



Issue Brief

The American Institute of Architects • Government Advocacy • Current Issue Position and Analysis

AIA Contract Documents®

AIA Position

Most construction and design professionals do not have the time or expertise to create the perfect contracts for their needs without costly third-party involvement. AIA Contract Documents® (ACD) offer a unified, widely-accepted and user-friendly solution to this dilemma – and have done so for over a century. ACD are used in state and local procurement across the country and, to that end, the ACD team is working with state and local components to further the use of ACD in public procurement. Those efforts include licensing ACD content and/or the use of ACD software for state- or agency-specific applications.

Action Sought

The AIA encourages members and components to advocate that the federal government, states, and municipalities use ACD as the basis for contracts for architectural and other services.

Explanation and Justification

ACD are the Industry Standard

- Ninety percent of contractors, architects, lawyers, and building owners surveyed agree that ACD are the industry's most widely-accepted documents.¹
- Ninety percent also said that broad acceptance is a key component in selecting contract documents.
- In addition, ACD provide a solid basis of contract provisions that are enforceable under existing law at the time of publication. To wit, a significant body of case law concerning contracts for design and construction is based largely on the language of AIA standard forms.²
- ACD are time-tested, with more than 120 years of history and precedent behind them, but they are, by no means, static. For example, ACD, in conjunction with the AIA California Council, was the first to introduce an Integrated Project Delivery (IPD) Guide, and continues to innovate by offering several different types of IPD agreements. ACD also reviews the entire library of forms and agreements every 10 years to ensure continued relevancy.
- At present, according to an informal survey of the AIA State Government Network, at least one-quarter of the states use ACD in some form or fashion. As more data come in, that number is certain to grow.

ACD are fair and balanced

- The ACD drafting process is based on the cooperative input and experience of the AIA Documents Committee, made up of practicing architects – including some who work for owners and contractors,

¹ The AIA 2008 Market Survey had approximately 1,400 respondents – roughly 390 of whom were contractors, 380 architects, 300 building owners, and 300 lawyers.

² Those court decisions are discussed in The American Institute of Architects Legal Citator, published by Matthew Bender & Company, Inc., a member of LexisNexis Group. Recent cases are summarized and all cases are keyed to the specific provisions in the AIA documents to which they relate.

and some who also are attorneys – who have been appointed based on their experience, regional diversity, and variety of practices

- In crafting documents, ACD also seeks input from industry stakeholders and experts (e.g. contractors and their representative groups, architects, major insurers, attorney groups) to ensure that, as much as feasible, the documents are fair and balanced for all parties.³

ACD are easy to use.

- ACD are updated frequently, with those updates being well-publicized, so there are no hidden changes as documents evolve and the documents reflect the latest industry trends.
- ACD offers the most extensive library of agreements and forms in the industry (more than 100 are available).
- ACD are grouped by family (documents coordinated to tie together various relationships on the same project types and delivery methods) and by series (documents reflecting their purpose [e.g., owner/contractor agreements found in the A series]), which makes it quicker and easier for users to select the documents appropriate for their projects.
- ACD software is Microsoft-driven, so contracts are easy to:
 - edit
 - share
 - send via e-mail
 - track changes made
 - auto-populate
 - customize
 - perform calculations
- Support for ACD comes from:
 - regularly-updated online resources (e.g., webinars, podcasts, video tutorials)
 - help tools built in to ACD software itself
 - dedicated content advice and technical support staff

The ACD team will be glad to assist you in discussions with state and local officials in advocating for the use of ACD. For assistance, please e-mail or call Ken Cobleigh, Managing Director and Counsel, AIA Contract Documents (kcobleigh@aia.org, 202-626-7321) or Susan Van Bell, Director and Associate counsel, AIA Contract Documents (susanvanbell@aia.org, 202-626-7397).

³ For example, during the 2007 drafting process, the Documents Committee worked with representatives from the ABA Forum on the Construction Industry, AIA Knowledge Communities, American College of Construction Lawyers, Associated Specialty Contractors, American Subcontractors Association, Associated Builders and Contractors, Associated General Contractors, Commercial Owners Association of America, Council of American Structural Engineers, and the National Association of State Facilities Administrators.
