

Highlights of the 2007 EJCDC Construction Series

The Engineers Joint Contract Documents Committee (EJCDC) has issued the 2007 edition of its Construction series of standard documents. The Construction series consists of 21 documents for use in establishing and administering the contractual relationship between a project owner and a construction contractor. These new documents replace the 2002 Construction series. The 2007 series is the first major EJCDC release since the Associated General Contractors of America (AGC) became an EJCDC sponsoring organization.

The 2007 EJCDC Construction series maintains the solid base of forms, terms, and conditions found in prior editions, while making carefully considered changes that enhance clarity and reflect current construction contracting practices. Highlights of the 2007 Construction series are the following:

- **Safety.** EJCDC's Standard General Conditions (EJCDC C-700) are revised to specify the responsibility of the Contractor to inform Owner and its Engineer of specific safety requirements that must be followed at the site, and the corresponding obligation of Owner and Engineer to comply with such requirements. Contractor is also required to comply with any applicable Owner safety programs. The new documents also clarify that the site safety responsibilities that are contractually allocated to Contractor do not reduce the safety duties of subcontractors at the site.
- **Site Conditions.** The Suggested Instructions to Bidders (EJCDC C-200), Suggested Bid Form (EJCDC C-410), and Suggested Owner-Contractor Agreement Forms (EJCDC C-520, Stipulated price; EJCDC C-525, Cost-Plus) are revised to provide that contractors must take into consideration not only information furnished by Owner but also their own actual knowledge of site conditions, and information commonly known about

local conditions. The EJCDC position that owners should not typically require bidders to conduct their own subsurface testing is supported with wording revisions in the Suggested Instructions. The General Conditions and related documents (Suggested Instructions to Bidders, and Guide to Preparation of Supplementary Conditions, EJCDC C-800) are revised to state that Owner will provide Contractor with all known reports and drawings of site conditions, rather than merely providing reports and drawings relied on by the design engineer.

- Progress Payment Applications. EJCDC's payment application form, EJCDC C-620, is for the first time provided in a spreadsheet format allowing for ease of use and accurate calculations of totals.
- Insurance. The insurance provisions of the Standard General Conditions (C-700) are updated to reflect changes in insurance terminology. Because most design engineers lack insurance expertise, the 2007 documents also confirm that as between the Owner and Engineer, the Owner (presumably through its risk managers, attorneys, brokers, and other insurance advisers) must take responsibility for making insurance decisions such as setting required policy limits—see EJCDC C-051, Engineer's Letter to Owner Requesting Instructions Concerning Bonds and Insurance.
- Reporting Discrepancies in Design. Contractor's duty is specified to be limited to reporting errors or conflicts in the specifications and drawings only if Contractor had actual knowledge of such discrepancies. 2007 Standard General Conditions (EJCDC C-700).

- Bid Form. The Suggested Bid Form (EJCDC C-410) has been made more user-friendly by eliminating the requirement that prices be stated in words—as of 2007 numeric figures are sufficient.
- Certification against Corrupt and Collusive Practices. At the request of the American Society of Civil Engineers (one of EJCDC's four sponsoring organizations), the 2007 Suggested Bid Form (EJCDC C-410) and Owner-Contractor Agreement Forms (EJCDC C-520, Stipulated Price; EJCDC C-525, Cost-Plus) require bidders and Contractors to certify that they have not engaged in corrupt, fraudulent, collusive, or coercive practices with respect to obtaining the contract.
- Expanded Commentary. EJCDC provides extensive commentary on use of the new documents in its Narrative Guide to the 2007 Construction Documents (EJCDC C-001). EJCDC has also expanded and revised the numerous notes to users that are interspersed throughout the text of various documents, including the Suggested Instructions to Bidders, Suggested Bid Form, Suggested Owner-Contractor Agreement Forms, and Guide to the Preparation of Supplementary Conditions (EJCDC C-800).
- On-line Access to Supplementary Conditions. EJCDC and its sponsoring organizations are providing free public access to the 2007 Guide to the Preparation of Supplementary Conditions (C-800) at their websites. From time to time, as the need arises, EJCDC will update this document to include more options for modifying the 2007 Standard General Conditions (EJCDC C-700).