



Harmonized Particular Conditions of Contract for Construction – WASH SECTOR NOV2020



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18 IMPROVEMENTS in Particular Conditions of Contract for the WASH Sector				
BETTER CONTRACT MANAGEMENT (7 improvements)	Employer friendly	Contractor friendly	Humanitarian Specific	Wash Specific
Reinforcing the importance of attached document to the contract => Clause 1.3- «Priority of Documents»			x	
Giving additional space for third party's during the period of the contract => Clause 3.2 - «Employer's Representative»			x	
Better monitoring of the project to increase tracking and visibility => Clause 4.6 - (Additional) « Progress Reports » and Clause 9.3 - (Additional) « Works to be measured »			x	
Include a mediation mechanism referred to as "dispute Avoidance" => Clause 15.4 - (Additional) «Dispute Avoidance»	x	x	x	
Allows the donor (if applicable) to play a role as a mediator => Clause 15.4.1.5. under Clause 15.4 «Dispute Avoidance»			x	
An alternative payment mechanism to monthly payment is proposed via interim payment => Clause 11.3 – «Interim Payments »			x	
Add termination options for the Employer => Clause 12.5 - (Additional) « Termination by Employer»	x			
IMPROVED RISK ALLOCATION (5 improvements)	Employer friendly	Contractor friendly	Humanitarian Specific	Wash Specific
Allocate the geological risk during the works => Clause 4.7 - (Additional) «Unforeseeable Physical Conditions»		x	x	x
Give additional rights to the contractor in case of suspension of work which is more of an issue in the humanitarian context => Clause 7.5 - (Additional) «Suspension of Work»		x	x	
In case of payment upon completion of works the contractor is guaranteed to be partially paid before the result of any testing period preceding the taking over notice => Clause 11.3 –« Interim Payments »		x	x	
Encourage Advance payment for the contractor by limiting the risk for the Employer via an advance payment bank certified check when the local bank system allows it => Clause 11.9 – (Additional) « Advance payment »	x		x	
Stopping the risk of the Retention not being available to fix defects after completion of the works => Clause 11.10 – (Additional) « Retention Money »	x		x	
IMPROVED PROCUREMENT (6 improvements)	Employer friendly	Contractor friendly	Humanitarian Specific	Wash Specific
Blocking the possibility for the contractor to dilute responsibility through multiple level of subcontracting. Only one level of subcontracting is allowed => Clause 4.3 - «Subcontracting»	x		x	
Include humanitarian specific requirement regarding terrorism => Clause 4.8 - (Additional) «Terrorism and Prohibited Parties»			x	
Address multiple currency issue => Clause 10.7 - (Additional) «Payment in Applicable Currencies»			x	
Add termination option for the Employer after donor's deadline for funding has been met => Clause 12.5 - (Additional) « Termination by Employer»	x		x	
Addressing site safety specific to the humanitarian context => Clause 13.3 - (Additional) «Site Safety»			x	
Addressing sexual harassment issues specific to the humanitarian context => Clause 13.4 - (Additional) «Sexual Exploitation and Abuse»			x	