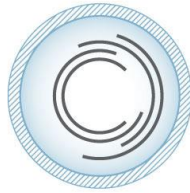


ConsensusDocs™
BUILDING A BETTER WAY

ConsensusDocs Guidebook

ConsensusDocs 246 – Agreement Between Owner and Geotechnical Consultant

August 2013 Edition



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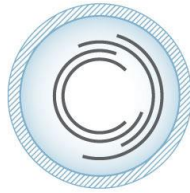
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Introduction to the ConsensusDocs Guidebook

ConsensusDocs is the product of leading construction associations, dedicated to identifying and utilizing best practices in the construction industry for standard construction contracts. The 36 participating associations represent Design Professionals, Owners, Constructors, Subcontractors, and Sureties that literally spell the DOCS in ConsensusDocs. ConsensusDocs contracts and forms attempt to fairly and appropriately allocate risks to the Party in the position to manage and control the risk. The practices articulated in the documents are forward-thinking, and may not always represent the status quo, but rather a better path forward to achieve project results. The goal of the multi-disciplined drafters was to create documents that best place the Parties to a construction contract in a position to complete a project on time and on budget with the highest possibility of avoiding claims.

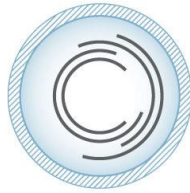
By starting with better standard documents that possess buy-in from all stakeholders in the design and construction industry, you reduce your transaction time and costs in reaching a final Agreement. By using fairer contracts helps eliminate unnecessary risk contingencies and thereby better pricing. In addition, “fill-in-the-blanks” are intended to lead to productive discussions about how particular risks should be allocated on specific projects before a contract is finalized.

Also, the ConsensusDocs catalog includes complete “families” of documents for each project delivery method that provide a coordinated set of Agreements and complimentary administrative forms. There also are short form agreements that address the Owner-Constructor (205), the Owner-Design Professional (245), and the Constructor-Subcontractor contractual relationships in a more abbreviated manner than do the standard Agreements (ConsensusDocs 200, 240, and 750 respectively).

In this Guidebook you will find comments by individual associations regarding particular contract documents. These comments are organized by numeric sequence of the ConsensusDocs contract documents. The overview sections highlight issues and innovative features of the documents generally. Association comments are expressions by an association to its association membership. These comments highlight provisions or alert their membership to consider possible project-specific modifications to a consensus standard Agreement or form. ConsensusDocs contracts covered in this release of this Guidebook include the 200, 200.1, 200.2, 205, 220, 221, 235, 240, 260, 246, 261, 262, 263, 298, 300, 301, 310, 410, 415, 450, 460, 470, 471, 472, 473, 500, 702, 703, 710, 750, 752, and 803.

Please note that there has been a significant number of editing changes and section renumbering between the 2007 and 2011 versions that give the appearance that more substantive changes were made in the 2011 update than is actually the case. Consequently, a highlight sheet of changes was created to better pinpoint substantive changes. The 2011 update highlights sheet can be found [here](#) for free on the internet.

Lastly, the ConsensusDocs coalition organizations and ConsensusDocs staff are deeply indebted to the hard work of the many the seasoned professionals who contributed countless hours in the creation of the ConsensusDocs contracts as well as this Guidebook. Their collective experience represents hundreds of years of practical experience in the construction field. Contributor names can be found at the conclusion of this Guidebook.



Comments regarding ConsensusDocs 246* **Agreement Between Owner and Geotechnical Consultant**

Agreement (section 1): Consultant should provide state licensing number here if applicable.

Services (section 3.1): Actual requirements may vary by state. User is advised to check on direction and licensing requirements applicable in the jurisdiction where the Project is located.

Reports (section 3.2.1): Actual requirements may vary by state. User is advised to check on direction and licensing requirements applicable in the jurisdiction where the Project is located. The geologist or geotechnical engineer should be experienced and the user may want to specify a required experience level.

Standard of Care (section 3.5.1): Note that the standard of care is different for Geotechnical consultants than in other ConsensusDocs for Design professional in regard to the relevance of local standards, customs, and practices in determining the standard of care. The ConsensusDocs drafters identified such practice as a best practice for geotechnical work.

Site Damage (section 3.9): The parties should be sure to reference any known or likely to occur damages in exhibit A (description of services), as well as any exclusions to be considered NOT damages. The parties may also want to determine restoration processes (responsible party, timing, costs, etc.), if applicable, practical and/or necessary. Consultant should be sure to flow down all applicable terms and conditions to Subcontractors.

Books and Records (section 3.13): The parties may want to indicate several time periods for retaining documents. For example, you may want to retain summary reports for a longer time period than the underlying data.

* This publication is designed to provide information in regard to the subject matter covered. It is published with the understanding that the publisher, endorsers of ConsensusDocs and contributors to this Guidebook are not engaged in rendering legal, accounting, or other professional services. If legal advice or other professional advice is required, the services of a competent professional person should be sought.