

This is Document “Schedule 3 Part 5” referred to in this Contract

SCOTTISH MINISTERS’ REQUIREMENTS

SCHEDULE 3 PART 5

**CONTRACTS IN PROGRESS AND OUTWITH OPERATING COMPANY
ARRANGEMENTS**

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CONTRACTS IN PROGRESS AND OUTWITH OPERATING COMPANY ARRANGEMENTS

1 REQUIREMENTS

1.1 Engineer for Ongoing Contracts

1.1.1 Road and bridge construction and maintenance contracts may be ongoing on the Unit at the commencement of the First Annual Period.

These contracts for which the Scottish Ministers shall be the Employer fall into the following two categories

- (i) contracts where the previous operating company was acting as Engineer for a Works Contract
- (ii) contracts for which a consulting engineer has been appointed by the Scottish Ministers to supervise the contract.

1.1.2 Where the previous operating company was acting as Engineer for Works Contracts the Director shall appoint the Operating Company as Engineer for such Works Contracts from the first day of the First Annual Period.

1.1.3 The appointments of the Operating Company as Engineer shall include those Works Contracts where Works have been completed but where the Works Contracts are still within their Defects correction or maintenance period and the like.

1.1.4 Full details of all such Works Contracts shall be notified to the Operating Company during the Mobilisation Period.

The Director shall make arrangements with the previous operating company for all relevant documentation related to these Works Contracts to be passed to the Operating Company during the Mobilisation Period.

1.1.5 The Operating Company shall undertake all outstanding obligations of the Engineer for the ongoing Works Contracts referred to in paragraph 4.1.9 of Part 1 of Schedule 6.

1.2 Contracts outwith Operating Company Arrangements

1.2.1 Road and bridge construction and maintenance contracts outwith the Operating Company arrangements may commence during the Contract Period.

Details and starting dates for such contracts shall be notified to the Operating Company by the Director as and when they shall be identified.

1.2.2 The Director may issue an Order requiring the Operating Company to undertake maintenance Operations following completion of the construction phase for such contracts.

1.3 Responsibilities of the Operating Company

1.3.1 Whether or not a contract outwith the Operating Company arrangements as referred to in this Part 5 of this Schedule 3 exists the Operating Company shall continue to be responsible for carrying out its obligations in accordance with this Contract including but not limited to those referred to in

- (i) Part 2 of Schedule 7
- (ii) Part 3 of Schedule 7 and
- (iii) Part 1 of Schedule 9.