

COVID-19: Position under Standard-Form Appointments and Contracts

Contracts		Operating the Contract			Your Entitlements		Force Majeure
		Give 'warnings'?	Give notices / make 'claims'?	Give 'updates' (independent of claim)?	Extension of time?	Additional payment / loss and expense?	Force majeure-type provision for COVID-19?
Consultancy Appointments							
FIDIC White Book	2017	✓	✓	✓	✓	✓	✓
	2006	✗	✓	✓	✓	✓	✓
NEC3/4 PSC		✓	✓	✓	✓	✓	✓
RIBA 2018		✗	✓	✗	✓	✓	✓
ACE 2017		✓	✓	✗	✓	✓	✓
Construction Contracts							
FIDIC Rainbow Suite	2017	✓	✓	✓	? ¹	? ²	✓
	1999	✗	✓	✓	? ¹	? ²	✓
NEC3/4 ECC		✓	✓	✓	✓	✓	✓
JCT		✗	✓	✗	? ³	✗	? ⁴

¹ EOT available for shortages and delay/impediment/prevention by Employer or other contractors

² Payment depends on nature of contract (Red Book / Yellow Book / Silver Book)

³ EOT available for force majeure and exercise of statutory power that directly affects Works

⁴ Force majeure not defined; common-law meaning unclear: circumstances need careful review