

**BIM protocols:
How do you protect yourself from the legal
and technical challenges of applying the
BIM protocols in construction contracts,
especially data ownership and data
accuracy?**

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White Paper Construction Contracts Conference

12 November 2019



Introduction – BIM and ISO 19650

- **What is BIM?**
 - *“digital representation of the physical and functional characteristics of an asset to support reliable decision-making and management of information during its life cycle, from earliest conception to demolition”*
 - Construction Project Information Committee
- **ISO 19650 – new international standard**



What is a BIM Protocol?

- ***“...the standards are not intended to provide prescriptive direction on the composition of BIM contract documents...and are subject to the contractual terms agreed between parties”***

(PD 19650-0 (UK Transition Guidance))

- **ISO 19650-2 information protocol**
- **Capturing requirements into contracts**



BIM Protocol Options

- **Bespoke or standard form**
- **CIC Second edition – 2018**
- **New ISO 19650 compliant Information Protocol being drafted**
- **JCT/NEC – different approaches**



Challenges- Introduction

- **Lawyers - lack of familiarity**
- **Clients – not providing information**
- **New standard**



Challenge 1: How do you make the BIM Protocol part of a contract?

- **Incorporation clause**
- **Defined terms**
- **Other supporting documentation**



Challenge 2: How can the contract accommodate the BIM documents needing to be updated during the project?

- BIM documents need to be updated**
- Appointment's existing change control process**
- Related issues – should other BIM-related issues trigger the change control process?**



Challenge 3: How do you ensure your client is only responsible for the steps they should be responsible for / how do you make sure your client gets what they want?

- **Appointing party needs to be clear about what they want**
- **Set out in BIM documents**
- **Protocol should reflect and refer to these documents**
- **What if these documents are not available?**



Challenge 4: Data accuracy – who is responsible for ensuring the data is accurate?

- **BIM documents should specify which parties are responsible for checking information submitted by other parties**
- **Inconsistencies in or between models**
- **What if information is used for a purpose other than that for which it was prepared?**
- **Corruption of data?**



Challenge 5: Who owns the data?

- **What is the data?**
- **Licence vs assignment**
- **Can IPR be transferred?**
- **CDE licences**



Resources that can help

- **Forthcoming new ISO 19650 compliant Protocol**
- **JCT Guidance on BIM and JCT contracts**
- **UK BIM Alliance Guidance on ISO 19650 (July 2019)**
 - Part 1 – Concepts Guidance Framework
 - Part 2 Processes for Project Delivery
- **Upcoming Winfield Shillcock Report**



Any questions?

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