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MIND OF A LAWYER. HEART OF A CONTRACTOR.

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## **Changes To ConsensusDocs Come 2 Years Early**

[Engineering News Record](#) (ENR) (among other publications, including my good friend [Chris Hill's Construction Law Musings Blog](#)) recently reported that the construction contract documents published by ConsensusDOCS were substantially updated.

The update comes just a little over three years since the launch of the ConsensusDOCS program, which is a collaboration of organizations who publish a set of construction documents to rival the industry-leading AIA forms. These updates are actually two years early. They weren't due until 2013, but were updated early according to the group because "the economics of the construction industry today looks nothing like it did [in 2007]"

So, what's new?

According to an [analysis by ENR.com](#), here are some of the changes:

- A change in terminology. "Constructor" replaces "contractor" and "design professional" replaces "architect."
- An objective "standard of care" is added to the documents.
- Greater flexibility to provide documents in electronic format. For a great discussion about going paperless on a construction project, take a look at this article by Matthew DeVries on his Best Practices Construction Law Blog: [Paper to Paperless on the Modern Construction Project](#).
- Contract documents are better defined.
- Property owner can audit construction books, and subcontractor can get financial information from the owner.
- Erroneous constructor termination for cause changes to a "termination for convenience."

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