



Compiler guidance note

Component document: C1.4 - Adjudicator's Contract

Function and broad outline of contents

Provides the basis by which the parties to a contract may appoint an adjudicator.

Notes

The requirements for the Adjudicator's Contract flow out of the specific form of contract that is adopted and the manner in which the adjudicator is appointed.

The Adjudicator's Contract is not required where mediation is selected as the means for resolving disputes.

Commentary:

- 1 Construction Procurement Practice Guide # C3: Adjudication provides an overview of what adjudication is, presents the principles underpinning adjudication, reviews the provisions for adjudication in standard forms of contract (NEC, FIDIC and CIDB), outlines an approach for the selection and use of adjudicators, and provides sample clauses and proforma agreements to be included in procurement documents. All documents labeled as being C1.4 are based on the proforma agreements contained in this guide.
- 2 Clause F.3.17 (Complete adjudicator's contract) contained in the Standard Conditions of Tender reads as follows:
Unless alternative arrangements have been agreed or otherwise provided for in the contract, arrange for both parties to complete formalities for appointing the selected adjudicator at the same time as the main contract is signed.
This clause in the Standard Conditions of Contract allows the parties to conclude a contract with an adjudicator prior to the formation of the contract should this be required by the employer.
- 3 Completed draft Adjudicator's Contracts, based on the templates, should only be included in procurement documents if the adjudicator is appointed prior to the formation of the contract. Where an adjudicator is appointed when a dispute arises, an Adjudicator's Contract should be developed using the appropriate template.