Reduce Agency Liability, Prevent Busted Budgets: Geotechnical Engineers of Record Policies

March 13, 2024
Agenda

• What is a Geotechnical Engineer of Record
• Example of the Problem Facing Agencies
• Introduction of Panelists
• Panel Discussion
• Q&A

Geotechnical Engineer of Record
Policy Recommendation White Paper
The Problem

The Owner Keeps the Original Project Design Team...
The Problem

The Owner Keeps the Original Project Design Team, Except for the Geotechnical Engineer...
The Problem

The Owner Keeps the Original Project Design Team, Except for the Geotechnical Engineer, Which Results in Unanticipated Loss of Protections.
Introductions

• Moderator
  • Neal Berliner, GE
    President, Geocon West

• Panelists
  • George Molina, PE
    Associate Civil Engineer, LA County
  • Eric Swenson, GE, CEG
    CEO, Geo-Engineering Solutions
  • Yvette Wilson, PE
    Owner, Rock Solid Engineering

Geotechnical Engineer of Record
Policy Recommendation White Paper
Panel Discussion Q1

How crucial is it for a geotechnical engineer of record (GEOR) to be actively involved in both the design and construction phases of a project?
Can you explain the potential risks and implications of having a different geotechnical engineer handle the construction inspection without assuming responsibility for the original design report?
In your experience, how often do government agencies overlook the requirement for the same GEOR to handle both the design and construction inspection phases?
Panel Discussion Q4

What measures can be taken to ensure that government agencies are well-informed about the necessity for the GEOR to provide written responsibility for the design report and secure insurance coverage for the entire project?
Panel Discussion Q5

Are there industry standards or guidelines in place to help streamline the process of assigning and maintaining a GEOR throughout the lifecycle of a project?
Panel Discussion Q6

How can geotechnical engineers and public works managers collaborate more effectively to avoid the confusion and chaos that may arise from misunderstandings about the GEOR’s role and responsibilities?
Panel Discussion Q7

What steps can be taken to educate government agencies about the potential risks associated with hiring a different geotechnical company for construction inspection without proper acknowledgment and insurance coverage?
Example Forms

Geotechnical Engineer of Record Policy Recommendation White Paper
ACKNOWLEDGEMENT TO EMPLOY CONSULTANTS
(To be completed by the legal owner)

Grading Permit No.: __________________ Date issued: ___________ Det. No.: ___________

Address or Location of Property: _______________________________________________________

Tract No. or Parcel Map No.: ___________ Lot No(s): ___________

Owner's Name: ____________________________________________________________

Owner(s) (Signature) Date: ___________ Telephone: _________________________

Mailing Address: ________________________________________________________________

City: __________________ State: ______ Zip: ___________

Design Engineer __________________ Reg. No: ____________________

Firm: __________________________________ Telephone: _________________________

Address: __________________________________ City: ___________ State: ______ Zip: ___________

Field Engineer __________________ Reg. No: ____________________

Firm: __________________________________ Telephone: _________________________

Address: __________________________________ City: ___________ State: ______ Zip: ___________

Soils Engineer __________________ Reg. No: ____________________

Firm: __________________________________ Telephone: _________________________

Address: __________________________________ City: ___________ State: ______ Zip: ___________

Engineering Geologist __________________ Reg. No: ____________________

Firm: __________________________________ Telephone: _________________________

Address: __________________________________ City: ___________ State: ______ Zip: ___________

Contractor of Record __________________ License No: ____________________

Firm: __________________________________ Telephone: _________________________

Address: __________________________________ City: ___________ State: ______ Zip: ___________

Bonding Agency __________________

Address: __________________________________ City: ___________ State: ______ Zip: ___________

INSTRUCTIONS: THIS DOCUMENT MUST BE COMPLETED AND FILED, TOGETHER WITH
DOCUMENT "B", AT THE LOCAL OFFICE OF BUILDING AND SAFETY PRIOR TO ISSUANCE OF
THE GRADING PERMIT.

ATTACHMENTS
The owner of the above described property hereby acknowledges by signature that, as a condition of the grading permit and during all work authorized by said permit, registered civil engineer(s) will be retained to perform the duties of the Design Engineer and Field Engineer in accordance with requirements of Appendix J, County of Los Angeles Building Code, and further, that a soil engineer and/or engineering geologist (when required) will be employed to make tests, investigations and file the reports that may be required for compliance with said Code.
Acceptance of Employment by Consultants

<table>
<thead>
<tr>
<th>Design Engineer</th>
<th>Reg No.</th>
<th>Firm</th>
<th>(Signature)</th>
<th>Telephone</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
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</thead>
<tbody>
<tr>
<td>Field Engineer</td>
<td>Reg No.</td>
<td>Firm</td>
<td>(Signature)</td>
<td>Telephone</td>
<td>Address</td>
<td>City</td>
<td>State</td>
<td>Zip</td>
</tr>
<tr>
<td>Soils Engineer</td>
<td>Reg No.</td>
<td>Firm</td>
<td>(Signature)</td>
<td>Telephone</td>
<td>Address</td>
<td>City</td>
<td>State</td>
<td>Zip</td>
</tr>
<tr>
<td>Engineering Geologist</td>
<td>Reg No.</td>
<td>Firm</td>
<td>(Signature)</td>
<td>Telephone</td>
<td>Address</td>
<td>City</td>
<td>State</td>
<td>Zip</td>
</tr>
</tbody>
</table>

The undersigned verify by signature(s) that they have been retained as consultant(s) and agree to notify the Building Official, within 48 hours if such employment is terminated. It is further understood that all required reports are to be submitted to the Building and Safety Land Development Division by each consultant.

INSTRUCTIONS: THIS DOCUMENT MUST BE COMPLETED AND FILED, TOGETHER WITH DOCUMENT "A", AT THE LOCAL OFFICE OF BUILDING AND SAFETY PRIOR TO ISSUANCE OF THE GRADING PERMIT.
The undersigned verify by signature(s) that they have been retained as consultant(s) and agree to notify the Building Official, within 48 hours if such employment is terminated. It is further understood that all required reports are to be submitted to the Building and Safety/Land Development Division by each consultant.
Change of Consultant Letter, Geotechnical Services

To whom it may concern: [Redacted] has been requested to serve as the Geotechnical Consultant during construction of the subject project. We have accepted that role. In preparation for doing so, we have reviewed the geotechnical reports on the attached reference list. We understand those reports were used for project design. We concur with the geotechnical recommendations that are contained in the referenced reports, and will see that they are implemented during construction. Alternative criteria, if warranted, will be submitted for review.

CLOSURE

This geotechnical report has been prepared in accordance with generally accepted engineering practices at this time and location. No other warranties, either express or implied, are made as to the professional advice provided under the terms of our agreement and included in this report.

Thank you for this opportunity to be of service. Please do not hesitate to call if you have any questions regarding this report.

Respectfully submitted,

[Redacted]

Endorsements: References...R

XC: (2) Addressee
To whom it may concern:

[Redacted name] has been requested to serve as the Geotechnical Consultant during construction of the subject project. We have accepted that role. In preparation for doing so, we have reviewed the geotechnical reports on the attached reference list. We understand those reports were used for project design. We concur with the geotechnical recommendations that are contained in the referenced reports, and will see that they are implemented during construction. Alternative criteria, if warranted, will be submitted for review.
Forms

Geologic and Soils Engineering Review Sheet
GEOLeCIC AND SOILS ENGINEERING REVIEW SHEET
900 S. Fremont Avenue, Alhambra, CA 91803

Review of: CHANGE OF CONSULTANT LETTER

Reference P.C. No.: BLDC191227001664-65, 69-72, BLDG191227001565-78, GRAD191226000594
Submittal Received by GMED: 10/26/21

Geologic Report(s) Dated:
Soils Engineering Report(s) Dated: 10/26/21
Geotechnical Report(s) Dated: 10/26/21
References: 4/16/21, 2/5/21, 8/14/20, 11/09/18

Remarks/Conditions:
Receipt of the above referenced report is acknowledged.
GEOR Resignation Letter

Project No. A09721-06-03
February 6, 2024

Subject: RESIGNATION AS GEOTECHNICAL ENGINEER OF RECORD
WEST HOLLYWOOD, CALIFORNIA

It has come to our attention that Geocon West, Inc. has not been engaged to carry out the necessary inspection and testing services during the construction of the improvements at the specified project. Consequently, we will not be conducting the required observations to ensure compliance with the geotechnical recommendations.

Given our exclusion from providing these services, we must inform you that we are no longer the Geotechnical Engineer of Record for the project. We hereby disclaim all responsibility for the geotechnical aspects of the project's future performance. Geocon West, Inc. formally resigns as the Geotechnical Engineer of Record for the project in accordance with the stipulations of the California Building Code.

We expect that the replacement geotechnical engineer will adhere to the California Building Code guidelines, which mandate obtaining a formal declaration from them indicating their willingness to assume all responsibilities outlined in the project's geotechnical reports and design.

The replacement geotechnical engineer must furnish revised recommendations concerning the geotechnical aspects of the proposed development, or provide written confirmation of their agreement with the recommendations outlined in the referenced report. This documentation should be submitted to the Building Official, and Geocon formally requests a copy of this transfer of engineering responsibility letter.

We trust that you comprehend the necessity for our firm to withdraw as the Geotechnical Engineer of Record for this project, as per the California Building Code guidelines. Please ensure that the replacement geotechnical engineer possesses adequate insurance coverage, as they are now assuming all risks associated with the geotechnical design and inspection.

Should you have any inquiries regarding this correspondence, or require further assistance, please do not hesitate to contact the undersigned at your earliest convenience.

Very truly yours,

Geocon West, Inc.

Neal D. Berliner
GE 2876
Subject: RESIGNATION AS GEOTECHNICAL ENGINEER OF RECORD OF

WEST HOLLYWOOD, CALIFORNIA

It has come to our attention that Geocon West, Inc. has not been engaged to carry out the necessary inspection and testing services during the construction of the improvements at the specified project. Consequently, we will not be conducting the required observations to ensure compliance with the geotechnical recommendations.

Given our exclusion from providing these services, we must inform you that we are no longer the Geotechnical Engineer of Record for the project. We hereby disclaim all responsibility for the geotechnical aspects of the project's future performance. Geocon West, Inc. formally resigns as the Geotechnical Engineer of Record for this project in accordance with the stipulations of the California Building Code.
Forms

GEOR Takeover Letter

Project No: W1189-06-01
June 2, 2020

VIA EMAIL

Los Angeles, California 90017

Subject: CHANGE OF GEOTECHNICAL CONSULTANT OF RECORD

LOS ANGELES, CALIFORNIA

References:

- Geotechnical Engineering Investigation, by [Redacted], dated February 15, 2019;
- City of Los Angeles Dept. Review Letter, Log No. 110414, dated October 29, 2019;
- Geotechnical Engineering Investigation, by [Redacted], dated November 11, 2019;
- City of Los Angeles Dept. Review Letter, Log No. 110414-01, dated Dec. 11, 2019;

Dear [Redacted]:

The purpose of this letter is to transfer the Geotechnical Consultant of Record on the subject project from [Redacted] to Geocon West, Inc. In order to make the engineer of record transfer official, this letter must be filed with the City of Los Angeles. In addition, the design team should be informed immediately of this change.

Geocon West, Inc. has reviewed the referenced reports and addenda and we concur with the conclusions and recommendations presented therein. As of the date of this letter, Geocon West, Inc. will be providing all necessary geotechnical consultation, plan review, design recommendations, inspection and testing services for this project.
The purpose of this letter is to transfer the Geotechnical Consultant of Record on the subject project from [REDACTED] to Geocon West, Inc. In order to make the engineer of record transfer official, this letter must be filed with the City of Los Angeles. In addition, the design team should be informed immediately of this change.

Geocon West, Inc. has reviewed the referenced reports and addenda by [REDACTED] and we concur with the conclusions and recommendations presented therein. As of the date of this letter, Geocon West, Inc. will be providing all necessary geotechnical consultation, plan review, design recommendations, inspection and testing services for this project.
Responsibility Approval Letter

City of Los Angeles

July 27, 2020

LOG # 113787
SOILS/GEOLGY FILE - 2

Los Angeles, CA 90017

TRACT: 2905
LOT(S): 4 (Lot 1)/5 (Lot 1)/6 (Lot 1)/7
LOCATION: [Redacted]

CURRENT REFERENCE REPORT/LETTER(S)
REPORT/LETTER No. DATE OF DOCUMENT PREPARED BY
Responsibility Letter W1189-06-01 06/02/2020 Geocon West, Inc.

PREVIOUS REFERENCE REPORT/LETTER(S)
REPORT/LETTER No. DATE OF DOCUMENT PREPARED BY
Dept. Approval Letter 110414-02 03/09/2020 LADBS
Soils Report 3-215-0056 02/17/2020 LADBS
Dept. Review Letter 110414-01 12/11/2019 LADBS
Dept. Review Letter 110414 10/29/2019 LADBS
Soils Report 3-215-0056 02/15/2019 LADBS

The above letter dated 06/02/2020 concerning project geotechnical engineer of record has been received pursuant to Section 91.708 of the Los Angeles Municipal Code. The Department previously conditionally approved reports for construction of a 7-story apartment building with 1-level subterranean parking.

The Department of Building and Safety accepts this letter and notification of transferring the responsibility for project engineering geologist and soils engineer of record and recognizes Geocon West, Inc., as the new geotechnical consultant provided all the conditions in the Department's previous approval letters are complied with.

Geotechnical Engineer

Geocon West, Inc., Project Consultant
LA District Office

cc: Geocon West, Inc., Project Consultant
LA District Office

LADBS D1 (Oct 5, 2013) - AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER
The above letter dated 06/02/2020 concerning project geotechnical engineer of record has been received pursuant to Section 91.7008 of the Los Angeles Municipal Code. The Department previously conditionally approved reports for construction of a 7-story apartment building with 1-level subterranean parking.

The Department of Building and Safety accepts this letter and notification of transferring the responsibility for project engineering geologist and soils engineer of record and recognizes Geocon West, Inc., as the new geotechnical consultant provided all the conditions in the Department's previous approval letters are complied with.
Transfer of Responsibility Form

(County of Santa Cruz)

Project Information

APN:
Project Address:
Legal Owner:
Owner Address:

Date:
Email:
Phone:

Description of Work

Transfer of Responsibility to Architect or Engineer of Record

Firm Name:
Name:
Address:
Phone:
License No.:
Email:

Geotechnical Engineer
Architect
Civil Engineer

Certified Engineering/Geologist
 Structural Engineer
 Other (type):

Our firm is taking over the above referenced project as the architect or engineer of record as indicated above.

We have reviewed the original work for this project related to our transfer of responsibility. Completed work reviewed to date is as follows: [detail all plans and reports including author, title, date, and project number]

Based upon our review, we offer our professional opinions as follows: [check where applicable]

I concur with all conclusions and recommendations.
I do not agree with or support the conclusions or recommendations as detailed on the attached plan(s), calculations, or reports. Attach all new calculations, recommendations, supporting data, and reasoning as applicable.

By signing below, we agree to accept responsibility within our area of technical competence for approval of this project upon completion of the work.

Apply California State registered architect or engineer [signature and stamp below, if applicable]

Signature:

Date:

[Signature and stamp]
Transfer of Responsibility to Architect or Engineer of Record

Firm Name: __________________________ License No.: __________________________

Name: __________________________ Email: __________________________

Address: __________________________ Phone: __________________________

☐ Geotechnical Engineer ☐ Architect ☐ Civil Engineer

☐ Certified Engineering Geologist ☐ Structural Engineer ☐ Other (type): __________

Our firm is taking over the above referenced project as the architect or engineer of record as indicated above.

We have reviewed the original work for this project related to our transfer of responsibility. Completed work reviewed to date is as follows: (detail all plans and reports including author, title, date, and project number)

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Based upon our review, we offer our professional opinions as follows: (check where applicable)

☐ I concur with all conclusions and recommendations.

☐ I do not agree with or support the conclusions or recommendations as detailed on the attached plan(s), calculations, or reports. (attach all new calculations, recommendations, supporting data, and reasoning as applicable)

By signing below, we agree to accept responsibility within our area of technical competence for approval of this project upon completion of the work.

Apply California State registered architect or engineer (signature and stamp below, if applicable)
**Transfer of Responsibility Form (DSA)**

<table>
<thead>
<tr>
<th><strong>PROJECT INFORMATION</strong></th>
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<tbody>
<tr>
<td>Name of School District:</td>
<td>DSA File #: -</td>
</tr>
<tr>
<td>Project Name:</td>
<td>DSA App. #: -</td>
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<tr>
<td>Project Location:</td>
<td>Effective Date of Change:</td>
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<tr>
<th><strong>GEOTECHNICAL ENGINEER'S REVIEW OF WORK COMPLETED</strong></th>
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<tbody>
<tr>
<td>I concur with the previous geotechnical consultant's findings, conclusions and recommendations as presented in their report(s):</td>
<td></td>
</tr>
<tr>
<td>I concur in general with the previous geotechnical consultant’s findings, conclusions and recommendations; however, I am also providing supplemental recommendations (attached):</td>
<td></td>
</tr>
<tr>
<td>I do not concur with the previous geotechnical consultant’s conclusions and I have provided recommendations to the school district as attached:</td>
<td></td>
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<tr>
<th><strong>GEOTECHNICAL ENGINEER’S ACCEPTANCE OF RESPONSIBILITY</strong></th>
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<tbody>
<tr>
<td>The firm by which I am employed has been retained by the School District named above to perform the required geotechnical engineering, testing and inspection services during the remaining construction phase of this project.</td>
<td></td>
</tr>
<tr>
<td>As of the effective date, I will be acting as the responsible Geotechnical Engineer (GE) on the DSA-approved project described above.</td>
<td></td>
</tr>
<tr>
<td>I accept responsibility as noted in Section 3 above, and I will be responsible for verifying that the required geotechnical services for the project are performed, the work inspected and materials tested in accordance with the DSA-approved plans and specifications. Reports of tests and inspections will be submitted as required by Sections 4-335 and 4-336 of the California Administrative Code (Title 24, Part 1).</td>
<td></td>
</tr>
<tr>
<td>I have forwarded a copy of this completed and signed form to the prior GE:</td>
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**Signature:**

**Date:**

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<tr>
<th><strong>GEOTECHNICAL ENGINEER’S INFORMATION</strong></th>
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<tbody>
<tr>
<td>Name:</td>
<td>GE's Stamp</td>
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<tr>
<td>License #:</td>
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<tr>
<td>Laboratory Name:</td>
<td></td>
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<td>LEA #:</td>
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**FOR DSA USE ONLY**

- GE
- Prior Geotechnical Engineer
- School District
- Project Architect
- Structural Engineer
- Project Inspector

- Tracker Update: Date Completed: (Initials)
## GEOTEchnICAL ENGINEER’S REVIEW OF WORK COMPLETED

Check one box below as applicable. I have reviewed the geotechnical investigation (soils) report, applicable test and inspections reports, the DSA-approved plans and specifications, and the work performed by the previous geotechnical consultant.

- [ ] I concur with the previous geotechnical consultant’s findings, conclusions and recommendations as presented in their report(s).
- [ ] I concur in general with the previous geotechnical consultant’s findings, conclusions and recommendations; however, I am also providing supplemental recommendations (attached).
- [ ] I do not concur with the previous geotechnical consultant’s conclusions and I have provided recommendations to the school district as attached.

## GEOTEchnICAL ENGINEER’S ACCEPTANCE OF RESPONSIBILITY

The firm by which I am employed has been retained by the School District named above to perform the required geotechnical engineering, testing and inspection services during the remaining construction phase of this project.

- As of _______________ (effective date), I will be acting as the responsible Geotechnical Engineer (GE) on the DSA-approved project described above.
- I accept responsibility as noted in Section 3 above, and I will be responsible for verifying that the required geotechnical services for the project are performed, the work inspected and materials tested in accordance with the DSA-approved plans and specifications. Reports of tests and inspections will be submitted as required by Sections 4-335 and 4-336 of the California Administrative Code (Title 24, Part 1).
- I have forwarded a copy of this completed and signed form to the prior GE.

| Signature: | Date: |
LETTER OF PLAN REVIEW AND AGREEMENT FOR SOIL AND FOUNDATION FIELD OBSERVATION

This letter shall be signed by all parties named below prior to issuance of Building Permit.

I. The soil/geotechnical aspects of plans, details, and specifications have been reviewed by the Geotechnical Engineer of Record and substantially conform to the recommendations in the project soils report. The following plans have been reviewed:

Plan Page ________ Rev. ________ Date ________ Add. Plan Page ________

Plan Prepared by (company)

II. The owner/developer has retained the Geotechnical Engineer of Record to perform soils site observation and provide the City with written interim and final observation report in accordance with the following items:

A. Owner/developer and/or contractor will notify the Geotechnical Engineer to perform all required soil site observations.

B. Prior to requesting a foundation inspection to the City, the owner/developer or contractor will provide the City with written field report by the Geotechnical Engineer who prepared the project soils investigation stating the following:

1. The building pad was prepared and compacted in accordance with the project soils report, plans and specifications.
2. The foundation and/or pier excavation, depth and backfill materials, and drainage (as applicable), substantially conform with the project soils report and approved plans.

C. Prior to final inspection for any building or structure, the owner/developer or contractor will provide the City with a written final report (in accordance to the attached City forms) by the Geotechnical Engineer of Record, who prepared the project soil investigation stating soil/geotechnical aspects of the completed pad, foundation, finished grading (excluding elevations, drainage, and associated site work) as applicable) substantially conform to the approved plans, specifications and investigation report.

<table>
<thead>
<tr>
<th>Owner/Developer (Name &amp; Company, Print &amp; Signs)</th>
<th>Date</th>
<th>Contractor (Name &amp; Company, Print &amp; Signs)</th>
<th>Date</th>
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ACCEPTED BY:

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<tr>
<th>Project Geotechnical Engineer (Name &amp; Company, Print, Sign &amp; Stamp)</th>
<th>Date</th>
<th>Building Official</th>
<th>Date</th>
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II. The owner/developer has retained the Geotechnical Engineer of Record to perform soils site observation and provide the City with written interim(s) and final observation report in accordance with the following items:

A. Owner/developer and/or contractor will notify the Geotechnical Engineer to perform all required soil site observations.

B. Prior to requesting a foundation inspection to the City, the owner/developer or contractor will provide the City with written field report by the Geotechnical Engineer who prepared the project soils investigation stating the following:

1. The building pad was prepared and compacted in accordance with the project soils report, plans and specifications.

2. The foundation and/or pier excavation, depth and backfill materials, and drainage (as applicable), substantially conform with the project soil report and approved plans.

C. Prior to final inspection for any building or structure, the owner/developer or contractor will provide the City with a written final report (in accordance to the attached City forms) by the Geotechnical Engineer of Record, who prepared the project soil investigation stating soil/geotechnical aspects of the completed pad, foundation, finished grading (excluding elevation), drainage, and associated site work (as applicable) substantially conform to the approved plans, specifications and investigation report.

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