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Vzdrževanje - Smernice o pripravi pogodb o vzdrževanju

Maintenance - Guideline on preparation of maintenance contracts

Instandhaltung - Anleitung zur Erstellung von Instandhaltungsverträgen

Maintenance - Lignes directrices pour la préparation des contrats de maintenance

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English Version

Maintenance - Guideline on preparation of maintenance contracts

Maintenance - Lignes directrices pour la préparation des contrats de maintenance

Instandhaltung - Anleitung zur Erstellung von Instandhaltungsverträgen

This European Standard was approved by CEN on 22 May 2006.

CEN members are bound to comply with the CEN/CENELEC Internal Regulations which stipulate the conditions for giving this European Standard the status of a national standard without any alteration. Up-to-date lists and bibliographical references concerning such national standards may be obtained on application to the Central Secretariat or to any CEN member.

This European Standard exists in three official versions (English, French, German). A version in any other language made by translation under the responsibility of a CEN member into its own language and notified to the Central Secretariat has the same status as the official versions.

CEN members are the national standards bodies of Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and United Kingdom.

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Foreword

This document (EN 13269:2006) has been prepared by Technical Committee CEN/TC 319 "Maintenance", the secretariat of which is held by UNI.

This European Standard shall be given the status of a national standard, either by publication of an identical text or by endorsement, at the latest by January 2007, and conflicting national standards shall be withdrawn at the latest by January 2007.

This document supersedes ENV 13269:2001.

According to the CEN/CENELEC Internal Regulations, the national standards organizations of the following countries are bound to implement this European Standard: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and United Kingdom.

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Introduction

The value of maintenance to the owners of items (as defined in EN 13306) cannot be overemphasized. Proper maintenance protects the value of the capital invested and ensures that the required availability is attained.

In addition, as technical and economic developments increase, the demand for contracted maintenance services both nationally and across borders also increases.

It is therefore important that maintenance contracts are approached in a structured and careful manner.

The purpose of this Standard is to:

- promote cross-border company/maintenance contractor relationships and to produce a clear interface between the company and the maintenance contractor for maintenance services;
- improve the quality of maintenance contracts so that disputes and adjustments are minimized;
- draw attention to the scope of maintenance services and to identify options for their provision;
- give assistance in, and advice on, the drafting and negotiation of maintenance contracts and in specifying arrangements in the case of dispute;
- identify types of maintenance contracts and to make recommendations for the attribution of rights and obligations between the parties of the contract including risks;
- simplify comparison between maintenance contracts.

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The standard also could facilitate in specifying the required output of maintenance activities.

This document is simply a working tool intended for parties who wish to draw up a maintenance contract. It offers headings which are not exhaustive and which parties may or may not include, exclude, modify and adapt to their own contractual relationship.

This working tool does not bind the parties to use any part of this document.

Not all the clauses discussed in the guideline will be applicable to every contract.

Each individual contract should be drafted, and negotiated where appropriate, to take into account the requirements arising from the work required on the items to be maintained, the parties involved and any applicable laws and regulations.

The Standard contains the following clauses to assist the user:

- Clause 4 "Maintenance activities and stages to the maintenance contract" gives a structured overview of possible maintenance services offered or required. Its purpose is to give advice on activities which may be required in preparing a contract and prior to signing of agreements and also those activities which may be required during the period of any contract;
- Clause 5 "Structure and content", provides a standard check list for use when drafting maintenance contracts together with important elements for content.

When using the Standard a three step approach should be followed:

- Step 1: The company should decide which maintenance services will be provided in-house and which services will be contracted out; i.e., which maintenance services should be bought from a maintenance contractor and therefore be subject to a maintenance contract;
- Step 2: A pre-qualification stage follows any decision to contract out part or all of any maintenance and it is during this period that the company will identify any contractor or contractors with the capability of performing the required maintenance tasks;
- Step 3: The contract may be prepared using the guidance in this Standard and the maintenance contractor selected either by price negotiation or by competitive tender.

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1 Scope

This Standard provides guidance on the preparation of contracts for maintenance work.

It can be applied to:

- cross-border as well as national company/maintenance contractor relationships;
- the whole range of maintenance services including planning, management and control in addition to maintenance operations;
- every type of item with the exception of computer software unless the software has to be maintained as an integral part of, and together with, technical equipment.

It does not:

- provide standard forms for maintenance contracts;
- determine rights and obligations between company and maintenance contractor.

2 Normative references

The following referenced documents are indispensable for the application of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

EN 13306:2001, *Maintenance terminology*

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EN 13460, *Maintenance — Documents for maintenance*

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EN ISO 9000, *Quality management systems — Fundamentals and vocabulary (ISO 9000:2005)*

3 Terms and definitions

For the purposes of this document, the terms and definitions given in EN 13306:2001 apply together with the following additional definitions:

3.1 certification
procedure by which a third party gives written assurance that a product, process or service conforms to specified requirements.

3.2 maintenance contractor
contracting party (e.g organization, joint venture, etc.) that has agreed to undertake responsibility for providing a given maintenance service and obtaining, when specified, supplies in accordance with a contract.

NOTE This may include the provision of a consultancy service.

3.3 company
recipient of a maintenance service provided by the maintenance contractor.

3.4**maintenance location**

place at which a maintenance task has to be performed.

NOTE In case of remote maintenance the contractor's location from which the operation proceeds.

3.5**maintenance task**

range of elementary maintenance activity carried out for a given purpose.

NOTE Examples are replacement and repair.

3.6**operation location**

area within defined boundaries where the item to be maintained is required to function.

3.7**sub-contractor**

organization appointed by either party to the contract and responsible to the maintenance contractor for carrying out such work or services which enable the main contract to be fulfilled.

3.8**verification of contract**

process for determining whether the requirements imposed in a maintenance contract have been achieved.

4 Maintenance activities and stages to the maintenance contract

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4.1 General

Activities can be broadly divided into those required prior to the signing of the contract and those required after it has been signed.

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4.2 Pre-contract activities

These consist of actions, which are required prior to preparing, and in order to prepare, a contract.

Such activities may comprise:

- identifying the maintenance service required;
- preparing a maintenance policy and a strategy for its implementation;
- making a decision on whether to provide the maintenance service in-house or to contract it out;
- deciding the type of maintenance contract which may be appropriate and preparing the required specification;
- identifying maintenance contractors who are capable of carrying out the tasks required;
- preparing the contract;
- calling for tender and/or negotiating a price;
- evaluating the returned tenders received and selecting the successful maintenance contractor.

4.3 Contract activities

These consist of those actions to be carried out by the maintenance contractor and those, which will be carried out by the company after the contract has been signed.

There should be adequate liaison between each party to ensure the smooth running of the contract.

NOTE In case of contracts of several years duration, the contractors should agree on a periodic verification and validation in order to adjust the contracts.

The maintenance contractor's actions may cover:

- supplying the resources of men, material and equipment to complete the work required by the contract. This may include dividing the work down into discrete tasks;
- preparing a work programme and carrying out the work in accordance with that programme and the requirements of the contract;
- providing the management required to control the programme and the work force at every stage;
- submitting claims for payment;
- management of possible contract changes.

The company actions may cover:

- budget control of the contract and validation of maintenance contractor's claims for payment;
- agreeing any extra work which may be required or other variations to the contract;
- quality assurance requirements and overall management to ensure that the contractor meets the requirements of the contract;
- verifying that maintenance performed complies with the contract requirements;
- payment.

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requirements and overall management to ensure that the contractor meets the requirements of the contract;
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5 Proposed contract structure and content

5.1 General

This clause gives a check list of important elements in a maintenance contract, and their content. Other elements may also be included.

Table 1 — Check list of important elements in a maintenance contract and their content

Elements of contract		Intention	Proposed content
5.2	Heading	Identification of the contract and the parties.	Name of the parties, addresses, registration details, identity of signatories of the contract, title of signatories The heading should include the notion of "maintenance service agreement". Further specifications should be made in a subtitle.
5.3	Objective	The contract document should start by defining the general intention of the parties.	Specific statements of agreed intentions of the parties to the contract.
		The preamble helps interpretation of the contract in case of dispute and wording of amendments in case of future variation to the contract.	Avoid general phrases. Name the type of contract.
		Stating the general intention of the parties and the purposes of the contract may be especially important for long-term contracts when changing conditions may make adjustments to the contract necessary.	

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