



[Green Expectations are Key to a Successful Construction Project](#)



I have talked a lot about [LEED and sustainable building](#) here at Construction Law Musings. Recently, Constructor Magazine ran an article about "[Green Expectations](#)" that caught my eye.

While we (and I include the [great guest posts](#) on the subject) have discussed the [risks and possible future litigation](#) relating to LEED and sustainable building, the Constructor article discusses the need to set expectations early in a project. While this may seem to be elementary, the definitions of "green" and even LEED are sometimes unclear. Until such basic terms are hashed out, preferably before the contracts are even drafted, the parties to a green construction project (from the owner on down to a supplier) *cannot* be on the same page. Remember, "green" or "sustainable" is not a specification, just a descriptor with many definitions depending on who you talk to.

Furthermore, roles have to be laid out in detail in a way that balances the responsibility and risk among all of the parties. Edward Gentilcore, Esq. (a fellow member of the AGC Contract Documents Committee) says it well in the Constructor article.

The earlier expectations are defined, the better the balance of contract performance will be.

Combine these early discussions and clarifications of roles (possibly through the use of [Building Information Modeling](#) (BIM)) will avoid potential issues such as an owner requirement of a certain [LEED certification](#) level from a contractor without a design to support that level of LEED certification from the architect.

Without early setting of expectations and even what seem like the basic definitions of "green" and "sustainable" that evil substance "gray area" can creep into the contracting and building process. It is in this world of "gray area" that [construction attorneys](#) and litigators become necessary and where problems breed.

Communication early and throughout the process to define expectations and assure a smooth building process is key to a successful green project. As a contractor or

subcontractor, your contract and its language is key to assuring that such communication occurs.

Please check out my [Construction Law Musings Blog](#) for more on Virginia construction law and other topics.