

ARCHITECT/CONTRACT ADMINISTRATOR/EMPLOYER'S AGENT INSTRUCTIONS

The Architect/Contract Administrator/Employer's Agent is empowered to issue instructions to the contractor on any matter where the relevant clause of the Conditions of Contract authorise this, and the contractor is bound by the contract to carry them out.

When the Architect/Contract Administrator/ Employer's Agent issues an instruction to the contractor, more often than not it has the effect of varying the design, quality or quantity of the work and therefore it affects the value of the building contract, i.e. it is a variation.

A priced draft copy of all instructions, including drawing revisions, which will result in extra cost or savings of a significant nature (whether containable within the contingency provision or otherwise) is to be sent to the Capital & Infrastructure Project Manager for comments/approval, PRIOR TO ISSUE. Only in an emergency situation where it is necessary to instruct the contractor immediately to avoid delay or other consequences, is it permitted for instructions of this nature to be issued prior to the receipt of Capital & Infrastructure Project Manager's comments/approval. In these instances a priced copy is to be sent to the Capital & Infrastructure Project Manager as soon as possible, and in all cases within 5 working days.

Where the value of the instruction is based upon an Architect's/Contract Administrator/Employer's Agent's assessment, and remains unagreed this must be stated with the reason given. Unagreed figures must not be entered on the copy passed to the contractor.

As a general rule, the following amounts will be regarded as significant on an individual instruction.

The Architect/Contract Administrator/ Employer's Agent will be expected to exercise judgement in the application of this procedure, and as an extension of the above requirement, present draft instructions of lower value where over a short period of time they have a significant accumulative cost effect, or where the financial balance on a project is becoming critical.

General rule for price reporting:-

Project value	Assessed value of instruction
Up to £100,000	£ 500
£100,000 - £500,000	£1,000
Over £500,000	£3,000

A variation to the above general rule may be agreed in specific circumstances.

NOTE:

THIS DIRECTIVE IS APPLICABLE TO THE MAJORITY OF SCHEMES BUT IT WILL NOT NECESSARILY BE APPROPRIATE TO ALL WORKS AND THEREFORE ON EACH SCHEME IT WILL BE NECESSARY TO CHECK THE SPECIFIC REQUIREMENTS.

REFERENCE

All instructions must be numbered consecutively for each contract. In the wording of an Architect's Instruction, differentiate carefully between acquiescence to the contractor's proposal and a directive, e.g. make it clear when approval is being given to the use of an alternative product at the contractor's behest as opposed to a change made on the client's behalf. Vague expressions which convey no indication of the extent of change and which leave the meaning open to doubt, e.g. "as instructed on site" must be avoided.

It is the Architect's/Contract Administrator/Employers Agent's responsibility to ensure that his monthly contract reports are properly maintained and that the figures reasonably reflect the true financial state of the contract.

**See also
BCD.11 and
12**

Note also the requirement to provide a priced list of all instructions at regular intervals as supporting information to the Monthly Contract Report. See BCD12.

On no account must support consultants or clerks of works issue instructions direct to contractors or sub-contractors. The responsibility rests solely with the Architect/CA /Employer's Agent.

By issuing instructions in the manner described, the instruction sheets will provide a comprehensive record and greatly assist in contract management. In addition, it will greatly help quantity surveyors and contractors in the settling of final accounts.

CONCLUSION