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A Brief Overview of the Recent Changes to the AIA A201

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In 1997, the American Institute of Architects ("AIA") started updating the A201 every ten years. The AIA has now introduced a 2017 version of the A201 and other contract documents, including the A100 series.

The participants in drafting the AIA 2017 Documents consider the most significant changes in A201 to be:

- Insurance (Article 11 and Insurance Exhibit)
- Building information modeling (1.8)
- Termination (14.4)
- Notice (1.6)
- Liquidated damages
- Payment
- Cost of the work
- Sustainable construction
- Project communication
- Owner financial disclosures

Additionally, other documents were updated for 2017, specifically between owner and contractor (A101-2017, A102-2017, and A103-2017), between contractor and subcontractor (A401-2017), and between owner and architect (B101-2017 and B103-2017). For those with access to the AIA licensed software, the AIA Instruction Sheet also provides a summary of changes.

Some of the changes are:

- A Termination Fee being substituted for the overhead and profit under 14.4
- The owner and contractor have more direct communications without the architect
- A separate Insurance Exhibit A now exists to help the drafter stay current with the insurance industry updates and the newest endorsements
- The parties can now list the amount of liquidated damages in the Agreement

- The architect's options regarding certifying payments are clarified to include certifying for the full amount; certify for a portion of the amount; withhold certification and advise the contractor and owner for the basis of withholding certification (9.4.1)
- Lien indemnity is conditioned upon the owner's compliance with its payment obligations under the Agreement
- Final payment does not waive the owner's right to audit after final payment (9.10.4)
- The contractor can now refuse to proceed or can suspend work unless the owner provides timely reasonable evidence of its ability to pay for the work. (2.2).

The changes are more evolutionary than revolutionary but the changes are significant. It is highly recommended that review by a competent legal professional occurs before anyone uses the new form on their project.

To discuss this further, please contact:

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