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Projekat finansira Evropska unija

Municipal Infrastructure Support Programme

●●● Building together for the future

Program podrške razvoju infrastrukture lokalne samouprave

●●● Gradimo zajedno za budućnost

Obligations and duties of Supervisor as per Contract documentation



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Two-fold role of the Supervisor

The Consultant (the Supervisor in the Works Contract document or Engineer in FIDIC) will provide the services for the full supervision as detailed in the Works Contract, Special and General Conditions of Contract for the construction of the Works. The Consultant will assist the EUD in the administration of works contracts and in the technical control of the construction of the works.



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Volume 2 Section 2

- **2008 Practical Guide and general annexes. Applicable for 1 January 2009.**
- **2007 (BUDGET/EDF)**
- **08/2006 (BUDGET/EDF)**
- **02/2006 (BUDGET/EDF)**
- **9th EDF**
- **2003 (BUDGET)**
- **2001 (BUDGET)**
- **7th and 8th EDF**



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Article by article

Article 1: Definitions

- 1.1 The definitions of the terms used throughout this General Conditions are laid down in the "Glossary of terms", annex A1...
 - Supervisor (Engineer as per FIDIC rules): The legal or natural person responsible for monitoring the execution of the contract on behalf of the Contracting Authority and/or the Commission, where the latter is not the Contracting Authority (W).

Article 4: Communications

- 4.3. Wherever in the contract provision is made for the giving or issue of any notice, consent, approval, certificate or decision, unless otherwise specified such notice, consent, approval, certificate or decision shall be in writing and the words 'notify', 'certify', 'approve' or 'decide' shall be construed accordingly.



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Article by article

Article 5: Supervisor and Supervisor's representative

- **5.1.** The Supervisor shall carry out the duties specified in the contract. Except as expressly stated in the contract, the Supervisor shall not have authority to relieve the Contractor of any of his obligations under the contract...
- **5.2.** The Supervisor may, from time to time, while retaining ultimate responsibility, delegate to the Supervisor's representative any of the duties and authority vested in the Supervisor...
- **5.3. (SC)** The Supervisor acts for the Contracting Authority. He has no authority to relieve either party of any duties, obligations or responsibilities under the Contract.



Article by article

Article 5: Supervisor and Supervisor's representative

➤ **5.4. (SC) For any changes, the Supervisor shall check proposal from Contractor and give advice to the Contracting Authority regarding preparation of the formal addendum to contract.**

The following types of changes needs to be introduced throw formal addendum:

- **A. Changes with technical impact that modify the scope of works as defined in the Technical Specification;**
- **B. Changes with financial impact that lead to an increase in the total contract price, such that it is not longer covered by the original contract value.**
- **C. Changes of the contractual essence, such as changes in the conditions of contract, contract agreement, appendix to tender or other such parts of the contract.**
- **D. Changes related to the extension of contract duration.**



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Article by article

Article 8: Supply of documents

- 8.1 ...the Supervisor shall provide to the Contractor, free of charge, a copy of the drawings prepared for the implementation of tasks as well as two copies of the specifications and other contract documents...
- 8.3 (SC) The Supervisor, where necessary and/or appropriate shall ask the Contractor to prepare for his approval:

Article 13: Superintendence of the works

- 13.1 ...Such appointment shall be submitted to the Supervisor for approval.



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Article by article

Article 14: Staff

➤14.1 ...The Contractor shall immediately replace all employees indicated by the Supervisor, in a letter stating reasons, as likely to jeopardize the satisfactory execution of the works...

Article 16: Insurance

➤16.6 ...Contractor shall be solely liable and shall indemnify the Contracting Authority and the Supervisor against any claims by third parties for damage to property or personal injuries arising from the execution of the works by the Contractor...



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Article by article

Article 17: Programme of implementation of tasks

- 17.1 The Contractor shall submit to the Supervisor an Implementation Programme in Critical Path Analysis format...

Article 19: Contractor's drawings

- 19.1 (SC) ...The Supervisor may instruct the Contractor to prepare particular drawings or to make any modifications, including calculations for any part of the project...

➤ Article 21: Exceptional risks

- 21.2 ...Following receipt of the notice, the Supervisor may...



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Article by article

Article 22: Safety on sites

➤ **22.4 ...If the Contractor is unwilling or unable to undertake the necessary measures, the Supervisor may carry out the work at the expense of the Contractor to the extent that the Contractor is liable.**

Article 24: Interference with traffic

➤ **24.2 No important operation of any kind, especially cutting through, transit over, or closing existing roads, water conduits or other public utility shall be carried out without the written consent of the Supervisor.**

➤ **The Contractor shall inform the Supervisor in due time which shall be not less than 7 calendar days...**



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Article by article

Article 25: Cables and conduits

➤25.1 ...Such related operations require the authorization of the Supervisor...

Article 26: Setting-out

➤26.1 The Contractor shall be responsible for:

➤(a) the accurate setting-out of the works in relation to original marks, lines and levels of reference given by the Supervisor;



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Article by article

Article 28: Discoveries

➤ 28.1 ...The Supervisor shall decide how such discoveries are to be dealt with, taking due account of the law of the State of the Contracting Authority.

Article 29: Temporary works

➤ 29.1 ...He shall submit to the Supervisor the drawings for temporary works which he intends to use..

Article 30: Soil studies

➤ ...the Contractor shall make available to the Supervisor, the personnel and equipment necessary for carrying out any soil survey...



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Article by article

Article 31: Overlapping contracts

➤ **31.1** The 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...

Article 33: Commencement orders

➤ **33.1** The Contracting Authority shall fix the date on which implementation of the tasks is to commence, and advise the Contractor either in the notification of award of contract or by administrative order issued by the Supervisor.



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Article by article

Article 35: Extension of the period of implementation of tasks

➤ **35.3** 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 Contracting Authority and, where appropriate, the Contractor, grant such extension of the period of implementation of tasks as may be justified, either prospectively or retrospectively, or inform the Contractor that he is not entitled to an extension.

Article 37: Modifications by administrative order

➤ **37.1** 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.



Article by article

Article 38: Suspension

➤ **38.1** 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.

Article 39: Work register

➤ **(SC)** In the first paragraph of Article 39.1 replace the word "Supervisor" with word "Contractor"

➤ **39.2 (SC)** ...The Contractor shall measure, in cooperation with the Supervisor's staff, and prepare records of the work executed in such detail as instructed by the Supervisor...

➤ **39.3 (SC)** The records shall be made in one original and at least two copies of which the original and first copy shall be submitted to the Supervisor for approval...



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Article by article

Article 40: Origin and quality of works and materials

- 40.1 (SC) ...When importing goods, any change in the specified origin must have been pointed out to the project Supervisor and approved by him.
- 40.3 ...The components and materials specified in the request must be certified by the Supervisor as meeting the requirements for such acceptance prior to their incorporation in the works.

Article 41: Inspection and testing

- 41.2 ...The Supervisor shall be entitled, either by himself or his agent, to inspect, examine, measure and test the components, materials and workmanship, and check the progress...



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Article by article

Article 42: Rejection

➤42.2 ...The Supervisor shall, during the progress of the works and before the works are taken over, have the power to order or decide:...

Article 44: General principles

➤44.3 ...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...

Article 49: Measurement

➤49.1 (SC) This is a unit-price contract.



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Article by article

Article 50: Interim payments

➤ **50.1 (SC) The Contractor shall submit an application for interim payment to the Supervisor at the end of each month in a form approved by the Supervisor...**

Article 51: Final statement of account

➤ **51.1 (SC) Not later than 90 days before the issue of the Final Acceptance Certificate, the Contractor shall submit to the Supervisor a draft final statement of account...**

➤ **...The Supervisor shall make comments and/or objections concerning the draft final statement supplied by the Contractor within twenty eight days of their submission**



Article by article

Article 55: Claims for additional payment

- **55.1** If under the contract there are circumstances which the Contractor considers entitle him to additional payment, the Contractor shall:
 - (a) if he intends to make any claim for additional payment, give to the Supervisor notice of his intention or make such claim within 15 days after the said circumstances become known to the Contractor, stating the reason for his claim;

ACCEPTANCE AND DEFECTS LIABILITY

Article 57: General principles

- **57.1** Verification of the works by the Supervisor with a view to provisional or final acceptance...



Article by article

Article 64: Termination by the Contracting Authority

- 64.2 ..the Contracting Authority may... terminate the contract...
 - (b) the Contractor fails to comply within a reasonable time with a notice given by the Supervisor requiring him to make good any neglect or failure to perform his obligations under the contract which seriously affects the proper and timely performance of the works;
 - (c) the Contractor refuses or neglects to carry out administrative orders given by the Supervisor;
- 64.6. In the event of termination:
 - (a) a report of work performed by the Contractor shall be drawn up by the Supervisor...

•Article 68: Settlement of disputes

- 68.1 The Parties shall make every effort to settle amicably disputes relating to the contract which may arise between them, or between the Supervisor and the Contractor.



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Thank you for your attention!

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