

# ConsensusDOCS: A New Game in Town

During the fall of 2007 two significant contract document forms were published that are having a dramatic effect on the design and construction industries: the 2007 revisions to the AIA A201 General Conditions, and the 2007 ConsensusDOCS.

**Join us to learn more about the ConsensusDOCS and how they compare to the AIA documents.**

The seminar should be of value to anyone involved with the drafting and use of contract documents for design and construction projects, including owners, design professionals, contractors, subcontractors, vendors, sureties, insurers, developers, and attorneys.

**AGC of Michigan is pleased to offer this half day seminar in three Michigan locations.**

\$79/member \* \$90/CIAP \* \$105/non-member  
Sessions run from 8:00 a.m. - noon and includes a continental breakfast and seminar materials.

**June 18, 2008 Ramada Inn, Marquette, MI**

**June 19, 2008 AGC Michigan, Lansing, MI**

**June 20, 2008 EMU Livonia, Livonia, MI**

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## Why attend?

The ConsensusDOCS are very significant because, for the first time, contract documents have been developed under a corroboration of industry groups and associations, as opposed to being developed by a single sponsor (as are the AIA documents). The ConsensusDOCS coalition consists of 21 separate associations representing owners, contractors, subcontractors, designers, and sureties. The ConsensusDOCS were developed under two guiding principles: (1) to provide for the industry's current and best practices, and (2) to provide for effective management and equitable distribution of risk.

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Greg Sizemore, Executive Vice President of the Construction Users Roundtable (CURT) noted, "For once the industry has come together in a truly collaborative way to create value for all the stakeholders."

Written by, and for owners, contractors, subcontractors, designers, and sureties, ConsensusDOCS includes more than 70 contracts and forms, and address all project delivery methods. These best practice documents address cutting edge issues such as electronic communications, lean construction, and building information modeling (BIM).

According to Tom Barfield, a consultant who represented the Associated Specialty Contractors, the documents were developed to ensure high ethical standards and include language specifying that work would be done in good faith. "The air of the consensus documents is to reflect best practices in the industry," he says. "It was the basic governing principle."

Using these standard agreements provides predictability and professionalism in your contracts. Issues such as insurance, indemnification, payment, ownership of the

documents, and dispute resolution procedures are all addressed, while still allowing the parties to negotiate terms that meet their respective needs.

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Lynn M. Schubert, president of the Surety & Fidelity Association of America, says her members had become concerned about the "increasing shifting of risk in contracts." The open discussions held by the participating ConsensusDOCS associations assured her that the documents "truly represent who best bears the risk as opposed to who will have to pay for it."

This seminar will introduce the new ConsensusDOCS; explore their derivation and development; explain the philosophy and principles guiding their terms and conditions; and compare them to the 2007 revisions to the AIA A201 General Conditions, and the 1997 version of the AIA A 201 General Conditions.



## The faculty

The seminar will be presented by a qualified, experienced faculty including:

**Thomas M. Keranen, PE, Esq., Keranen and Associates.** Tom is an experienced Professional Engineer and Construction Attorney in Michigan, who has been actively involved with AGC's National Contracts Committee on the drafting of ConsensusDOCS and the evaluation of the 2007 revisions to AIA A201. Mr. Keranen has been practicing construction law for over 27 years and is licensed to practice law in Michigan, Florida and Wisconsin as well in various federal courts, including the United States Court of Federal Claims. Mr. Keranen is a frequent presenter on a variety of legal issues and topics of interest to the design and construction industries.

**John Sier, Esq., Kitch Attorneys & Counselors.** John M. Sier concentrates his practice in dispute avoidance and resolution of commercial, health care and construction contract issues as the head of the firm's commercial litigation group. In the construction industry, Mr. Sier has experience in analyzing legal aspects of various project delivery methods including drafting construction contracts as well as assisting in dispute resolution and project completion. In health care, Mr. Sier has handled matters involving staff privileges, Medicare and third-party payer reimbursement issues as well as HIPAA compliance issues. He received his Juris Doctor and Master of Arts in Mass Communication and Journalism from Drake University Law School and Graduate School in 1986. He has published articles and presented seminars on construction, health care and commercial issues.

**Jack Mumma, Esq., Michigan State University.** Jack is the Construction Contract Administrator for Michigan State University. His responsibilities include procurement and contract administration of major construction and design projects; implementation and process definition the University's capital projects management information system; and process & quality improvements for the planning, design, and construction processes at MSU. Jack teaches at MSU's School of Planning, Design, and Construction. Prior to joining MSU, he was a contracting officer for the Office of Naval Research. Jack is the immediate past president of Construction Owners Association of Americas (COAA).

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Please mail or fax this registration form to:

**AGC of Michigan, 2323 N. Larch, Lansing, MI 48906—fax (517) 371-1131**

**For more information contact Viki Gotts (vgotts@agcmichigan.org or 313.533.3509 Ext. 3102).**

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