



Effective Teaming Agreements Between Design-Builders and Consulting Engineers in Design-Build

ACEC/MA Webinar Program with David Hatem, PC, Partner, Donovan Hatem

December 15, 2020, 8:30 – 11 AM on Zoom

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8:30 - 9 AM: Networking in Zoom Rooms

9 AM: Program with David Hatem, Donovan Hatem LLP

Many significant professional liability claims asserted by Design-Builders against their Consulting Engineer in Design-Build ("DB") arise from services performed by the Consulting Engineer during the procurement, or pursuit, pre-award phase of a DB project. How Consulting Engineers effectively manage, limit and defend professional liability risk of the Consulting Engineer in that high frequency and severity context often depends upon the understandings, scope and terms of the Consulting Engineer's engagement during that phase, i.e., a "Teaming" or "Phase I" Agreement. We'll focus on why this Teaming Agreement is essential in DB.

Learning Objectives

- What are the types and experience as to risks and claims that confront a Consulting Engineer arising out of pre-award services?
- What terms should be included in a Teaming Agreement to manage and limit professional liability risk of the Consulting Engineer in the context of pre-award services?
- How should the terms or "survival" of a Teaming Agreement relate to a subsequent Design Services (or "Phase II") Agreement upon award of a DB Contract.

This program is worth 2 PDHs (not in NY or FL), which may be accepted in some states for continuing education for PEs & PLSS.



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