contract.	
12.8	Visibility of EU Financing	Assistance to the Contracting Authority in executing of his requirements	Chief Resident Engineer to verify appropriateness of the EU requirements application
12a	Contractors Design	If the Contract Conditions specify design or partial design Works by the Contractor, the Supervisor shall evaluate, comment and report to the CA on the completeness and technical correctness of the documents and the Beneficiary	Chief Engineer in consultation with PIU and the MISP related experts
13.1	Approval of the Contractor's Representative	The Supervisor shall approve and can withdraw his approval of the proposed Contractor's representative	Chief Engineer
14.1	Contractor's Staff	The Supervisor can instruct on withdraw of inadequate Contractor's staff members	Resident Engineer
15	Performance Guaranty	Assistance to the Contracting Authority in executing of his function	Chief Engineer on information from the RE
16	Insurance	Assistance to the Contracting Authority in executing of his function	D Chief Engineer
17	Programme of Implementation of Tasks	The Supervisor shall approve within 10 days and can control the proposed Contractor's programme	Chief Resident Engineer
18	Detailed Cost Break Down of Prices and Cash Flow	The Supervisor shall comment and approve the proposed Contractor's cash flow based on the Programme and the detailed Cost Break Down	D Chief Engineer
19	Contractor's Drawings	The Supervisor shall evaluate, comment and report to the CA and the Beneficiary on the completeness and technical correctness of the documents	Chief Resident Engineer and RE
21	Exceptional risks	<p>The Supervisor is required to evaluate the materials presented by the Contractor and prepare his report to obtain the specific approval of the Contracting Authority before instructing any variation. To proceed in accordance with this Article to the extend detailed hereunder:</p> <ul style="list-style-type: none"> – to consult with each Party in an endeavour to reach agreement, – to make and recommend to the Contracting Authority for approval fair 	Chief Engineer with assistance from CRE and RE in consultation with Beneficiary and TL

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		<p>determinations,</p> <ul style="list-style-type: none"> – on approval and when authorised by the Contracting Authority to issue requisite notice with particulars. 	
22.4	Safety on sites	The Engineer is required to obtain the specific approval of the Employer before instructing any variation, which would increase the Contract Price, or awarding extension of time.	Resident Engineer
24	Interference with traffic	The Contractor shall inform the Supervisor of any special measures he intends to take before carrying them out.	Resident Engineer
25	Cables and conduits	All cables and conduits related operations require the authorization of the Supervisor.	Resident Engineer
26	Setting-out	<p>The Supervisor has to notify the Contractor of original points, lines and levels of reference if these are not already specified in the Contract.</p> <p>The checking of any setting-out or of any line or level by the Supervisor shall not in any way relieve the Contractor of his responsibility for the accuracy thereof.</p>	Resident Engineer
29	Temporary works	The Contractor is required to submit his design for all temporary works..	Resident Engineer in consultation with the CRE
30	Soil studies	The Contractor shall make available to the Supervisor, the personnel and equipment necessary for carrying out any soil survey which the Supervisor considers reasonably necessary..	Resident Engineer in consultation with CRE
31	Overlapping contracts	Contractor shall, in accordance with the requirements of the Supervisor, afford all reasonable opportunities for carrying out their work to any other Contractors employed by the Contracting Authority and their workmen.	Resident Engineer after written agreement from Beneficiary and instruction by the Contracting Authority
33	Commencement orders	The Contracting Authority has to give the Contractor notice of the Commencement Date in 180 days. Before issuing such a notice, the Supervisor shall assist the Contracting Authority on the Commencement date with inspection of all documents required from the Contractor.	D Chief Engineer after consultation with the PIU
35.3	Extension of the period of implementation of tasks	Within 30 days from receipt of the Contractor's detailed particulars of the request, the Supervisor shall, by written notice to the Contractor after due consultation with the	Chief Engineer after consultation with PIU and the Contracting

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		Contracting Authority and, where appropriate, the Contractor, grant such extension of the period of implementation of tasks as may be justified	Authority
37	Modifications	The Supervisor shall have power to order any modification to any part of the works necessary for the proper completion and /or functioning of the works..	Resident Engineer in consultation with PIU and the CRE and CE.
38	Suspension	The Contractor shall, on the order of the Supervisor, suspend the progress of the works or any part thereof for such time or times and in such manner as the Supervisor may consider necessary.	Chief Resident Engineer in consultation with the CE.
39	Work register	A work register shall be kept on the site by the Supervisor	Resident Engineer
41	Inspection and Testing	The Contractor shall ensure that the components and materials are delivered to the site in time and with all required documentation to allow the Supervisor to proceed with acceptance of the components and materials	Resident Engineer in consultation with the CRE and AREs
42	Ownership of plant and materials	The Supervisor shall assist the Contracting Authority to take appropriate action as it deems fit in order to obtain possession of such plant, temporary works, equipment and materials and recover the cost of so doing from the Contractor in case of Termination of Contract.	Resident Engineer with approval of the CRE
43	Payments	Payments to the Contractor of the amounts due under each of the interim payment certificates and the final statement of account issued by the Supervisor	Resident Engineer to prepare for approval by CRE and CE before forwarding to CA.
49.1	Valuation of works	The Supervisor shall determine by measurement the actual quantities of the works executed by the Contractor,	Resident Engineer with approval of the CRE
50.	Interim Payments	The Contractor shall submit an application for interim payment to the Supervisor at the end of each period referred to in Article 50 (7) in a form approved by the Supervisor	Resident Engineer to prepare for approval by CRE and CE before forwarding to CA
51	Final statement of account	The Contractor shall not later than 90 days after the issue of the final acceptance certificate referred to in Article 62, submit to the Supervisor a draft final statement of account with supporting documents showing in	Resident Engineer to prepare for processing by CRE and CE before forwarding

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		detail the value of the work done in accordance with the contract.	to CA
52	Direct payments to sub-contractors	When the Supervisor receives a claim from a sub-Contractor duly approved under Article 7 to the effect that the Contractor has not met his financial obligations so far as the sub-Contractor is concerned, the Supervisor shall give notice to the Contractor either to pay the sub-Contractor or to inform him of the reasons why payment should not be made.	Resident Engineer to prepare for processing by CRE and CE before forwarding to CA.
59	Partial Acceptance Certificate	The Supervisor may, at the request of the Contractor and if the nature of the works so permits, proceed with partial provisional acceptance.	Chief Resident Engineer with assistance from RE.
60	Provisional acceptance	The Supervisor shall within 30 days after the receipt of the Contractor's application either: (a) issue the certificate of provisional acceptance to the Contractor with a copy to the Contracting Authority stating, where appropriate, his reservations.. (b) reject the application giving his reasons and specifying the action which, in his opinion, is required of the Contractor for the certificate to be issued.	Chief Resident Engineer with assistance from RE.
61	Defects liability	The defects liability period for all items replaced or renewed shall recommence from the date when the replacement or renewal was made to the satisfaction of the Supervisor.	Resident Engineer
64	Termination by the Contracting Authority	If the Contract is terminated under this Clause, the Supervisor is required to determine the value of the work done by the Contractor and any other amounts due to the Contractor, and to issue a Payment Certificate accordingly.	Chief Engineer with assistance from CRE.
68	Settlement of Disputes	Once a dispute has arisen, a Party shall notify the other Party in writing of the dispute, stating its position on the dispute and any solution which it envisages, and requesting an amicable settlement.	Chief Engineer in consultation with TL