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Learning Objectives

✓ Learn about the AIA Contract Documents of particular interest for use by small firms and sole practitioners.

✓ Become familiar with the AIA's new documents for use on Sustainable Projects and understand how they can facilitate the provision of sustainability services and the achievement of sustainability goals on a project.

✓ Access AIA Contract Documents software and web-based products geared toward small firms.

✓ Know where to get AIA resources, tools and guides developed to assist you in understanding contract and risk management issues.
AIA Contract Documents
Quick Overview
History

✓ Standard form documents since 1888 (Owner/Contractor agreement)
✓ Always a collaborative process
✓ First General Conditions 1911
✓ First Owner/Architect agreement 1917
✓ Now, over 120 agreements and forms
Document Creation

- Documents Committee and AIA staff
- 20 to 30 volunteer AIA members
- Ten-year commitment
- Generally revise documents on a ten-year cycle
Drafting Process

- Seek comments from industry
- Review/incorporate legal decisions
- Investigate impact of industry practices
- Draft and revise documents
- Solicit and review feedback on drafts
Why Do Small Firms Need Contracts?
Why Small Firms Need Contracts…

Memorialize key elements of consideration and performance (meeting of the minds) at the outset

- Basis of Architect’s Design (Initial Information)
- Scope: Design and Construction Phase obligations
- Compensation: Basic and Additional
- Ownership of Instruments of Service
- Termination
Contracts and Forms for Small Firms
Choose by Project Size and Complexity

Choose by Project Size and Complexity

Complex

B101
B103
A201
B104

Simple

B105

Simple

A101
A102
A103
A201

A107
A105
Small Projects Family

✓ **B105** – Agreement Between Owner/Architect for Residential or Small Commercial Project

✓ **A105** – Agreement Between Owner/Contractor for Residential or Small Commercial Project
B105 – 2007

Agreement Between Owner and Architect for Residential or Small Commercial Project
B105 — O/A Agreement for a Residential or Small Commercial Project

- For use on project modest in size and brief in duration (less than one year from start of design to completion of construction).
- Streamlined and simplified to be more comfortable for use by the homeowner client.
- No paragraph numbering; only article numbers.
- 2 pages + cover page.
- Agreement can easily be formatted as an attachment to a proposal letter.
B105 — O/A Agreement for a Residential or Small Commercial Project

✓ Basic Services compressed into two phases:
  ✓ Design Phase
  ✓ Construction Phase

✓ Owner provides cost estimating through contractor

✓ Architect owns instruments of service; Owner can use documents solely for Project
During Design Phase, the Architect:

- Learns Project requirements
- Develops design
- Prepares Construction Documents
- Coordinates with Owner-provided consultants
- Assists Owner with filings, obtaining proposals and awarding construction contracts
B105 — O/A Agreement for a Residential or Small Commercial Project

Construction Phase

✓ Incorporates A105, O/C Agreement, for a Residential or Small Commercial Project

✓ Architect

✓ interprets Contract Documents
✓ reviews Contractor’s submittals
✓ visits the site
✓ reviews and certifies payments
✓ rejects nonconforming Work
A105 – 2007 Agreement Between Owner and Contractor for a Residential or Small Commercial Project
Small Projects: A105 — Fixed Price

✓ Based on A107 and A201
✓ Incorporated General Conditions
✓ Provisions pared down
  – No dispute resolution provisions
  – No contractual limit on statute of limitations
✓ Compensation is stipulated sum (fixed price)
Other Agreements for Small Firms and Sole Practitioners

- **B104** – Agreement Between Owner/Architect for Project of Limited Scope
- **A107** – Agreement Between Owner/Contractor for Project of Limited Scope
- **B106** – Agreement Between Owner/Architect for Pro Bono Services
- **B107** – Agreement Between Developer-Builder and Architect for Prototype(s) for Single Family Residential Project
- **B108** – Agreement Between Owner and Architect for a Federally Funded or Federally Insured Project
B104 – 2007
Agreement Between Owner and Architect for a Project of Limited Scope
B104 — O/A Agreement for a Project of Limited Scope (medium size)

Differences from B101

✓ Initial information = fill point
✓ Basic Services compressed into three phases
  1) Design Phase
  2) Construction Documents Phase
  3) Construction Phase
✓ Only requires discussion of environmentally responsible design
✓ No insurance requirements
B104 — O/A Agreement for a Project of Limited Scope

✓ Incorporates A107–2007, O/C Agreement for a Project of Limited Scope

✓ Includes A201 “lite” conditions

✓ No third party IDM
A107-2007 – O/C Agreement for Project of Limited Scope

✓ Streamlined for Medium-Sized Projects
  ✓ Cost Plus W or W/O GMP payment options added
  ✓ Binding dispute resolution checkbox per A101, A102 and A103
  ✓ Owner may terminate for convenience

✓ Deviations from A201 due to limited scope:
  ✓ Architect will serve as initial decision maker; no provision is made for third-party IDM
  ✓ Contractor not required to submit submittal schedule
    ✓ However, contractor is required to submit construction schedule
ARTICLE 3 CONTRACT SUM
§ 3.1 The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor’s performance of the Contract. The Contract Sum shall be one of the following:
(Check the appropriate box.)

☐ Stipulated Sum, in accordance with Section 3.2 below

☐ Cost of the Work plus the Contractor’s Fee, in accordance with Section 3.3 below

☐ Cost of the Work plus the Contractor’s Fee with a Guaranteed Maximum Price, in accordance with Section 3.4 below

(Based on the selection above, complete Section 3.2, 3.3 or 3.4 below.)
B106 – 2010
Owner/Architect Agreement for Pro Bono Services
B106–2010, O/A Agreement for Pro Bono Services

✔ Agreement for building design, construction contract administration, or other professional services provided pro bono by the architect.

✔ Pro bono services are professional services for which the architect receives no financial compensation other than compensation for reimbursable expenses.
B106–2010, O/A Agreement for Pro Bono Services

- Uses table format for the parties to designate the scope of architect’s pro bono services and maximum number of hours to be provided.

- To be used in conjunction with AIA Document A201–2007 if the architect is providing construction phase services.

- Available in ACD software and free of charge on AIA Documents-on-Demand™ Website.
Developer-Builder/Architect Agreement for Prototype(s) for Single Family Residential Project
B107–2010 Developer-Builder/Architect Prototype(s) for Single Family Residential Project

✓ Architect provides limited architectural services in connection with a single family residential project

✓ Replaced B188–1996, O/A Agreement for Limited Architectural Services for Housing Projects

✓ Title changed to better reflect specialized nature of the document

✓ Updated to contain relevant aspects of 2007 revisions
B107–2010 Developer-Builder/Architect
Prototype(s) for Single Family Residential Project

Developer-Builder (instead of “Owner”)

✓ An entity knowledgeable about, and experienced with, applicable residential building codes, selection of materials and systems, and methods of installation and construction

✓ Able to implement the Permit Set Documents through completion of the Project

✓ Extensive control over management of project

✓ Provides engineering services, specifies brand names of materials and equipment, administers payment to contractors
Architect’s Basic Services

Design Phase: Schematic Design to Permit Set Documents

✔ Necessary documentation of design required to obtain a building permit in jurisdiction where Project is located

Construction Phase:

✔ Limited site visits, submittal reviews and responses to inquiries related to Permit Set Documents
B108 – 2009 Owner/Architect Agreement for a Federally Funded or Federally Insured Project
B108 – 2009

✓ For use in federally funded or federally insured projects

✓ Update of B181–1994, Owner/Architect Agreement for Housing Projects

✓ Title changed to better reflect purpose
Two types of federal projects

Government as Owner

- Government is the Owner
- Governed by FARS

Example: Federal Courthouse

Government Funded or Insured

- Government is not the Owner
- Agencies approves contracts
- Agencies provide necessary supplementary conditions

Examples: Hospital Fire Station
B108 – 2009 is used for the latter

Used by:

- HUD: FHA mortgage insurance
- USDA funded multi-family and rural development programs

The AIA worked with both agencies to update B181
B108-2009

✓ Based on B101 with Revisions to accommodate agency requirements

✓ Cost Estimating

✓ Checkbox for parties to select whether Owner or Architect provided

✓ Cost estimating duty provided in the alternative in Article 6
Compensation

✓ B108: Basic, Optional and Additional Services
  ✓ Optional Services: Same as Article 4 Table in B101
  ✓ Agreed-upon before execution of Agreement
  ✓ Included in Architect’s fee
  ✓ Agency generally pays for them but not for Additional Services

Reimbursable Expenses

✓ Agencies generally do not pay
✓ § 11.2 — Owner pays regardless of public funds availability
B102 – 2007 and Scope of Services Documents
B102 O/A Agreement Without Predefined Scope of Architect’s Services

Only terms and conditions; same as in B101–2007

TABLE OF ARTICLES

1. Architect’s Responsibilities
2. Owner’s Responsibilities
3. Copyrights and Licenses
4. Claims and Disputes
5. Termination or Suspension
6. Compensation
8. Special Terms and Conditions
9. Scope of Agreement
Two-Part Model

B102–2007
(formerly B141–1997 Part 1)

- B201 Design and CCA
- B202 Programming
- B203 Site Evaluation
- B204 Value Analysis
- B205 Historic Preservation
- B206 Security Evaluation
- B207 On-Site Project Representation
- B209 Construction Contract Admin.
- B210 Facility Support
- B211 Commissioning
- B212 Regional or Urban Planning
- **B214 LEED® Certification**
- B252 Arch. Interior Design
- B253 FF&E Design
Sustainable Design and Construction
AIA Document D503–2011

Guide for Sustainable Projects, including Agreement Amendments and Supplementary Conditions
AIA Document D503—2011

Discusses sustainable design and construction issues including:

✓ Certification Systems, codes and legislation
✓ New risks and responsibilities for industry stakeholders
✓ Recommendations for model language for AIA Documents A101, A201 and B101
AIA Sustainable Projects Documents

AIA Document A101™ – 2007 SP

Standard Form of Agreement Between Owner and Contractor, for use on a Sustainable Project where the basis of payment is a Stipulated Sum

AIA Document A201™ – 2007 SP

General Conditions of the Contract for Construction, for use on a Sustainable Project

AIA Document A401™ – 2007 SP

Standard Form of Agreement Between Contractor and Subcontractor, for use on a Sustainable Project

AIA Document B101™ – 2007 SP

Standard Form of Agreement Between Owner and Architect, for use on a Sustainable Project

AIA Document C401™ – 2007 SP

Standard Form of Agreement Between Architect and Consultant, for use on a Sustainable Project
Process Described in the Sustainable Projects Documents

The Sustainable Projects documents provide a process for successful completion of a Sustainable Project through:

- Special Definitions
- Allocation of Risks and Responsibilities
- Scope of Architect’s Services for Sustainable Projects
- A fully integrated scope of documents for a design-bid-build project including Owner/Architect, Owner/Contractor, Contractor/Subcontractor and Architect/Consultant agreements
Special Definitions A201–2007 SP

- Sustainable Objective
- Sustainable Measure
- Sustainability Plan
- Sustainability Certification
- Sustainability Documentation
- Certifying Authority
Scope of Architect’s Sustainability Services

New scope of Architect’s services for Sustainable Projects

Architect’s Sustainability Services include:

- Conduct Sustainability Workshop
- Prepare Sustainability Plan
- Incorporate Requirements of Sustainability Plan into Drawings and Specifications
- Collect Sustainability Documentation and submit to the Certifying Authority
Special Issues of Interest to Owners

- Owner Responsibilities
- Substantial Completion not tied to achievement of Sustainability Certification
- Final Completion
- Instruments of Service
SPECIAL ISSUES OF INTEREST TO ARCHITECTS

✓ Standard of Care
✓ Guarantees and Warranties
✓ Untested Materials
✓ Consequential Damages
✓ Registration Costs and other fees to Certifying Authority
Special Issues of Interest to Contractors

✓ Guarantees and Warranties
✓ Cleaning Up – Waste Management Plan
✓ Substitutions
✓ Submittals
✓ Consequential Damages
B305 – 1993, Architect’s Qualification Statement
AIA Contract Documents Resources
Samples of Documents Discussed

Small Firm Documents:
www.aia.org/smallprojects

Samples of SP Docs and Comparatives:
www.aia.org/greendocs

D503, Guide for Sustainable Projects:
www.aia.org/sustainableprojectsguide
www.aia.org/contractdocs/reference

AIA Contract Documents Reference Material

FAQs, guides, articles, synopses, comparisons, commentaries and documents to download free of charge.

AIA Document Synopses

AIA document synopses by family, based on project type or delivery method, or by series, based on document use or purpose.

AIA document families: Conventional (A201) family, Construction Manager as Adviser (CMA) family, Construction Manager as Constructor (CMC) family, Design-Build family, Integrated Project Delivery (IPD) family, Interiors family, International family and Small Projects family, plus digital practice documents and contract administration/project management forms.

AIA document series: A-Series, owner/contractor agreements; B-Series, owner/architect agreements; C-Series, other agreements; D-Series, miscellaneous documents; E-Series, exhibits; and G-Series, contract administration and project management forms.

Amendments and Supplementary Conditions

Guides to amendments or supplementary conditions for AIA owner/architect and owner/contractor agreements, including new AIA Document D503™-2011 for modifying or supplementing AIA Documents A101™-2007, A201™-2007 and B101™-2007 for sustainable design and construction projects.
Questions about AIA document content: Email: docinfo@aia.org    Tel.: 202-626-7526
Web: www.aia.org/contractdocs/reference
<table>
<thead>
<tr>
<th>AIA Contract Documents Reference Material</th>
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<tbody>
<tr>
<td><a href="http://www.aia.org/contractdocs/reference">www.aia.org/contractdocs/reference</a></td>
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- AIA Document Synopses
- Amendments and Supplementary Conditions
- Articles
- Commentaries and Comparisons
- FAQs
- Guides
- Knowledge Base
- AIA Document Numbering System
- Podcasts & Webinars
- AIA Pro Bono Guidelines
- Retired AIA Documents
Purchasing AIA Contract Documents
### AIA documents are organized by “family” and “series”

<table>
<thead>
<tr>
<th>Family:</th>
<th>A Series Owner/Contractor</th>
<th>B Series Owner/Architect</th>
<th>C Series Architect/Consultant</th>
<th>D Series Misc.</th>
<th>E &amp; G Series Exhibits/Admin Forms</th>
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</thead>
<tbody>
<tr>
<td>Conventional Construction</td>
<td>8</td>
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<td>Construction Manager/Adv</td>
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<td>Construction Manager/Const</td>
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<tr>
<td>Design-Build</td>
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<td>Digital Practice Documents</td>
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<tr>
<td>Integrated Project Delivery</td>
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<tr>
<td>Interiors</td>
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<td>International</td>
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<td>Small Projects</td>
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<tr>
<td>Contract Admin/Management</td>
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<td>2</td>
<td>28</td>
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</table>
AIA documents are available in three formats

**Software**
- Purchase unlimited access or a limited license
- Fill in blanks and/or edit content electronically
- Share/review docs via e-mail

**Documents on Demand (PDF)**
- Purchase single PDF a-la-carte (on demand)
- Fill in blanks electronically or by hand
- Can review but not track edits

**Paper**
- Purchase single paper docs a-la-carte
- Fill in blanks by hand
- No easy way to edit
How we sell

Software

AIA Documents-on Demand (PDF)

Paper

80% Online

20% Phone

100% Online

100% Distributors
Docs on Demand and paper format are sold as individual documents

AIA Documents-on Demand (PDF)

Available at
http://documentsondemand.aia.org/

Selection
106 documents

Pricing
$6.95 – $21.95

Paper

Available at
AIA Distributors

Selection
Most of library

Pricing
$6.00 – $28.00
Software is available through annual limited and unlimited licenses

Annual Limited

- Access to all AIA documents
- Documents assigned DU value
- Docs100 (members) and Docs300 license limit how many documents finalized
- License expires once DUs are used or year elapses

Annual Unlimited Single Seat

- Access to all AIA documents
- Finalize unlimited number of documents
- Software can be installed on one PC only
- Subscription expires after one calendar year

Annual Unlimited Multi-Seat

- All benefits of single-seat license
- Come in 5, 10, 20, 30, 40, 50 seat increments
# AIA products for smaller-sized firms

**Software**

- **Products**
  - Docs 100 – Full Library
  - Docs 300 – Full Library
  - Single Unlimited – Full

- **Pricing (Member/Non-member)**
  - Docs 100 – Full Library: $199/NA
  - Docs 300 – Full Library: $309/$489
  - Single Unlimited – Full: $699/$999

- **Good Choice**
  - 1–3 Projects/yr + PC users
  - 4–8 Projects/yr + PC users
  - 8+ Projects/yr + PC users

**Docs-on-Demand**

- 106 documents from library, available individually

- Pricing: $6.95 – $21.95

- Good Choice: 1–8 Projects/yr + Mac or PC

**Paper**

- Most of 104 docs in library available
- Individually and forms

- Pricing: $6.00 – $28.00

- Good Choice: 1–4 Projects/year
- Very small projects
How it Works
AIA Contract Documents Education Portal

- Learn about AIA documents and forms
- View tutorials on AIA software and Documents on Demand
- Earn continuing education credits

To start learning, please visit aia.org/docucation
Top 10 Features AIA Contract Documents Software

Recorded at the 2012 AIA National Convention, this course guides you in discovering the top 10 features that make drafting, reviewing, and sharing contracts faster and simpler than ever before. Get to know the software with a demonstration that will walk you through the top 10 features including the clause library, document search tools, and online collaboration, so you can effectively use these features to save time and keep your projects organized.

Go to [www.aia.org/docucation](http://www.aia.org/docucation) to access this and other course offerings.
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Thank You!