

# CESA Best Practice Guidelines Webinar: Forms of Agreement

**Model sub-consultancy agreement and  
specific data – October 2021**

July 2022  
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Jones & Wagener



# Webinar – CESA's Forms of agreement – Model sub-consultancy agreement and specific data



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- ◆ Purpose of FOA
- ◆ Main sections
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- ◆ Where to access the FOA
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## ◆ Introduction

- Previous version – September 2014 – All new version
- Part of a suite of 5 documents as discussed
- Based on the main model - includes main elements of a consulting agreement mostly scope, fees, schedule, liability, dispute resolution
- CESA's recommended alternative to other FOA's

# Webinar – CESA's Forms of agreement – Model sub-consultancy agreement and specific data

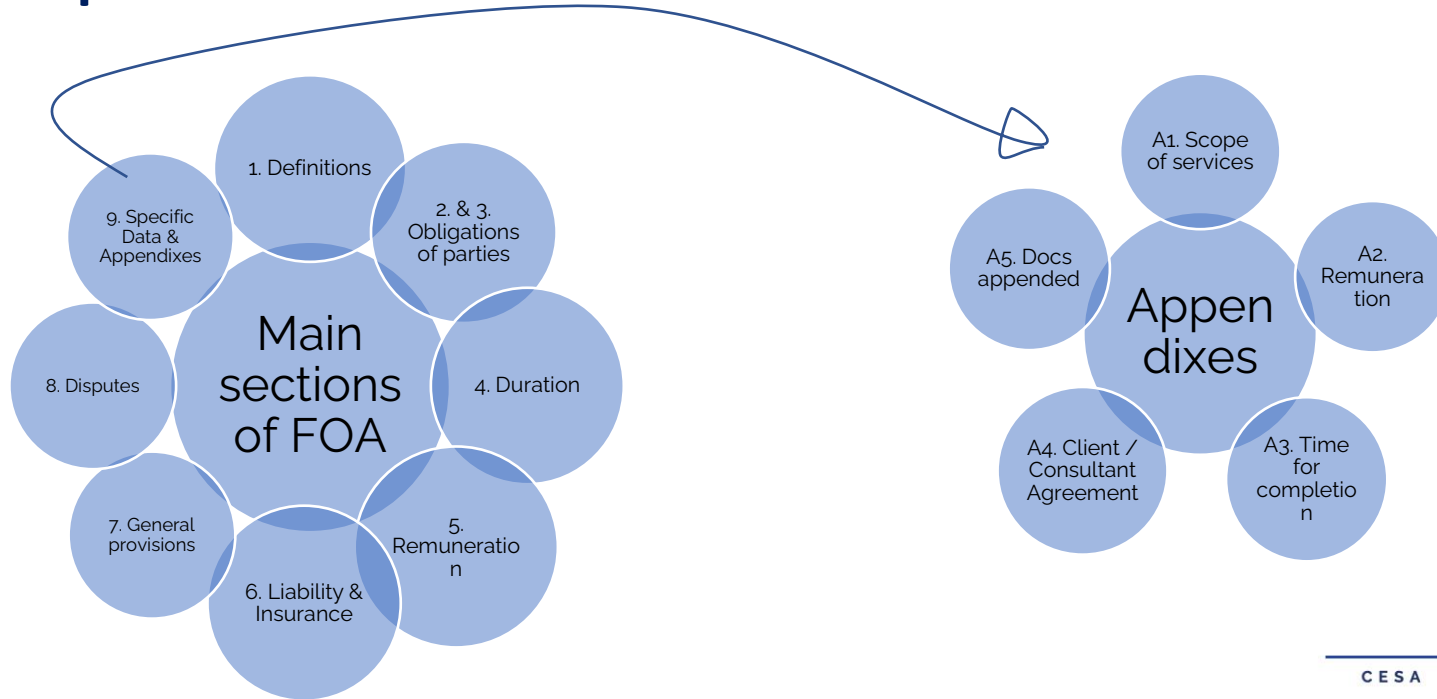
## ◆ Purpose of form of agreement

To provide a model contract that contains the essential parts of a sub-consultancy agreement so that the risk of each party is balanced and limited.





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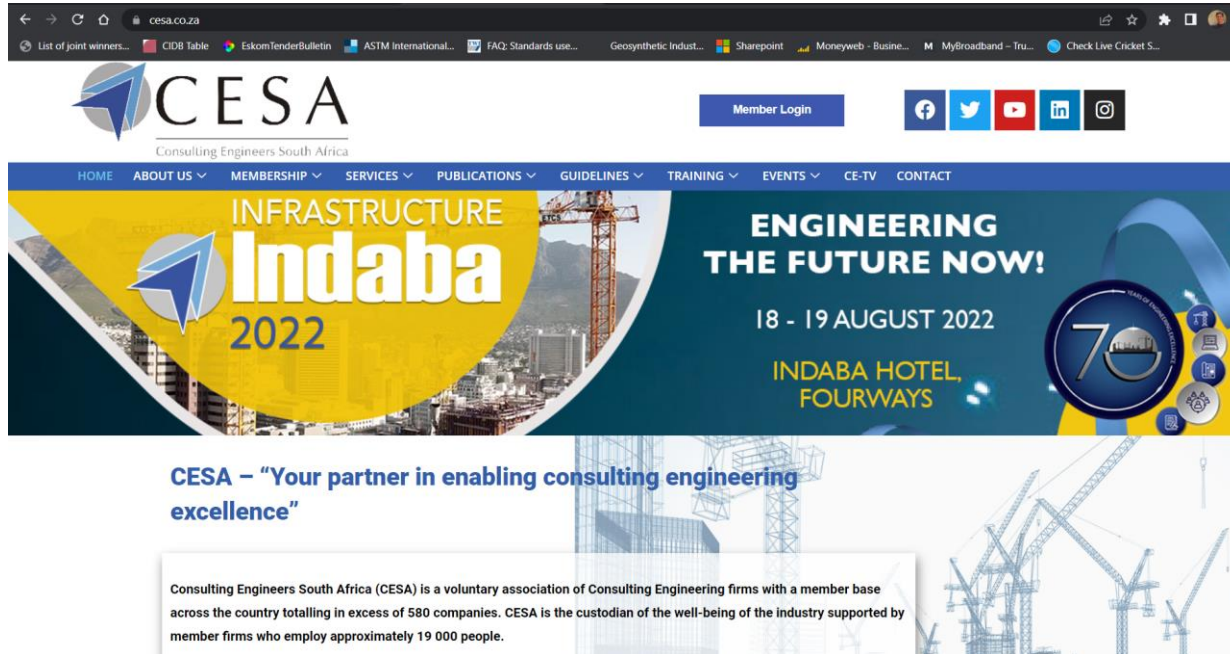
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## ◆ Highlights

- **Section 4.4 Force Majeure:** Provides way forward after unexpected circumstances
- **Section 5.2 Set-off:** Excluded
- **Section 6.3 Duration of Liability:** 3 years
- **Section 6.4 Limit of Compensation:** 2 x amount
- **Section 6.5 Insurance for Liability and Indemnity:** PI Insurance required for liability period
- **Section 7.9 Variations:** Important clause for change management
- **Section 8 Settlement of disputes:** Does not include adjudication



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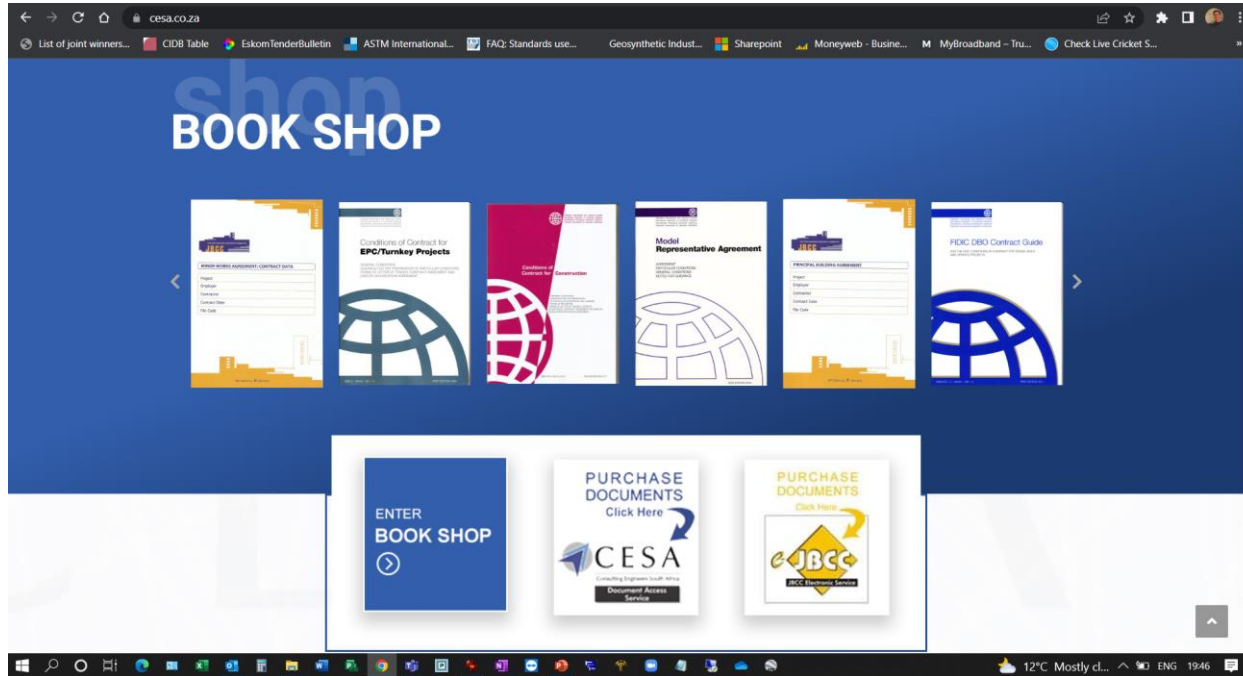


The screenshot shows the CESA website homepage. At the top is a navigation bar with the CESA logo (a stylized blue arrow pointing up and to the right) and the text "CESA Consulting Engineers South Africa". To the right of the logo is a "Member Login" button and social media icons for Facebook, Twitter, YouTube, LinkedIn, and Instagram. Below the navigation bar is a main banner with a yellow and blue background. The left side of the banner features the text "INFRASTRUCTURE Indaba 2022" with a small CESA logo. The right side of the banner features the text "ENGINEERING THE FUTURE NOW!" and "18 - 19 AUGUST 2022" in white, with "INDABA HOTEL FOURWAYS" in yellow below it. A circular logo with the number "70" is also visible on the right. Below the banner is a section with the heading "CESA – 'Your partner in enabling consulting engineering excellence'" and a paragraph of text: "Consulting Engineers South Africa (CESA) is a voluntary association of Consulting Engineering firms with a member base across the country totalling in excess of 580 companies. CESA is the custodian of the well-being of the industry supported by member firms who employ approximately 19 000 people." The background of the lower section features a faint image of construction cranes.

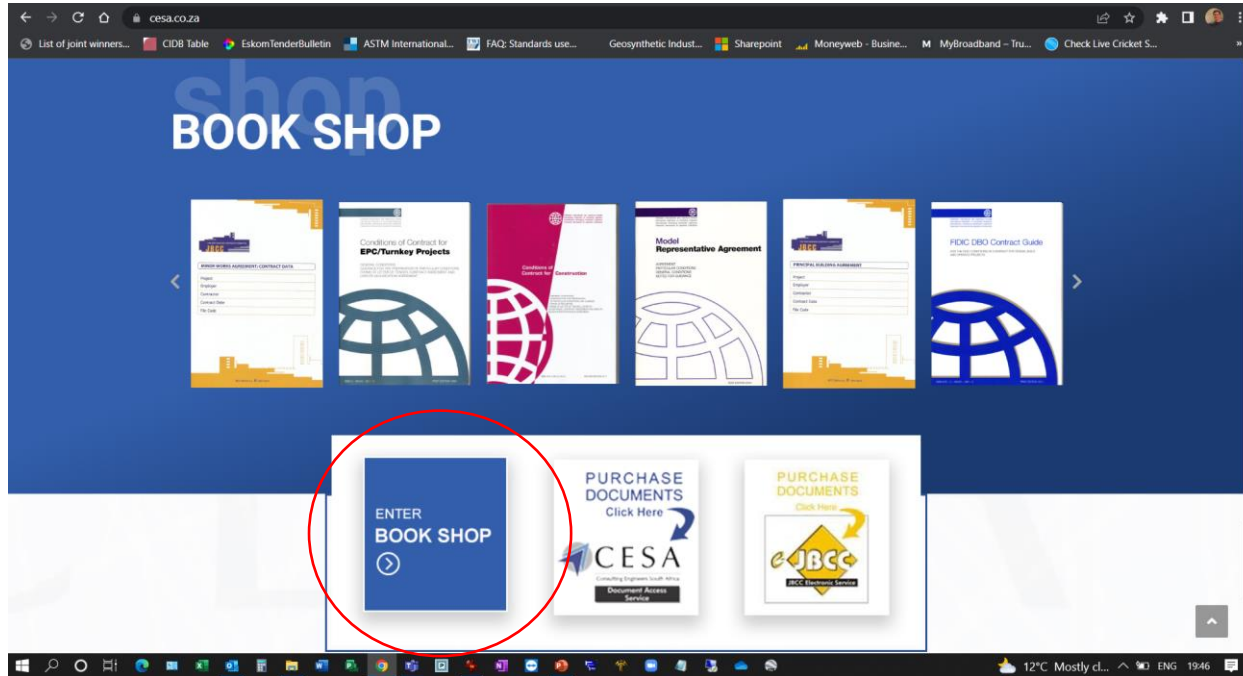
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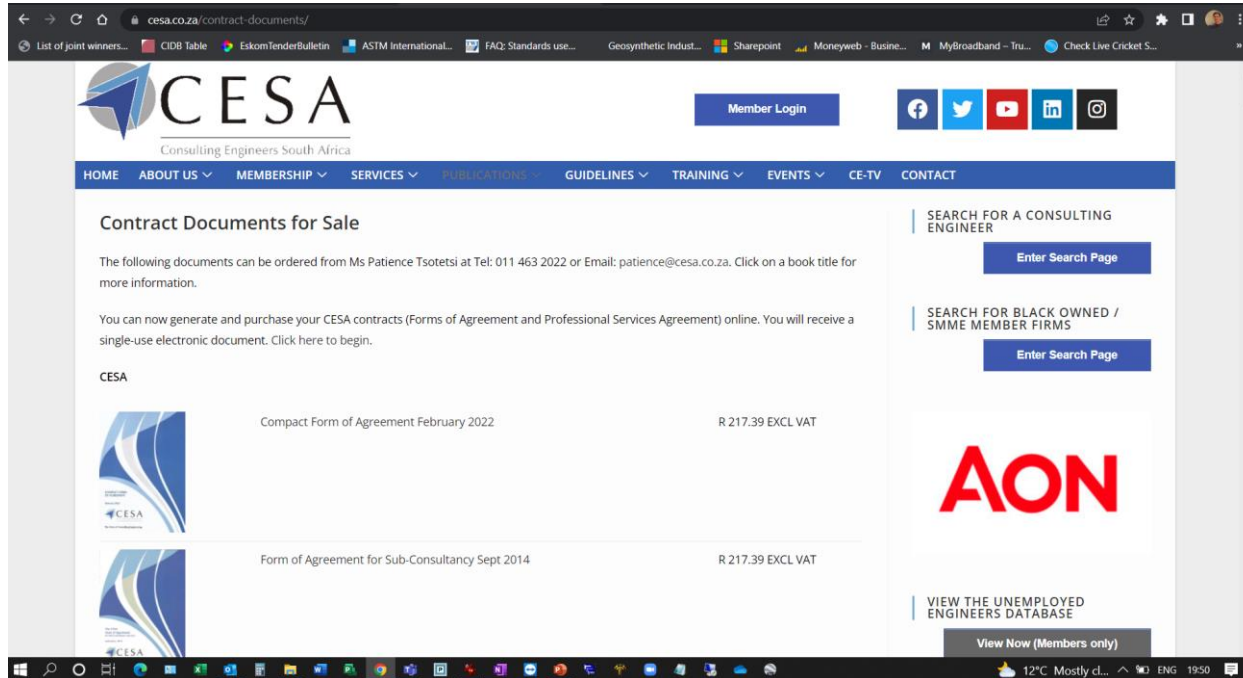
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# Webinar – CESA's Forms of agreement – Model sub-consultancy agreement and specific data



# Webinar – CESA's Forms of agreement – Model sub-consultancy agreement and specific data



The screenshot displays the CESA website's 'Contract Documents for Sale' page. The header features the CESA logo, a 'Member Login' button, and social media icons. The navigation menu includes links for Home, About Us, Membership, Services, Publications, Guidelines, Training, Events, CE-TV, and Contact. The main content area lists two documents for sale: 'Compact Form of Agreement February 2022' and 'Form of Agreement for Sub-Consultancy Sept 2014', both priced at R 217.39 EXCL VAT. A sidebar on the right offers search options for consulting engineers and black-owned/SME member firms, along with a link to view the unemployed engineers database. The AON logo is prominently displayed in the center of the page. The browser's address bar shows the URL 'cesa.co.za/contract-documents/'.

**CESA**  
Consulting Engineers South Africa

**Contract Documents for Sale**

The following documents can be ordered from Ms Patience Tsotetsi at Tel: 011 463 2022 or Email: [patience@cesa.co.za](mailto:patience@cesa.co.za). Click on a book title for more information.

You can now generate and purchase your CESA contracts (Forms of Agreement and Professional Services Agreement) online. You will receive a single-use electronic document. Click here to begin.

**CESA**

Document Title	Price
Compact Form of Agreement February 2022	R 217.39 EXCL VAT
Form of Agreement for Sub-Consultancy Sept 2014	R 217.39 EXCL VAT

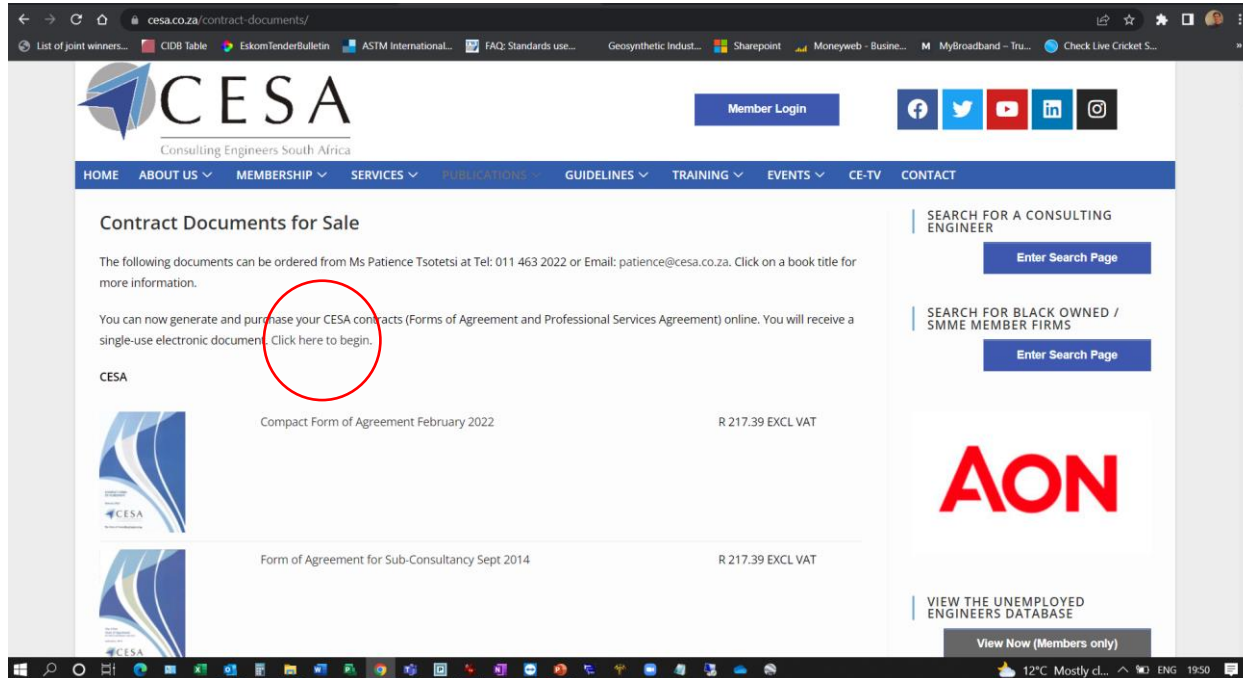
**SEARCH FOR A CONSULTING ENGINEER**  
[Enter Search Page](#)

**SEARCH FOR BLACK OWNED / SMME MEMBER FIRMS**  
[Enter Search Page](#)

**AON**

**VIEW THE UNEMPLOYED ENGINEERS DATABASE**  
[View Now \(Members only\)](#)

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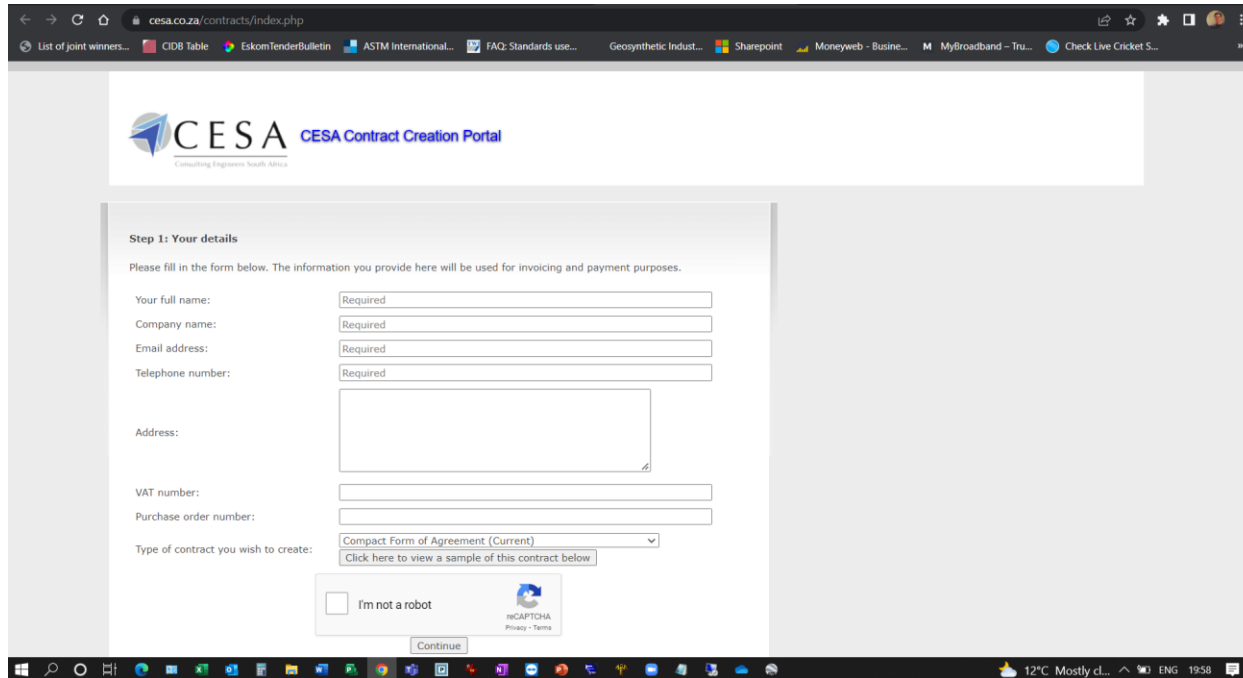
The screenshot displays the CESA website's 'Contract Documents for Sale' page. The header includes the CESA logo, 'Consulting Engineers South Africa', a 'Member Login' button, and social media icons. The navigation menu lists: HOME, ABOUT US, MEMBERSHIP, SERVICES, PUBLICATIONS, GUIDELINES, TRAINING, EVENTS, CE-TV, and CONTACT. The main content area features the title 'Contract Documents for Sale' and a paragraph stating that documents can be ordered from Ms Patience Tsotetsi. Below this, a red circle highlights the text: 'You can now generate and purchase your CESA contracts (Forms of Agreement and Professional Services Agreement) online. You will receive a single-use electronic document. Click here to begin.' A table lists two documents for sale:

Document Title	Price
Compact Form of Agreement February 2022	R 217.39 EXCL VAT
Form of Agreement for Sub-Consultancy Sept 2014	R 217.39 EXCL VAT

On the right side of the page, there are search sections for 'SEARCH FOR A CONSULTING ENGINEER' and 'SEARCH FOR BLACK OWNED / SMME MEMBER FIRMS', each with an 'Enter Search Page' button. At the bottom right, there is a large red 'AON' logo and a section titled 'VIEW THE UNEMPLOYED ENGINEERS DATABASE' with a 'View Now (Members only)' button. The browser's address bar shows 'cesa.co.za/contract-documents/' and the taskbar at the bottom indicates the system time as 19:50.



# Webinar – CESA's Forms of agreement – Model sub-consultancy agreement and specific data



The screenshot displays the CESA Contract Creation Portal in a web browser. The browser's address bar shows the URL [cesa.co.za/contracts/index.php](http://cesa.co.za/contracts/index.php). The page header includes the CESA logo and the text "CESA Contract Creation Portal" and "Consulting Engineers South Africa".

**Step 1: Your details**

Please fill in the form below. The information you provide here will be used for invoicing and payment purposes.

Your full name:  Required

Company name:  Required

Email address:  Required


Telephone number:  Required

Address:

VAT number:

Purchase order number:

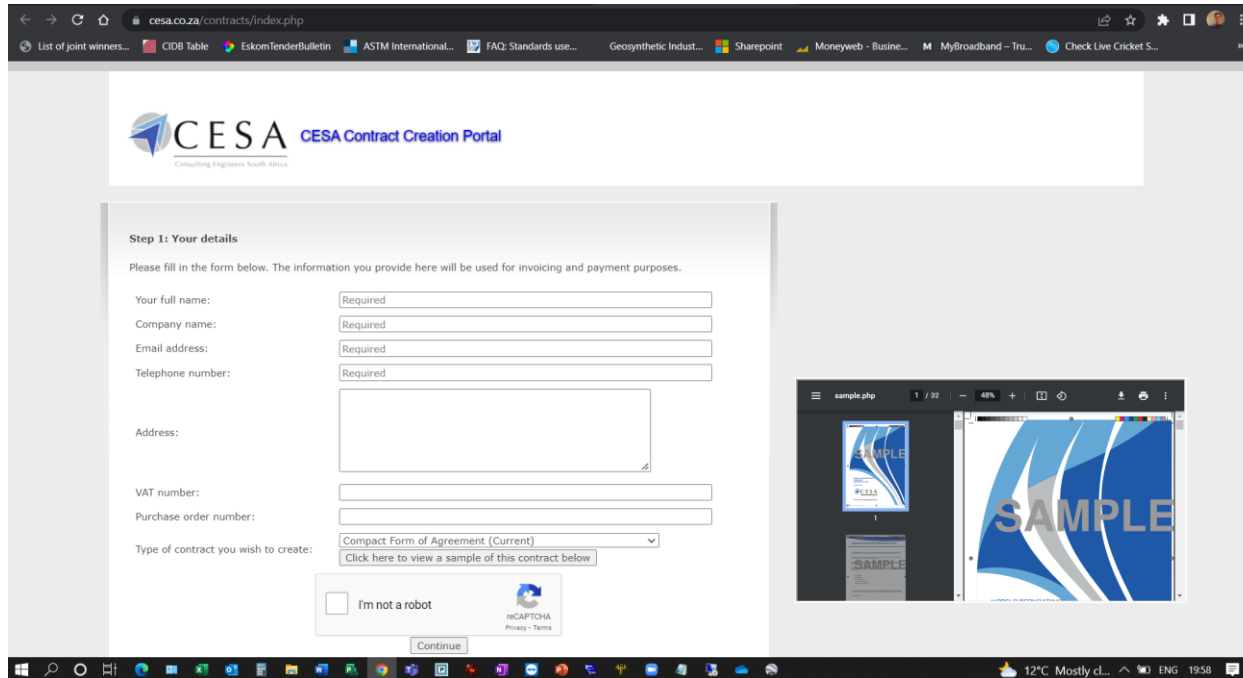
Type of contract you wish to create:  [Click here to view a sample of this contract below](#)

☐ I'm not a robot 

[Continue](#)



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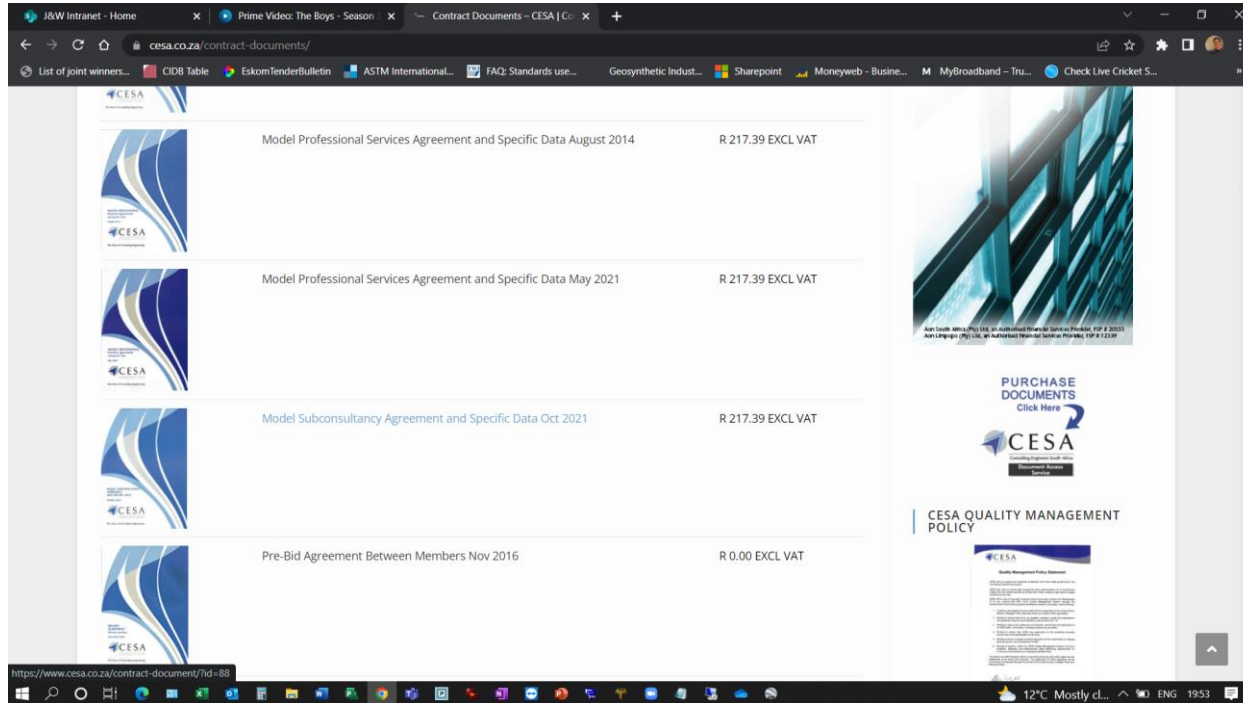
Type of contract you wish to create:   
Compact Form of Agreement (Current)   
[Click here to view a sample of this contract below](#)

☐ I'm not a robot   
reCAPTCHA   
Privacy - Terms

[Continue](#)

On the right side of the form, there is a preview of a sample contract document. The preview shows a document titled "sample.php" with a large "SAMPLE" watermark across the center. The document features the CESA logo and some text, but the content is obscured by the watermark.

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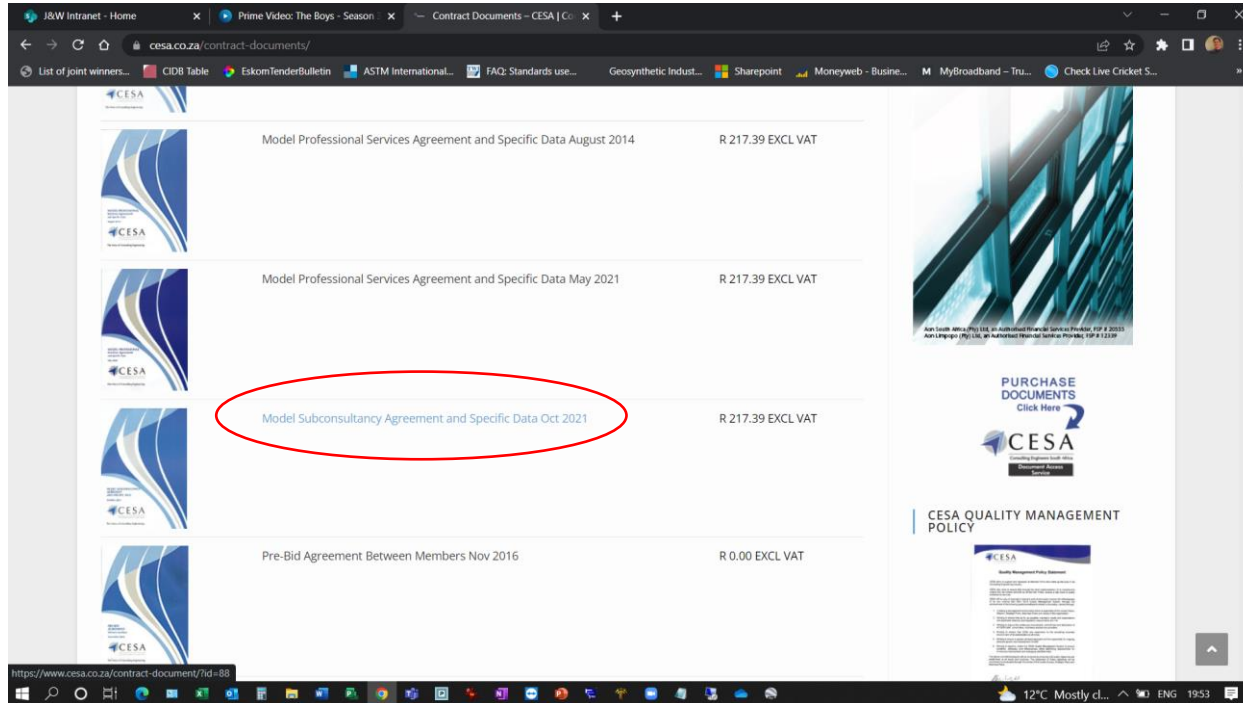
The screenshot shows a web browser window with the URL <https://www.cesa.co.za/contract-documents/>. The page displays a list of contract documents for sale, each with a CESA logo, a title, and a price. The documents are:

Document Title	Price
Model Professional Services Agreement and Specific Data August 2014	R 217.39 EXCL VAT
Model Professional Services Agreement and Specific Data May 2021	R 217.39 EXCL VAT
Model Subconsultancy Agreement and Specific Data Oct 2021	R 217.39 EXCL VAT
Pre-Bid Agreement Between Members Nov 2016	R 0.00 EXCL VAT

Below the list, there is a section titled "PURCHASE DOCUMENTS Click Here" with a CESA logo and a "CESA QUALITY MANAGEMENT POLICY" section. The browser's address bar shows the URL <https://www.cesa.co.za/contract-document/?id=88>. The taskbar at the bottom shows the system clock as 12°C Mostly c.l., 1953.

Scroll  
Down

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The screenshot displays the CESA website's 'Contract Documents' page. The browser's address bar shows 'cesa.co.za/contract-documents/'. The page features a list of documents, each with a CESA logo icon, a title, and a price. The third item, 'Model Subconsultancy Agreement and Specific Data Oct 2021', is circled in red. To the right of the list, there are promotional banners for 'PURCHASE DOCUMENTS' and 'CESA QUALITY MANAGEMENT POLICY'. The bottom of the page shows a Windows taskbar with various application icons and a system tray displaying '12°C Mostly c.l...' and 'ENG 19:53'.

Document Title	Price
Model Professional Services Agreement and Specific Data August 2014	R 217.39 EXCL VAT
Model Professional Services Agreement and Specific Data May 2021	R 217.39 EXCL VAT
<b>Model Subconsultancy Agreement and Specific Data Oct 2021</b>	R 217.39 EXCL VAT
Pre-Bid Agreement Between Members Nov 2016	R 0.00 EXCL VAT

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## ◆ Order details

- This document can be ordered from:
- Ms Patience Tsotetsi
- Tel: 011 463 2022
- Email: [patience@cesa.co.za](mailto:patience@cesa.co.za).



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## ◆ Copyright

- All forms of agreement are copyright by CESA
- Documents are intended for single use
- Soft copies purchased online are prefilled in per project

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## ◆ Conclusion

- Completely new version compared to 2014 version
- FOA balances and limits risk by including all essential components
- Documents are available in soft copy (online) or hard copy
- Copyright licenses only single use of document



‘Your Partner in Enabling  
Consulting Engineering  
Excellence’