

CESA PRACTICE NOTE WEBINARS

PRACTICE NOTE 47

GUIDELINES FOR EMPLOYER'S AGENT'S REPRESENTATIVE ON WORKS CONTRACT

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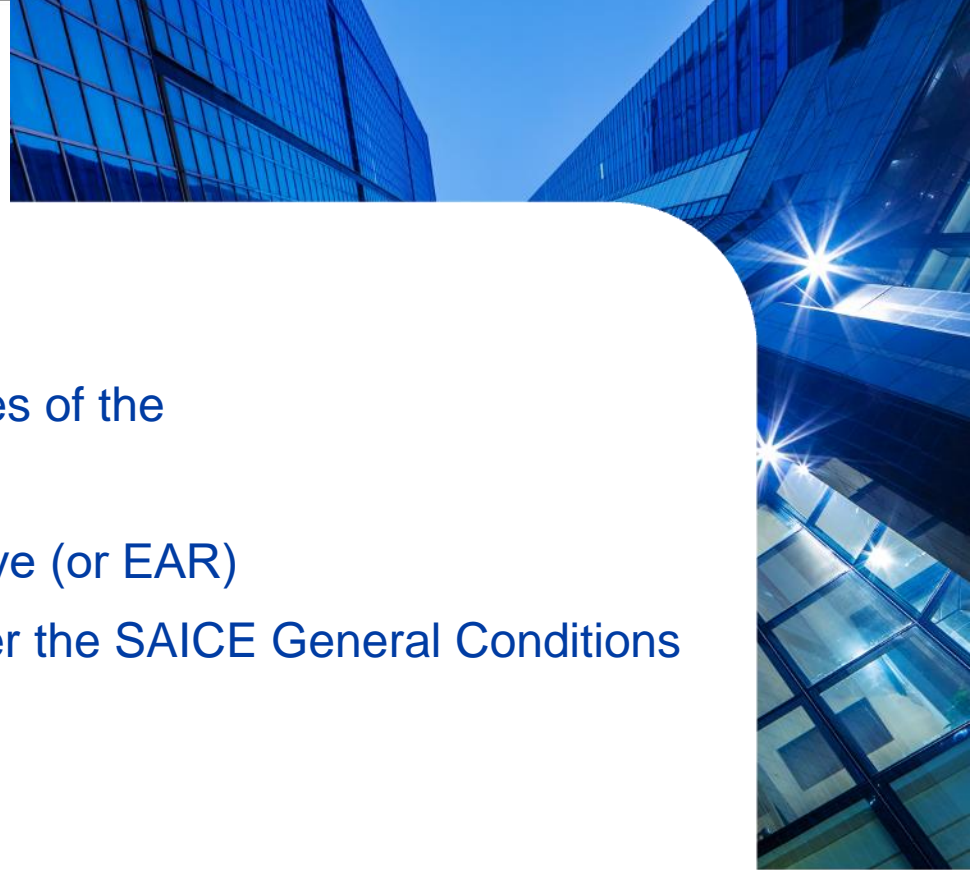
GUIDELINES FOR EMPLOYER'S AGENT'S REPRESENTATIVE ON WORKS CONTRACT

PURPOSE

To provide guidance regarding the duties of the

- Employer's Agent (or EA) and
- the Employer's Agent's Representative (or EAR)

on an engineering works contract under the SAICE General Conditions of Contract 2015



Employer's Agent in GCC 2015

Main Functions

- Administer the contract as the agent of the Employer;
- Monitor construction, at the level agreed to with the Employer;
- Appoint the Employer's Agent's Representative (EAR) to represent the Employer's Agent in the above, and appoint other site staff to assist with the various tasks, and
- Delegate certain powers to the Employer's Agent's Representative in writing and notify the Employer and the Contractor thereof in writing.

Employer's Agent Representative Main Functions

Within the powers delegated to him, the EAR must oversee, record, report and certify that the works meet the following requirements:

- safety regulations and plans;
- environmental conditions, programmes and plans;
- programme for construction and contractual time limitations;
- applicable laws, regulations, statutes and by-laws;
- wayleaves and occupation permissions;
- the physical properties, dimensions and materials as per the construction drawings and specifications, and
- the Employer's Agent's instructions.

Employer's Agent Representative Suggested approach

- ❑ Escalate a request to the Employer's Agent for further instruction, with a proposal of options, where action is required that falls outside the EAR's delegated powers;
- ❑ 2. Create a good working relationship between the Employer's Agent's staff and the Contractor's staff;
- ❑ 3. Adopt a positive, helpful attitude towards the Contractor by assisting with overcoming difficulties, without assuming the Contractor's responsibilities.



Limitations, discretion, and interpretation by the EAR

In fulfilling his functions

Do's	Don'ts
Deal with all the Contractor's measurements, accounts and claims in a consistent, clear and fair manner	Materially change the design or the specifications
Have a comprehensive knowledge and understanding of the Contract Documents	Give instructions that relieve the contractor of any of his obligations
Investigate and record circumstances and facts relevant to claims and record agreement or disagreement of these with the contractor	Approve remedial work which he considers to be a departure from a correct interpretation of the Contract Documents without the prior approval of the Employer's Agent.

Communication via Site Instructions

- ❑ Instructions to the Contractor should be given only by the EAR to the Construction Manager directly.
- ❑ In general, instructions should be given only in writing.
- ❑ A site instruction book should be kept for instructions, dated and signed regularly by the EAR and the Contractor.
- ❑ Alternatively, where electronic communication of site instructions is used, a process for the recording of receipt and the filing of the documents should be defined

Co-ordinating the work of several independent contractors

- ❑ On an unbundled or multi-disciplinary construction project, there are often different and separate Contracts carried out at the same time or in succession.
- ❑ In such case, the Employer's Agent or Principal Agent is responsible for coordinating the work of the different Contractors.
- ❑ The Employer's Agent's authority and that of the Employer's Agent's Representative to direct such co-ordination is based on the Special Conditions included in the various contracts.

SITE MEETINGS

- ❑ Formal Site Meetings must be held on a regular basis, depending on the stage of the construction and the requirements of the participants.
- ❑ Separate technical meetings are sometimes required to facilitate the correct interpretation of the design and discuss the contractor's proposed method statements
- ❑ The Employer's Agent must ensure that the site meetings are minuted and that the minutes are an accurate record of the proceedings
- ❑ Minutes should be distributed to the parties concerned as soon as possible after the meeting, but certainly prior to the next meeting, where they are approved or corrected.
- ❑ A draft Agenda is provided in PN47 which is quite comprehensive

QUALITY MANAGEMENT

The Employer's Agent's Representative must study, and become completely familiar with the Design and technical specifications for the Works and should note and list all items which need to be checked.

- Setting out
- Temporary works
- Authority to proceed with the work
- Procedures for inspections and testing of materials



MONITORING, ADMINISTRATION AND REPORTING

The Employer's Agent's Representative must ensure that full records are kept of all site activities, including

- daily and weekly site diaries,
- records relating to weather conditions, time lost,
- quantities of hard and soft excavation.
- A photographic record of construction progress
- Progress reports
- Up to date drawing register

FINANCIAL CONTROL

- ❑ The EAR should prepare and maintain a financial control system and report on a regular basis to the client.
- ❑ A projected Final Contract Value should be included in the financial review, using the anticipated final quantities and allowing for escalation, VO's and claims.
- ❑ Under Clause 6.7.2 it is the ER's responsibility to measure the Works.
- ❑ Final quantities should be agreed with the Contractor as soon as possible after the relevant item or section of work is completed.



Services required after issuing of the completion certificate

Consultants should be careful to correctly provide for the extent of the services required after issuing the completion certificate:

- Additional site visits to verify the rectification of defects and carry out the final inspection,
- Ongoing mechanical / electrical commissioning problems
- Completing as-built drawings and O&M manuals
- Issue the Final Approval /certificate and the Final Payment Certificate

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