

## TRANSFER OF RESPONSIBILITIES/PROJECTS BETWEEN CONSULTANTS

The following procedures are recommended by the CalGeo for the transfer of a specific project from one consultant to another. Generally, this procedure applies to the following situations:

- Projects where the preliminary or initial geotechnical, geologic, or environmental investigation for a specific project has been completed and no other work by the previous consultant is in progress; or, where the construction has been partially completed and has been suspended.
- Projects in progress at the time the transfer of a job is initiated, either by the consultant, the owner, or other authorized parties. In all cases, there is an existing contract between client and consultant.
- Projects where the client requests that the work of a previous consultant be used for the analysis of the new project.

### GENERAL PROCEDURE

A CalGeo member consulting firm, upon being contacted by the owner or authorized party requesting assumption of a project on which another consulting firm has provided professional services, shall, prior to acceptance of the project:

- Inform the owner or authorizing agent verbally, with a follow-up in writing, that he will need a confirmation from the original consultant that:
  - (a) all fees have been paid or the original consultant authorizes the use of the data, and
  - (b) the project will be discussed by the two consultants.
- Inform the previous consulting firm that the second consultant has been requested to provide services on the project. This will allow a discussion of conditions surrounding the project, a review of unpaid fees, and provide the first consultant an opportunity to issue statements regarding his previous reports, opinions, or advice, as well as his non-responsibility for future work on the project.
- Inform the owner or authorizing agent that all previous reports and recommendations that are proposed for use in the project will have to be reviewed immediately.

Following this review, he shall inform all interested parties requiring such information that the previous consultant's reports have been reviewed and that there either is concurrence with the previous reports or, if upon review of the previous consultant's reports the new consultant is not in agreement with the findings of the reports, he should so state his opinion, propose a new investigation, or refuse further involvement in the project.

- If the previous consultant has not yet been paid, or he does not authorize the use of the data, the original report(s) should not be used by the new consultant.
- The immediate assumption of an in-progress project by a new CGEA consulting firm is discouraged.

If the circumstances are such that the previous contractual relationship is not in the best interests of both contracting parties, the new consultant should consider accepting the job only after an on-site meeting with all interested parties, including both consultants, to establish the status of the project.

The original consultant should be paid in full for his services and should provide a written report with test results for work completed to date.

If the project is accepted, the following guidelines should be utilized after acceptance:

- The new consultant must decide which recommendations from the original consultant that they will adopt and what additional investigation and evaluation will be required.
- The new consultant should notify the original consultant in writing and clearly state that they assume all responsibility for any recommendations made by original consultant that are adopted by the new consultant.
- The new consultant should notify the local Building Official that they:
  - (a) have taken over the project
  - (b) have assumed all responsibility for recommendations made by the original consultant, and
  - (c) are now the Geotechnical Engineer of Record.



With over 100 member firms from both Northern and Southern California, CalGeo is *the voice* of California's Geotechnical Engineering Consultants.

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## YOUR LETTERHEAD

(Insert Project No)

(Insert Date)

(Insert Client's Name)  
(Insert Company Name)  
(Insert Address)

Subject: GEOTECHNICAL ENGINEER OF RECORD – TRANSFER OF RESPONSIBILITY  
(Insert Project Name and Location)

References: (Insert Project Reports)

Dear (Insert Recipient's Name):

It is our understanding that (Insert your company name) was not retained to perform inspection and testing services during construction of improvements at the subject project, and therefore will not be performing the required observations to ensure conformance with the intent of the geotechnical recommendations in the referenced report(s).

It is very important that the firm that performed the geotechnical investigation for the project be retained to provide testing and observation services during construction to provide continuity of geotechnical interpretation and to verify that the recommendations presented for geotechnical aspects of site development are incorporated during site grading, construction of improvements, and excavation of foundations. Since (Insert your company name) is not being retained to provide these services, please be advised that we will no longer be the Geotechnical Engineer of Record for the project and must disclaim all responsibility for geotechnical aspects of the future performance of the project.

We assume that the replacement firm performs design and construction in accordance with the guidelines of California Building Code and DSA, which requires that you obtain a formal declaration from the new Geotechnical Engineer indicating their intent to assume all the responsibilities of project geotechnical reports and design. This declaration must also be filed with the Building Official. In addition, the replacement firm should provide revised recommendations concerning the geotechnical aspects of the proposed development, or a written acknowledgement of their concurrence with the recommendations presented in the referenced report(s). This must be filed with the Building Official.

By way of this letter, we are also informing the Building Official that we are no longer the Geotechnical Engineer of Record on this project.

We hope that you understand the need for our firm to remove itself as the Geotechnical Engineer of Record on this project in accordance with the guidelines of the California Building Code. Please make sure the replacement firm has appropriate insurance since they are now assuming all risk associated with the geotechnical design.

If you have any questions regarding this letter, or if we may be of further service, please contact the undersigned at your convenience.

Very truly yours,

(Insert your company name)  
(Principal's Signature)

