**Section 740.235 Use of Review and Evaluation Licensed Professional Engineer (RELPE)**

*An RA may elect to contract with a Licensed Professional Engineer who will perform review and evaluation services on behalf of and under the direction of the Agency relative to the site activities.* (Section 58.7(c) of the Act)

a) Prior to entering into a contract with an RA under this Part, the Review and Evaluation Licensed Professional Engineer (RELPE) shall provide the RA with the information detailed in Part 740.Appendix B.

b) *Prior to entering into the contract with the RELPE, the RA shall notify the Agency of the RELPE to be selected.* In making the notification, the RA shall submit the information detailed in Part 740.Appendix B as provided by the RELPE. *The Agency and the RA shall discuss the potential terms of the contract.* (Section 58.7(c)(1) of the Act)

c) *At a minimum, the contract with the RELPE shall provide that the RELPE will submit any* plans or *reports directly to the Agency, will take his or her directions for work assignments from the Agency, and will perform the assigned work on behalf of the Agency.* (Section 58.7(c)(2) of the Act)

1) The contract with the RELPE shall set forth the scope of work for which the RA has engaged the RELPE and the effective date of the contract.

2) Costs incurred by the RELPE shall be paid directly to the RELPE by the RA as provided in the contractual agreement between the RA and the RELPE.

3) The Agency shall not be liable for any activities conducted by the RELPE or for any costs incurred by the RELPE.

d) *Reasonable costs incurred by the Agency* for oversight of the RELPE and its review and evaluation services *shall be paid by the RA directly to the Agency in accordance with the terms of the Review and Evaluation Services Agreement entered into under* this Part. (Section 58.7(c)(3) of the Act)

e) *In no event shall the RELPE acting on behalf of the Agency be an employee of the RA or the owner or operator of the site or be an employee of any other person the RA has contracted to provide services relative to the site.* (Section 58.7(c)(4) of the Act)