

KEY UPDATES MADE TO DESIGN CONTRACTS

DCAMM is releasing updated versions of its template contracts for design related services, including a new template house doctor contract. Based on feedback from industry partners and a collaborative effort of internal DCAMM departments, several updates have made, which seek to make the contracts better reflect existing project processes, clarify language, and implement modifications aimed at facilitating expedient and cost-effective project delivery. Below is a summary of the key updates.

I. Contract for Study, Final Design, and Construction Administration Services (October 2017)

- 1) Design Phase Additional Services –hourly rate cap removed [§ 6.10]
 - Maximum hourly billing rate (previously \$150/hour) removed
- 2) Updated distribution of Design Phase Basic Fee payment to remove SD [§ 6.8]
 - Percentage breakdown of Basic Fee payment updated to reflect the shift of schematic design services to the Study Phase
 - *Note:* Design Phase Basic Fee will now be negotiated for most DCAMM projects, rather than pre-determined when the project is advertised through the Designer Selection Board
- 3) Option to include Prompt Payment Discount [§ 3.17.2; Exhibit M]
 - Designer may choose to execute Prompt Payment Discount form which is now an Exhibit to the Contract
 - Allows Awarding Authority to deduct an agreed upon percentage from payments made on invoices before the 45 day payment period (sliding scale – the earlier the payment, greater the discount)
- 4) Reduced number of copies of submittals required [§§ 4.8.4, 6.4.4, 6.5.4]
 - 2 hard copies and 1 electronic copy of SD, DD, and CD deliverables required (previously required 6 paper copies)
- 5) New project closeout provision [§§ 6.6.3, 6.6.4]
 - Adds detail regarding Designer’s obligations in close-out process, including submission of itemized punch list and review and collection of required close-out documents from GC/CM
- 6) LEED Services included as part of Basic Services [§ 7.2]
 - Some LEED Services have not been consistently included in Basic Services over the years; language clarified that all services necessary for compliance with LEED standards are included in Basic Services
- 7) For DCAMM Projects, use of standard DCAMM form for MAAB compliance [§ 7.6]
 - Will reduce variability in Designer submittals for MAAB scoping to facilitate internal review
- 8) Insurance coverage for hazardous material consulting services added [§ 7.11.2]
 - Closes previous gap in insurance coverage requirements

II. Contract for House Doctor Services (October 2017)

In addition to the updates noted above, the House Doctor Services Contract features the following:

- 1) Contract Term of 6 years [§ 1.2]
 - NTPs may be issued to House Doctors for 6 years following contract signing.
 - Contract will be extended (via amendment) solely for continuing work on ongoing Projects for which HD previously received an NTP
- 2) Modular format [§ 3.1, Exhibits A, B, C, D, and E]
 - General requirements for all HDs (i.e. invoicing, indemnification) are included in provisions up through the signatures. Requirements specific to a particular type of service (study, design, commissioning, and OPM) are included in Exhibits A – D
 - Exhibit E is reserved for “Other Services”, which may be tailored by the Awarding Authority to specific needs (such as DCAMM energy project HD services).
- 3) New provisions for issuing NTPs and Scope of Services [§ 4.3]
 - Sets forth the process for Awarding Authority to request, receive, and approve a scope of services from House Doctors for specific projects