

The General Conditions

of the Contract for Construction - AIA A 201

DEFINITION

- The General Conditions set the rights, responsibilities and relationship of the owner, contractor, and architect. (*AIA definition*)
- The General Conditions include practices common in the USA. They are prepared and published by recognized associations like the AIA, EJCDC, and the DBIA.
- The language in these documents has been around for many years. It has been tested and interpreted by the courts, and it is well known in the industry.
- These documents established a baseline from which exceptions, additions and modifications are taken as applicable to each firm and project.
- RMW uses the AIA 201-2017 - General Conditions of the Contract for Construction with RMW modifications provided by our lawyers and our principals. This document is available in RSPACE.

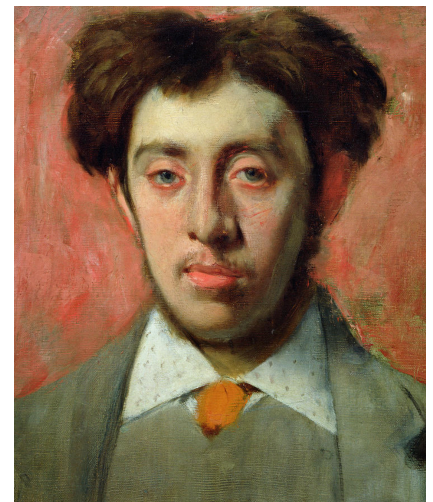
Never use an AIA Document “out of the box”. Ask a principal which document to use.

THE AGREEMENTS

These AIA agreements should include the **AIA A 201-2007** - General Conditions of the Contract for Construction:

- AIA A102 2017 - Standard Form of Agreement Between Owner and Contractor Where the Basis of Payment Is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price
- AIA A103 2017 - Standard Form of Agreement Between Owner and Contractor where the basis of payment is the Cost of the Work Plus a Fee without a Guaranteed Maximum Price
- AIA A104 2017 - Standard Abbreviated Form of Agreement Between Owner and Contractor
- AIA A133 2009 - 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
- AIA A134 2009 - 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 Guaranteed Maximum Price
- AIA A 232 2009 - General Conditions of the Contract for Construction, Construction Manager as Adviser Edition (use ONLY with the AIA A201CMA. DO NOT use for use with agreements where the Construction Manager takes the role of constructor.)

Our contract documents typically reference the AIA A201 as modified for RMW.



Portrait of Albert Melida - Edgar Degas

The OWNER'S Documents

- Public agencies, and some private owners, frequently have their own General Conditions. When a public agency client requires that we include their general conditions in our Specifications, always have our lawyers review them.
- Frequently, the general conditions provided by our clients have provisions in them which will affect the management of the project and our standard contract administration procedures, and may carry additional risk for RMW.
- Occasionally, we had have clients whose general conditions are not intended for construction contracts; they may provide other type of contracts, like for example, for software development, so **be very careful with this.**

Information in this module is taken from the *CSI Manual of Practice* 15th Edition and the AIA documents page <https://www.aiacontracts.org/>

THE PROVISIONS IN THE GENERAL CONDITIONS

- Basic Definitions - Terms that should be used throughout the Contract Documents.
- Rights and Obligations of the Owner, the Contractor and the Architect - Basically who does what.
- Changes in the Work - How to handle those, who is responsible for what.
- Time - Definitions of basic milestones. NOTE THAT THE AIA DOCUMENTS REFER TO **CALENDAR DAYS, NOT WORKING DAYS**, SO BE CAREFUL WHEN USING THIS TERM.
- Payments - The process of paying the Contractor and who does what.
- Protection of Persons and Property - In general terms, always assigning the responsibility of these to the Contractor.
- Insurance and Bonds: As required from the Owner and the Contractor,
- Correction of Work - What to do if something missing or not complete at the time of Substantial Completion
- Miscellaneous: Items such as testing, governing law, etc.
- Termination or Suspension of the Contract: What happens if the Work is suspended or terminated.
- Claims and Disputes: Methods of resolution when they happen, and if not resolved, what happens then.

The General Conditions are essential to the contract of the Project, and everyone who does contract administration work should be familiar with them and should know where to find them.

You can get the free sample of the unedited PDF of AIA A201 2017 General Conditions of the Contract for Construction from http://aiad8.prod.acquia-sites.com/sites/default/files/2017-04/A201_2017%20sample%20%28002%29.pdf.

You can get the same document with RMW modifications from RSPACE.

The END

The General conditions are issued with the specs, either whole or by reference.

Never issue a set of Contract Documents (Construction Documents) without General Conditions!