



ENCON Group Inc.
500-1400 Blair Place
Ottawa, Ontario K1J 9B8
Telephone 613-786-2000
Facsimile 613-786-2001
Toll Free 800-267-6684
www.encon.ca

Ten Commandments Of Good Practice

1. SELL YOUR FIRM AND YOUR SERVICES FAIRLY.

- Corporate Brochure - **THE DANGERS OF SUPERLATIVES.**
- Impressive C.V.'s - **CAUTION.**
- Upbeat Feasibility Study - **REALISTIC EXPECTATIONS.**

2. EDUCATE YOUR CLIENT.

- About Time and Cost **ESTIMATES.**
- About Your Services as a **CONSULTANT** versus a **CONTRACTOR.**
- You are **NOT** a **GUARANTOR** of the Work.
- Certification Without Proper Field Services - **DANGER.**

3. INSIST ON AN EQUITABLE WRITTEN CONTRACT.

- Oral Contracts - Enforceability - Reliance on Memory?
- Advantages of Standard Documents CCAC#6 and ACEC#31.
- If You Deviate, Seek Legal Advice.
- Cut and Paste Contracts - **DISASTER.**
- Deal in Depth with the Issue of **FIELD SERVICES.**
- Dealing with Uninsurable Risks.
- Hold Harmless Clauses - May **VOID** Coverage.
- Contract Review Service.

4. DO NOT PLAY LAWYER WHEN:

- Client Hires a Lawyer for Contract.
- In Doubt About By-Laws and Regulations.
- Writing Special Legal Clauses.
- Writing Insurance And Indemnity Specifications.

5. SPECIFIC PROJECT PLAN.

- Develop and Enforce:
- Early Identification of Human Resources.
- All Team Members to **FULLY** Understand Job Mandate.
- Inter-Disciplinary Co-ordination - One Individual/Senior.
- Design and Calculation Checks.
- Field Services - When and By Whom.

6. KEEP YOUR CLIENT INFORMED.

- **CLIENT** Makes **DECISIONS**.
- Based on Your Advice, You are the **CONSULTANT**.
- Informed Clients = No Claims.
- Check Risks Re.:
 - Low Bidder
 - Extras
 - Delay
 - Changes or Substitutions

7. DEAL PROMPTLY WITH PROBLEMS.

- Sweeping Under the Rug - Invitation to Disaster.
- Keep Client Informed - Work **WITH** Client.
- **DO NOT** Allow Contractor to Accumulate Differences for Later.
- Again **CLIENT** Makes **DECISIONS**.
- Persistent Problems - Inform Your **INSURER**.

8. WRITTEN RECORDS.

- Changes in Contract or Mandate.
- Design Changes.
- Changes in Scheduling.
- Substitution of Materials.
- Job Site Meetings.
- Communications with Contractors.
- Communications with Manufacturers.
- Manufacturers' and Suppliers' Written Material.
- After an Incident or Accident, State Objective Facts Only - No Opinions.
- Preserve Written Records.

9. DO NOT CERTIFY THAT WHICH YOU HAVE NOT SEEN.

- Discuss at the Outset Certification Required.
- Field Services Mandate Commensurate with Required Certification.

10. THINK BEFORE SUING FOR FEES.

- Billing Practice.
- Self Analysis - Why is Client Not Paying?
- Suing for Fees - Inevitable Results: Countersuit for Malpractice.