

FAQs for Q2 2009 Release

1. What new or revised AIA Contract Documents are part of the April 2009 Release?

The April 2009 release will contain revised and updated agreements and forms for the Construction Manager as Adviser (CMA) family and the Construction Manager as Constructor (CMc) family.

2. What is the difference between the Construction Manager as Adviser (CMA) family and the Construction Manager as Constructor (CMc) family?

The Construction Manager as Adviser documents are based on a delivery model in which the Construction Manager provides independent construction management services purely as an adviser to the owner. Those services begin in the design phase and continue through completion of the project. Under the Construction Manager as Adviser delivery model, the construction manager does not assume direct responsibility for construction of the project. Construction of the project is accomplished through the owner's contract or contracts with a general contractor or multiple prime trade contractors.

The Construction Manager as Constructor family is based on a delivery model in which the construction manager provides preconstruction services in an advisory capacity and ultimately takes on the role of a construction contractor, including subcontracting and purchasing materials for incorporation into the project. The construction manager's compensation is divided between preconstruction phase services and construction phase services. For the preconstruction phase, the construction manager's compensation may be based on a lump sum, hourly basis, or some other formula. During the construction phase, the construction manager's compensation is based on the cost of the work plus a fee and may or may not be capped at a guarantee maximum price.

3. What Construction Manager as Adviser (CMA) family documents have been revised?

The following documents were revised and renumbered in 2009. The document title references below include the old document numbers.

A132™–2009 (formerly A101™CMA–1992), Standard Form of Agreement Between Owner and Contractor, Construction Manager as Adviser Edition

A232™–2009 (formerly A201™CMA–1992), General Conditions of the Contract for Construction, Construction Manager as Adviser Edition

A533™–2009 (formerly A511™CMA–1993), Guide for Supplementary Conditions, Construction Manager as Adviser Edition

B132™–2009 (formerly B141™CMA–1992), Standard Form of Agreement Between Owner and Architect, Construction Manager as Adviser Edition

C132™–2009 (formerly B801™CMA–1992), Standard Form of Agreement Between Owner and Construction Manager as Adviser

G732™–2009 (formerly G702™CMA–1992), Application and Certificate for Payment, Construction Manager as Adviser Edition

G736™–2009 (formerly G722™CMA–1992), Project Application and Project Certificate for Payment, Construction Manager as Adviser Edition

4. How were the Construction Manager as Adviser (CMA) family documents changed?

The documents were updated to incorporate key concepts from the AIA Contract Documents released in 2007 and 2008, including the following:

- Dispute resolution check box: Arbitration is no longer the mandatory method of binding dispute resolution. Each Construction Manager as Adviser agreement has a check box and the parties are asked to select the method of binding dispute resolution from three choices: arbitration, litigation or another method that the parties must identify. If the parties fail to make a selection, litigation is the default method for binding dispute resolution.
- Initial Decision Maker: A132–2009 contains a fill point where the owner and contractor may identify a neutral third-party Initial Decision Maker (IDM). For most claims, the decision of the IDM is a condition precedent to mediation and binding dispute resolution. If the parties do not appoint a third party, the architect will act as the IDM.
- Contractor Payment: A132–2009 contains a check box where the owner and contractor select the method of payment from three choices: stipulated sum, cost of the work plus a fee with a guaranteed maximum price, or cost of the work plus a fee without a guaranteed maximum price.
- Digital Data: A232™–2009 and each of the Construction Manager as Adviser agreements encourage the project participants to establish protocols governing the transmission of digital data. AIA documents E201™–2007, Digital Data Protocol Exhibit, and E202™–2008, Building Information Modeling Protocol Exhibit, are specifically referenced in the agreements, and fill points are provided if the parties wish to utilize other protocol documents.
- Payment Applications: The payment application process and payment application forms have been revised to better accommodate the difference between projects where the owner contracts with a general contractor and projects where the owner contracts with multiple prime contractors for construction of the work. In the case where the owner contracts with one general contractor, the construction manager reviews the contractor's periodic payment applications and supporting materials and, upon certification, forwards each payment application and the supporting materials to the architect for review and certification. In the case of multiple prime contractors, the construction manager reviews the individual periodic payment applications and supporting materials from each of the trade contractors. The construction manager uses data from the individual periodic payment applications to prepare a project application and certificate for payment and a summary of the contractors' applications, and forwards those summary documents to the architect for review and certification for payment.

5. What Construction Manager as Constructor (CMc) family documents have been revised?

The following documents were revised and renumbered in 2009. The document title references below include the old document numbers.

A133™–2009 (formerly A121™CMc–2003) Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price

A134™–2009 (formerly A131™CMc–2003) Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee without a Guarantee Maximum Price

6. How were the Construction Manager as Constructor (CMc) family documents changed?

The documents were updated to incorporate key concepts from the AIA Contract Documents released in 2007 and 2008, including the following:

- Dispute resolution check box: Arbitration is no longer the mandatory method of binding dispute resolution. Each Construction Manager as Constructor agreement has a check box and the parties are asked to select the method of binding dispute resolution from three choices: arbitration, litigation or another method that the parties must identify. If the parties fail to make a selection, litigation is the default method for binding dispute resolution.
- Initial Decision Maker: A133–2009 and A134–2009 each contain a fill point where the owner and contractor may identify a neutral third-party Initial Decision Maker (IDM). For most construction phase claims, the decision of the IDM is a condition precedent to mediation and binding dispute resolution. If the parties do not appoint someone else, the architect will act as the IDM. For claims arising from preconstruction phase services a decision by the IDM is not a condition precedent to mediation or binding dispute resolution.
- Digital Data: A201™–2007 and each of the Construction Manager as Constructor agreements encourage the project participants to establish protocols governing the transmission of digital data. AIA documents E201™–2007, Digital Data Protocol Exhibit, and E202™–2008, Building Information Modeling Protocol Exhibit, are specifically referenced in the agreements, and fill points are provided if the parties wish to utilize other protocol documents.

7. When will the older CMA and CMc documents expire?

- The following Construction Manager as Adviser (CMA) documents will expire on **December 31, 2010**: A101™, A201™, A511™, B141™, B801™, G702™, G722™
- The following Construction Manager as Constructor (CMc) documents will expire on **May 31, 2010**: A121™ and A131™

8. Where can I find additional information about all AIA Contract Documents?

- Please visit www.aia.org/contractdocs for more information about AIA Contract Documents.