



# CONSTRUCTION CONTRACT DRAFTING INITIATIVE

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**International Municipal Lawyers Association**

**Michigan Association of Municipal Attorneys- Crystal Mountain, Michigan- June 22, 2018**



The International Municipal Lawyers Association (IMLA) is a non-profit, professional organization that has been an advocate and resource for local government attorneys since 1935.

# PRESENTATION GOALS

-  Discuss IMLA's Construction Contract Drafting Initiative
-  Overview of Documents Available
-  Highlight significant legal issues affecting municipal owners
-  Get involved

## IDENTIFICATION OF NEED

- Need for construction documents designed for municipal owners is identified and working group is formed
- AIA documents are very common; however, tend to be pro-architect rather than pro-owner
- Note that AIA copyright must be respected
- Revisions to AIA documents are for consideration purposes
- Revisions could also be used in non-AIA architect and engineer contracts

# OVERVIEW

- After the 2012 Annual Conference in Austin, TX, IMLA formed a work group to exchange information and documents to revise design and construction contracts for municipal owners
- 2013 work group analyzed and revised the AIA A201–2007™ General Conditions of the Contract for Construction and presented the revisions at the annual conference in San Francisco, CA
- 2014 work group analyzed and revised the AIA B101–2007™ (formerly B151-1997), Standard Form of Agreement Between Owner and Architect and presented the revisions at the annual conference in Baltimore, MD

# OVERVIEW

- 2015 work group drafted and analyzed a design-build construction contract and presented the template at the annual conference in Las Vegas 2016 work group drafted, analyzed and revised various horizontal construction contracts to be presented in San Diego
- 2017 Comparative Program: Canada vs. United States
- 2018 work group is currently drafting and analyzing AIA A-133 (Construction Manager at Risk delivery method)

# AIA A201–2007™

## AIA A201–2007 **General Conditions of the Contract for Construction**

### KEY PROVISIONS

Art. 1- General Provisions

Art. 2- Owner

Art. 3- Contractor

Art. 4- Architect

Art. 5- Subcontractors

Art. 7- Changes in Work

Art. 8- Delays and Extensions of Time

Art. 9- Payments and Completion

Art. 10- Protection of Persons and  
Property

Art. 11- Insurance and Bonds

Art. 12- Uncovering and Correction of  
Work

Art. 13- Miscellaneous Provisions

Ar. 14- Termination or Suspension of  
Contract

Art. 15- Claims and Disputes

# BI01-2007™

## BI01-2007™ (formerly BI51-1997), **Standard Form of Agreement Between Owner and Architect**

### KEY PROVISIONS

Art. 1- Initial Information

Art. 2- Architect's Responsibilities

Art. 3- Architect's Basic Services

Art. 4- Additional Services

Art. 5- Owner's Responsibilities

Art. 6- Cost of the Work

Art. 7- Copyrights and Licenses

Art. 8- Claims and Disputes

Art. 9- Termination of Suspension

Art. 10- Miscellaneous Provisions

Art. 11- Compensation

Art. 12- Special Terms and Conditions

Art. 13- Scope of the Agreement

# DESIGN BUILD

## **Ideal for:**

- Projects with expedited schedule
- Minimum ROW acquisition and utility location
- Well-defined scope for all parties
- Projects with room for innovation in design and/or construction effort
- Low risk of unforeseen conditions
- Low possibility for significant change during all phases of work
- Well-defined, non-complex environmental permitting requirements

# HORIZONTAL CONSTRUCTION PROJECTS

## **Areas Covered:**

- Prosecution and Progress, Limitations on Operations, CPM Scheduling Specifications
- Differing Site Conditions
- Third Party Impacts
- Insurance and Bonds
- Changes in the Work
- Electronically Stored Information, Records Retention, and Audits
- Dispute Resolution

# 2017- COMPARATIVE PROGRAM



- Preferred Contracting Methodologies:
  - Design-Bid-Build
  - Design-Build
  - P3
- Dispute Resolution
- Procurement



- Preferred Contracting Methodologies:
  - P3
  - CCDC
- Dispute Resolution
  - Jury Trials
- Procurement
  - Contract-based approach
- Risk Allocation/ Duty of Honest Contractual Performance

**AI33-2009™**

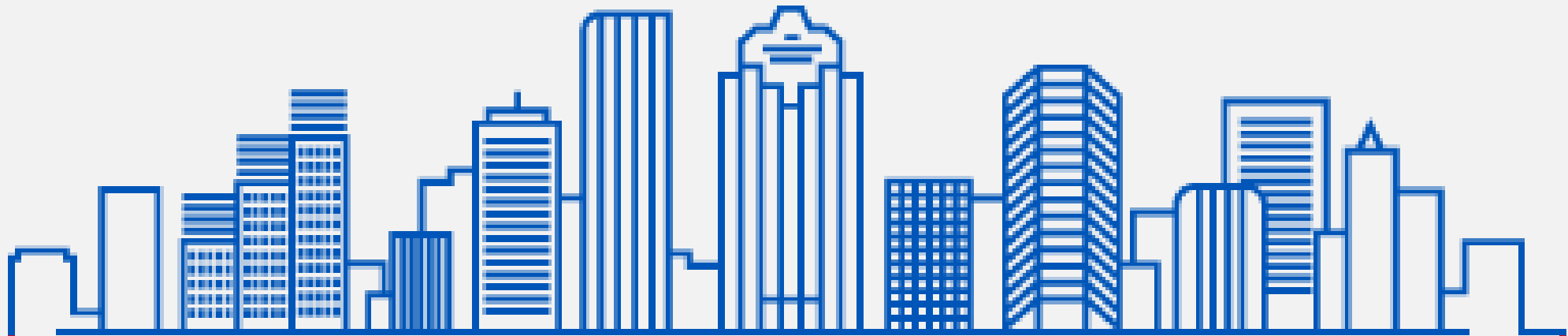
## **Construction Manager at Risk**

### **Call dates:**

- July 11
- August 9
- September 6

\*Contact [ccutchin@imla.org](mailto:ccutchin@imla.org) if you would like to be added to our call list and Dropbox folder.

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# QUESTIONS?

- Contact Caitlin Cutchin- [ccutchin@imla.org](mailto:ccutchin@imla.org) to get involved in this year's CCDI project or to request a copy of materials from past years.
- Note that in order to use many of the documents IMLA offers, you must also purchase a “bench” license from AIA. Please respect AIA copyright.
- Visit <https://www.aiacontracts.org/> for more information about how to purchase AIA contract documents.

THANK YOU!

