

NEW STANDARD CONSTRUCTION CONTRACT FORMS

By Suzanne S. Hunnicutt, AIA



For many years, architects and engineers have encouraged the use of standard construction contract forms rather than custom drafted documents. Within the last year, three different construction industry associations have issued or reissued groups of standardized construction contract forms. These are: the American Institute of Architects (AIA), the Engineers Joint Contract Documents Committee (EJCDC) and a new organization called ConsensusDOCS, which is comprised of about 20 contractor and owner associations, the largest and most influential of which is the Associated General Contractors of America (AGC).

The AIA published their first standard agreement forms 120 years ago and today their group of over 100 contract and administrative forms are the most widely used throughout the construction industry. The AIA documents are updated every ten years. The most recent update was issued in November of 2007 and contained approximately 40 new or revised forms including the A201 “General Conditions of the Contract for Construction” which is the cornerstone for their most popular “family” of documents.

The EJCDC was formed in 1975 for the purpose of developing documents for projects involving professional engineering services. Therefore, their group of over 60 documents are geared toward and most frequently used for infrastructure projects such as transportation and utility construction. In March 2007, the EJCDC released a new edition of over 20 of their documents including their own cornerstone document, C-700, entitled “Standard General Conditions of the Construction Contract.”

ConsensusDOCS published their first set of documents in September of 2007. Their documents are based on standard forms previously developed by the AGC and another influential member of the organization, the Construction Owners Association of America. This group of over 70 documents also contains a general conditions document, ConsensusDOCS 200.

Each of the three associations claims that their documents are the most “fair and balanced.” In reality, they each bear the mark of the organizations that created them and have some significant philosophical differences. Each group of documents also has some unique aspects as well. The AIA documents have the distinct advantage of having been tested and refined in court over a long period of time. The EJCDC documents include a number of specialized forms dealing with issues specific to engineering projects. The ConsensusDOCS group has developed a unique new three-way agreement between owner, designer, and contractor called ConsensusDOCS 300 “Standard Form of Tri-Party Agreement for Collaborative Project Delivery.”

Although the three groups differ on which standard documents are the best, they all are in agreement on one thing. Standard documents are highly preferable to custom documents that always favor the drafting party, require more careful legal review, contain language not standard to the construction industry, and are untested in court.

Suzanne Hunnicutt is Vice-President of Architecture, and works out of Chastain-Skillman’s Sebring office. Her work focuses on the design of office, institutional and industrial buildings for both public and private clients. Suzanne received a Bachelor of Design degree in 1975 and a Master of Architecture degree in 1980 from the University of Florida. She can be reached at (863) 382-4160 or shunnicutt@chastainskillman.com.

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