

Introduction to Construction Industry Formbook, 2024-2025 Edition

This work aims to give you the tools you need to protect your clients by drafting masterful legal contracts or choosing a prefabricated form that will best serve their interests. The Formbook includes documents from organizations representing a range of participants in the construction industry—including architects, contractors, and engineers—and is equally beneficial for all participants in a construction relationship. The authors explain the purpose of various forms, and often include proposed alternate clauses favoring the interests of the different parties to the contract. Along with provisions of current AIA, DBIA, EJCDC, CSI, and ConsensusDocs contracts, this work includes forms for construction management contracts, subcontracts and purchase orders, conventional prime contracts, design-build contracts, and owner/architect agreements, and that promote best practices in public and private construction projects.

This edition incorporates a number of newly-created or amended forms relating to:

- Conventional Prime Contracts: Stipulated sum and cost plus
(Chapter 1: California Home Improvement Contract; Standard Specifications for Public Works Construction—*Greenbook*, 2024.)
- Design-Build Contracts
(Chapter 2: DBIA Document No. 525 – Standard Form of Agreement between Owner and Design-Builder – Lump Sum (2024); DBIA Document No. 530 – Standard Form of Agreement between Owner and Design-Builder – Cost Plus Fee with an Option for a Guaranteed Maximum Price (2024); DBIA Document No. 544 – Progressive Design-Build Agreement (2024); DBIA Document No. 545 – Progressive Design-Build Agreement for Water and Wastewater Projects (2024); E-DEI — Diversity, Equity & Inclusion Example Provisions (2023); E-INS-I — Insurance Exhibit--Design-Builder’s Insurance Requirements (2023); E-INS-II — Insurance Exhibit--Owner’s Insurance Requirements (2023); E-INS-III — Insurance Exhibit—Design Consultant’s Insurance Requirements (2023); E-INS-IV — Insurance Exhibit--Owner’s Insurance Requirements (2023). (See also at § 2:18 the list of the complete set of DBIA forms, contracts, agreements, and insurance exhibits.)

- **EJCDC Documents**
 (Chapter 14: Agreement Between Owner and Geotechnical Engineer for Professional Services—EJCDC E-530 (2024 edition); Teaming Agreement to Pursue Joint Professional Services Opportunity—EJCDC E-580 (2024 edition); Agreement Between Owner, Design Engineer, and Peer Reviewers for Peer Review of Design—EJCDC E-581 (2024 edition); Joint Venture Agreement for Professional Services—EJCDC E-590 (2024 edition). (*See also*, adjacent to the specified form, the EJCDC’s comments regarding the revisions to EJCDC E-530, EJCDC E-580, EJCDC E-581, and EJCDC E-590.)
- **ConsensusDocs**
 (Chapter 16: ConsensusDocs Guidebook; ConsensusDocs 200 Standard Agreement and General Conditions Between Owner and Constructor; ConsensusDocs 205 Standard Short Form Agreement Between Owner and Constructor and General Conditions (Lump Sum Price); ConsensusDocs 230 Standard Agreement and General Conditions Between Owner and Constructor (Cost of Work Plus a Fee with GMP); ConsensusDocs 235 Standard Short Form Agreement Between Owner and Constructor (Cost of Work Basis); ConsensusDocs 500 Standard Agreement and General Conditions Between Owner and Construction Manager (CM At-Risk); ConsensusDocs 750 Standard Agreement Between Constructor and Subcontractor; ConsensusDocs 751 Short Form Agreement Between Constructor and Subcontractor; and ConsensusDocs 752 Standard Agreement Between for Use on Federal Government Construction Projects. (*See also*, adjacent to the specified form, ConsensusDocs’ comments regarding the revisions to ConsensusDocs 200, 205, 235, 253, and 751.)
- **This edition now also includes as Appendix I California Construction Payment Forms**
 As construction relationships become increasingly complex (as do occasions for incurring liability), a comprehensive and sufficiently protective contract becomes ever more essential. Decades ago, James Acret recognized there was a dearth of useful contract forms available to attorneys representing construction project participants and was among the first in California (and perhaps the nation) to begin drafting such contract forms and making them available for general use. We work diligently each year to continue this tradition and to make this publication the most important resource available in this area. We hope that you will find it valuable in your practice.

Many thanks for your subscription.

Annette Davis Perrochet

October 2024