



Highways England Company Limited

**Ground Investigations
Framework**

**Z clauses
(Professional Services Short Contract)**

CONTENTS AMENDMENT SHEET

Amend No	Revision No	Amendment	Initials	Date
1	1	Amend clause 81 reference to clause 83.	PD	20/05/2020

Z CLAUSES (NEC 4 Professional Service Short Contract)

Clause Z1B Changes to Core Clauses

83 Insurance cover

Delete clause 83.1 of the *conditions of contract* and insert

83.1 The *Client* and the *Consultant* provide the insurances stated in, and to comply with the requirements set out in the Scope.

Clause Z8B Conflict of interest

Z8B.1 Clause 60.1(3) is amended by adding the following words at the end (before the full stop):

“, unless the instruction relates to a notification from the *Consultant* that a conflict of interest may exist or arise”.

Clause Z27B Termination – PCRs, Regulation 73

Z27B.1 The *Client* may terminate the *Consultant's* obligation to Provide the Service if one of the mandatory or discretionary grounds for exclusion referred to in regulation 57 of the Public Contracts Regulations 2015 applied to the *Consultant* at the *starting date*. This is treated as termination for a default by the *Consultant*.

Z27B.2 The *Client* may terminate the *Consultant's* obligation to Provide the Service if

- this contract has been subject to a substantial modification which would have been required a new procurement procedure pursuant to regulation 72 of the Public Contract Regulations 2015 or
- the Court of Justice of the European Union declares, in a procedure under Article 258 of the Treaty on the Functioning of the European Union, that a serious infringement of the obligations under the European Union Treaties and the Public Contracts Directive has occurred.

Clause Z28B Termination and removal of service

Z28B.1 The *Client* may terminate the *Consultant's* obligation to Provide the Service for a reason not stated in this contract by notifying the *Consultant*.

Z28B.2 The following are treated as a substantial failure by the *Consultant* to comply with his obligations

- the *Consultant* substantially or repeatedly breaks a requirement of environmental legislation,
- the *Consultant* persistently or materially fails to comply with the Quality Statement or to meet any of the Performance Requirements or
- a key resource needed by the *Consultant* to Provide the

Service is no longer available and the *Consultant* does not propose an alternative resource acceptable to the *Client*.

Clause Z33B Joint ventures

Z33B.1 Where two or more Consortium Members comprise the *Consultant*, clauses 90.1 and 90.2 of the *conditions of contract* is amended by inserting after “the other Party” in the second place where it appears the words “(or, in the case of the *Consultant*, any Consortium Member)”.