

ACEC concerned over publication of design-build documents (September 26, 2000)

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OTTAWA - The Canadian Design-Build Institute says it is "regrettable" that two standard design-build documents are being published without the endorsement of the Association of Consulting Engineers of Canada (ACEC).

"It is of paramount importance that these standard documents be accepted and promoted by all practitioners," the institute said in a statement. "These documents set industry standard practices and they serve to keep a balance among all parties.

"It is important for the industry that all standard documents become Canadian Construction Documents Committee (CCDC) endorsed documents. It is our hope that ACEC will soon be in a position to accept the latest versions."

The documents in question are number 14, a standard contract form between an owner and a design-builder, and number 15 which is between a design-builder and a consultant working for him. These documents have been endorsed by the Canadian Construction Association (CCA), Construction Specifications Canada (CSC) and the Royal Architectural Institute of Canada (RAIC) and will be published as joint CCA/CSC/RAIC documents.

CDBI, which operates under the umbrella of CCA, said it supports the decision to publish the documents immediately "as those documents are very much needed in the industry and we can no longer wait for their release."

In an interview Friday, ACEC president Tim Page said his association did not endorse the documents because it believes them to be flawed. A key concern relates to retention of independent consultants by project owners.

"The interests of the project and the participants in the project are better served when the owner is properly represented by its own experienced and knowledgeable advisers, thereby reducing the likelihood of disputes and claims between the parties," Page said.

Document 14 neither precludes an owner from retaining an outside consultant nor requires him to do so.

The association also has concerns about its members being exposed to potential conflicts of interest as a result of the wording of specific clauses in the two documents.

In its August newsletter, ACEC said it now will turn its attention to developing guidelines for its members on how to work with the documents if presented with them by contractors or owners.

"In helping to develop these guidelines, ACEC will be cognizant of the role it can play to strengthen the design-build process, the quality of projects delivered through design-build and to reduce the incidence of disputes and claims between the parties."

The association said it will continue to work with RAIC and CCA in the elaboration of standard design-build agreements covering the pre-bid stage as well as the language to include in a general guide for the use of Document 14 and Document 15.