Classification: Internal.

NEC4 Contract Tool

This tool is used to create standard Contract Documents using pre-determined parameters

When started you will see the following tabs

Start-up

- 1. Supplier Guidance
- 2. Data Part 2 (input)
- 3. Cover Sheet
- 4. Data Part 1
- 5. CD for X
- 6. Data Part 2
- 7. Contract Execution

PART 1

1. Data Part 2 (input)

There are	multiple	sections	to	complete	

You can only fill in sections in yellow;

If you want to change any section in the yellow boxes, just overtype the entries

If you press the 'Clear Data Part 2' button you will be prompted to confirm this action

Once you have completed all your sections save the document and return this to the Client

meet contract number South East Automatically drawn from the Framework coverage (National if CSF, M&M of M&C / Regional if CDF) (Contract selection halt) Mac / Regional in Re		Collect / Refresh Data Clear Data		Guidance			
Sep Project Code ENVOOR2750C Antomatically drawn from your contract (format ENVOORXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	Contract Name	Pevensey and Eastbourne Coastal Managem	ent Scheme	Automatically drawn from your contract			
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	Are sectional completion dates used?	No		Automatically drawn from the contract if option X5 has been used			
Are additional compensation events used? Yes Automatically drawn from the contract if Section 6 of Contract Data Part 1 (input) has been used	Are additional compensation events used?	Yes					

The Contract must be submitted to your Porfolio Assurance and Support Commercial Services Manager before submission for upload by CSO/BSO.

Incomplete contracts will be returned for proper completion before upload.

1 General The Consultant is Jeremy Benn Associates Ltd Name and address etc. of Consultant 1 Broughton Park Old Lane North Broughton Skipton North Yorkshire BD23 3FD andrew.oland@jbaconsulting.com Email address for communications Enter email address 10.00% The fee percentage is Insert the relevant framework tendered $fee\ percentage$ The key persons are Name the key persons to be working on the contract esponsibilities Qualifications >17 years Experience insert name Name (6) insert job insert responsibilities Job Responsibilities Qualifications insert qualifications Experience insert name Name (7) insert job insert responsibilities Job Responsibilities Qualifications insert qualifications insert experience Experience The following matters will be included in the Early Warning Register; Consultation insert details These are items which could affect the total of the Prices or delay Completion, which are known about at the time of completing this Contract Data insert details insert details insert details insert details insert details insert details 3 Time To be submitted within 4 weeks of the Contract Date The programme identified in the Contract Data is; This is optional and is inserted if a programme is being initially provided 5 Payment £93,052.95 forecast of the total Defined Cost plus the Fee Resolving and avoiding disputes The $Senior\ Representatives\ of\ the\ Consultant\ are$ Name (1) JBA Consulting 2nd Floor Worldwide House Thorpe Wood Enter postal address address Line 1 address Line 2 address Line 3 Peterborough address Line 4 address Line 5 insert address richard.chubb@jbaconsulting.com Email address for communications Enter email address insert name Name (2) insert address address Line 1 Enter postal address insert address address Line 3 insert address address Line 4 address Line 5 insert address insert address address Line 6 insert email address Email address for communications Enter email address X10: Information modelling; The information execution plan identified in the Contract Data is; If an information execution plan is to be identified in the Contract Data X10 is always used To be submitted within 2 weeks of the Contract Date.

Classification: Internal





Framework: Collaborative Delivery Framework

Supplier: Jeremy Benn Associates Ltd

Company Number: 03246693

Geographical Area: South East

Project Name: Pevensey and Eastbourne Coastal Management Scheme

Project Number: ENV0002750C

Contract Type: Professional Service Contract

Option: Option E

Contract Number: 29473

Revision	Statu	IS	Origi	nator	Revi	ewer	Date	

PROFESSIONAL SERVICE CONTRACT under the Collaborative Delivery Framework CONTRACT DATA

Project Name Pevensey and Eastbourne Coastal Management Scheme

Project Number

ENV0002750C

This contract is made on 22 June 2020 between the *Client* and the *Consultant*

- This contract is made pursuant to the Framework Agreement (the "Agreement") dated 01st day of April 2019 between the Client and the Consultant in relation to the Collaborative Delivery Framework. The entire agreement and the following Schedules are incorporated into this Contract by reference
- Schedules 1 to 22 inclusive of the Framework schedules are relied upon within this contract.
- The following documents are incorporated into this contract by reference
 PSC Scope Pevensey and Eastbourne Coastal Management Scheme 120620 v1.10 Final

Part One - Data provided by the *Client* Statements given in all Contracts

1 General

The conditions of contract are the core clauses and the clauses for the following main Option, the Option for resolving and avoiding disputes and secondary Options of the NEC4 Professional Service Contract June 2017.

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Main Option	Option E	Option for resolving and avoiding disputes	W2			
Secondary (Options					
	X2: Changes in the la	aw				
	X9: Transfer of rights	5				
	X10: Information mo	delling				
	X11: Termination by	the Client				
	X18: Limitation of lia	bility				
	X20: Key Performano	te Indicators				
	Y(UK)2: The Housing	Grants, Construction and Regeneration	n Act 1996			
	Y(UK)3: The Contract	ts (Rights of Third Parties) Act 1999				
	Z: Additional condition	ons of contract				
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The <i>Client</i> i	s					
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The languag	ne of the contract is Eng	llish				
	he contract is ngland and Wales, subj	ect to the jurisdiction of the courts of	England and Wales			

following Completion or earlier termination

The period for reply is

The period for retention is

2 weeks

6 years

The following matters will be included in the Early Warning Register

2 weeks

Not Used Not Used Not Used Not Used

Early warning meetings are to be held at intervals no

2 The Consultant's main responsibilities

The $\ensuremath{\textit{key dates}}$ and $\ensuremath{\textit{conditions}}$ to be met are

key date conditions to be met Not Used Not Used 'none set'

The Consultant prepares forecasts of the total Defined Cost plus Fee

4 weeks and expenses at intervals no longer than

3 Time

The starting date is 29th June 2020

The ${\it Client}$ provides access to the following persons, places and things

access date Modelling Reports 29th June 2020 29th June 2020 Fastdraft Asite SSD Viability Assessment 29th June 2020 29th June 2020

The ${\it Consultant}$ submits revised programmes at intervals no longer -4 weeks

The completion date for the whole of the service is 31st March 2021

The period after the Contract Date within which the ${\it Consultant}\,$ is to submit a first programme for acceptance is

4 Quality management

The period after the Contract Date within which the *Consultant* is to submit a quality policy statement and quality plan is

The period between Completion of the whole of the $\mathit{service}\,$ and the $\mathit{defects}\,\mathit{date}\,$ is 26 weeks

5 Payment

The $\it currency of the contract$ is the £ sterling

The assessment interval is Monthly

The $\it expenses$ stated by the $\it Client$ are as stated in Schedule 9

The interest rate is 2.00% per annum (not less than 2) above the Base rate of the Bank of England

The locations for which the Consultant provides a charge for the cost of support people and office overhead are All UK Offices

6 Compensation events

These are additional compensation events

- Managing and mitigating the impact of Covid 19 and working in accordance w
- 2. 3. 'not used'
- 'not used'
- 'not used'

8 Liabilities and insurance

These are additional Client's liabilities

- 'not used'
- 'not used'

The minimum amount of cover and the periods for which the *Consultant* maintains insurance are

PERIOD FOLLOWING COMPLETION OF THE WHOLE OF THE SERVICE OR TERMINATION EVENT MINIMUM AMOUNT OF COVER

professionals providing services similar to the service

The Consultant's failure to use the skill and care normally used by the number of claims each claim.

12 years after Completion

Loss of or damage to property and liability for bodily injury to or death of a person (not an employee of the *Consultant*) arising from or in connection with the *Consultant* Providing the Service

12 years after Completion

Death of or bodily injury to the employees of the consultant arising out of to the number of claims and in the course of their employment in connection with the contract

For the period required by law

The Consultant's total liability to the Client for all matters arising under or in connection with the contract, other than the excluded matters is limited

£6,000,000

Resolving and avoiding disputes

The tribunal is litigation in the courts

The Adjudicator is Address for communications 'to be confirmed' 'to be confirmed'

Address for electronic communications

'to be confirmed'

The Adjudicator nominating body is

The Institution of Civil Engineers

Z Clauses

Z1 DisputesDelete existing clause W2.1

The text of clause 18 Prevention is deleted.

- Ine text or clause 18 Prevention is deleted.

 Delete the text of clause 60.1(12) and replaced by:

 The service is affected by any of the following events

 War, civil war, rebellion, revolution, insurrection, military or usurped power;

 Strikes, riots and civil commotion not confined to the employees of the Consultant and sub consultants,

 Ionising radiation or radioactive contamination from nuclear fuel or nuclear waste resulting from the combustion of
- nuclear fuel,
- Radioactive, toxic, explosive or other hazardous properties of an explosive nuclear device,
 Natural disaster,
 Fire and explosion,

- Impact by aircraft or other aerial device or thing dropped from them.

Z3 Disallowed Costs

Add the following in second bullet of 11.2 (18) add:

Add the following in section outliet of 11.2 (16) add:
(including compensation events with the Subcontractor, i.e. payment for work that should not have been undertaken).
Add the following additional bullets after 'and the cost of ':

• Mistakes or delays caused by the Consultant's failure to follow standards in Scopes/quality plans

- Reorganisation of the Consultant's project team
 Additional costs or delays incurred due to Consultant's failure to comply with published and known guidance or
- Exceeding the Scope without prior instruction that leads to abortive cost
 Re-working of documents due to inadequate QA prior to submission, i.e. grammatical, factual arithmetical or design
- Production or preparation of self-promotional material
- Excessive charges for project management time on a commission for secondments or full time appointments (greater than 5% of commission value)
 Any hours exceeding 8 per day unless with prior written agreement of the Service Manager
- Any hours for travel beyond the location of the nearest consultant office to the project unless previously agreed with the Service Manager

 Attendance of additional individuals to meetings/ workshops etc who have not been previously invited by the Service
- Manager
- Costs associated with the attendance at additional meetings after programmed Completion, if delay is due to
- Costs associated with rectifications that are due to Consultant error or omission
- Costs associated with the identification of opportunities to improve our processes and procedures for project delivery through the Consultant's involvement
 Was incurred due to a breach of safety requirements, or due additional work to comply with safety requirements

- Was incurred as a result of the Client issuing a Yellow or Red Card to prepare a Performance Improvement Plan
 Was incurred as a resulting of rectifying a non-compliance with the Framework Agreement and/or any call off contracts following an audit

Z6 The Schedule of Cost Components

The Schedule of Cost Components are as detailed in the Framework Schedule 9.

Z23 Linked contracts

Issues requiring redesign or rework on this contract due to a fault or error of the *Consultant* will neither be an allowable cost under this contract or any subsequent contract, nor will it be a Compensation event under this contract or any subsequent contract under this project or programme.

Z24 Requirement for Invoice

Add the following sentence to the end of clause 51.1:

The Party to which payment is due submits an invoice to the other Party for the amount to be paid within one week of the Service Manager's certificate.

Delete existing clause 51.2 and replace with:

- 51.2 Each certified payment is made by the later of
 one week after the paying Party receives an invoice from the other Party and
 three weeks after the assessment date, or, if a different period is stated in the Contract Data, within the period stated.

If a certified payment is late, or if a payment is late because the Service Manager has not issued a certificate which should be issued, interest is paid on the late payment. Interest is assessed from the date by which the late payment should have been made until the date when the late payment is made, and is included in the first assessment after the late payment is made

Z25 Risks and insurance

The Consultant is required to submit insurances annually as Clause Z4 of the Framework Agreement

Classification: Internal.

Secondary Options

OPTION X2: Changes in the law

The *law of the project* is the law of England and Wales, subject to the jurisdiction of the courts of England and Wales

OPTION X10: Information modelling

The period after the Contract Date within which the *Consultant* is to submit a first Information Execution Plan for acceptance is 2 weeks

OPTION X18: Limitation of liability

The Consultant's liability to the Client for indirect or consequential loss is limited to

£1,000,000

The Consultant's liability to the Client for Defects that are not found until after the defects date is limited to

£5,000,000

The *end of liability date is*Completion of the whole of the *service*

6 years

after the

OPTION X20: Key Performance Indicators (not used with Option X12)

The incentive schedule for Key Performance Indicators is in

Schedule 17

A report of performance against each Key Performance Indicator is provided at intervals of

3 months

Y(UK)2: The Housing Grants, Construction and Regeneration Act 1996

The period for payment is

14 days

after the date on which payment becomes due

Y(UK)3: The Contracts (Rights of Third Parties Act) 1999

term *beneficiary*

Not Used

Not Used

Not Used

Not Used

Classification: Internal

Part Two - Data provided by the Consultant

Completion of the data in full, according to the Options chosen, is essential to create a complete contract.

1 General

The Consultant is

Name Jeremy Benn Associates Ltd

Address for communications 1 Broughton Park Old Lane North

Broughton Skipton North Yorkshire BD23 3FD

Address for electronic communications

The fee percentage is

Option E

The key persons are

Name (1) Job

Responsibilities

Project Manager Project Management

Qualifications CEng MICE Experience >20 years

Name (2)

Job

Project Manager

Responsibilities Project Managerment Qualifications BEng (Hons)

Experience 20 years

Name (3)

ne (3)

Job Coastal and Environmental Specalist Responsibilities Environmental technical specialist

Qualifications BA PhD Cenv MIEEM

Experience >20 years

Name (4)

Job

Appraisal Lead

Responsibilities Leads development of the SOC

Qualifications Meng Experience >10 years

Name (5)

Job

Environmental coordinator

Responsibilities Manages enviornmental deliverables for the SOC

Qualifications BSc PhD Experience >17 years

Name (6)

Job

Responsibilities Qualifications

Experience

Name (7)

Job

Responsibilities Qualifications

Experience

Classification: Internal

The following matters will be included in the Early Warning Register Consultation

3 Time

The programme identified in the Contract Data is

To be submitted within 4 weeks of the Contract Date

Resolving and avoiding disputes

The Senior Representatives of the Consultant are

Name (1)
Address for communications

JBA Consulting
2nd Floor Worldwide House
Thorpe Wood
Peterborough
PE3 6SB

Address for electronic communications

Name (2) Address for communications

Address for electronic communications

X10: Information Modelling

The *information execution plan* identified in the Contract Data is

To be submitted within 2 weeks of the Contract Date.

Contract Execution

Client execution

Signed under hand by for and on behalf of the Environment Agency

Senior Category Officer
Role

Consultant execution

Consultant execution

Signed under hand by for and on behalf of Jeremy Benn Associates Ltd

Associate Director
Role