



# The Consultants | ours and the Owner's

## THEIR role in the project

### ARCHITECT-CONSULTANT CONTRACT

Always remember when working with contracts to use **full legal names** for firms and people. Google them if you are not sure.

- Do not begin professional services before the date on the Agreement.
- The project information in the contract should match the information in Title Block and the Cover Sheet: size, use, location, official name of the facility, etc. Check this info carefully.
- The name of the Owner should be exactly the same as in the Prime Agreement (Owner-RMW).
- Insert the scope of the Consultant's services. Make sure the lines of responsibilities between RMW and the Consultant are clear. Check with the principal or a senior member of the firm.
  - Include anticipated dates for Design Phase, Start of Construction, and Substantial Completion, as applicable to the Consultant's services.
  - Avoid duplication of work among team members.
  - Insert a schedule showing the deliverables and services of the Consultant. Include site visits if required.
- If there is a choice of methods for dispute resolution, for most projects chose mediation first.
- Use the compensation method standard with our firm, but check first when in doubt.
- For large projects or if the project type or client, or conditions are new, have Dealey Renton review the contracts for that project, including the contracts with the consultants. Ask the principal in charge if it should be sent to our lawyer as well.

### RELATED AIA DOCUMENTS

The AIA Documents for contracts involving Consultants are:

- C401-2017 Standard Form of Agreement Between Architect and Consultant
- G803-2017 Amendment to the Consultant Services Agreement
- E204-2017 Sustainable Projects Exhibit for use in sustainable design projects
- C441-2014 Standard Form of Agreement Between Architect and Consultant for a Design-Build

For additional AIA documents used with a Consultant, see the AIA Contract Documents site <https://www.aiacontracts.org/find?filters=projectroleFilters%3A2956%3B>

### RECOMMENDED MEETINGS

Meet with the consultants prior to start the project before the Design Phase. Discuss the following:

- Project Communications protocols, the Design Phase Schedule - milestones, tasks, deliverables at each stage, responsibilities, persons in charge and contacts, changes to the design documents procedures and other items as applicable.

Meet again at the start of the Contract Administration Phase - before the Pre-Construction Meeting. Discuss the following:

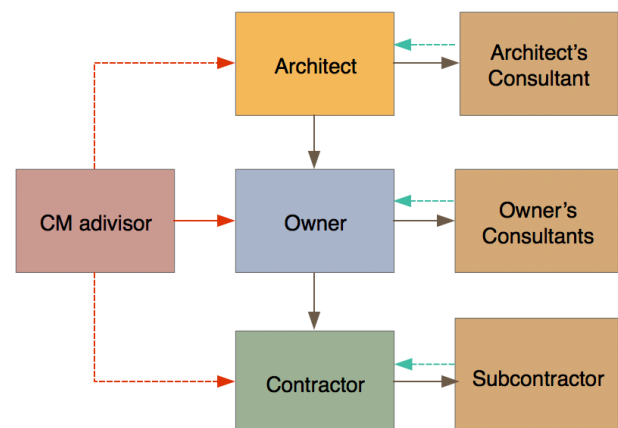
- Project Communications protocols, the Design Phase Schedule - milestones, tasks, review of submittals, responsibilities, persons in charge and contacts, changes to the Construction Document procedures, and other items as applicable.

Consultants are required to attend the following meetings:

- Design Review and Approvals.
- Project Meetings.
- Coordination Meetings (as applicable) to discuss general coordination items
- Design Coordination Meetings (redline work sessions) to discuss particular design items and coordinate building elements, for example, waterproofing, edge of slab, etc.

### COMMUNICATION FLOW

Communications between team members AND consultants typically follow this protocol:



Information for this module was taken from the AIA Contract Documents and the AIA Handbook of Professional Practice

## OWNER'S CONSULTANTS

Owners may elect to retain their own consultants under separate contracts or the Architect may require it. When this happens, we should look at their contracts to see how their responsibilities and deliverables impact ours.

- The Owner may decide to have separate contracts with other professionals for different reasons, such as:
  - Their services are different, not overlapping, like food equipment consultants or waterproofing consultants.
  - The Owner may have a long-standing relationship with the Consultant.
- The Architect may require that the Owner engages a separate consultant for certain services, for example:
  - Removal of hazardous materials.
  - Geotechnical report.

## COORDINATION WITH THE TEAM

When the Project Team includes Owner's consultants:

- We share our Project Schedule with the Owner's consultants so they are aware of the Project's milestones, deliverables, and tasks and to facilitate coordination.
- The Construction Manager is a consultant to the Owner; refer to the related modules or do a bit of research to understand the role of the CM. Ask for the CM's schedule.
- The Architect is not responsible to review the content of the Owner's consultants documentation. For example, the Geotechnical engineer in the AIA and RMW contracts is under the Owner, therefore the "Soils" Report information is "Owner Provided Information" and we are entitled to rely on its contents for our design.
- When the Owner contracts directly with a design-builder, for example, special equipment or landscape, then the design-builders **are not our consultants, so we are not required to review their calculations or design**, just to coordinate their design with ours.

## RISK MANAGEMENT

- We should insist that the separate Owner-Consultant contracts include:
  - A clause directing the Owner's Consultant to coordinate with the Architect.
  - A clause that the Consultants are licensed to practice their discipline in California.
- Always make sure that there is an entity in charge of coordinating the design effort whether the Architect, a Construction Manager, or the Owner through qualified personnel.

## CONSULTANT COMPENSATION METHODS

There are at least ten methods of computing compensation for a Consultant's services. Four of these methods are time-based, reflecting in different ways the time spent by the Consultant on the Project:

Methods using Time Factor:

- **Multiple of Direct Salary Expense**, in which direct salaries of designated personnel are multiplied by a factor representing benefits, overhead and profit.
- **Multiple of Direct Personnel Expense**, in which the salaries plus benefits of designated personnel are multiplied by a factor representing overhead and profit.
- **Professional Fee Plus Expenses**, in which the salaries, benefits and overhead of designated personnel are the expense and the fee may be a multiplier, percentage or lump sum representing profit.
- **Hourly Billing Rates**, in which salaries, benefits, overhead and profit are included in the rate for designated personnel.

Other methods;

- **Stipulated Sum**, in which compensation is listed as a dollar amount.
- **Percentage of Cost of the Work**, in which compensation is calculated by applying an assumed percentage to the estimated or actual Cost of the Work, whichever is most certain at the time the calculation is made.
- **Multiple of Consultants' Billing**, in which Consultants' bills are multiplied by a factor representing the Consultant's administrative costs, overhead and profit.
- **Square Footage**, in which the square footage of the structure or structures is multiplied by a pricing factor.
- **Unit Cost**, in which the number of certain units such as rooms, acres, etc., is multiplied by a pricing factor.