

PPC2000 & TPC2005 Special Terms dealing with Construction (Design and Management) Regulations 2007

Below are some special terms that should be inserted in the Special Term section of the agreement part of either **PPC2000 ACA Standard Form of Contract for Project Partnering (Amended 2003)** or **TPC2005 ACA Standard Form of Contract for Term Partnering** in order to comply with CDM2007 after 6 April 2007. These terms have been drafted by Trowers & Hamblins and published by the Association of Consultant Architects – April 2007. Further information can be found on the website: www.ppc2000.co.uk

FOR USE WITH PPC2000 – ACA Standard Form of Contract for Project Partnering (Amended 2003)

29 SPECIAL TERMS - CDM REGULATIONS

By reference to clause 28 the following Special Term shall apply:

- 29.1 The reference to "Planning Supervisor" in the note to clauses 1.3 and 1.5 in the Project Partnering Agreement shall be deleted and replaced with "CDM Co-ordinator"
- 29.2 Clause 7.1 of the Partnering Terms shall be deleted and replaced with:
"For the purposes of the CDM Regulations the term "CDM Co-ordinator" shall mean the CDM Co-ordinator and the term "principal contractor" shall mean the Constructor. All Partnering Team members shall fulfil their respective responsibilities under the CDM Regulations, including without limitation the preparation, collation and circulation of the Pre-Construction Information by the Client or the CDM Co-ordinator as appropriate and the preparation of the Construction Phase Plan by the Constructor in compliance with the CDM Regulations as preconditions to implementation of the Project on Site."
- 29.3 Clause 8.9 of the Partnering Terms shall be amended as follows:
Delete reference to the "Planning Supervisor" in the heading and lines 2 and 3 and insert "CDM Co-ordinator".
In line 3 after the words "pursuant to this clause 8" insert "together with related information in accordance with regulation 11(6) of the CDM Regulations"
At the end of the clause insert "and related information"
- 29.4 Clause 14.1(ii) shall be deleted and replaced with:
"completion and distribution of the Pre-Construction Information and the Construction Phase Plan in accordance with clause 7 and confirmation from the Client that it is satisfied with the requirements of regulation 22(1)(c) of the CDM Regulations;"
- 29.5 In Appendix 1 the definitions of **CDM Regulations**, **Health and Safety Plan** and **Planning Supervisor** shall be deleted and the following definitions shall be inserted:
- CDM Co-ordinator** - the party named in the Project Partnering Agreement to fulfil the role of CDM Co-ordinator, as defined in the CDM Regulations, subject only to replacement in accordance with the Partnering Terms;
- CDM Regulations** – the Construction (Design and Management) Regulations 2007 and any re-enactments and amendments;
- Construction Phase Plan** - the construction phase plan in accordance with Regulation 23 of the CDM Regulations;
- Pre-Construction Information** - the information to be provided in accordance with Regulation 10(2) of the CDM Regulations;
- The definition of **Consultant** in Appendix 1 shall be amended by deleting "Planning Supervisor" in line 1 and inserting "CDM Co-ordinator"

FOR USE WITH TPC2005 ACA Standard Form of Contract for Term Partnering

16 SPECIAL TERMS – CDM REGULATIONS

By reference to clause 15 the following Special Term shall apply:

- 16.1 Clause 4.1 of the Term Partnering Agreement shall be deleted and replaced with:
"The CDM Co-ordinator shall be:-"
- 16.2 Clause 4.1 of the Partnering Terms shall be amended as follows:
In lines 2 and 3 delete "Planning Supervisor" and insert "CDM Co-ordinator"
- 16.3 In Appendix 1 the definitions of **CDM Regulations** and **Planning Supervisor** shall be deleted and the following definitions shall be inserted:
- CDM Co-ordinator** – any party named in the Term Partnering Agreement to fulfil the role of CDM Co-ordinator, as defined in the CDM Regulations, subject only to replacement in accordance with the Partnering Terms;
- CDM Regulations** – the Construction (Design and Management) Regulations 2007 and any re-enactments and amendments;