

Memorandum

To: EJCDC Staff for Releases

From: Bruce Firkins and Eric Michnovez

Subject: EJCDC® E-582 2026, Agreement Between Owner and Engineer as Program Manager

Date: September, 2026

EJCDC is pleased to present **EJCDC® E-582 2026, Agreement Between Owner and Engineer as Program Manager. E-582** is a standard agreement for a project owner's direct engagement of the services of an engineering firm or individual engineer to provide Program Management services for the Owner. The 2026 edition of E-582 updates EJCDC's program manager agreement, originally published in 2004, to follow EJCDC's most current owner-engineer agreement practices and to provide users with an expanded scope exhibit.

E-582 closely follows the approach taken by the 2020 edition of **EJCDC® E-505, Agreement Between Owner and Engineer for Professional Services – Task Order Edition**, both in terms of substantive contractual content and structure/organization but with substantial new language and scoping to reflect the unique requirements of program management.

As programs for capital improvements and public works projects become increasingly complex and expensive, more owners are turning to the use of engineering consultants to serve as the Program Manager for implementing these large projects and many aspects of the Owner's capital program. While such services may involve support for a single project, program management often includes support of multiple projects in the program. A program management approach can provide the owner with additional resources to effectively manage multiple projects, streamline implementation of the overall program, and facilitate delivery of the work among multiple contracting entities and delivery methods.

In rendering its services, the Program Manager often serves as a de facto extension of the Owner and augments the Owner's staff and resources while administering and managing many day-to-day activities of the Owner's program on the Owner's behalf. The scope of services for the Program Manager may vary from partial to full support of the many program phases, ranging from program development and administration through designer and contractor procurement to final commissioning.

E-582 provides Owners and Program Managers with a comprehensive standard-form agreement that flexibly allows the Owner to retain a program manager throughout a wide and sometimes-changing range of program services using task orders.

Like the E-505 Task Order Edition, E-582 for program management is designed to be used for multiple or recurring assignments ("tasks"), related to one or several program assignments. This format allows individual assignments to be expeditiously made without the need to separately renegotiate the entire Main Agreement (or its exhibits) for each Task Order. Core matters of the contract, obligations common to every assignment and risk management issues like insurance and indemnification are initially negotiated and normally set in place, in the E-582 Main Agreement and its exhibits. For each task order,

the Owner and Program Manager agree to task-specific terms, such as scope of services, schedule, and compensation for the specific assignment.

Like other recent EJCDC releases, the updated E-582 version contains focused improvements, more options, better guidance and instructions, and an improved structure. In particular, EJCDC has made a substantial effort to enhance and re-organize the exhibits to the E-582 Main Agreement and Task Order form, to reflect evolving contract practice and improve ease of use. The E-582 Main Agreement and Task Order structure was specifically designed to follow the contracting and approval process used by many public and corporate owners.

The 2026 edition of E-582 is published in four parts (files) to help users better manage the drafting of both the Main Agreement and subsequent Task Orders, and to efficiently organize the topics and exhibits. Each E-582 purchase will result in transmittal (download) to the purchaser of all four files.

- **PART 1: MAIN AGREEMENT.** This controlling agreement form contains the general terms and conditions that apply to all subsequently issued Task Orders. The Main Agreement addresses procedures for issuing Task Orders; general services to be furnished by the Program Manager on all tasks; the Owner’s responsibilities; the term (length) of the standing contract; invoicing and payment; standard of care; ownership of documents; insurance; suspension and termination; indemnification; definitions; and conflicts of interest.
- **PART 2: EXHIBITS TO MAIN AGREEMENT.** These exhibits are intended to supplement the Main Agreement, as needed, and as such will apply to all Task Orders. The exhibits use the lettering of their counterparts in E-505 and include seven topics: Exhibit C—Amendment to Main Agreement (form); Exhibit F—Electronic Documents Protocol; Exhibit G—Insurance; Exhibit H—Dispute Resolution; Exhibit I—Limitations of Liability; Appendix 1—Reimbursable Expenses Schedule; Appendix 2—Standard Hourly Rates Schedule.
- **PART 3: TASK ORDER FORM.** This form is used to define a specific task (scope of services) to be performed by the Program Manager, and to specify amount of compensation for performing the task, and the schedule for completion of the services. The Task Order Form also allows the parties to identify baseline information about the task and subconsultants (if any).
- **PART 4: EXHIBITS TO TASK ORDER.** Part 4 contains two exhibits intended for use with specific Task Orders:
 - **Exhibit A, Program Manager’s Services Under Task Order.** Exhibit A provides a broad spectrum of possible tasks a Program Manager may perform within a program. While this provides flexibility in developing a scope of work, defining the specific scope of the services is a critical element of each Task Order. For limited-scope assignments, the parties may elect to define the scope of services in the body of the Task Order Form. For many assignments, however, EJCDC anticipates that the scope of services will be defined using content from the provided Exhibit A, in whole or part, and modified for the specific Task Order.

The model services in Exhibit A include both 1) services typically found in other owner-engineer agreements; and 2) services more commonly performed by the Owner in its administrative role but often delegated to its consultants for management of an Owner’s program and individual projects within the program. With inclusion of these owner-delegated activities, E-582 includes many new and unique tasks not found in other EJCDC owner-engineer agreements. As a result of this expanded content, Exhibit A can serve as a

helpful resource for both Owners and Program Managers in planning, drafting, and contracting scopes for delegation of various management activities within an Owner's capital improvement and other infrastructure programs.

- **Exhibit B, Deliverables Schedule for Task Order.** This new exhibit presents an organized format (in table form) for a schedule of Program Manager's deliverables (for example, completion of a preliminary design report) and for Owner's review times. For limited-scope assignments the Task Order schedule can also be stated in the Task Order itself, dispensing with the need for Exhibit B.

SIGNIFICANT FEATURES OF EXHIBIT A, PROGRAM MANAGER'S SERVICES. In addition to the general reorganization of E-582, the most significant changes in content have been made to Exhibit A, Program Manager's Services. Exhibit A provides a wide range of services common to owner directed program management, including but not limited to:

- General Program support services
 - Assist with planning of overall program financing and funding, Program budget process, public relations, risk management controls, jurisdictional/regulatory/utility coordination, etc.
- Planning and project development
 - Assist in developing Program goals, identifying specific facility and infrastructure needs to be addressed in the Program with specific projects, and establishing the plan for delivery of specific projects in the Program.
- Administrative
 - Provide services to assist Owner as needed in such matters as quality control monitoring, information management, public engagement and notices, coordination with Owner's other consultants and agents, specific project cost reporting and controls, Program budget and funding monitoring, labor compliance administration, etc.
- Design phase support
 - Augment Owner's day-to-day coordination and communications with Owner's designers; monitor progress of Owner's designers relative to budgets, schedules, deliverables and Program goals/plan ; assist Owner in completing Owner's obligations during design, such as reviewing documents, siting facilities, permitting/licensing, and utility coordination; and arrange for or participate in structured independent reviews as needed (independent cost estimating, peer reviews, constructability reviews).
- Procurement support services
 - Support Owner in the selection of its designers and constructors; assist in preparation of solicitation documents (such as RFQ's, RFP's, bidding documents); and assist Owner in evaluation of submittals or bids and award or negotiation of final contracts.
- Construction phase support
 - Coordinate flow of general Program-related information among Owner, designers, constructors, Owner's other consultants, and other Program related entities; attend as Owner's Program representative applicable construction and other related meetings; to extent delegated by Owner, assist in a broad range of Program and specific project related communications and reporting; monitor Program progress, cost and schedule; and assist Owner in claims and change management.
- Close-out and post-construction services
 - Track project completion and close-out; assist Owner in final Program documentation as per financing, funding, and other Program requirements.

While presented in general program development chronological order, the scope of services exhibit is flexible and intended to be modified, as needed, to suit broad, comprehensive program-wide or full phase assignments as well as the narrower, limited engagements typical of many task order agreements. Exhibit A provides model program administration tasks for common project and construction delivery methods, such as design-bid-build, design build, construction manager at risk, and Owner furnished materials and equipment.

The Program Manager's role defined in E-582 most closely parallels the activities performed by Owner's staff in administration of the program. Although the Owner and Program Manager are free to customize E-582 scopes as appropriate to the Owner's Program needs, processes and regulatory requirements, Exhibit A contemplates that the Program Manager will not have a primary role in detailed design or construction administration of specific projects within the Owner's program, unless directly assigned such through customization of Exhibit A or under a separate design or construction phase services agreement.

As always, Exhibit A must be customized by each user for the specifics of the particular assignment and Task Order, but EJCDC is confident that this 2026 edition of E-582 provides an improved and more robust starting point for creating a good scope of the Program Manager's services.