

## Form of Agreement 1-P (01/2009)

### Revision Highlights (major revisions only)

- The document has been completely re-structured for ease of use (articles and sub-articles have been re-aligned in an attempt to be more clearly presented).
- Table of Contents added.
- Definitions section added.
- ARTICLE 1: PROFESSIONAL RESPONSIBILITIES
  - 1.1.6 added, Professional responsible for BOT and admin. submission requirements.
  - 1.1.7 added, Professional responsible to collaborate with CM and reconcile cost estimates.
  - 1.1.8 and 1.1.9 OPTION added, ability to tie Professional to a project schedule.
  - 1.1.10 OPTION added, BIM responsibility language suggested for applicable projects.
  - 1.1.11 OPTION added, Contractor Design-Assist language suggested for applicable projects.
  - 1.1.12 OPTION added, LEED responsibility for project.
  - 1.5 revision, Professional's duties in bidding phase stated more specifically.
  - 1.6 revision: clarification that Professional's responsibility under the Agreement and requirement that Professional provide notice to Owner of Contractor's safety violations.
  - 1.6.3 revision: Professional shall advise Owner when special inspection or testing is advisable.
  - 1.6.6 revision, (14) calendar day requirement for review of submittals, (7) calendar days for resubmissions.
  - 1.6.8 revision, time requirement added for review of Change Orders.
  - 1.6.10 revision, more clear language of responsibility of Professional to produce punchlist and provide follow-up.
  - 1.6.11 revision, Professional will be responsible to provide the approved O&M's in electronic .pdf format.
  - 1.6.12 revision, added language on as-built requirements. Added requirement for Professional to provide the Owner with a complete set of approved submittals in electronic .pdf format at the end of the project.
  - 1.6.14 revision: Added language that parties shall exercise good faith in resolution of disputes regarding change orders, or otherwise proceed to dispute resolution per 12.1.
- ARTICLE 2: ADDITIONAL RESPONSIBILITIES
  - 2.1 revision, added L&I submission language.
- ARTICLE 4: INDEMNIFICATION
  - This is now a separate Article with revised language to help resolve continued objection by industry.
- ARTICLE 5: OWNER'S RESPONSIBILITIES
  - 5.9 OPTION added, Professional to assist with CM selection.
- ARTICLE 8: PROFESSIONAL'S EXPENSES
  - 8.1.2 Exhibit B established as the reference for billable hourly rates. Maximum multiplier set at (2.5).
  - 8.2 revisions, added language for defining allowable reimbursable expenses.
- ARTICLE 9: COMPENSATION AND PAYMENT
  - 9.1.2 revision, close-out portion of project indicated and defined.
  - 9.2 revision, most of this section was removed as compared to the original.
- ARTICLE 10: INSURANCE
  - 10.1.1 revision, Professional Liability Insurance \$1,000,000 **or the total of the Professional's fee, whichever is greater.**
- ARTICLE 12: MISCELLANEOUS PROVISIONS
  - 12.1 revision, mediation language added as first option.
- ARTICLE 13: SCHEDULE OF EXHIBITS
  - Standard Exhibits listed.
  - Exhibit A, terms and conditions language added, terms and conditions included in the Professional's proposal are not considered part of the agreement.