Works Branch Technical Circular No. 20/92

Delegation of Authority to Engineer's Representative under the General Conditions of Contract for Civil Engineering Works (1990 Edition)

Introduction

Works Branch Technical Circular No. 8/91 promulgates the use of the 1990 Editions of the General Conditions of Contract for Civil Engineering Works, for Building Works and for Electrical and Mechanical Engineering Works.

2. This Circular set out guidelines for the Engineer on the delegation of authority under the General Conditions of Contract for Civil Engineering Works (1990 Edition)(GCC). The guidelines are not intended to apply to consultant managed contracts. Consultant Engineers may use them at their discretion.

Guidelines

3. Under GCC Clause 2 the Engineer may delegate any of the duties and powers vested in him to the Engineer's Representative. The attached table (Appendix A) provides guidelines on the delegation of the various duties and powers contained in the GCC Clauses under the following categories:

- Category 1 - Normally Delegated: clauses which deal with duties or powers of a more routine nature or which have little contractual or financial significance are normally delegated to the Engineer's Representative.

- Category 2 - Delegation subject to careful consideration: clauses containing powers or duties which the Engineer may or may not choose to delegate depending on consideration set out in para. 4 for the particular contract.

- Category 3 - Not Normally Delegated: clauses containing powers or duties which relate to control at the more important stages of a contract or which have important contractual or financial significance are not normally delegated to the Engineer's Representative.

NOTE: clauses containing duties and powers which either cannot be delegated or in which the Engineer's Representative is already mentioned are not included in the above categories.
4. There should nevertheless remain some degree of flexibility in deciding which duties and powers to delegate and which to retain under his direct control, the Engineer should consider the following:

(a) the nature and importance of the duties under consideration;

(b) the kind, value and complexity of the contract and the experience and capability of the Engineer's Representative.

5. Regardless of which duties and powers are delegated, the Engineer shall ensure that the Engineer's Representative informs him of any matter arising during a contract which may have a significant contractual or financial implication.

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