KEY CHANGES TO THE UPDATED 2017 AIA CONSTRUCTION CONTRACTS

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I. INTRODUCTION/SCOPE

- The primary purposes of this outline are first to advise the developer, attorney or contractor who prepares construction contracts using the AIA documents of the 2017 updates, including major revisions from the 2007 series documents. The 2007 series documents will no longer be available for use after October 31, 2018.
- The second purpose is to provide a list of the 2017 AIA documents that were updated as well as some specialty AIA documents that were published for the first time or updated subsequent to 2007 and which document is best suited for a particular construction project.

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I. Introduction/Scope – cont.

- Third, the outline provides a checklist of construction contract provisions for review by lender's counsel.
- Fourth, the outline also advises the developer, attorney or contractor who is in the process of preparing a construction contract for a commercial project on how to deal with certain key issues when utilizing the AIA documents or other forms of agreement. The provisions which I have provided in the Appendix modifying certain provisions of the AIA documents are equally applicable to other industry forms or manuscript forms. Since most of us represent owners

I. Introduction/Scope – cont.

or developers, when you are drafting or revising a construction contract, there are many variables in determining which AIA contract form is best and whether or how to revise such contract form. The owner's attorney should be sensitive to any existing relationship between the contracting parties, respect customary practices, know local law, be aware of drafting "trade offs" and appreciate different approaches as to the basic objectives of the particular construction contract.

- The most important thing I have learned in preparing and negotiating construction contracts over the past thirty-five years is that

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