



SBCC Contracts
2016 - 2022 Editions

Tailored for Scotland in Scotland

The SBCC provides 5 main suites of contracts: Standard Building, Design and Build, Minor Works and Measured Term and Homeowner. Each contract is tailored for the Scottish sector, to suit Scottish legislation, in Scotland. It also provides documentation on Project Bank Accounts, Framework Agreements, Constructing Excellence, Collateral Warranties and agreements for Pre-Construction Services.

The appropriate uses detailed here, for the current editions, is to help customers determine which contract or documentation best suits the requirements of their project or circumstance.

SBCC contracts are available both Digitally and in Print format. Details relating to their availability in each format can be found with their appropriate uses in this document.

SBCC does not provide consultancy or legal advice on individual cases, matters of practice or courses of action. These are a matter for the individual and their professional advisers.

Contents

2	<u>Standard Building Contracts</u>
4	<u>Standard Building Sub-Contracts</u>
8	<u>Design and Build</u>
9	<u>Design and Build Sub-Contracts</u>
11	<u>Minor Works</u>
13	<u>Measured Term</u>
14	<u>Homeowner Contracts</u>
16	<u>Project Bank Account Documentation</u>
17	<u>Pre-Construction Service Agreements</u>
19	<u>Constructing Excellence</u>
21	<u>Collateral Warranties</u>
23	<u>Framework Agreement</u>

Standard Building Contracts

General

The Standard Building Contract continues to be published in three versions: With Quantities (Q), Without Quantities (XQ) and With Approximate Quantities (AQ). Each continues to include the provisions designed to meet the needs of both private and public sectors.

The Contract is primarily appropriate for larger works where most of the works have already been designed and/or detailed by or on behalf of the Employer, where detailed contract provisions are required and where the Employer is to provide the Contractor both with drawings and with either bills of quantities (Q and AQ) or a specification or work schedules (XQ) to define the required quantity and quality of the work.

Each version requires the appointment of an Architect/Contract Administrator and Quantity Surveyor to administer the contract; each allows both for Contractor's design of discrete part(s) of the works (the Contractor's Designed Portion) and for the works to be carried out in sections.

Standard Building Contract with Quantities for use in Scotland (SBC/Q/Scot 2016)

Available in Digital and Print format.

Appropriate:

- for larger works designed and/or detailed by or on behalf of the Employer, where detailed contract provisions are necessary and the Employer is to provide the Contractor with drawings; and with bills of quantities to define the quantity and quality of the work; and
- where an Architect/Contract Administrator and Quantity Surveyor are to administer the conditions.

Can be used:

- where the Contractor is to design discrete part(s) of the works (Contractor's Designed Portion);
- where the works are to be carried out in sections;
- by both private and local authority employers.

Standard Building Contract Without Quantities for use in Scotland (SBC/XQ/Scot 2016)

Available in Digital and Print format.

Appropriate:

- for larger works designed and/or detailed by or on behalf of the Employer, where detailed contract provisions are necessary and the Employer is to provide the Contractor with drawings; and with either a specification or work Schedule to define adequately the scope and quality of the work and

- where the degree of complexity is not such as to require bills of quantities; and
- where an Architect/Contract Administrator and Quantity Surveyor are to administer the conditions.

Can be used:

- where the Contractor is to design discrete part(s) of the works (Contractor's Designed Portion);
- where the works are to be carried out in sections;
- by both private and local authority employers.

Standard Building Contract with Approximate Quantities for use in Scotland (SBC/AQ/Scot 2016)

Available in Digital and Print format.

Appropriate:

- for larger works designed and/or detailed by or on behalf of the Employer, where detailed contract provisions are necessary and the Employer is to provide the Contractor with drawings; and with approximate bills of quantities to define the quantity and quality of the work, which are to be subject to re-measurement, as there is insufficient time to prepare the detailed drawings necessary for accurate bills of quantities to be produced; and
- where an Architect/Contract Administrator and Quantity Surveyor are to administer the conditions.

Can be used:

- where the Contractor is to design discrete part(s) of the works (Contractor's Designed Portion);
- where the works are to be carried out in sections;
- by both private and local authority employers

Standard Building Contract Guide (SBC/G/Scot 2016)

Available in Digital and Print format.

This edition of the Guide to the Standard Building Contract for use in Scotland has been issued in conjunction with the 2016 edition of the Contract (SBC/Scot2016).

This Guide provides a general introduction to the contract. It is not a substitute for professional advice.

Standard Building Sub-Contracts

General

SBCSub/Scot is for use where the Sub-Contractor is not required to design any of the Sub-Contract Works; SBCSub/D/Scot (also referred to as ‘the Design version’) is for use where the Sub-Contractor is required to design all or part of the Sub-Contract Works i.e. part, or sometimes the whole, of the Contractor’s Designed Portion. Each version can be used when the Main Contract Works are to be carried out in Sections and each version can be used either:

- where the Sub-Contractor is to be paid a Lump Sum, adjustable for variations etc.; or
- where there is an agreed Tender Sum but the sub-contract works are to be subject to complete remeasurement.

Each version comprises two documents: the Sub-Contract Agreement (denoted by the suffix ‘/A’, i.e. SBCSub/A/Scot or, for sub-contractor’s design, SBCSub/D/A/Scot) and the Conditions (denoted by the suffix ‘/C’, i.e. SBCSub/C/Scot or, for sub-contractor’s design, SBCSub/D/C/Scot). (In this Guide, unless the context requires otherwise, references to the Agreement and Articles are to the Sub-Contract Agreement and its Articles; references to Conditions are to the Sub-Contract Conditions and references to sections, clauses and Schedule are to those parts of the Conditions.)

Standard Building Sub-Contract Agreement for use in Scotland (SBCSub/A/Scot 2016)

Available in Digital and Print format.

Appropriate:

- for use where the main contract is the Standard Building Contract (with quantities, without quantities or with approximate quantities); and
- for sub-contract works where the Sub-Contractor is not required to design.

Can be used:

- where the sub-contract works and/or main contract works are to be carried out in sections;
- for sub-contract works that are to be carried out on the basis of an adjusted sub-contract sum (adjustment for variations etc.) or by complete remeasurement.

Not suitable:

- where the Sub-Contractor is to design any part of the sub-contract works, even though the other criteria are met – consider using the Standard Building Sub-Contract with sub-contractor’s design for use in Scotland (SBCSub/D/A/Scot and SBCSub/D/C/Scot).

Standard Building Sub-Contract Conditions for use in Scotland (SBCSub/C/Scot 2016)

Available in Digital and Print format.

Appropriate:

- for use where the main contract is the Standard Building Contract (with quantities, without quantities or with approximate quantities); and
- for sub-contract works where the Sub-Contractor is not required to design.

Can be used:

- where the sub-contract works and/or main contract works are to be carried out in sections;
- for sub-contract works that are to be carried out on the basis of an adjusted sub-contract sum (adjustment for variations etc.) or by complete remeasurement.

Not suitable:

- where the Sub-Contractor is to design any part of the sub-contract works, even though the other criteria are met – consider using the Standard Building Sub-Contract with sub-contractor's design for use in Scotland (SBCSub/D/A/Scot and SBCSub/D/C/Scot).

**Standard Building Sub-Contract with sub-contractor's design Agreement for use in Scotland
(SBCSub/D/A/Scot 2016)**

Available in Digital and Print format.

Appropriate:

- for use where the main contract is the Standard Building Contract (with quantities, without quantities or with approximate quantities);
- where the Contractor is to design discrete part(s) of the main contract works (Contractor's Designed Portion); and
- the Sub-Contractor is to design all or part of the sub-contract works (Sub-Contractor's Designed Portion).

Can be used:

- where the sub-contract works and/or main contract works are to be carried out in sections;
- for sub-contract works that are to be carried out on the basis of an adjusted sub-contract sum (adjustment for variations etc.) or by complete remeasurement.

Not suitable:

- where no sub-contractor's design is involved – consider using the Standard Building Sub-Contract for use in Scotland (SBCSub/A/Scot and SBCSub/C/Scot).

**Standard Building Sub-Contract with sub-contractor's design Conditions for use in Scotland
(SBCSub/D/C/Scot 2016)**

Available in Digital and Print format.

Appropriate:

- for use where the main contract is the Standard Building Contract (with quantities, without quantities or with approximate quantities);

- where the Contractor is to design discrete part(s) of the main contract works (Contractor's Designed Portion); and
- the Sub-Contractor is to design all or part of the sub-contract works (Sub-Contractor's Designed Portion).

Can be used:

- where the sub-contract works and/or main contract works are to be carried out in sections;
- for sub-contract works that are to be carried out on the basis of an adjusted sub-contract sum (adjustment for variations etc.) or by complete remeasurement.

Not suitable:

- where no sub-contractor's design is involved – consider using the Standard Building Sub-Contract for use in Scotland (SBCSub/A/Scot and SBCSub/C/Scot).

Standard Building Sub-Contract Guide (SBC/Sub/G/Scot 2016)

Available in Digital and Print format.

This edition of the Standard Building Sub-Contract Guide for use in Scotland has been issued in conjunction with the 2016 editions of the Standard Building Contract for use in Scotland (SBC/Scot 2016), the Standard Building Sub-Contract for use in Scotland (SBCSub/Scot 2016) and the SBCC range as a whole.

It covers both versions of SBCSub/Scot 2016 i.e. SBCSub/Scot and SBCSub/D/Scot. Each of the two sub-contracts can be used where the main contract is the 2016 issue of any of the three versions of SBC/Scot 2016, i.e. With Quantities (SBC/Q/Scot), With Approximate Quantities (SBC/AQ/Scot) or Without Quantities (SBC/XQ/Scot).

This Guide provides a general introduction to the contract. It is not a substitute for professional advice.

Short Form of Sub-Contract (ShortSub/Scot 2016)

Available in Digital and Print format.

The SBCC Short Form of Sub-Contract for use in Scotland is a simple, straightforward form of sub-contract. It is suitable where the main contract is the SBCC Minor Works Building Contract and may also be used with other forms of main contract.

The SBCC Short Form of Sub-Contract is suitable for sub-contract packages with a straightforward content and generally low degree of risk. It is not suitable where the sub-contract works are of a complex technical nature or where they involve design work. The form is not fully back-to-back with SBCC main contracts and is not intended for complex or higher risk packages.

The wording of this Sub-Contract is intended to be easy to understand.

Appropriate:

- for use where the main contract is a SBCC contract; and
- for a small sub-contract package of work or one that is of straightforward content with low risk involved.

Can be used:

- where the sub-contract works and/or main contract works are to be carried out in sections;
- for sub-contract works that are to be carried out on the basis of an adjusted sub-contract sum (adjustment for variations etc.) or by complete remeasurement.

Not suitable:

- where the sub-contract works are of a complex technical nature;
- where the Sub-Contractor is to design any part of the sub-contract works, even though the other criteria are met;
- where provisions which are fully back to back with the main contract are required.

Sub-subcontract for use in Scotland (SubSub/Scot 2016)

Available in Digital and Print format.

The SBCC Sub-subcontract is a simple, straightforward form of contract. It is suitable for a sub-subcontract where the main contract is on a SBCC form which has a “main contractor” regardless as to whether the subcontract is on a SBCC form but clearly it is desirable that a SBCC subcontract form is used to ensure consistency of provisions.

Where the Sub-subcontract Works forms a significant part of the Subcontract Works or are of a fairly substantial value it is most important that the Sub-subcontractor is made aware of all the details of the Subcontract Conditions and that these are attached to the Sub-subcontract form.

The wording of the SBCC Sub-subcontract is intended to be easy to understand.

Appropriate:

- for use where the main contract is a SBCC contract.

Can be used:

- with any sub-contract;
- where the sub-subcontract works and/or sub-contract works are to be carried out in sections;
- for sub-subcontract works that are to be carried out on the basis of an adjusted sub-contract sum (adjustment for variations etc.) or by complete re measurement.

Not suitable:

- where the sub-subcontract works are of a complex technical nature;
- where provisions which are fully back to back with the sub-contract are required.

Design and Build

General

DB/Scot 2016 is primarily appropriate for larger works where the Employer has defined his requirements and where the Contractor is not only to carry out the works, but also to complete the design for them in accordance with those requirements. It retains the provisions designed to meet the needs of both private and public sectors and allows for the works to be carried out in sections.

For the purpose of contract administration, DB/Scot 2016 requires the appointment of an Employer's Agent; that agent may be either an external consultant or an appropriate member of the Employer's staff.

Design and Build Contract for use in Scotland (DB/Scot 2016)

Available in Digital and Print format.

Appropriate:

- where detailed contract provisions are necessary and Employer's Requirements have been prepared and provided to the Contractor;
- where the Contractor is not only to carry out and complete the works, but also to complete the design; and
- where the Employer employs an agent (who may be an external consultant or employee) to administer the conditions.

Can be used:

- where the works are to be carried out in sections;
- by both private and local authority employers.

Where the Contractor's design responsibility is restricted to discrete parts of the works and he is not responsible for completing the design for the whole works, consideration should be given to using one of the SBCC contracts that provide for the employment of an Architect/Contract Administrator and limited design input by the Contractor.

Design and Build Contract Guide (DB/G/Scot 2016)

Available in Digital and Print format.

This edition of the Guide to the Design and Build Contract for use in Scotland has been issued in conjunction with the 2016 edition of the contract (DB/Scot 2016).

This Guide is intended to provide a general introduction to the contract and is not a substitute for professional advice.

Design and Build Sub-Contracts

General

DBSub/Scot is for use whether or not the Sub-Contractor is required to design all or any of the Sub-Contract Works. It can be used when the Main Contract Works are to be carried out in Sections and:

- where the Sub-Contractor is to be paid a Lump Sum, adjustable for variations etc.; or
- where there is an agreed Tender Sum but the sub-contract works are to be subject to complete remeasurement.

The Sub-Contract comprises two documents: the Sub-Contract Agreement (DBSub/A/Scot) and the Conditions (DBSub/C/Scot).

Design and Build Sub-Contract Agreement for use in Scotland (DBSub/A/Scot 2016)

Available in Digital and Print format.

Appropriate:

- for use with the Design and Build Contract; and
- for sub-contract works whether or not they include design by the Sub-Contractor.

Can be used:

- where the sub-contract works and/or main contract works are to be carried out in sections;
- for sub-contract works that are to be carried out on the basis of an adjusted sub-contract sum (adjustment for variations etc.) or by complete re measurement of the sub-contract works.

Design and Build Sub-Contract Conditions for use in Scotland (DBSub/C/Scot 2016)

Available in Digital and Print format.

Appropriate:

- for use with the Design and Build Contract; and
- for sub-contract works whether or not they include design by the Sub-Contractor.

Can be used:

- where the sub-contract works and/or main contract works are to be carried out in sections;
- for sub-contract works that are to be carried out on the basis of an adjusted sub-contract sum (adjustment for variations etc.) or by complete re measurement of the sub-contract works.

Design and Build Sub-Contract Guide (DBSub/G/Scot 2016)

Available in Digital and Print format.

This edition of the Design and Build Sub-Contract Guide for use in Scotland has been issued in conjunction with the 2016 editions of the Design and Build Contract (DB/Scot 2016), the Design and Build Sub-Contract (DBSub/Scot 2016) and the SBCC range as a whole.

This Guide is intended to provide a general introduction to the contract and is not a substitute for professional advice.

Minor Works

Minor Works Building Contract for use in Scotland (MW/Scot 2016)

Available in Digital and Print format.

The Contract should only be used where the Employer has engaged an architect or other professionally qualified person to advise on and administer its terms.

The criteria for determining the suitability of the Contract is set out below.

Appropriate:

- where the work involved is simple in character;
- where the work is designed by or on behalf of the Employer;
- where the Employer is to provide drawings and/or a specification and/or work Schedule to define adequately the quantity and quality of the work; and
- where an Architect/Contract Administrator and Quantity Surveyor is appointed is to administer the conditions.

Can be used:

- by both private and local authority employers;
- where bills of quantities are required.

Not suitable:

- where detailed control procedures are needed;
- where the Contractor is to design discrete part(s) of the works, even though all the other criteria are met – consider using the Minor Works Building Contract with contractor's design for use in Scotland (MWD/Scot).

Minor Works Building Contract with Contractor's Design for use in Scotland (MWD/Scot 2016)

Available in Digital and Print format.

The Contract should only be used where the Employer has engaged an architect or other professionally qualified person to advise on and administer its terms.

The criteria for determining the suitability of the Contract is set out below.

Appropriate:

- where the work involved is simple in character;
- where the work is designed and the requirements for the contractor's design of discrete part(s) are detailed by or on behalf of the Employer, and where the Contractor is required to design those part(s) of the work (Contractor's Designed Portion);
- where the Employer is to provide drawings and/or a specification and/or work Schedule to define adequately the quantity and quality of the work; and
- where an Architect/Contract Administrator or Quantity Surveyor if appointed is to administer the conditions.

Can be used:

- by both private and local authority employers: and
- where bills of quantities are required;
- where provisions are required to govern work carried out by named specialists.

Not suitable:

- as a design and build contract;
- where detailed control procedures are needed;
- where warranties are required.

Minor Works Sub-Contract with sub-contractor's design (MWSUB/D/Scot 2016)

Available in Digital and Print format.

The SBCC Minor Works Sub-Contract with sub-contractor's design is a simple, straightforward form of sub-contract for use where the main contract is the SBCC Minor Works Building Contract with contractor's design (MWD/Scot). It is suitable for sub-contract packages with a straightforward design content and generally low degree of risk. Where the Main Contract (MWD/Scot) has been amended substantially in a manner that could affect the Sub-Contractor's risks or obligations under the sub-contract, the sub-contractor should give careful consideration as to the suitability of this Sub-Contract.

The wording of this Sub-Contract is intended to be easy to understand.

Appropriate:

- for use where the main contract is the Minor Works Building Contract with contractor's design;
- where the Sub-Contractor is to design all or part of the sub-contract works (Sub-Contractor's Designed Portion); and
- for a small sub-contract package of work or one that is of straightforward content with low risk involved.

Not suitable:

- where the sub-contract works are of a complex technical nature;
- where sub-contractor's design is not involved – consider using the Short Form of Sub-Contract (ShortSub/Scot).

Measured Term

Measured Term Contract (MTC/Scot 2019)

Available in Print format, due in Digital format soon.

MTC/Scot 2019 is a flexible, medium-to-longer term procurement 'framework' or 'term' agreement. It is based on MTC/2016 prepared by JCT.

The criteria for determining the suitability of the Contract is set out below.

Appropriate for use:

- by Employers who have a regular flow of maintenance and minor works, including improvements, to be carried out by a single contractor over a specified period of time and under a single contract;
- where the work is to be instructed from time to time and measured and valued on the basis of an agreed schedule of rates; and
- where a Contract Administrator is to administer the conditions.

Measured Term Contract Guide (MTC//G/Scot 2019)

Available in Print format, due in Digital format soon.

This edition of the Measured Term Contract Guide for use in Scotland has been issued in conjunction with the 2019 edition of the Measured Term Contract (MTC/Scot 2019). It is based on MTC/2016 prepared by JCT.

This Guide is intended to provide a general introduction to the contract and is not a substitute for professional advice.

Homeowner Contracts

Designed for Home Owners in Scotland planning home improvements. A Homeowner Contract gives protection from long legal battles if things go wrong.

Easy to understand and simple to complete. There is no need for a paid subscription to the site.

Homeowner Contracts cover you for types of building work including:

- extension
- conservatory
- kitchen/bathroom relocation
- new garage
- loft conversion

There is no need to employ a solicitor. Just buy the contract online, fill in a few details, sign it and get your builder and project manager (if you have one) to sign it.

Homeowner Contract for Use in Scotland

(HO/B/Scot 2015)

Only available in Digital format currently.

Building contract for a homeowner/occupier who has not appointed a consultant to oversee the work.

Appropriate Use:

Use this contract if you, the customer, deal directly with a builder working on your home. It is not generally suitable for large projects where you may need to employ a consultant to act for you.

For use in Scotland. Not for use in England and Wales

Important note: if you need a consultant to be involved during the work, the building contract will not be suitable. In this case you should use our 'Building contract for a homeowner/occupier (HOC/Scot) who has appointed a consultant to oversee the work'.

Homeowner Contract with Consultant for Use in Scotland

(HOC/Scot 2015 and HO/CA/Scot 2015)

Only available in Digital format currently.

Homeowner Contract (with Consultant) and Consultancy agreement HO/C/Scot and HO/CA/Scot

Appropriate for:

This contract is for work to be carried out by a building contractor for a home owner/occupier (the customer) who has appointed a consultant.

For use in Scotland. Not for use in England and Wales

This contract contains: the Contract, Rules for Adjudication for use with the contract, Contract Agreement and Rules for Adjudication for use with the contract agreement.

Important note: if you don't want the consultant to deal directly with the builder, the building contract will not be suitable. In this case you should use SBCC Building contract for a home owner/occupier which is for use where no consultant is involved during the building process.

Project Bank Account Documentation

Project Bank Account for Use in Scotland (PBA/Scot 2022)

Only available in Digital format.

Project bank accounts (PBAs) help to protect cash flow to sub-contractors, particularly in the event of the insolvency of the employer or contractor. The extent of the protection is dependent on the operation of the PBA and is generally limited as regards employer's insolvency.

The SBCC PBA documentation comprises the following:

- SBCC Project Bank Account Agreement (PBA). This includes the SBCC form of Joining Agreement (PBA/JA).
- Enabling Provisions for insertion into the Building Contract and Sub-Contracts requiring the relevant parties to enter into the PBA.
- Guidance Notes.

The documentation is designed to be generic enough for use by both public and private sector clients and on any type or size of project. The suitability of the documentation for use in relation to any given project should be considered and appropriate legal advice taken as necessary.

Appropriate Uses:

This document contains the three relevant parts, i.e. Project Bank Account Agreement, form of Joining Agreement and the Enabling Provisions, to enable a project bank account to be set up and operated.

It is appropriate for use in conjunction with the following standard forms of SBCC main contract and their related standard forms of SBCC sub-contract:

a SBCC Standard Building Contract (SBC/ Scot);

- a SBCC Standard Building Sub-Contract Agreement for use in Scotland 2016 (SBSub/A/Scot); or
- a SBCC Standard Building Sub-Contract with sub-contractor's Design Agreement Scotland 2016 (SBSub/D/A/Scot).

a SBCC Design and Build Contract For Use in Scotland 2016 (DB/Scot);

- a SBCC Design and Build Sub-Contract Agreement For Use in Scotland 2016 (DBSub/A/Scot).

Pre-Construction Service Agreements

Pre-Construction Service Agreement (General Contractor) (PCSA/Scot 2019)

Available in Print format, due in Digital format soon.

This Agreement, the General Contractor (PCSA/Scot) version of the SBCC Pre-Construction Services Agreement, is designed to cover the interim appointment of a contractor and the provision by him of pre-construction services where procurement is based on a two-stage tender process.

Appropriate:

- for the supply of pre-construction services by a Contractor selected under a two-stage tendering procedure; and
- where the main contract is to be the 2016 Editions of the SBCC Standard Building Contract, Design Build Contract, Minor Works Contract or Minor Works with Design Contract.

Can be used:

- whether or not the Contractor is to be responsible for any design work;
- where there is to be novation to the Contractor of any specialist sub-contract(s) or supply contract(s) or (in the case of a Design and Build Contract) any consultancy agreement(s);
- by both private and local authority employers; and

Not suitable for use:

- between a Contractor and a sub-contractor.

Pre-Construction Service Agreement (Specialist) (PCSA/SP/Scot 2019)

Available in Print format, due in Digital format soon.

This Agreement, the Specialist (PCSA/SP) version of the SBCC Pre-Construction Services Agreement, is designed to cover the interim appointment of a Specialist to provide pre construction services either direct to the Employer or to the Main Contractor on substantial and/or complex projects where the Specialist is to be paid for the provision of those services independently of amounts payable to him under any resultant sub-contract.

Appropriate:

- for the supply of pre-construction services by a specialist to either an employer or the actual or prospective main contractor on substantial and/ or complex projects, prior to entry into a sub-contract for construction or installation work; and

- where the main contract is to be the 2016 Editions of the SBCC Standard Building Contract, Design and Build Contract, Minor Works Contract or Minor Works with Design Contract.

Can be used:

- whether or not the specialist is to be responsible for any design work;
- where the pre-construction services agreement is to be with the employer but the benefit of the specialist's tender may be assigned to the main contractor; and
- by both private and local authority employers.

Not suitable for use:

- between the employer and main contractor (for which the other version of the agreement, i.e. the SBCC Pre-Construction Services Agreement (General Contractor) (PCSA/Scot) should be used);
 - between the employer and a professional consultant
-

Constructing Excellence

The background to partnering was set out in JCT Practice Note 4 (series 2), in which JCT indicates that it recognises the need for an entirely new form of agreement where the collaborative/partnering concept is overt. JCT reviewed the various approaches to partnering and collaborative working and established a Joint Working Party with Be to develop a JCT/Be contract based on the Be Collaborative Agreement and Terms. This joint enterprise then continued with Constructing Excellence following Be becoming part of that organisation and its efforts produced the JCT - Constructing Excellence Contract (CE), Project Team Agreement (CE/P) and Guide (CE/G). These documents have been developed with local authorities and other public sector clients specifically in mind, so as to fulfil a particular need. The documents CE/Scot, CE/P/Scot and CE/G/Scot have been adapted from the equivalent JCT documents for use in Scotland.

The SBCC and JCT - Constructing Excellence Contracts have been drafted to provide documents that underpin collaborative working and the formation of integrated teams within the supply chain. It is intended to:

- encourage collaborative behaviour;
- get participants to recognise the importance of and require the use of risk management at the pre-tender stage to assist in delivering successful projects;
- provide flexibility in use; and
- be used throughout the supply chain.

Constructing Excellence Contract for use in Scotland (CE/Scot 2019)

Available in Print format, due in Digital format soon.

Appropriate:

- for the procurement of construction works and construction related services;
- for use throughout the supply chain including the provision of professional services;
- for use where participants wish to engender collaborative and integrative working;
- for use in partnering.

Can be used:

- whether or not the supplier is to design;
- where the works are to be carried out in sections;
- for Target Cost or Lump Sum.

Constructing Excellence Contract Project Team Agreement for use in Scotland (CE/P/Scot 2019)

Available in Print format, due in Digital format soon.

Appropriate:

- for use in conjunction with the SBCC - Constructing Excellence Contract (CE/Scot); and
- where members of the project team are to enter into a multi-party pain/gain agreement.

Constructing Excellence Contract Guide for use in Scotland (CE/G/Scot 2019)

Available in Print format, due in Digital format soon.

This guide is not only to assist users in the use of the JCT and SBCC - Constructing Excellence Contract and JCT and SBCC - Constructing Excellence Contract Project Team Agreement but also to help those less familiar with aspects of collaborative working.

This Guide covers aspects of both the SBCC - Constructing Excellence Contract and the Project Team Agreement, including help on the completion of these two documents. It is intended to provide a general introduction to these contracts and is not a substitute for professional advice.

Collateral Warranties

Contractor Collateral Warranty for a Funder for use in Scotland (CWa/F/Scot 2016)

Available in Print format, due in Digital format soon.

This Collateral Warranty CWa/F/Scot 2016 is for use with contracts let under SBC/Scot and DB/Scot where warranties are to be given by the Contractor to a person ('Funder') who has entered into an agreement with the Employer to provide finance for the Works ('Finance Agreement').

This Warranty may be given by a contractor to a provider of finance ('Funder') for proposed building works let or to be let under:

- a SBCC Standard Building Contract (SBC/Scot); or
- a SBCC Design and Build Contract (DB/Scot).

Contractor Collateral Warranty for a Purchaser or Tenant for use in Scotland (CWa/P&T/Scot 2016)

Available in Print format, due in Digital format soon.

This Collateral Warranty CWa/P&T/Scot 2016 is for use with contracts let under SBC/Scot and DB/Scot where warranties are to be given by the Contractor to purchaser(s) and/or tenant(s) of the whole or part of the building(s) comprising the Works.

This Warranty may be given by a contractor to a purchaser or tenant of the whole or part of the building(s) comprising the works which are being or have been carried out under:

- a SBCC Standard Building Contract (SBC/Scot); or
- a SBCC Design and Build Contract (DB/Scot).

Sub-Contractor Collateral Warranty for Employer for use in Scotland (SCWa/E/Scot 2016)

Available in Print format, due in Digital format soon.

The SBCC Warranty SCWa/E/Scot 2016 is for use with contracts let under SBC/Scot and DB/Scot where the Employer has an agreement with a person ('Main Contractor') who will carry out building works ('Main Contract Works') required by the Employer.

This Warranty may be given by a sub-contractor to an employer ('Employer') for proposed building works let or to be let under:

- a SBCC Standard Building Contract (SBC/Scot); or
- a SBCC Design and Build Contract (DB/Scot)

Sub-Contractor Collateral Warranty for a Funder for use in Scotland (SCWa/F/Scot 2016)

Available in Print format, due in Digital format soon.

This Collateral Warranty SCWa/F/Scot 2016 is for use with contracts let under SBC and DB where warranties are to be given by the Sub-Contractor to a person ('Funder') who has

entered into an agreement with the Employer to provide finance for the Main Contract Works ('Finance Agreement').

This Warranty may be given by a sub-contractor to a provider of finance ('Funder') for proposed building works let or to be let under:

- a SBCC Standard Building Contract (SBC/Scot); or
- a SBCC Design and Build Contract (DB/Scot).

Sub-Contractor Collateral Warranty for a Purchaser or Tenant for use in Scotland (SCWa/P&TScot 2016)

Available in Print format, due in Digital format soon.

This Collateral Warranty SCWa/P&T/Scot 2016 is for use with contracts let under SBC/Scot and DB/Scot where warranties are to be given by sub-contractors to purchaser(s) and/or tenant(s) of the whole or part of the building(s) comprising the Main Contract Works.

This Warranty may be given by a sub-contractor to a purchaser or tenant of the whole or part of the building(s) comprising the main contract works which are being or have been carried out under:

- a SBCC Standard Building Contract (SBC/Scot); or
- a SBCC Design and Build Contract (DB/Scot).

Framework Agreement

The SBCC Framework Agreement 2014 can be used by anyone (including those in the public sector) who anticipates procuring a significant volume of construction/engineering work and/or services over a period of time and who wants to see a collaborative approach to such work and services and progressive and sustainable improvements in the way in which such work and services are performed:

Framework Agreement for use in Scotland

(FA/Scot 2014) *This is still the current version of this contract as of May 2023*

Available in Print format only.

Appropriate:

- for the procurement of construction/engineering related works over a period of time;
- for use by clients with contractors and/or suppliers;
- for use by contractors, sub-contractors and/or suppliers sub-letting to others in the supply chain;
- for use with most standard forms of construction and engineering contracts and sub-contracts.

Can be used:

- where compliance with the public procurement rules is required;
- on a single project.

Framework Agreement Guide for use in Scotland

(FA/G/Scot 2014) *This is still the current version of this guide as of May 2023*

Available in Print format only.

This Guide is intended to provide a general introduction to the Framework Agreement 2014 and is not a substitute for professional advice.
