



FOR IMMEDIATE RELEASE

**The Engineers Joint Contract Documents Committee Releases
The 2017 edition of EJCDC® E-580, Teaming Agreement
to Pursue Joint Professional Services Opportunity**

ALEXANDRIA, Va., February 1, 2017—The Engineers Joint Contract Documents Committee (EJCDC®) today released the 2017 edition of *EJCDC® E-580, Teaming Agreement to Pursue Joint Professional Services Opportunity*.

EJCDC® E-580, *Teaming Agreement to Pursue Joint Professional Services Opportunity*, is intended for use on a collaboration of two professional service firms, such as two engineering firms, or an engineering firm and an architectural services firm, that have decided to join forces to pursue a business opportunity. Such collaboration leverages the resources of each firm, giving the joint venture the advantage of both firms' professional licensing, technical skill-sets, available staff, market knowledge and other expertise advantageous to their pursuit.

EJCDC's *Teaming Agreement to Pursue Joint Business Opportunity* was previously an adjunct to a longstanding EJCDC document, the *Joint Venture Agreement for Professional Services*, which as of 2017, is published as EJCDC® E-590. The new stand-alone Teaming Agreement is a versatile document, suitable for creating professional teams for a wide variety of project-pursuit purposes. If a team is successful in securing the opportunity, then the team typically moves on to work under a subsequent "delivery-phase agreement." Contractual options for this subsequent agreement are identified in the new Teaming Agreement.

In updating E-580, EJCDC drew upon its new EJCDC® D-580 *Teaming Agreement to Pursue Joint Business Opportunity for Design-Build Project*, published in 2015, drawing upon the new D-580 as the source for relevant teaming terms and conditions. Although EJCDC D-580 is intended for a team comprised of a contractor or design-builder and an engineering firm, EJCDC concluded that many of the D-580 provisions, and its format, were directly adaptable to the E-series teaming agreement between two professional services entities.

Key features of the 2017 edition of *EJCDC® E-580, Teaming Agreement to Pursue Joint Professional Services Opportunity*, include:

- New title that emphasizes use for professional services teaming
- Definition of Team Goal: to win the award of contract, and enter into Delivery Phase Agreement between the team members.
- Delivery Phase Agreement may be EJCDC® E-570, 2014, Agreement between Engineer and Consultant for Professional Services; a Joint Venture Agreement; or “other” identified contract form.
 - Anticipated division of services and terms/conditions of Delivery Phase Agreement should be defined in Teaming Agreement.
 - Delivery Phase Agreement will supersede Teaming Agreement.
- If pursuit of the Team Goal involves professional services (for example, preparing a proposed conceptual design) the professional standard of care applies.
- Document addresses impact of a commitment as to pricing or staffing—other party may rely, and may make the commitment part of the Delivery Phase Agreement.
- No liability for failure to obtain the award of contract.
- Duty to disclose intended sub-consultants.
- In addition to listing team tasks and team member tasks the Teaming Agreement also includes an option to list key individuals and their minimum level of participation.
- Default expectation is that each Team Member bears its own costs; however, costs to be shared can be listed in the document.
- Detailed provisions regarding the critical issues of Document Ownership and Confidentiality.
- Rights after a termination of the team are defined, including possible continued pursuit of the goal by one of the team members.
- Express ban on recruiting personnel from the other Team Member identified as “key personnel” or otherwise actively involved in the pursuit.
- Addition of a new section, Guidelines for Use of EJCDC® E-580, which provides commentary regarding the purpose and intended use of the document, as well as concise instructions for editing the document for use in a specific teaming arrangement.

Since 1975, EJCDC has developed and updated fair and objective standard documents that represent the latest and best thinking in contractual relations between all parties involved in engineering design and construction projects.

EJCDC® documents are specifically written for public and private infrastructure and engineered facilities projects in the United States. The documents can readily be customized to suit each project's unique goals and regulatory requirements.

The Engineers Joint Contract Documents Committee (EJCDC®) is a joint venture of major organizations of professional engineers

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- the American Society of Civil Engineers (ASCE);
- the National Society of Professional Engineers (NSPE); and
- the American Council of Engineering Companies (ACEC).

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