

Heavy Industrial Construction Contract Templates

The COAA Contracts Committee has developed several standard form contract templates for use in heavy industrial projects, with the goal of assisting both contracting parties by: providing clarity on obligations and risks; and reducing costs associated with contract formation and administration.

These templates are intended to serve as base documents and may be customized by the parties to meet the needs of their project. These contract templates should be considered as industry benchmarks and baseline documents. Since the contract templates are intended to be shared with and used by members of the COAA, there is no copyright in this document and members are encouraged to use them as a balanced starting point for heavy industrial construction agreements.

The Committee has tried to use plain language and avoid legalese. Where practicable, definitions are used consistently in all documents. Defined terms have been italicised throughout the documents so that readers are aware that a term has a specific meaning.

The Committee recognizes that there are considerable differences between lump sum and cost reimbursable contracts. However, the goal was to draft contracts with the flexibility of different types of compensation for the contractor. Flexibility has been achieved by referencing Appendices that may be drafted to provide for the specifics of a particular project and a particular owner-contractor relationship. In addition, there are a number of blanks in the documents, primarily in relation to specific notice periods or insurance coverages that can be completed on a project-by-project basis.

The Committee developed Philosophy Documents provide to background and context on the key issues addressed by the Contracts Committee in the development of the documents: these are available to assist the parties in understanding the structure and balance of the agreement. Guidelines and checklists that are helpful for completing some of the Appendices are also included in the Philosophy Documents.

Documents Included

- Stipulated Price Contract
 - Stipulated Price Contract with bid conditions and schedules (PDF of all documents)
 - SPC Contract Template
 - SPC Bid Conditions
 - Schedule A – Scope of Work
 - Schedule B – Payment for Work
 - Schedule C – Release and Certificate of Final Payment
 - Schedule E – Statutory Declaration
 - Schedule F – Key Personnel Confidentiality
- Engineering, Procurement and Construction Contract (EPC)
 - EPC Philosophy with contract and appendices (PDF of all documents)
 - EPC Philosophy
 - EPC Contract

- Appendix D – Warranty Items Procedure
- Appendix G – Form Key Personnel Confidentiality
- Appendix G – Forms Release and Certificate of Final Payment
- Appendix G – Forms Statutory Declaration
- Appendix H – Dispute Resolution Procedure
- Engineering, Procurement and Construction Management (EPCM)
 - EPCM Philosophy with contract and appendices (PDF of all documents)
 - EPCM Philosophy
 - EPCM Contract Sample
 - Appendix A – Owners Requirements
 - Appendix C – Reimbursable Costs and Fees
 - Appendix F – Key Performance Indicators
 - Appendix H – Forms Key Personnel Confidentiality
 - Appendix H – Forms Release and Certificate of Final Payment
 - Appendix H – Forms Statutory Declaration
 - Small Tools Office Equipment and Supplies Consumables List

Additionally, recognizing the unique circumstances of heavy industrial construction, where commercially sensitive early design information must occasionally be shared with specialty contractors or equipment vendors, the Committee prepared a template for:

- Non-Disclosure Agreement:
 - Non-Disclosure Agreement and Checklist (PDF of all documents)
 - Non-Disclosure Agreement
 - Non-Disclosure Agreement - Checklist