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MEA/ACEC-Ontario Standard Agreement

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What is the MEA/ACEC-Ontario Standard Agreement?

The MEA/ACEC-Ontario Standard Agreement aims to maintain sound and equitable terms and conditions for consultants and their clients.

Rooted in mutually equitable and consistent terms and conditions, the Agreement developed between ACEC-Ontario and MEA balances the needs of the client while allowing consultants to complete their work according to industry best practices.



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What is the MEA/ACEC-Ontario Standard Agreement?

Key Highlights of the Agreement:

- ▶ A fillable field standardized agreement that gives consultants and municipal clients the flexibility to tailor their agreements to meet insurance and legal requirements and project specificity
- ▶ Fair, reasonable and reciprocal terms and conditions that seek to appropriately balance risk and responsibility
- ▶ Up-to-date and in compliance with the *Construction Act*



History of the Agreement

- ▶ **1989- “Client/Consultant Agreement for Municipal Works”**
 - ▶ ACEC-Ontario (formerly known as CEO) and MEA jointly develop the Agreement
 - ▶ In the form of a Memorandum of Agreement
 - ▶ Contained detailed General Condition and information, Fees and Disbursements and Services information
- ▶ **2002- Introduction of a “Consultant Appraisal Form”**
 - ▶ Overall Success of the Project
 - ▶ Quality of Service Performed on the Project
 - ▶ Corporate Practices for a Successful Project



History of the Agreement

- ▶ **2006**
 - ▶ Minor changes to the General Conditions and Fees
- ▶ **2016- “Client/Engineer Agreement for Professional Consulting Services”**
 - ▶ Reformatted into a contract form
 - ▶ The term “Engineer” replaces “Consultant”
- ▶ **2017-2018**
 - ▶ Introduction of the fillable field PDF format
 - ▶ Copyright disclaimer included
 - ▶ Accompanying User Guide developed for ease of use



Agreement Updates

▶ 2019- *Construction Act*

- ▶ The Agreement was updated to reflect and be in compliance with the new *Construction Act* provisions which came into effect October 2019
- ▶ Updated Dispute Resolution clause to reflect new provisions

▶ 2021- Agreement Update and Review

- ▶ The agreement is currently under review by MEA and ACEC-Ontario



What's Next for 2022?

ACEC-Ontario and MEA, with the legal support from McMillan LLP, have been working to update the Standard Agreement to reflect rapidly changing insurance, legal requirements and industry standards.

MEA and ACEC-Ontario mutually recognized the need and benefit of updating the Standard Agreement. The goal of this update is to broaden the use of the Agreement while retaining the original spirit and intent of the Standard Agreement.



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Key Features

Key features of the agreement update include:

- ▶ Expanded terms and conditions to minimize additional legal review
- ▶ Updated language to reflect municipal and consulting practices
- ▶ Clearer consultant-owner responsibilities
- ▶ Additional sections for broader use, such as payment certification and construction administration
- ▶ Updated User Guide

The newest version of the agreement will be available in early 2022



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Where can you find the Agreement?

ACEC-Ontario and MEA jointly host the Standard Agreements on their websites. The Agreement is free to download and can be found below:

- ▶ ACEC-Ontario's website

- ▶ Home → Resources → MEA/ACEC- Ontario Standard Agreement

- ▶ Municipal Engineers Association Website

- ▶ Home → Resources → Documents and Templates → MEA/ACEC- Ontario Standard Agreement

Thank you!



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