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**Reasons Your
Construction Project
Needs ConsensusDOCS**



ConsensusDOCS™
Contracts Built by Consensus

“Today’s biggest opportunities in design and construction are based on collaboration and information sharing. COAA is proud to be collaborating with other organizations on contract documents in the hope that this will improve the process for all.”



Jack Mumma, J.D.
Vice-Chair of the ConsensusDOCS Drafting Council,
Past President of COAA
Michigan State University, East Lansing, MI

Construction contracts can make the difference between project success or failure.



ConsensusDOCS contracts were collaboratively developed by owners, contractors, subcontractors, specialty contractors, sureties, and design professionals to advance the project's best interest. ConsensusDOCS contracts fairly allocate risk while aligning the entire project team with the owner's goals. Fairly assigning risk reduces costly contingencies and adversarial negotiations, ensuring owners get the best contractors, the best prices and the best project results.

Owner organizations played a key role in developing ConsensusDOCS, the construction industry's only standard contracts endorsed by 23 leading construction industry organizations. ConsensusDOCS were drafted by expert construction practitioners and professionals with hundreds of years of combined experience.

The Only Construction Contracts Endorsed by 23 Leading Industry Associations

National Association of State Facilities Administrators (NASFA)

The Construction Users Roundtable (CURT)

Construction Owners Association of America (COAA)

Associated General Contractors of America (AGC)

Associated Specialty Contractors, Inc. (ASC)

Construction Industry Round Table (CIRT)

American Subcontractors Association, Inc. (ASA)

Associated Builders and Contractors, Inc. (ABC)

Painting and Decorating Contractors of America (PDCA)

Lean Construction Institute (LCI)

Finishing Contractors Association (FCA)

Mechanical Contractors Association of America (MCAA)

National Electrical Contractors Association (NECA)

National Insulation Association (NIA)

National Roofing Contractors Association (NRCA)

Plumbing Heating Cooling Contractors Association (PHCC)

National Subcontractors Alliance (NSA)

Sheet Metal and Air Conditioning Contractors' National Association (SMACNA)


Association of the Wall and Ceiling Industry (AWCI)

National Association of Electrical Distributors (NAED)

National Association of Surety Bond Producers (NASBP)

The Surety & Fidelity Association of America (SFAA)

Construction Financial Management Association (CFMA)

A close-up, over-the-shoulder view of a person wearing black-rimmed glasses, looking down at a document. The document is slightly out of focus, showing some text and a yellow highlight. Overlaid on the left side of the image is a large, bold quote in white and yellow text. The background is dark and blurred.

**“I recommend
ConsensusDOCS to
my clients—Owners,
General Contractors, and
Subcontractors, alike—as
a better alternative to other
standard industry forms
and far more **fair and
balanced** than most custom
forms. ConsensusDOCS
truly do advance the
best interests of the
project, rather than the
best interests of a single
participant.”**

Philip E. Beck, Esq.
Partner, Smith, Currie &
Hancock LLP, Atlanta, GA

Owners Sit in the Driver's Seat

- ▲ **ConsensusDOCS contracts are the first** widely-accepted, standard construction contracts written and endorsed by owner organizations.
- ▲ **Owners are given full control** to be an active participant and ultimate decision-maker on the project, rather than being treated just as check-signers.
- ▲ **While owners may choose to delegate** responsibilities to other professionals, such as contract administration, those decisions are left to their discretion and control.

Save Transactional Costs and Time

- ▲ **Rather than negotiating** the same one-sided terms or drafting legal documents from scratch, begin your project with an owner-endorsed contractual foundation.
- ▲ **By bringing all parties** to the drafting table to reach the first consensus standard contracts, ConsensusDOCS took out the hardest part of negotiations for you.
- ▲ **ConsensusDOCS allows for easy editing** of contract terms at the click of a button, reducing the time consuming process of revising contracts.

“ConsensusDOCS reflect the future of the industry, where you have the owner, contractor or construction manager and design team working together in a collaborative environment to deliver the best possible project at a cost-effective price. The documents contain language that tends to make a project work that way.”

Terry Wooding
Executive Vice President
Petra Construction Corp., North Haven, CT

3 *Attract the Best Contractors and Get the Best Pricing*

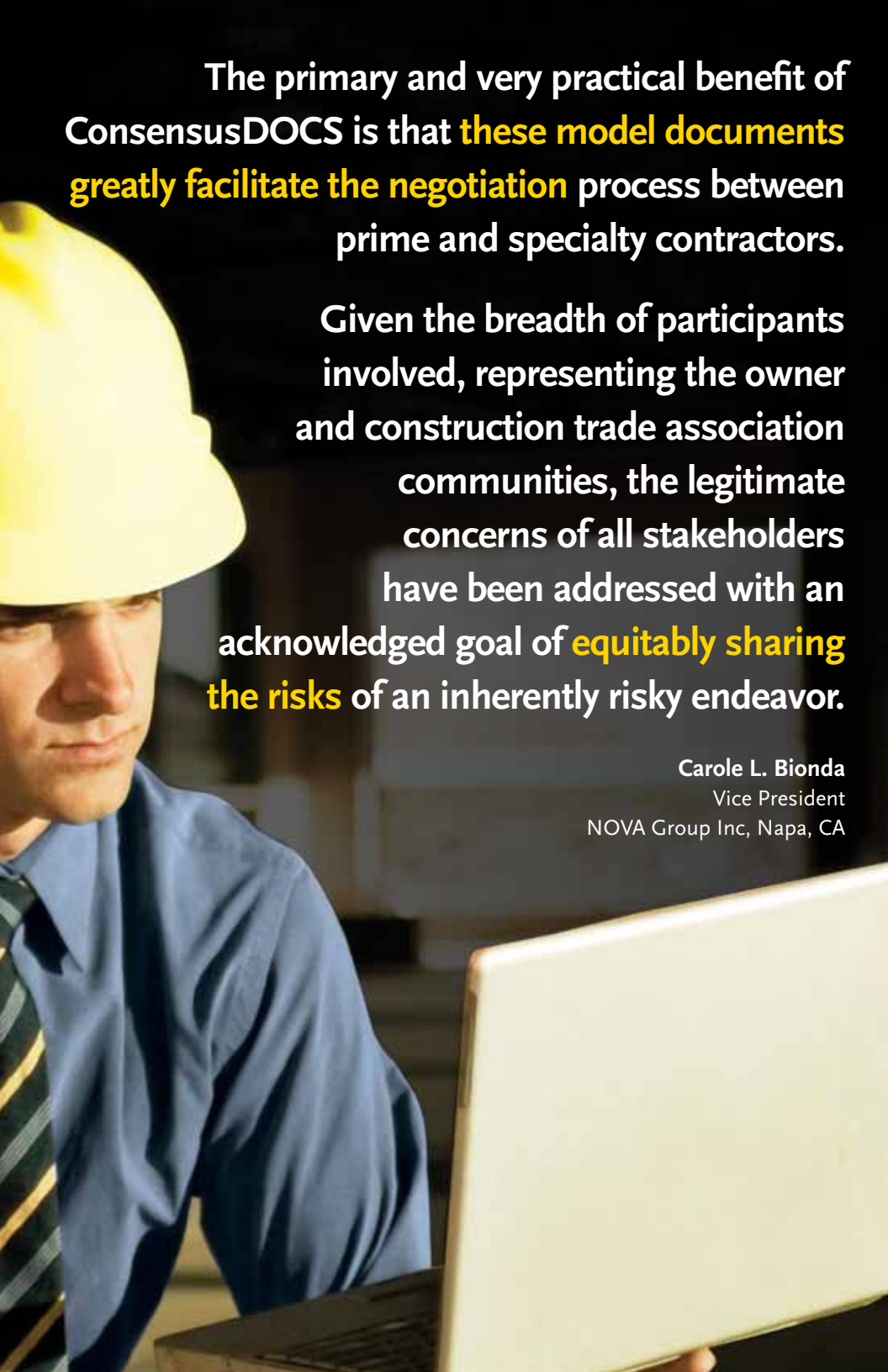
- ▲ **Better end results** only happen through proper planning, and that planning begins with the best contractual foundation with the best team possible.
- ▲ **By using fair documents** that do not shift risks inappropriately, contractors don't have to increase prices to account for unknown risk.
- ▲ **ConsensusDOCS' straightforward language** provides owners with real benefits by assisting them in acquiring the best prices from the best contractors.



4 *Better Project Results*

- ▲ **Every provision in the ConsensusDOCS** family of contract documents was written to advance the project's success.
- ▲ **ConsensusDOCS help owners** maintain their rights to contest claims and change orders, while ensuring constant project progress.
- ▲ **Owners have the most to gain** or lose in a project, and saving time and money are integral to better project results.





The primary and very practical benefit of ConsensusDOCS is that **these model documents greatly facilitate the negotiation** process between prime and specialty contractors.

Given the breadth of participants involved, representing the owner and construction trade association communities, the legitimate concerns of all stakeholders have been addressed with an acknowledged goal of **equitably sharing the risks** of an inherently risky endeavor.

Carole L. Bionda
Vice President
NOVA Group Inc, Napa, CA

A Balanced Contract Gives Owners a Greater Role

- ▲ **The Architect/Engineer's authority** and corresponding responsibilities are aligned properly with the owner's goals.
- ▲ **ConsensusDOCS contracts** allow owners to obtain greater permission to use the design documents for which they paid.
- ▲ **A balanced approach** allows projects to proceed in using design documents while respecting intellectual property rights.

Prevent, Mitigate and Resolve Disputes and Claims

- ▲ **Before problems become intractable**, innovative dispute resolution and mitigation procedures require parties to meet to resolve disputes early.
- ▲ **Parties communicate directly**. If not successful, a third-party or review board gives an objective decision.
- ▲ **ConsensusDOCS contracts** provide a strong financial incentive for parties to independently resolve arbitration claims.

“BIM is transforming the construction process and the ConsensusDOCS BIM Addendum provides **a balanced approach for all parties**, including design professionals, to implement and facilitate the adoption of BIM.”

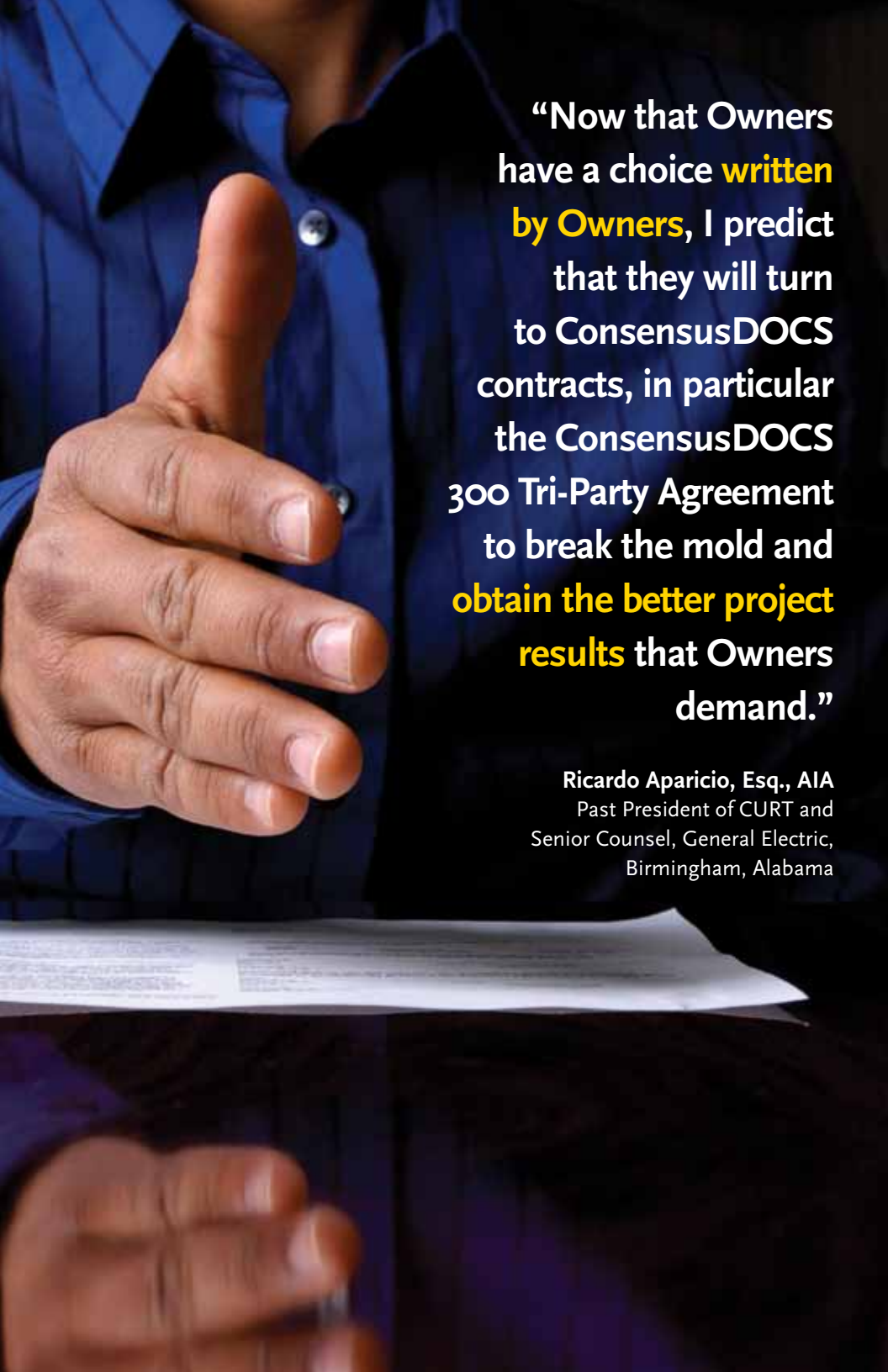
Davis Chauviere, AIA
Principal and CIO
HKS, Inc., Dallas, TX

Establish Positive Working Relationships and Direct Communications

- ▲ **Parties are expressly encouraged** to communicate directly and affirmatively agree to act ethically, which provides the basis for a positive team environment.
- ▲ **By establishing positive relationships**, parties are better focused on project results and better aligned with the owner's program throughout the construction process.
- ▲ **ConsensusDOCS help owners** resolve contentious claims through innovative claims mitigation procedures, while avoiding unnecessary layers of reporting.

Utilizing Building Information Modeling (BIM) and Electronic Communications

- ▲ **The BIM Addendum is the first and only** standard document to comprehensively address the legal ramifications of using the new transformative technology of BIM.
- ▲ **The BIM Addendum defines permissible** reliance on the model, addresses intellectual property rights, and facilitates management through a detailed BIM Execution Plan.
- ▲ **The Electronic Communications Protocol** allows secure reliance upon electronically transmitted information while providing management and administration flexibility.

A close-up photograph of a person wearing a blue button-down shirt. The person's right hand is raised, with the index finger pointing upwards and slightly to the right, as if making a point during a presentation or speech. The background is dark and out of focus.

**“Now that Owners
have a choice **written
by Owners**, I predict
that they will turn
to ConsensusDOCS
contracts, in particular
the ConsensusDOCS
300 Tri-Party Agreement
to break the mold and
**obtain the better project
results** that Owners
demand.”**


Ricardo Aparicio, Esq., AIA
Past President of CURT and
Senior Counsel, General Electric,
Birmingham, Alabama

IPD Agreement Takes Collaboration to a Higher Level

- ▲ **The ConsensusDOCS 300 Tri-party Collaborative Agreement** offers the construction industry's first standard integrated project delivery (IPD) standard contract.
- ▲ **The owner, design professional and constructor** all sign the same agreement and form a core management team to further the project's best interest.
- ▲ **Projects using an IPD and Tri-party approach** have already yielded greater efficiency and elimination of waste throughout the construction process.


A Balanced Approach to Liability Exposures

- ▲ **Achieving better project results**, with fewer headaches and without assuming unnecessary risk, is a goal for all parties.
- ▲ **Owners drafted a mature approach** to consequential damages and liquidated damages that provides strong financial incentives for performance.
- ▲ **ConsensusDOCS' provisions trigger parties** to communicate to articulate liquidated damages and exclusions from consequential damages.



“Of all the industry forms available, ConsensusDOCS is by far the most balanced substantively, and is powered by **the easiest software to use** for accurately tracking multiple revisions.”

Kimberly A. Hurtado, Esq.
Managing Shareholder
Hurtado, S.C., Wauwatosa, WI



ConsensusDOCS standard construction contracts are organized into five convenient series providing more than 80 individual documents including:

- ▲ General Contracting
- ▲ Collaborative (IPD/BIM)
- ▲ Design-Build
- ▲ Construction Management
- ▲ Subcontracting
- ▲ Program Management

ConsensusDOCS are available through either an annual subscription providing unlimited access or through Meter Mode which provides a nonrefundable debit account.

- ▲ Excerpted sample contracts
- ▲ Endorsing Associations' Guidebook to ConsensusDOCS
- ▲ Comparisons of construction standard industry contract documents
- ▲ Articles and presentations from a variety of professional industry sources

A variety of free additional resources are available at www.ConsensusDOCS.org.



**If you
have questions
regarding
ConsensusDOCS,
e-mail us at
info@ConsensusDOCS.org,
or call us at (866) 925-DOCS.**



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