How to use the CIC BIM Protocol with NEC4

**Model Scope Entry**

The Information Model Requirements are the CIC BIM Protocol ("the Protocol") second edition April 2018 with the following additions and amendments.

The following terms in the Protocol mean the equivalent term given in the ECC.

<table>
<thead>
<tr>
<th>TERM IN THE PROTOCOL</th>
<th>EQUIVALENT TERM IN ECC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Material, Specified Information</td>
<td>Project Information</td>
</tr>
<tr>
<td>Information Model</td>
<td>Project Information (if provided by the Contractor)</td>
</tr>
<tr>
<td>Project Information</td>
<td>Project Information and information provided by Information Providers</td>
</tr>
<tr>
<td>Federated Information Model</td>
<td>Information Model</td>
</tr>
<tr>
<td>Other Project Team Members</td>
<td>Information Providers</td>
</tr>
<tr>
<td>BIM Execution Plan</td>
<td>Information Execution Plan</td>
</tr>
<tr>
<td>Employer’s Information Manager</td>
<td>Project Manager</td>
</tr>
<tr>
<td>Built Asset Security Manager (if required)</td>
<td>Project Manager</td>
</tr>
</tbody>
</table>
Any notice or instruction to be given by the Employer is given by the Project Manager. Clause 1.4 is deleted as is reference to clause 1.4 in clause 9.1.

Appendix 1 and 2 (and 3 if required) of the Protocol are the following documents.

The Protocol Appendix 1

[Complete the relevant information]

The Protocol Appendix 2

[Complete the relevant information]

The Protocol Appendix 3

[State “Not required” or complete the relevant information]

GUIDANCE NOTES

NEC4 secondary Option X10 has been designed to work on a protocol independent basis. That is, there is no requirement to include a particular protocol such as that published by CIC; the requirements for an Information Model can all be included in the Client’s Information Model Requirements in the Scope and the Contractor’s Information Execution Plan. The Protocol, includes a number of other provisions and mechanisms which users may wish to build into their Information Model Requirements. To achieve this, the Scope entry set out above should be incorporated in the appropriate part of the Scope (section S 1900 in the example Scope given in volume 2 of the user guide).

The approach taken in NEC contracts to ownership of information and liability for its production is different to those set out in the Protocol. Since the provisions of the Protocol in respect of ownership apply only to the extent that the contract does not already contain such provisions, the clauses in the NEC contract will apply instead of those in the Protocol.

In accordance with the Protocol

• the Employer is the Client,

• the Project Team Member is the Contractor

• the Agreement is the contract between the Client and Contractor, and,

• if relevant, an Asset Information Model is an existing Information Model which is used during operation of an asset.

The functions of the Protocol Information Manager and Protocol Built Asset Security Manager are carried out by the Project Manager but can be delegated under clause 14.2 to another person, subject to notification of the delegation to the Contractor.

X10 and the Protocol use similar terms to describe different elements of the Information Model and in particular the content and use of following terms need to be understood.
PRACTICE NOTE

REF  | X10  | COMMENT                                                                 | PROTOCOL                                                                 | COMMENT                                                                 |
-----|------|-------------------------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------|
1    | 1    | Information Model                                                      | Federated Information Model                                               | Asset Information Model                                                 |
     |      | A model created or updated by the Client, or others on behalf of the   |                                                                          |                                                                         |
     |      | Client which incorporates Project Information and information provided  |                                                                          |                                                                         |
     |      | by Information Providers                                              |                                                                          |                                                                         |
2    | 2    | Project Information                                                   | Material, Specified Information and Information Model                     | This is data provided by the Contractor including any in the form of an  |
     |      | Information provided by the Contractor for incorporation into the      |                                                                          | information model.                                                      |
     |      | Information Model                                                     |                                                                          | In the Protocol there may be a number of Protocol Information Models    |
     |      |                                                                          |                                                                          | and a Protocol Project Team Member may provide one or more of these.    |

In the Protocol appendices 1, 2 and where required 3 are used to define the information which members of the project team are required to produce and the security requirements to comply with security standards and processes. If appendices 1 and 2 are not completed the Protocol will have limited effect and the Client will have little control over how the Information Model is produced. The information contained in the appendices will be Information Model Requirements and needs to be set out in the Scope.

Dates in the Protocol Responsibility Matrix should also be shown in programmes submitted for acceptance.

Entries forming the appendices to the Protocol can be changed after the Contract Date by changing the Scope, which would be a compensation event under clause 60.1(1).

If dates in the Responsibility Matrix need to be updated these should be dealt with as a change to the Scope, which would be a compensation event under clause 60.1(1).

X10 contains provisions for the issue, acceptance and update of an Information Execution Plan. Details of the format and content of the Information Execution Plan should be provided as part of the Information Model Requirements in appendix 2 of the Protocol.

When drafting the Information Model Requirements the Client needs to consider any rights over Project Information which will reside with the Contractor.

If in accordance with clause 8.2 of the Protocol the Client is entitled to terminate the contract then it must do so in accordance with the process and timescales set out in section 9 of the contract. A breach under clause 8.2 of the Protocol will be considered a default of the Contractor under the first bullet point of clause 91.2 of the contract – “substantially failed to comply with its obligations - and the Client will notify the Project Manager to this effect”.

ACKNOWLEDGEMENTS

This note has been prepared by:

P Higgins BSc (Hons), CEng, FICE
I Heaphy BSc (Hons), FRICS, FCIArb, FCIInstCES, MACostE

Additional guidance from:
Andrew Croft of Beale and Company Solicitors LLP on behalf of CIC