

ENGINEERING, PROCUREMENT AND CONSTRUCTION AGREEMENT

This Engineering, Procurement and Construction Agreement (the "Agreement") is entered into effective as of last date referenced on the signature page below (the "Effective Date") by and between _____, a _____ corporation having its corporate headquarters at _____ ("Contractor") and _____, a _____ corporation having its principal office at _____ ("Owner") with reference to facts set forth in the Recitals below. Each of Contractor and Owner shall be referred to herein as Party or collectively as the Parties.

Recitals

A. Owner has entered into certain contracts for the turnkey delivery of electricity from a Solar Energy System (the "System") to _____ (the "User") at the System host location ("Site"). The Site and the System specifications (the "Specifications") are further described in the *System Description and Specification Schedule* attached hereto as *Schedule 1*.

B. Owner wishes to contract with Contractor for the turnkey delivery of the System at the Site. More specifically, Owner wishes Contractor to provide all materials, engineering, superintendence, and labor for the design, supply, construction, permitting and commissioning of the System (the "Work"). The Work is more particularly described in the *Work Description and Specification Schedule* attached hereto as *Schedule 2*.

C. In addition, Owner wishes Contractor to provide certain warranties relating to the System (the "System Warranties") as more particularly described in the *System Warranty Schedule* attached hereto as *Schedule 3*.

D. Contractor wishes to perform the Work and provide the System Warranties upon the terms and conditions of this Agreement and the Schedules and Exhibits attached hereto and thereto (collectively, the "Contract Documents") for the Contract Price set forth herein.

Agreement

In consideration of the foregoing recitals, the mutual agreements, representations, warranties and covenants set forth in this Agreement and the Schedules and Exhibits hereto, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and Contractor agree as follows:

1. General Obligations.

1.1 Contractor shall perform the Work, and shall deliver the turnkey System at the Site in a timely manner within the time frames provided in the *Project Schedule* attached hereto as *Schedule 4*, as may be adjusted pursuant to the terms and conditions of the Agreement. Upon delivery of the System in accordance with the terms of this Agreement, which shall occur at System interconnection to the electrical grid, approved by the local utility, and all punch-list items identified by Owner have been completed, and the System is ready for production, ("Final Delivery Date"), Contractor shall provide the System Warranties. Time is of the essence for Contractor's performance.

1.2 Owner shall pay the contract price in the amount and at the time as provided in the *Contract Price Schedule* attached hereto as *Schedule 5* and shall provide certain installation assistance to Contractor as further provided in the *Owner Installation Assistance Services Schedule* attached hereto as *Schedule 6*. Owner and Contractor each acknowledge that User shall have no obligation to pay any amounts whatsoever under the Contract Documents.

1.3 Change Orders.

a) A change order ("Change Order") is a written instrument issued after execution of this Agreement signed by Owner and Contractor, stating their agreement upon all of the following:

- (i) the scope of the change in the Work;
- (ii) the amount of the adjustment to the Contract Price; and

Engineering Procurement Construction Management Agreement

Rachel Sandford



Engineering Procurement Construction Management Agreement:

A Practical Guide to Engineering, Procurement and Construction Contracts Eric Eggink, 2020-02-20 This book is a step by step practical guide on how to achieve successful projects in EPC turnkey contracting and construction Mapping out the shape of a project the book spells out where things often go wrong where and why disputes arise and how to avoid conflicts It is a key reference point for all involved in the contract making it attractive to legal practitioners construction industry professionals and government officials involved with these projects

Infrastructure Development and Construction Management

J. C. Edison, 2020-10-12 This is a comprehensive book on infrastructure development and construction management It is written keeping in mind the curricula of construction management programmes in India and abroad It covers infrastructure development the construction industry in India financial analysis of the real estate industry in India economic analysis of projects tendering and bidding contracts and contract management FIDIC conditions of contract construction disputes and claims arbitration conciliation and dispute resolution international construction project exports and identifying analysing and managing construction project risk Thus this book covers most of the construction management activities that are carried out at different stages of a construction project This is an essential book for students of construction management construction professionals academicians and researchers

The International Compendium of Construction Contracts Phillip Greenham, Society of Construction Law Australia, 2021-05-10 This book examines how the most commonly used construction project contracts are applied in a range of countries around the world The specific situation of each of the almost 40 countries studied is dealt with in a dedicated chapter allowing for easy comparison between differing legal and commercial environments Each chapter contextualizes the relevant contracts within the legal and commercial systems prevalent in a particular country and examines a number of common issues impacting construction projects around the world This unique book will be an essential resource for construction law specialists around the world because of its focus on commonly used contracts and the contextualizing of these contracts into the legal and commercial environment of each studied country All contributions are from practicing construction project lawyers ensuring that the quality of the information and analysis is of the highest standard

Energy Sector: A Systemic Analysis of Economy, Foreign Trade and Legal Regulations

Oleg V. Inshakov, Agnessa O. Inshakova, Elena G. Popkova, 2018-05-09 This book is a comprehensive economic and legal study of the theoretical and practical aspects of the problems of increasing energy efficiency self motivation of energy saving by business entities within the framework of their corporate responsibility regulatory mechanisms to stimulate energy conservation in the economy civil law regulation of foreign trade turnover of energy resources between economic entities of the Russian Federation and companies of member states of international integration associations the CIS EEMP the EU and BRICS It argues that technological energy saving plays a key role in reducing the energy intensity and increasing the energy efficiency of the economy and substantiates the need for institutional support

including legal support for the participation of the Russian Federation in various forms of international cooperation Lastly based on an analysis of current legislation programs and recommendations judicial and contractual practices customs and trade procedures it offers proposals for the developing improving and unifying civil law regulation of obligations in the sphere of international trade in energy resources as well as methodological recommendations for drafting foreign trade contracts in the energy sector

Construction Law Julian Bailey, 2016-07-15 Now in its second edition Construction Law is the standard work of reference for busy construction law practitioners and it will support lawyers in their contentious and non contentious practices worldwide Published in three volumes it is the most comprehensive text on this subject and provides a unique and invaluable comparative multi jurisdictional approach This book has been described by Lord Justice Jackson as a tour de force and by His Honour Humphrey Lloyd QC as seminal and definitive This new edition builds on that strong foundation and has been fully updated to include extensive references to very latest case law as well as changes to statutes and regulations The laws of Hong Kong and Singapore are also now covered in detail in addition to those of England and Australia Practitioners as well as interested academics and post graduate students will all find this book to be an invaluable guide to the many facets of construction law

Front End Engineering Design of Oil and Gas Projects: Critical Factors for Project Success G. Unnikrishnan, V. Pratapkumar, 2023-12-04 Quite a large number of major oil and gas projects are failures with respect to their costs schedules and operational performance Owner companies and contractors are struggling with the issues causing these failures The Front End Engineering Design FEED has been identified as an important factor that plays a key role in determining the success of a project However the FEED and the associated Front End Loading FEL do not get the attention they deserve from the players in the business namely the owner companies FEED and EPC contractors While academic studies on the FEL and its failures are available how the seeds of failures are sown during an actual project FEED remains a mystery The details are usually buried in the rubbished computers and hundreds of files that are shelved in companies offices In this unique book two experienced professionals one from an owner company and the other from an international EPC contractor whose interests often oppose each other join to give their perspectives about the project lifecycle its governance structure gate system complexities contract models and quality measurements In the second part of the book they present case studies of projects gone wrong due to mismatches errors and inconsistencies in the FEED These case histories reveal how avoidable gaps and errors creep into FEED resulting in project failures and how the review systems fail to detect them Technical and business professionals seem to underestimate the importance of FEED in capital intensive major projects while focusing on short term goals The underlying causal factors need to be addressed and resolved in time properly for ensuring success of major oil and gas projects Written in a concise and practical style with key takeaways at the end of each chapter this book will be a useful guide for practicing project and engineering professionals in the oil and gas industry Senior students and researchers will find ideas and viewpoints given in this book worth exploring

further **Construction Contract Preparation and Management** Geoff Powell,2016-03-18 This practical user friendly textbook starts at the beginning of construction projects and makes important connections between stages accompanied by helpful illustrations and real life industry examples Contracts and agreements underpin the whole construction industry and yet many graduates and young professionals do not realise just how important they are Misunderstandings and mistakes can be extremely expensive and cause considerable delay The textbook provides extensive explanation of the most commonly used forms of contract an introduction to the general principles of contracts and the implications of contract law and negligence as they affect the construction professional Written by an author with extensive previous industry experience before he became a lecturer this text is aimed at students of Contract Management Procedures at both undergraduate and postgraduate level on both Civil Engineering and Construction courses It is also helpful for starting professionals New to this Edition Often overlooked aspects of NEC contracts such as contractor design Coverage of NEC ECC 2013 JCT 2011 CDM 2015 and the revised Public Contracts Regulations 2015 More extensive advice on money time and programmes and their importance **Engineering Construction Contracts** ,1970 California. Court of Appeal (1st Appellate District). Records and Briefs California (State)., **Managing Capital Expenditures for Construction Projects** Kenneth M. Guthrie,1977 **Professional Construction Management** Donald S. Barrie,Boyd C Paulson,1992 This text is intended for introductory courses on construction management as well as more advanced detailed courses on the subject The authors aim to balance theoretical material with practical advice **Construction Contractors, with Conforming Changes as of ...** ,2002 SEC Docket United States. Securities and Exchange Commission,1991 **Construction Contractors, with Conforming Changes as of May 1, 1994** American Institute of Certified Public Accountants. Construction Contractors Guide Committee,1994 Audits of Federal Government Contractors ,2003 Jobson's Year Book of Public Companies ,1999 **Iron and Steel Engineer** ,1997 Contains the proceedings of the Association **MEED.** ,2006 **Construction Contracts and Litigation** ,1990 *E & MJ International Directory Mining Activity Digest* ,1990

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