

# Construction Law in North Carolina

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## [EJCDC Document Training \(Tue Tip\)](#)

March 29, 2011 By Melissa Brumback

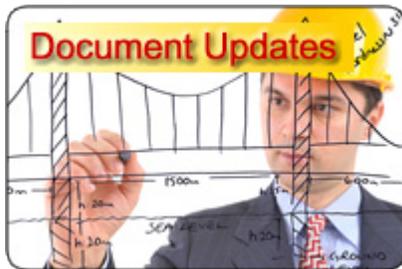


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We've talked previously about Form Construction Contracts, including [ConsensusDocs](#), [AIA](#), and even shown a [comparison chart between the two](#). Now it is the Engineer's Joint Contract Documents Committee's ([EJCDC's](#)) turn.

The American Council of Engineering Companies ([ACEC](#)) is holding a training seminar on key parts of the EJCDC form contracts. The seminar, entitled "**Critical Design-Build Contract Provisions: Understand Legal Issues That Can Put Your Firm in Hot Water**", is scheduled to address several topics and the EJCDC take on those issues, including:

- Errors and Omissions—Handling of E & O under design-build is complicated due to inability to invoke the betterment rule.
- Licensing Laws—Since the Design-Build entity holds itself out to be both the “designer-of-record” and the “constructor-of-record”, appropriate professional registrations and business licenses need to be in place.
- Protests of D-B Bids and Proposals—What to do with protests of design-build procurements includes practical lessons for engineers
- Design Reviews—Conduct of design reviews under design-build may differ from traditional periodic reviews, because an owner can place itself in a responsible position by dictating changes during the review process rather than relying on the D-B entity to deliver an end-result in conformance with the design.
- Performance Guarantees—In some instances, owners seek to tie the design-builder to some strict performance standard.
- Who Owns the Design—On some government design-build contracts, the owner is insisting on owning the design product.

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- Teaming Arrangements—There are many ways for engineers to participate in design-build contracts. Is your risk tolerance such that your firm can go “at risk” or would it be advisable for the firm to retain its agency status?

The Webinar is scheduled for **Wednesday, April 20th** from 1:30 to 3:00 PM, Eastern Time. Fees are \$199 (members) /\$299 (nonmembers). Click [here](#) to register.

*Upcoming on the blog: a guest post discussing one practitioner’s use of each of three main form documents. Stay tuned!*

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