

Employer's agent services

For use with the RICS Standard form of consultant's appointment
and RICS Short form of consultant's appointment



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Employer's Agent Services

**For use with the RICS Standard Form of Consultant's Appointment
and the RICS Short Form of Consultant's Appointment**



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Len Stewart works for the Davis Langdon LLP Legal Support Group. Davis Langdon is a leading international project and cost consultancy, providing managed solutions for clients investing worldwide in infrastructure, property and construction.

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Notes:

- 1 This Appointment is not suitable for use for expert witness appointments.
- 2 This Schedule should be completed by inserting a 'tick' within the box adjacent to the service to be provided. For further information please refer to the Explanatory Notes.
- 3 Services that have been ticked below shall be deemed to be Basic Services under the terms of this Appointment.
- 4 All other Services which are not ticked shall be deemed to be Additional Services under the terms of this Appointment.
- 5 For convenience the services have been co-ordinated to fit with the RIBA Outline Plan of Work 2007. In practice many of the Services will be carried out in more than one section.
- 6 These Services are suitable for use with both the RICS Standard and RICS Short Forms of Consultant's Appointment.
- 7 Any Project-specific services agreed between the Client and the Consultant should be inserted in section 2.4.
- 8 A schedule of 'typical' meetings is included with these Services. Completion of this schedule is also recommended.

1 CORE SERVICES**1.1 Generally**

- 1.1.1 Attend Client, Design, Project, Site and other meetings as provided under this Appointment.
- 1.1.2 Issue instructions, on behalf of the Client, to the Professional Team and Contractor in accordance with the terms of their Appointments/the Building Contract.
- 1.1.3 Agree Project reporting and recording procedures with the Client, the Professional Team and the Contractor. Implement agreed procedures.
- 1.1.4 Monitor the performance of the Professional Team and the Contractor. Report to the Client.
- 1.1.5 Liaise with the Professional Team and prepare regular/monthly quality, cost and programme reports. Advise the Client of any decisions required and obtain authorisation.

1.2 Preparation (RIBA Outline Plan of Work 2007)

- 1.2.1 Liaise with the Client and the Professional Team to determine the Client's initial requirements and to develop the Client's Brief. Establish review, approval, variation and reporting procedures. Prepare recommendations for the Client's approval.
- 1.2.2 Liaise with the Professional Team and advise the Client on structural, building, measured and other surveys and site investigations including condition reports, soil reports etc.
- 1.2.3 Advise the Client on demolition, strip-out, site investigation and enabling works contracts required before the Building Contract.

- 1.2.4 Liaise with the Professional Team and procure demolition, strip-out, site investigation and enabling works contracts required before the Building Contract.
- 1.2.5 Advise the Client on specialist services, including consultants, contractors, sub-contractors and suppliers required in connection with the Project.
- 1.2.6 Liaise with the Professional Team and advise the Client of its obligations under the CDM Regulations.
- 1.2.7 Comply with the CDM Regulations insofar as they relate to this Appointment.
- 1.2.8 Advise the Client on the selection, the terms of appointment and fee structures for the Professional Team. Advise the Client on design services required under the Building Contract.
- 1.2.9 Advise the Client on the need for staff resident at the Site.
- 1.2.10 Liaise with the Professional Team and advise the Client on statutory approvals required and fees due in respect of the Project. Recommend payments to the Client.
- 1.2.11 Visit the Site and carry out initial inspections. Advise the Client on areas of concern.

1.3 Design (RIBA Outline Plan of Work 2007)

- 1.3.1 Liaise with the Client and the Professional Team and prepare the employer's requirements. Amplify the employer's requirements as necessary during the Project. Establish review, approval, variation and reporting procedures. Prepare recommendations for the Client's approval.

- | | |
|--|---|
| <input type="checkbox"/> 1.3.2 Liaise with the Professional Team and establish a structure and procedure for quality management. Establish review, approval, variation and reporting procedures. Prepare recommendations for the Client's approval. | <input type="checkbox"/> 1.4.8 Liaise with the Professional Team and obtain cost and design studies to assess alternative contractor's proposals. Prepare recommendations for the Client's approval. |
| <input type="checkbox"/> 1.3.3 Establish the roles and responsibilities of the Client, the Professional Team, the Contractor and specialist/design sub-contractors. | <input type="checkbox"/> 1.4.9 Liaise with the Professional Team and assist with specialist enquiries to assess alternative contractor's proposals. Prepare recommendations for the Client's approval. |
| <input type="checkbox"/> 1.3.4 Liaise with the Professional Team and prepare a scheme design, or similar, report summarising the Project design, cost, programme and risk register. Establish review, approval, variation and reporting procedures. Prepare recommendations for the Client's approval. | <input type="checkbox"/> 1.4.10 Liaise with the Professional Team and prepare a tender report. Prepare recommendations for the Client's approval. |
| <input type="checkbox"/> 1.3.5 Confirm the scope of the Building Contract to the Client and advise on additional works required by third parties. | <input type="checkbox"/> 1.4.11 Conduct negotiations with tenderers. Prepare documentation to confirm adjustments to the tender sums. Prepare recommendations for the Client's approval. |
| <input type="checkbox"/> 1.3.6 Liaise with the Professional Team and identify any long delivery building components and systems. Prepare recommendations for the Client's approval. | <input type="checkbox"/> 1.4.12 Liaise with the Client and the Professional Team and advise on methods of progressing design and/or construction works prior to the execution of the Building Contract. |
| <input type="checkbox"/> 1.3.7 Liaise with the Professional Team and identify any specialist/proprietary building components and systems. Prepare recommendations for the Client's approval. | <input type="checkbox"/> 1.4.13 Obtain confirmation that required insurances are in place prior to commencement of works on the Site. |

1.4 Pre-Construction (RIBA Outline Plan of Work 2007)

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| <input type="checkbox"/> 1.4.1 Prepare and maintain a Project execution plan, or similar management tool, identifying the roles and responsibilities of the Client, the Professional Team, the Contractor and specialist sub-contractors/suppliers. Establish review, approval, variation and reporting procedures. Prepare recommendations for the Client's approval. | <input type="checkbox"/> 1.4.14 Obtain contract drawings and specifications from the Client and the Professional Team. Liaise with the Client's legal advisers, prepare the contract documents and deliver to the Client and the Contractor for completion. |
| <input type="checkbox"/> 1.4.2 Advise on suitable tenderers for the Building Contract. Prepare recommendations for the Client's approval. | |
| <input type="checkbox"/> 1.4.3 Obtain tender drawings and specifications from the Client and the Professional Team. Monitor and report to the Client on the procurement process. | |
| <input type="checkbox"/> 1.4.4 Liaise with the Professional Team and prepare a pre-construction report summarising the Project design, cost, programme and risk register. Establish review, approval, variation and reporting procedures. Prepare recommendations for the Client's approval. | |
| <input type="checkbox"/> 1.4.5 Attend pre- and post-tender interviews. | |
| <input type="checkbox"/> 1.4.6 Liaise with the Professional Team and advise on errors, omissions, exclusions, qualifications and inconsistencies between the employer's requirements and the tenders received. Prepare recommendations for the Client's approval. | |
| <input type="checkbox"/> 1.4.7 Advise on the tenderers' design and construction programmes and method statements. | |

1.5 Construction (RIBA Outline Plan of Work 2007)

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| <input type="checkbox"/> 1.5.1 Agree approvals required from the Professional Team under the Building Contract. Administer the Building Contract. | <input type="checkbox"/> 1.5.3 Liaise with the Client and the Professional Team and conduct negotiations with the Contractor. Prepare documentation to confirm the agreements reached. |
| <input type="checkbox"/> 1.5.2 Convene and chair regular/monthly site meetings with the Client, the Professional Team, the Contractor and, where appropriate, sub-contractor(s) or supplier(s). Take minutes of the matters discussed and issue copies of minutes to the Client, the Professional Team, the Contractor and such other persons attending the meeting. | <input type="checkbox"/> 1.5.4 Obtain advice on quality, cost and programme effect of variations prior to the issue of instructions under the Building Contract. Prepare recommendations for the Client's approval. |
| <input type="checkbox"/> 1.5.5 Obtain authorisation from the Client for additional costs where the Consultant's limit of authority is exceeded. | <input type="checkbox"/> 1.5.6 Undertake regular Site inspections. Obtain progress and quality reports from site staff representing the Client, the Professional Team and the Contractor. |

- 1.5.7 Liaise with the Professional Team and make recommendations for interim payments to the Contractor.
- 1.5.8 Agree all test certificates and statutory and non-statutory approvals required from the Professional Team and the Contractor. Prepare recommendations for the Client's approval.
- 1.5.9 Liaise with the Client, the Professional Team and the Contractor and prepare and maintain a handover plan, or similar management tool, identifying the roles and responsibilities of the Client, the Professional Team and the Contractor. Establish review, approval, variation and reporting procedures. Prepare recommendations for the Client's approval.
- 1.5.10 Advise on the rights and obligations of the parties to the Building Contract.

1.6 Use (RIBA Outline Plan of Work 2007)

- 1.6.1 Liaise with the Client, the Professional Team and the Contractor and prepare and maintain a defects administration plan, or similar management tool, to identify the roles and responsibilities of the Client, the Professional Team and the Contractor. Establish review, approval, variation and reporting procedures. Prepare recommendations for the Client's approval.
- 1.6.2 Facilitate agreement to the final account, or similar financial statement, from the parties to the Building Contract. For the purposes of this clause the final account or similar financial statement excludes the assessment of loss and expense claims.
- 1.6.3 Advise on the recovery of liquidated and ascertained damages.

2 SUPPLEMENTARY SERVICES

2.1 General

- 2.1.1 Provide services for the Client's and/or any third party's organisational move to new premises.
- 2.1.2 Provide services for the Client's and/or any third party's fitting-out or direct works contracts.
- 2.1.3 Provide services in connection with insurance claims.
- 2.1.4 Facilitate, set up and manage value engineering exercises.
- 2.1.5 Facilitate, set up and manage early warning and risk reduction meetings.
- 2.1.6 Attend and contribute to early warning and risk reduction meetings.
- 2.1.7 Provide services for a two-stage tendering process.
- 2.1.8 Provide services for target cost and/or guaranteed maximum price contracts.
- 2.1.9 Provide services for partnering and/or collaborative working contracts.

- 2.1.10 Facilitate, set up and manage 'Lessons Learned' or other workshops.
- 2.1.11 Act as the Client's partnering adviser.
- 2.1.12 Provide specialist procedural advice to comply with EU Regulations and/or other legislation.

2.2 Financial

- 2.2.1 Advise on the implications of developing different sites.
- 2.2.2 Advise on the preparation of development appraisals.
- 2.2.3 Advise on the implications of alternative development programmes.
- 2.2.4 Obtain advice on Project sustainability.
- 2.2.5 Obtain life-cycle cost studies and estimates of annual running costs.
- 2.2.6 Carry out off-site inspections of sub-contractors' and suppliers' premises.

2.3 Contractual

- 2.3.1 Provide specialist advice on the interpretation of contracts and contractual clauses.
- 2.3.2 Liaise with the Client's legal advisers and advise on the use and/or amendment of bespoke forms of contract or contribute to the drafting of particular Client requirements.
- 2.3.3 Advise on the Contractor's entitlement to extensions of time. Analyse and report on the Contractor's application(s) for extensions of time. Prepare recommendations for the Client's approval.
- 2.3.4 Advise on the cost, contractual and programme consequences arising from an acceleration instruction.
- 2.3.5 Advise on the Contractor's entitlement to loss and expense. Analyse and report on the Contractor's loss and expense claim(s). Prepare recommendations for the Client's approval.
- 2.3.6 Prepare documentation and/or provide advice to support adjudication proceedings. Attend adjudication proceedings.
- 2.3.7 Prepare documentation and/or provide advice to support mediation proceedings. Attend mediation proceedings.
- 2.3.8 Prepare documentation and/or provide advice to support arbitration and/or litigation proceedings. Attend arbitration and/or litigation proceedings.

2.4 Project-Specific Services

- 2.4.1 Enter or attach Project-specific services agreed with the Client.

Schedule of Meetings to be attended by the Consultant

1 CLIENT MEETINGS

Attendance: Partner Director Associate Project Employer's Agent Other (please specify _____)

Frequency: Daily Weekly Monthly Quarterly No attendance required Other
Please specify requirements: _____

2 DESIGN TEAM MEETINGS

Attendance: Partner Director Associate Project Employer's Agent Other (please specify _____)

Frequency: Daily Weekly Monthly Quarterly No attendance required Other
Please specify requirements: _____

3 PROJECT TEAM MEETINGS

Attendance: Partner Director Associate Project Employer's Agent Other (please specify _____)

Frequency: Daily Weekly Monthly Quarterly No attendance required Other
Please specify requirements: _____

4 SITE MEETINGS

Attendance: Partner Director Associate Project Employer's Agent Other (please specify _____)

Frequency: Daily Weekly Monthly Quarterly No attendance required Other
Please specify requirements: _____

5 (OTHER) MEETING

Name of meeting: _____

Attendance: (Specify required attendees) _____

Frequency: Daily Weekly Monthly Quarterly No attendance required Other
Please specify requirements: _____

RICS Consultancy Forms are written in plain English in a clear, concise and unambiguous style. They embrace the principles of modern consulting methods and include a full and short form of appointment, with co-ordinated scopes of services for:

- project managers
- quantity surveyors
- project monitors
- building surveyors
- CDM co-ordinators
- employer's agents

The default positions in the appointment forms provide a practical balance of risk between the client and the consultant, removing any ambiguity about the consultant's scope of service and contractual liabilities.

Sample versions of these documents are available on www.rics.org (search for 'Practice standards and guidance').

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