

You stand here and hold this **Rachel Barnes, January 2008**

The conditions of contract for the appointment of consultants published by the Construction Industry Council (CIC) were the subject of several articles in these pages about 18 months ago. John Hughes D'Aeth, who had been involved in drafting them with a view to ensuring that employers' concerns were addressed, was pleasantly surprised by the positive comments he received from consultants. Ann Minogue, from an employer's viewpoint, was less enamoured, while I was keen to emphasise that the agreement was intended as a compromise, and was therefore almost certain to have detractors on both sides.

All three of us, however, were commenting on the actual conditions. These comprise parts one to six of the agreement and run to 42 pages. Perhaps, though, the unique feature of the agreement is the 97-page documents that forms part seven and deals with the services that the consultant is to perform.

What is special about this document? The point to make is that a lot of careful thought has gone into it. That may sound a bit facile, but all too often the lists of services appended to consultants' appointments have the feel of a scissors and paste job, where nobody has thought in great about what services are appropriate, by whom they should be performed or how those to be performed by one consultant may be affected by what other members of the project team will be doing.

The CIC document, which is entitled "The CIC Scope of Services" (and is not intended for use exclusively with the CIC Conditions of Contract), contains in tabulated form a comprehensive list of services – or tasks – that have to be performed on any major commercial project as part of what is called "the definition process". This expression is used, as the handbook explains, because the process in question encompasses not only design-related activities but services such as project lead, cost consultancy and health and safety consultancy.

As the activities to be undertaken are fundamentally the same whatever the procurement route, the services are broken down into activities and are set out in stages that correspond pretty closely with the RIBA project stages. The other activities deal with procurement, planning approval, contract administration and construction monitoring, and there are also services described as general obligations, of the kind that will be performed on any project, and further services of the kind that will be required only if instructed by the client.

The services are then allocated to specific roles. Nine such roles are identified, from client/client representative to health and safety consultancy, and obviously include the main design roles.

The intention is that the services should be fully integrated, which means that the interaction between each consultant is clear. Thus, by looking at the table, each member of the project team who is part of the definition process can tell in relation to any particular activity, not only what services they should be performing but the same in relation to all other members of the team, and that between them that all the necessary activities will be performed.

The allocation of services is also intended to be flexible. The table of services provides a menu of all those that will be required and can be allocated to suit any procurement route. For example, on a design-and-build contract, some of the services after the early stages of the project will be carried out by the contractor's consultants, but there are also review services (as opposed to definition services) for the later stages that an employer may want its own consultants to perform.

In any event, the services to be performed by an employer's consultants and a contractor's consultants on a design-and-build contract can be precisely defined and differentiated, a matter that many other agreements leave in the air.

It is important to read the handbook that accompanies this document. The task that the CIC has set itself is ambitious. If successful, it will provide a way of determining who is supposed to be doing what at any particular stage of a project, and for facilitating the co-ordination between team members that can be so important for the success of the project.

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