

# **RED BOOK FIDIC CONTRACTUAL TERMS AND CONDITIONS AND THEIR USE BY PUBLIC INVESTORS IN THE CZECH REPUBLIC**

## **Abstract**

This thesis is focused on the application of the Red Book FIDIC contractual conditions in relation to the realization of transport infrastructure, namely the Road and Motorway Directorate of the Czech Republic and the Railway Infrastructure Administration. With regard to Czech legislation, particularly in the area of public procurement, the Red Book FIDIC terms and conditions are changed through special contractual conditions.

The terms and conditions of the special contractual terms are compared not only with the general contractual terms and conditions but also with the concept of the special contractual terms of the investors themselves.

The thesis is divided into 13 parts. Firstly, the International Federation of Consulting Engineers (FIDIC) is introduced, followed by the Czech Organization of Consulting Engineers (CACE).

The second part of the thesis introduces the investor, the client, as the client according to the Public Procurement Act, therefore the work in this section briefly introduces the legislation of public procurement in the Czech Republic.

The next part of the thesis introduces the contractor as the other party to the contract, including subcontractors or associations of contractors and their contractual modifications. In other parts of the thesis the Engineer is introduced as a specificity of FIDIC contractual conditions.

When seeking to understand the concept of the Red Book FIDIC it is important to understand the definition of the Accepted Contract Amount and the Contract Price. An important and, from the perspective of Czech legislation, interesting element is the concept of Variations, which forms the most extensive part of this work.

This thesis also describes other contractual terms and conditions such as payment terms, sanctions and the possibility of withdrawal.

The above-mentioned contractual terms and conditions also describe other documents relating to the application of contractual terms and conditions, which were issued for the purpose of interpreting and applying contractual terms and conditions within the Ministry of Transport. Among the documents issued for the application process of investors we can include mainly the methodologies issued by the State Fund of Transport Infrastructure for the Variation, measurement, claims, powers and responsibilities of the Engineer's team and the Best Value Approach/Best Value Procurement.

**Key words:** Red Book FIDIC, public procurement, construction