Reasons Your Construction Project Needs ConsensusDOCS
“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.
Past 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 with coalition members from 34 leading construction industry organizations. ConsensusDOCS were drafted by expert construction practitioners and professionals with hundreds of years of combined experience.

The ConsensusDOCS Coalition – 34 Leading Construction Industry Associations

NASFA - National Association of State Facilities Administrators
CURT - The Construction Users Roundtable
COAA - Construction Owners Association of America
WCOE - Women Construction Owners & Executives, USA
AFE - Association for Facilities Engineering
NAWIC - National Association of Women in Construction
AGC - Associated General Contractors of America
ASC - Associated Specialty Contractors, Inc.
CIRT - Construction Industry Round Table
ASA - American Subcontractors Association, Inc.
ABC - Associated Builders and Contractors, Inc.
LCI - Lean Construction Institute
FCA - Finishing Contractors Association
MCAA - Mechanical Contractors Association of America
NECA - National Electrical Contractors Association
NIA - National Insulation Association
NRCA - National Roofing Contractors Association
PDCA - Painting and Decorating Contractors of America
PHCC - Plumbing Heating Cooling Contractors Association
NSA - National Subcontractors Alliance
SMACNA - Sheet Metal and Air Conditioning Contractors’ National Association
AWCI - Association of the Wall and Ceiling Industry
NAED - National Association of Electrical Distributors
DHI - Door and Hardware Institute
IEC - Independent Electrical Contractors
NGWA - National Ground Water Association
ASPE - American Society of Professional Estimators
WWEMA - Water and Wastewater Equipment Manufacturers Association, Inc.
ACCA - Air Conditioning Contractors of America
AWCI - Association of the Wall and Ceiling Industry
NASBP - National Association of Surety Bond Producers
SFAA - The Surety & Fidelity Association of America
CFMA - Construction Financial Management Association
CSI - Construction Specifications Institute
“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
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.

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.
“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 90 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.

Questions?
(866) 925-DOCS
info@ConsensusDOCS.org