

OPTION X29

Reducing the impact of the works on climate change

Identified and defined terms	X29 X29.1	<p>(1) The Climate Change Requirements are the requirements relating to climate change stated in the Scope.</p> <p>(2) The Climate Change Execution Plan is the <i>climate change execution plan</i> or is the latest Climate Change Execution Plan accepted by the <i>Project Manager</i>. The latest Climate Change Execution Plan accepted by the <i>Project Manager</i> supersedes the previous Climate Change Execution Plan.</p> <p>(3) The Climate Change Partners are the people or organisations who contribute to the achievement of the Climate Change Requirements and are identified in the Climate Change Requirements.</p> <p>(4) The Performance Table states the targets the <i>Contractor</i> is to achieve in Providing the Works and sets out the adjustment to payment if a measured performance is higher, the same or lower than its target. The Performance Table is the <i>performance table</i> unless later changed in accordance with the contract.</p>
Collaboration	X29.2	<p>The <i>Contractor</i> collaborates with other Climate Change Partners as stated in the Climate Change Requirements.</p>
Early warning	X29.3	<p>The <i>Contractor</i> and the <i>Project Manager</i> give an early warning by notifying the other as soon as either becomes aware of any matter which could adversely affect the achievement of the Climate Change Requirements.</p>
Climate Change Execution Plan	X29.4	<p>(1) If a Climate Change Execution Plan is not identified in the Contract Data, the <i>Contractor</i> submits a first Climate Change Execution Plan to the <i>Project Manager</i> for acceptance within the period stated in the Contract Data.</p> <p>(2) Within two weeks of the <i>Contractor</i> submitting a Climate Change Execution Plan for acceptance, the <i>Project Manager</i> notifies the <i>Contractor</i> of the acceptance of the Climate Change Execution Plan or the reasons for not accepting it. A reason for not accepting a Climate Change Execution Plan is that</p> <ul style="list-style-type: none"> • it does not comply with the Climate Change Requirements or • it will not allow the <i>Contractor</i> to Provide the Works. <p>If the <i>Project Manager</i> does not notify acceptance or non-acceptance within the time allowed, the <i>Contractor</i> may notify the <i>Project Manager</i> of that failure. If the failure continues for a further one week after the <i>Contractor's</i> notification, it is treated as acceptance by the <i>Project Manager</i> of the Climate Change Execution Plan.</p> <p>(3) The <i>Contractor</i> submits a revised Climate Change Execution Plan to the <i>Project Manager</i> for acceptance</p> <ul style="list-style-type: none"> • within the <i>period for reply</i> after the <i>Project Manager</i> has instructed it to and • when the <i>Contractor</i> chooses to. <p>(4) If the Climate Change Execution Plan is altered by a compensation event, the <i>Contractor</i> includes the alterations to the Climate Change Execution Plan in the quotation for the compensation event.</p> <p>(5) The <i>Project Manager</i> may instruct the <i>Contractor</i> to correct a failure to comply with the Climate Change Execution Plan. This instruction is not a compensation event.</p>

Disclosure	X29.5	<p>The Climate Change Requirements state</p> <ul style="list-style-type: none"> information that the Parties may use, disclose and publicise and the purposes for which it may be used, disclosed and publicised.
Acceleration and accepting Defects	X29.6	<p>Quotations for acceleration and accepting Defects include any proposed changes to the Performance Table.</p> <p>If the quotation is accepted the <i>Project Manager</i> changes the Performance Table accordingly.</p>
Notifying compensation events	X29.7	<p>(1) For compensation events notified by the <i>Project Manager</i> that only affect the Performance Table, the <i>Project Manager</i> instructs the <i>Contractor</i> to submit quotations if the event does not arise from a fault of the <i>Contractor</i>, at the time of the notification of the compensation event.</p> <p>(2) If the <i>Contractor</i> does not notify a compensation event within eight weeks of becoming aware that the event has happened, the Performance Table is not changed unless the event arises from the <i>Project Manager</i> or the <i>Supervisor</i> giving an instruction or notification or changing an earlier decision.</p> <p>(3) If a compensation event notified by the <i>Contractor</i> only affects the Performance Table the <i>Project Manager</i> notifies the <i>Contractor</i> that the event is a compensation event and includes in the notification an instruction to the <i>Contractor</i> to submit quotations unless the event</p> <ul style="list-style-type: none"> arises from a fault of the <i>Contractor</i>, has not happened and is not expected to happen, has not been notified within the timescales set out in these <i>conditions of contract</i> or is not one of the compensation events stated in the contract <p>in which case the <i>Project Manager</i> notifies the <i>Contractor</i> that the Performance Table is not to be changed and states the reasons in the notification. The notification is issued within one week of the <i>Contractor's</i> notification of the compensation event.</p>
Quotations for compensation events	X29.8	<p>Quotations for compensation events include proposed changes to the Performance Table assessed by the <i>Contractor</i>.</p>
Assessing compensation events	X29.9	<p>(1) A change to the Performance Table is assessed as the effect of the compensation event upon the targets, amounts and dates stated in the Performance Table.</p> <p>(2) The rights the <i>Client</i> and the <i>Contractor</i> have in respect of a compensation event include the right to changes to the Performance Table.</p> <p>(3) A compensation event which is an instruction to change the Scope in order to resolve an ambiguity or inconsistency is assessed as if the Performance Table were for the interpretation most favourable to the Party which did not provide the Scope.</p>
Implementing compensation events	X29.10	<p>When a compensation event is implemented the Performance Table is changed accordingly.</p>

Contractor's proposals	X29.11	<p>(1) The <i>Contractor</i> may propose to the <i>Project Manager</i> that the <i>Scope</i> is changed in order to reduce the impact of the creation, operation, maintenance or demolition of the <i>works</i> on matters which may affect climate change. The <i>Project Manager</i> consults with the <i>Client</i> and the <i>Contractor</i> about the change.</p> <p>(2) If the <i>Project Manager</i> is prepared to consider the change, the <i>Contractor</i> submits a quotation which comprises</p> <ul style="list-style-type: none"> • a detailed description, • an analysis of the reduction in the impact of the creation, operation or maintenance of the <i>works</i> on matters which may affect climate change, • an analysis of the resulting risks to the <i>Client</i>, • any changes to the Prices and Performance Table, • a revised programme showing any changes to the Completion Date and Key Dates. <p>(3) The <i>Project Manager</i> consults with the <i>Contractor</i> about a quotation. The <i>Project Manager</i> replies within the <i>period for reply</i>. The reply is acceptance of the quotation or the reasons for not accepting it. The <i>Project Manager</i> may give any reason for not accepting the quotation.</p> <p>(4) The <i>Project Manager</i> does not change the <i>Scope</i> as proposed by the <i>Contractor</i> unless the <i>Contractor's</i> quotation is accepted.</p> <p>(5) When a quotation to reduce the impact of the asset on climate change is accepted the <i>Project Manager</i> changes the <i>Scope</i>, the Prices, the Performance Table, the Completion Date and the Key Dates accordingly and accepts the revised programme. The change to the <i>Scope</i> is not a compensation event.</p>
Performance measurements	X29.12	<p>(1) From the <i>starting date</i> until the Completion Date, the <i>Contractor</i> reports to the <i>Project Manager</i> its performance against the targets in the Performance Table. Reports are provided at the intervals stated in the Performance Table.</p> <p>(2) If the <i>Contractor's</i> performance against a target in the Performance Table is not achieving or is forecast not to achieve the performance target stated, it submits to the <i>Project Manager</i> for acceptance its proposals for improving performance.</p> <p>A reason for not accepting the proposals is that they will not provide the improvement in performance needed to achieve the target in the Performance Table.</p> <p>(3) At the dates stated in the Performance Table,</p> <ul style="list-style-type: none"> • if the relevant performance does not meet the target stated in the Performance Table, the <i>Contractor</i> pays the amount stated in the Performance Table, • if the relevant performance exceeds or meets the target stated in the Performance Table, the <i>Contractor</i> is paid the amount stated in the Performance Table. <p>(4) Information in the Performance Table is not <i>Scope</i>.</p>
Excluded matters	X29.13	<p>If secondary Option X18 applies, an excluded matter is amounts payable by the <i>Contractor</i> as stated in the Performance Table.</p>