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The FIDIC Suite of Contracts



Orange Book Conditions of Contract for Design-Build and Turnkey First Edition 1995

Contents of Contract Book

- General Conditions
- Guidance for the Preparation of the Particular Conditions
- Forms of Tender and Agreement

The Orange book was published in 1995 to provide a design and build option to the then current FIDIC suite. The Orange Book was the first FIDIC contract to adopt the now current FIDIC style of drafting and was a template for the drafting teams when preparing the 1999 suite of contracts.

When the Orange book was published the Red and Yellow Books were still aimed at procurement of civil engineering and plant installation respectively. At the time it added a clear design and build and turnkey option into the available suite of contracts.

Since the publication in 1999 of the latest Red and Yellow Books there is now less focus on the type of project and more focus on the implementation of different procurement strategies. It is now likely that an Employer requiring a design and build or turnkey project under a FIDIC contract would use a 1999 edition of the Yellow Book for design and build or a Silver Book for Turnkey.

The Orange Book is drafted for use where the Contractor carries total liability for design. For the Employer, such single-point responsibility may be advantageous, but the benefits may be offset by having less control over the design process and more difficulty in imposing varied requirements.

Under the usual arrangements for a design-build contract, the Contractor is responsible for the design and provision of works. The works may include any combination of engineering (including civil, mechanical, electrical, etc) and building works.

The Orange Book is intended for use on turnkey contracts, under which the Employer's requirements usually include provision of a fully-equipped facility, ready for operation at the turn of a key. The exact Employer requirements will need to be fully detailed to describe the design, construction, fixtures, fittings and equipment required to be provided by the Contractor's design.

When used for turnkey projects it may be necessary to impose a requirement for the Contractor to operate the Works, either for a few months' commissioning period, or for some years' operation on a build-operate-transfer basis. If this is the case then the FIDIC Gold Book may now be more appropriate.

There are many sub-clauses within the Orange Book which FIDIC decided were generally applicable and these are included in Part I - General Conditions. The Orange Book is arranged to accommodate modification and supplementing of the General Conditions by the inclusion of Part II - Conditions of Particular Application. The Orange Book contains a section of guidance on preparing the Part II conditions. The Part I and Part II conditions together govern the rights and obligations of the parties.

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