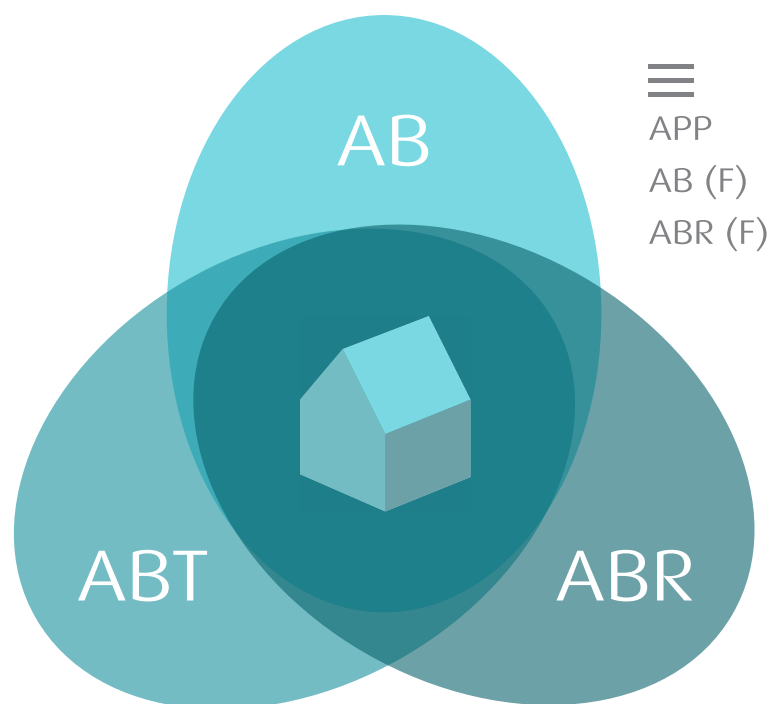


Supplementary conditions

regarding operational requirements in building and construction works
(APP Operational Requirements)



These ‘Supplementary conditions regarding operational requirements in building and construction works’ (APP Operational Requirements) relating to the General conditions for building and construction works and supplies (AB 18) and the General conditions for design and build contracts (ABT 18) have been prepared by a committee appointed by the Minister for Climate, Energy and Building in accordance with Report 1570 issued on 21 June 2018, comprising representatives of the following organisations:

- **BL, Danmarks Almene Boliger**
BL – Danish Social Housing
- **Bygherreforeningen**
Danish Association of Construction Clients
- **Bygningsstyrelsen**
Danish Building and Property Agency
- **Danske Arkitektvirksomheder**
Danish Association of Architectural Firms
- **Dansk Byggeri**
Danish Construction Association
- **Danske Regioner**
Danish Regions
- **Dansk Industri**
Confederation of Danish Industry
- **Foreningen af Rådgivende Ingeniører**
Danish Association of Consulting Engineers
- **Kommunernes Landsforening**
Local Government Denmark
- **Kooperationen**
Danish Cooperative Employers' Association
- **SMVdanmark (tidligere Håndværksrådet)**
SMEdenmark (formerly the Danish Federation of Small and Mediumsized Enterprises)
- **TEKNIQ**
TEKNIQ - Danish Mechanical and Electrical Contractors' Association
- **Vejdirektoratet**
Danish Road Directorate
- **Voldgiftsnævnet for bygge og anlægsvirksomhed**
Danish Building and Construction Arbitration Board

Prevailing Language

The Danish language version of these general conditions shall be controlling in all respects and shall prevail in case of any inconsistencies with translated versions.

English version published 17 December 2018

Supplementary conditions relating to AB 18

Clause 1 Application

Subclause (1) The provisions of this appendix have been prepared for use in relation to contracts for building and construction works involving operational requirements so that the provisions either supplement or deviate from AB 18. The provisions apply when adopted by the parties to the contract.

Clause 2 Definitions

Subclause (1) Operational requirements mean requirements concerning the operational performance of the works after handover and commissioning that cannot be established as being fulfilled at handover.

Clause 3 The client's call for tenders

Subclause (1) The tender documents must contain information about

- a) the content of operational requirements and their underlying assumptions; and
- b) measurements to establish whether the operational requirements and their underlying assumptions are met after handover, including the operational period(s) the measurements are to concern, how, by whom and when they are to be made and whether commencement of measurements is conditional upon the contractor having submitted the agreed material concerning operation and maintenance.

Clause 4 Measurement of operational requirements

Subclause (1) The client calls in the contractor to attend the beginning and conclusion of the measurement.

Subclause (2) After conclusion of the measurement, the client must as soon as possible prepare a protocol of the measurement, stating the results, including whether the operational requirements are considered to be met. The protocol is sent to the contractor together with a deadline by which any comments may be made, including proposals for rectification if needed.

Subclause (3) The provision in clause 46, subclause (2), of AB 18 applies correspondingly to the measurement.

Subclause (4) If late delivery of agreed operation and maintenance material delays the measurement so that it cannot be concluded until more than one year after the handover of the works, the contractor's performance bond will not be reduced until the measurement has been concluded.

Clause 5 Speedy resolution

Subclause (1) The possibility of obtaining speedy resolution in accordance with clause 68 of AB 18 at the request of a party also applies to measurement of and fulfilment of operational requirements; see clause 68, subclause (1), para k, of AB 18.

Supplementary conditions relating to ABT 18

Clause 1 Application

Subclause (1) The provisions of this appendix have been prepared for use in relation to design and build contracts involving operational requirements so that the provisions either supplement or

deviate from ABT 18. The provisions apply when adopted by the parties to the contract.

Clause 2 Definitions

Subclause (1) Operational requirements mean requirements concerning the operational state or performance of the works after handover and commissioning that cannot be established as being fulfilled at handover.

Clause 3 The client's call for tenders

Subclause (1) The tender documents must contain information about

- a) the content of operational requirements and their underlying assumptions; and
- b) measurements to establish whether the operational requirements and their underlying assumptions are met after handover, including the operational period(s) the measurements are to concern, how, by whom and when they are to be made and whether commencement of measurements is conditional upon the contractor having submitted the agreed material concerning operation and maintenance.

Clause 4 Measurement of operational requirements

Subclause (1) The client calls in the contractor to attend the beginning and conclusion of the measurement.

Subclause (2) After conclusion of the measurement, the client must as soon as possible prepare a protocol of the measurement, stating the results, including whether the operational requirements are considered to be met. The protocol is sent to the contractor together with a deadline by which any comments may be made, including proposals for rectification if needed.

Subclause (3) The provision in clause 44, subclause (2), of ABT 18 applies correspondingly to the measurement.

Subclause (4) If late delivery of agreed operation and maintenance material delays the measurement so that it cannot be concluded until more than one year after the handover of the works, the contractor's performance bond will not be reduced until the measurement has been concluded.

Clause 5 Speedy resolution

Subclause (1) The possibility of obtaining speedy resolution in accordance with clause 66 of ABT 18 at the request of a party also applies to measurement of and fulfilment of operational requirements; see clause 66, subclause (1), para i, of ABT 18.