

Standard Reservations - January 2007

Turnkey Contracts

1. The tender shall be subject to the "General Conditions for Turnkey Contracts" (abbreviated "ABT 93" from the Danish title) of 22 December 1993. Any reservations made by the tenderer shall form an integral part of the tender and thus cannot be overridden by the tender documents.
2. It is assumed in the tender that the employer - except for public employers - shall provide the security referred to in sect. 7 of ABT 93 no later than eight (8) working days after contract conclusion.
3. It is assumed in the tender that the contractor and his sub-contractors shall be included as beneficiaries on the fire and storm insurance policies taken out by the employer pursuant to sect. 8 of ABT 93. This shall also apply to the self-insurance maintained by public employers.
4. The following provisions shall apply to winter measures during the winter period (1 November to 31 March); cf. the Executive Order on Winter Measures:
"Seasonal winter measures" - cf. the Executive Order on Winter Measures - shall be included in the tender sum.
"Weather-dependent winter measures", cf. the Executive Order on Winter Measures, shall be regarded as extra works. Where such winter measures are described in a special winter bill of quantities stating unit prices and tentative quantities, the winter measures shall be invoiced at the unit prices stated in the winter bill and based on the quantities consumed, or otherwise according to account rendered. If the employer declines to pay, the contractor shall be entitled to extend the relevant time limits and, in the case of works covered by the Executive Order on Winter Measures and/or involving the construction of buildings, bridges and similar works, he shall furthermore be entitled to demand payment of standstill costs.
5. The tender sum shall be index-linked. In the event that no index is specified in the tender documents or in the tender, the index (or sub index/trade index) to be applied shall be that index published by the Danish Bureau of Statistics whose structure best corresponds to the contract works.

Where the tender documents call for the submission of fixed-price tenders, the price shall be adjusted for any part of the work performed more than twelve (12) months after the tender date. Price adjustments in respect of building and civil engineering works shall be made in accordance with the guidelines listed in Appendix 1 to the National Building and Housing Agency Circular on Prices and Time Limits for Building and Civil Engineering Works of 10 October 1991. However, in respect of civil engineering works the index applying to price adjustments shall be the index prevailing on the first day of the relevant month, if so specified in the tender documents.

In addition to the fixed price the contractor shall be entitled to reimbursement of any increase in expenditure caused by governmental orders and/or extraordinary price increases, cf. sects. 8 and 9 of the National Building and Housing Agency Circular on Prices and Time Limits for Building and Civil Engineering Works of 10 October 1991.

If the tender documents do not call for the submission of fixed-price tenders, the tender price shall be adjusted using the index prevailing on the tender day as the base index.

6. The tender shall not include any delays in the work due to a notification being made to the public authorities under the Danish Act on Soil Contamination, except where the time frame within which such notification must be made is expressly stated in the time schedule set out in the invitation to tender. Nor shall the tender include any services rendered to comply with requirements issued by the public authorities for excavation and removal of the contaminated soil in response to such notification, unless the services can be unambiguously inferred from the general rules and regulations applying on the tender date - and full particulars of the contamination have been provided in the tender documents for that purpose, or the conditions stipulated by the authorities are identical to those set out in the tender documents.

The above reservations have been duly filed with the Danish Competition Council.