



# The FIDIC Forms of Contract

By Nael G. Bunnii

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In September 1999, FIDIC introduced its new Suite of Contracts, which included a “new” Red, Yellow, Silver and Green forms of contract. The “new” Red Book was intended to replace the 1992 fourth edition of the Red Book, with the ambition that its use would cease with time. This ambition has not materialised and is unlikely to do so in the future.

Despite the importance of the 1999 Forms, there has been very little published on the new concepts adopted in them and how they interact with the previous forms. This important work considers these aspects together with the many developments affecting the fourth edition of the Red Book that have taken place since 1997, when the second edition of this book was published, and relates them to key contracting issues. It is written by a chartered engineer, conciliator and international arbitrator with wide experience in the use of the FIDIC Forms and in the various dispute resolution mechanisms specified in them.

Important features of this book include:

- background and concepts of the various forms of contract;
- a detailed comparison of the wording of the 1999 three main forms, which although similar in nature; it nevertheless significantly differs in certain areas where the three forms diverge due to their intended purpose;
- analysis of the rights and obligations of the parties involved in the contract and the allocation of risks concerned;
- a range of ‘decision tree’ charts, analysing the main features of the 1992 Red Book, including risks, indemnities and insurances, claims and counterclaims, variations, procedure for claims, programme and delay, suspension, payments and certificates, dispute resolution mechanisms, and dispute boards;
- a much enlarged discussion of the meaning of “claim” and “dispute” and the types of claim with a discussion of the Notice provision in the 1999 forms of contract for the submittal of claims by a contractor and by an employer;

- the FIDIC scheme of indemnities and insurance requirements; and the methods of dispute resolution provided by the various forms of contract; and
- five new chapters in this third edition, the first four chapters deal with each of the 1999 forms and the fifth chapter is confined to the topic of Dispute Boards.

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#### Review

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'One of the great virtues of the book is that it is almost a work on construction law and practice in the international sphere....It is quite common for books to be described as indispensable but that is an apt description of what looks to be a classic text. It is also remarkably good value for money.' **Judge Humphrey Lloyd QC, International Construction Law Review, 2005.**

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#### From the Back Cover

In 1999 FIDIC introduced a new 'Red Book' for international civil engineering and large building projects, together with new Yellow, Silver and Green forms of contract for other types of project. However, the previous edition of the Red Book (the fourth edition) continues to be widely used and it seems likely that the 1999 edition will not replace it in the medium term, at least in certain parts of the world.

This important work therefore continues to be based on the fourth edition of the Red Book and considers the many developments affecting the fourth edition that have taken place since 1997, when the second edition of this book was published, and relates them to key contracting issues. It also includes an important new section considering the 1999 Red, Yellow, Silver and Green forms and how they interact with the previous form.

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