



CLIENT INFORMATION SHEET No 4

STANDARD CONDITIONS UPDATE

The Conditions of Contract for Consultancy Services (CCCS) was produced in 2000, by ACENZ, IPENZ, Transit New Zealand and INGENIUM (now IPWEA). It addressed key issues in contracting professional services and updated some of the concepts and best practices from the earlier “Standard Conditions of Engagement” produced by ACENZ and IPENZ in successive editions 1992–1997.

However more and more clients were asking for special conditions relating to some quite fundamental sections of the document. A group of local authorities in Auckland and representatives of ACENZ and hence consulting engineers, met to discuss how some of these could be standardised. The result is, what ACENZ and the Auckland Council consider, an improvement to the document better representing common practice. This has been issued within the Auckland Region as ARCCCS (July 2004). The CCCS has been revised, with the addition of a foreword, and is exactly the same as the ARCCCS document. It has further been updated and features key changes;

KEY CHANGES

- Health & Safety
- Provision of information by the client
- Liability & Insurance
- Approvals
- Intellectual Property

Health & Safety – more clearly sets out the roles of the Client and of the Consultant in terms of the Health & Safety in Employment Act on the work site.

Provision of Information – identifying that the Client holds responsibility for information provided to the Consultant, or to identify where there are expected deficiencies, except for manifest errors.

Liability & Insurance – clarification of obligations and wording. Intellectual Property – this is re-written allowing for the fact that both parties may own Intellectual Property and other Intellectual Property may be shared.

Approvals – based on the principle that the Consultant is the professional and the Client relies on the advice given. An exception is allowed to clarify that a Client may select a less expensive option which can carry greater risk, under these circumstances the Client would be expected to carry the additional risk.

These conditions have been discussed and agreed with major client groups, professional consultants, insurance experts and legal practitioners. They represent reasonable and operable conditions for both parties to satisfactorily complete most consulting services contracts in New Zealand.

The most current edition is November 2010.