

# Aia Construction Management Agreement

## AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER

### THIS AGREEMENT

made this \_\_\_\_\_ day of \_\_\_\_\_, 20XX, between the University of Central Florida Board of Trustees, State of Florida, (hereinafter called the "Owner") and CM, Name: A-444444, Federal I.D. No. 00-000000 (hereinafter called the "Construction Manager"), for services in connection with the following described Project: "Building Program Name, Facilities Planning Building Program, Date of State Project No. UCF-000". The Architect/Engineer for the Project is Architect Name & Address.

The Owner and the Construction Manager agree as set forth below:

### ARTICLE 1

#### The Construction Team and Extent of Agreement

1.1 The Construction Manager agrees to furnish its best skill and judgment and to cooperate with the Architect/Engineer in furthering the interests of the Owner. The Construction Manager agrees to furnish efficient business administration and superintendence to complete the Project in an expeditious and economical manner consistent with the interests of the Owner, and in accordance with the Contract Documents and the original baseline project schedule.

1.2 The Construction Team: The Construction Manager, the Owner, and the Architect/Engineer (the "Construction Team") will work as a team through construction completion. The Construction Manager shall provide leadership to the Construction Team on all matters relating to construction. The Architect/Engineer will provide leadership to the Construction Team on all matters relating to design.

1.3 Extent of Agreement: The Contract Documents consist of this Agreement, the Drawings and Specifications, the Conditions of the Contract, and all amendments issued subsequent to execution of this Agreement, and together with them, represents the entire agreement between the Owner and the Construction Manager and supersedes all prior negotiations, representations or agreements, whether verbal or written. These documents form the Contract, and all are as fully a part of the Contract as if attached to this Agreement and incorporated herein. The Conditions of the Contract include the following documents which are incorporated herein: the edition of AIA Document A201, General Conditions of the Contract for Construction, as revised by the Owner, dated October 27, 2010; the Supplementary General Conditions for Construction Management Contracts, the document forms and Special Conditions contained in the University of Central Florida Project Manual. Where this Agreement is expressly in conflict with the Conditions of the Contract, this Agreement will prevail. Where this Agreement is silent, the Conditions of the Contract, and the requirements of the Drawings and Specifications will prevail. This Agreement may be amended only by written instrument signed by the Owner and the Construction Manager. Further, the Owner may request the construction manager to construct other minor projects, as requested by the university and any other work that is agreed upon shall be memorialized by a written amendment to this agreement, and such amendment shall adequately describe the scope of work and fee for such services.

### ARTICLE 2

#### Construction Manager's Basic Services

2.0 The Construction Manager's Basic Services under this Agreement include preconstruction phase services and construction phase services. The currently published University of Central Florida Design, Construction, and Restoration Standards shall be adhered to for all design and construction Work.

2.1 The Preconstruction Phase: The Construction Manager shall

2.1.1 Provide preconstruction deliverables consisting of a letter of Conceptual Schematics, and an 80% report of reports at Advanced Schematics and Design Development and an 80% report of a report at 50% Construction Documents, together with a Guaranteed Maximum Price proposal. The letter of Conceptual Schematics will indicate the Construction Manager's confirmation that the concept selected can be constructed within the budget. The reports shall include a complete discussion

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**AIA Construction Management Agreement** is a crucial document used in the construction industry to define the relationship between the project owner and the construction manager. This agreement outlines the responsibilities, roles, and obligations of each party involved in a construction project, ensuring that all aspects are clearly defined to facilitate a smooth construction process. In this article, we will explore the key components of an AIA Construction Management Agreement, its importance, and how it can protect both parties throughout the project lifecycle.

## Understanding the AIA Construction Management Agreement

The American Institute of Architects (AIA) provides standardized forms and documents that are widely accepted in the construction industry. The AIA Construction Management Agreement is one of these documents, designed to create a collaborative framework between the owner and the construction manager, whether the project involves a single construction endeavor or an ongoing relationship.

# Key Components of the AIA Construction Management Agreement

An AIA Construction Management Agreement typically includes several essential components:

1. **Parties Involved:** Clearly identifies the project owner and the construction manager, outlining their roles and responsibilities.
2. **Scope of Work:** Defines the specific tasks and duties that the construction manager will undertake, which may include pre-construction services, project planning, cost estimating, scheduling, and overall project coordination.
3. **Compensation:** Details the payment structure for the construction manager, which can be a fixed fee, a percentage of the construction cost, or a combination of both. It also describes the process for reimbursable expenses.
4. **Project Schedule:** Establishes timelines for project milestones and completion dates, ensuring that both parties are aligned on expectations.
5. **Performance Standards:** Outlines the quality of work expected from the construction manager, including adherence to industry standards and compliance with local building codes.
6. **Liability and Insurance:** Specifies the insurance requirements for both parties, including general liability, professional liability, and workers' compensation insurance.
7. **Dispute Resolution:** Provides methods for resolving conflicts that may arise during the project, such as mediation, arbitration, or litigation.
8. **Termination Clause:** Defines the conditions under which either party can terminate the agreement, including breaches of contract or failure to perform.

## The Importance of the AIA Construction Management Agreement

The AIA Construction Management Agreement serves several critical purposes in the construction industry:

### 1. Clarity and Transparency

One of the primary benefits of using an AIA Construction Management Agreement is the clarity it provides. By outlining the roles and responsibilities of

each party, the agreement helps to prevent misunderstandings and disputes. This transparency is essential in managing expectations and ensuring that both the owner and the construction manager are on the same page.

## **2. Risk Management**

Construction projects are inherently risky, and the AIA Construction Management Agreement helps to mitigate these risks by clearly defining liability and insurance requirements. By specifying how risks will be managed, both parties can protect themselves from potential financial losses and legal disputes.

## **3. Structured Communication**

Effective communication is vital in any construction project. The AIA Construction Management Agreement establishes a framework for communication between the owner and the construction manager, allowing for regular updates, progress reports, and feedback. This structured approach helps to keep the project on track and ensures that any issues are addressed promptly.

## **4. Adaptability**

The AIA Construction Management Agreement is designed to be flexible, allowing for adjustments as the project progresses. If unforeseen circumstances arise, such as changes in scope or budget, the agreement can be amended to reflect these changes. This adaptability is crucial in the dynamic environment of construction projects.

# **Types of AIA Construction Management Agreements**

There are different types of AIA Construction Management Agreements, each tailored to specific project needs. Understanding these variations can help project owners choose the right agreement for their situation.

## **1. Construction Manager as Agent (CMA)**

In this arrangement, the construction manager acts as an agent for the owner, providing advisory services throughout the project. The construction manager is responsible for hiring subcontractors and managing the construction process, but they do not assume risk for the project. This type of agreement is often preferred by owners who want more control over the project.

## 2. Construction Manager as Constructor (CMC)

In a CMC arrangement, the construction manager takes on a more hands-on role, assuming responsibility for the construction work itself. This means the construction manager contracts directly with subcontractors and is responsible for the project's overall success. This type of agreement can streamline the construction process but may also involve greater risk for the construction manager.

## 3. Agency Construction Management Agreement

This type of agreement is similar to the CMA arrangement but emphasizes the construction manager's role as an advocate for the owner. The construction manager is involved in the project from the early planning stages, helping to develop the project budget and timeline. This agreement is beneficial for owners who want a construction manager to guide them through the project lifecycle.

## Steps to Drafting an AIA Construction Management Agreement

When drafting an AIA Construction Management Agreement, it is essential to follow a structured approach to ensure that all necessary elements are included and that the agreement accurately reflects the intentions of both parties.

1. **Identify the Parties:** Clearly state the names and addresses of the project owner and the construction manager.
2. **Define the Scope of Work:** Outline the specific services the construction manager will provide, including pre-construction and construction services.
3. **Establish Compensation:** Detail the payment structure, including fees, reimbursable expenses, and payment schedules.
4. **Outline Performance Standards:** Specify the quality of work expected and any relevant industry standards.
5. **Include a Project Schedule:** Establish timelines for project milestones and completion dates.
6. **Address Liability and Insurance:** Specify the insurance requirements and liability coverage for both parties.

7. **Include Dispute Resolution Procedures:** Outline methods for resolving conflicts that may arise during the project.
8. **Detail Termination Clauses:** Define the conditions under which the agreement may be terminated.

## **Conclusion**

In summary, the AIA Construction Management Agreement is a vital tool in the construction industry, providing a clear framework for collaboration between project owners and construction managers. By outlining the roles, responsibilities, and expectations of both parties, this agreement helps to mitigate risks, improve communication, and ensure the successful completion of construction projects. Whether you are a project owner or a construction manager, understanding the intricacies of this agreement can lead to more efficient and effective project management.

## **Frequently Asked Questions**

### **What is an AIA construction management agreement?**

An AIA construction management agreement is a formal contract created by the American Institute of Architects that outlines the roles, responsibilities, and obligations of the construction manager and the owner in a construction project. It aims to facilitate collaboration and ensure clarity in project execution.

### **What are the key components of an AIA construction management agreement?**

Key components of an AIA construction management agreement typically include project scope, payment terms, performance expectations, risk allocation, dispute resolution processes, and timelines for completion. These elements help to define the relationship between the parties involved.

### **How does an AIA construction management agreement differ from a traditional construction contract?**

Unlike traditional construction contracts that usually emphasize a fixed price for the entire project, an AIA construction management agreement often allows for a more flexible arrangement where costs are managed and billed as the project progresses, making it suitable for projects with changing scopes.

## What are the benefits of using an AIA construction management agreement?

The benefits include enhanced collaboration, improved communication between parties, effective risk management, and clarity in roles and responsibilities. This agreement can facilitate a smoother project flow and potentially lead to cost savings and timely completion.

## Can an AIA construction management agreement be modified after it is signed?

Yes, an AIA construction management agreement can be modified after it is signed, but any changes must be documented in writing and agreed upon by all parties involved. This ensures that all modifications are clear and enforceable.

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