



FOR IMMEDIATE RELEASE

**The Engineers Joint Contract Documents Committee Releases New Document:
EJCDC® E-562, Labor and Materials Subcontract between
Engineer and Engineer’s Subcontractor**

ALEXANDRIA, Va., February 1, 2017—The Engineers Joint Contract Documents Committee (EJCDC®) today released *EJCDC® E-562, Labor and Materials Subcontract between Engineer and Engineer’s Subcontractor*. EJCDC® E-562 is intended for use when a subcontractor provides labor and materials to an engineering firm (“Engineer”).

The previous edition of EJCDC® E-562 was titled *Subcontract between Engineer and Engineer’s Subcontractor*. The new and retitled 2017 edition of EJCDC® E-562 expands the application of the previous edition by emphasizing issues associated with delegating minor construction tasks.

Examples of work that might be performed under *EJCDC® E-562* include:

- furnishing temporary field facilities for the Engineer’s use during a project;
- placement and maintenance of safety barriers to protect Engineer’s work during field studies;
- exploratory excavation;
- construction of monitoring facilities for Engineer’s use,
- and other limited labor and supply support for the Engineer.

EJCDC® E-562 Labor and Materials Subcontract between Engineer and Engineer’s Subcontractor is not intended for the delegation of professional services. EJCDC publishes standard sub-agreements to contract for services including EJCDC® E-570, Agreement between Engineer and Consultant for Professional Services.

Highlights of the 2017 edition of EJCDC® E-562 include:

- The title, which now is expressly a “labor and materials contract”
- Transition from references to “services” to use of the term “work”

- Insertion of a specific completion time span and date instead of completion within a reasonable time.
- Added wording from other EJCDC construction subcontracts about adhering to prime schedule and the need for schedule flexibility.
- Added a “pay-when-paid” option for payment of subcontractor. Other options retained from the 2011 edition are pay within 30 days of subcontractor’s invoice; or pay within 10 days of Owner’s payment, but in any event within 120 days of invoice.
- Added a list of set-offs that Engineer may impose against payment.
- Added a typical subcontract “flow down” clause for use when the subcontractor’s work is a subset of the scope of tasks in the Engineer’s prime agreement.
- Added a “not to exceed” option when work is based on hourly rates.
- Moved from an “additional services” approach to a construction-type change order clause.
- Added specific provisions regarding site restoration duties as the subcontractor departs the work area.
- Expanded insurance provisions in the text and in a new Exhibit D, Insurance, based on EJCDC’s Construction-series insurance provisions.
- Added notes regarding possible need to define Engineer’s role at the Site if Engineer will have an active field role.
- Expanded description of duties and responsibilities of subcontractor.
- Added broad definition of “Constructor” from other EJCDC documents, for ease of reference
- Addition of a new section, Guidelines for Use of EJCDC® E-562, 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 subcontract engagement.

When the Engineer’s role is fundamentally that of a project owner, for example, an engineering firm that elects to build a new office building for the firm’s use, or for any construction project involving a substantial scope of work, EJCDC recommends the use of its Construction Family of documents, the EJCDC® C-series.

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).

Buy EJCDC documents online at www.ejcdc.org.

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