



FOR IMMEDIATE RELEASE

The Engineers Joint Contract Documents Committee Issues New Geotechnical Services Agreements

ALEXANDRIA, Va., December 8, 2010—The Engineers Joint Contract Documents Committee (EJCDC) today published new editions of its two geotechnical services agreements. The documents are:

- EJCDC E-530, Agreement between Owner and Geotechnical Engineer for Professional Services (2010 Edition).
- EJCDC E-564, Agreement between Engineer and Geotechnical Engineer for Professional Services (2010 Edition).

The two documents are specifically drafted to address scope of work and risk allocation issues of importance in the provision of geotechnical services. (Note: E-564 was included on the release dated December 3, 2010, about the revision of EJCDC's engineer-subconsultant documents.)

In revising the documents EJCDC gave special attention to the sections that describe the scope of services. The documents may be used for investigative geotechnical services as well as design and construction-phase geotechnical work. The reorganized scope of services provisions present an improved process for planning, executing, and if necessary modifying the geotechnical investigation of the site. Users of the documents should find that the scope sections provide a solid base for drafting the scope requirements of the specific engagement.

As with previous editions of these geotechnical services agreements, the two new editions are carefully drafted to coordinate with use of other EJCDC professional services agreements, such as EJCDC E-500, Agreement between Owner and Engineer for Professional Services, and EJCDC E-505, Agreement between Owner and Engineer for Professional Services, Task Order Edition. The geotechnical agreements may also be

used on a stand-alone basis when no other EJCDC professional services agreement is in use.

The following notable changes appear in the 2010 editions of EJCDC E-530, the Owner-Geotechnical Engineer agreement, and E-564, the Engineer-Geotechnical Engineer subagreement:

- A clause that expressly allows the site owner to furnish the geotechnical report to bidders, contractors, engineers and other interested parties at any time, without the need to obtain permission from the geotechnical engineer. This is consistent with EJCDC's position that site owners should disclose all available subsurface information when conducting work at the site. This new provision is coupled with reinforcement of the limitations on geotechnical engineer's responsibilities to third parties.
- Provisions addressing the issue of the responsibility for site restoration after geotechnical engineer's completion of investigation services.
- Express provisions regarding geotechnical engineer's compliance with owner, engineer, and contractor safety programs when on the project site.
- Indemnification for certain categories of damages by Owner (E-530) or Engineer (E-564) is now an option rather than a standard requirement.
- Clarification of the general obligation to pay the geotechnical engineer for undisputed services, and of the geotechnical engineer's right to terminate the subagreement if it does not receive payment.
- Improvements in definitions and terminology, both to suit the particular needs of the specific document and to enhance the coordination of the geotechnical agreements with other EJCDC design and construction contract documents.
- Inclusion of express certifications that the agreement has not been procured through bribery, fraud, or coercion. Such certifications are important for any public work or projects receiving grant funding.

In addition, EJCDC E-564, the Engineer-Geotechnical Engineer subagreement, now includes the following:

- Stronger flow-down of the terms of the prime professional services agreement.
- Expanded options for addressing the situation in which the project owner fails to pay the prime professional (Engineer). When the Engineer and the geotechnical engineer finalize the subagreement, they now may choose from four options for allocating or sharing the risk of owner non-payment.

- Revisions to the compensation provisions to improve clarity and ease of completing the subagreement document.

EJCDC documents are the highest quality standard documents specifically written for infrastructure projects in the United States. Formatted in easy to use Microsoft Word, the documents can be customized to suit each project's unique goals and regulatory requirements.

Since 1975, EJCDC has developed and updated fair and objective standard documents that represent the latest and best thinking in contractual relations between all parties involved in engineering design and construction projects.

The Engineers Joint Contract Documents Committee (EJCDC) is a joint venture of four major organizations of professional engineers and contractors. Each of EJCDC's sponsoring organizations-NSPE, ASCE, ACEC and AGC- offer EJCDC documents on their online stores at a discount to organization-members. EJCDC documents may also be purchased at www.ejcdc.org.

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