

B104TM-2017; Article 4 of B105TM-2017. The term “Termination Expenses” is replaced with “Termination Fee.” Fees now presumptively continue for services, reimbursable expenses, and costs attributable to termination, and the “Termination Fee” (which is paired with a Licensing Fee for the Owner’s continued use of the Architect’s Instruments of Service) is negotiable in the revised standard forms. Sections 9.6, 9.7 of B101TM-2017, B103TM-2017, and B104TM-2017; §§5.6, 5.7 of B102TM-2017.

Confidentiality

Although the AIA amended various portions of the Miscellaneous Provisions article, the key changes relate to expanding and clarifying when “confidential” and “business proprietary” information may be shared. Sections 10.8, 10.8.1 of B101TM-2017 and B103TM-2017; §§7.9, 7.9.1 of B102TM-2017.

Savings Provision

The new forms include a savings provision that allows for severability of contractual obligations to keep the entire contract from being invalidated due to the inclusion of an invalid provision. B101TM-2017 §10.9; B102TM-2017 §7.10; B103TM-2017 §10.9; B104TM-2017 §10.8.

Compensation

Instead of a blank section reserved for the parties to insert the amount and basis for the Architect’s compensation, the 2017 editions now provide for compensation on a “Stipulated Sum,” “Percentage Basis,” or through some “Other” method, and require that the parties insert the amount or percentage value, or describe the method of compensation, in §§11.1.1–11.1.3 of B101TM-2017 and B103TM-2017. When compensation is on a percentage basis, progress payments are based on the most recent budget and previous payments are not subsequently adjusted based on changes to the overall budget. Section 11.6 of B101TM-2017 and B103TM-2017. Prior versions of the Owner-Architect agreements were silent on the issue of adjusting percentage basis compensation calculations when an owner’s budget changes.

2017 Changes to Specialty Service Agreements and Administrative Forms

In addition to the revised agreements discussed above, in October 2017, the AIA released a series of amended specialty service agreements and administrative forms. The most relevant of these revisions include the following:

B201TM–2017 Design and Construction Administration Services

Like the changes to the B101TM-2007 and other base architectural documents, the 2017 edition of B201TM includes an enhanced Initial Information section, a focus on sustainability issues, plus specific changes dealing with the scope of the Architect’s review of shop drawings or submittals by a Contractor performing design services, and changes in the design drawings necessitated by bid proposals exceeding the Owner’s budget.

B203TM–2017 Site Evaluation and Project Feasibility

B203TM-2017 was updated to clarify the Architect’s responsibility to prepare a site evaluation and feasibility report as a deliverable as part of its services, and includes a simplified list of services and an enhanced initial information section.

B205TM–2017 Historic Preservation Services: Existing Buildings

The Existing Buildings Assessment services were revised so the Architect can provide a preliminary evaluation of the site’s historic buildings and then provide more detailed services as necessary. B205TM-2017 also clarifies the Architect’s responsibility regarding hazardous materials on a project with historically significant buildings or features.

B207TM–2017 On-Site Project Representation Services

B207TM-2017 was revised to allow the Owner and Architect to establish the scope of the representative’s authority to act on behalf of the Architect. B207TM-2017 also includes enhanced and clarified responsibilities for the on-site project representative to keep a daily log of site activities, prepare monthly written progress reports, perform certain off-site activities, and observe on-site tests and inspections.

B210TM–2017 Facility Support Services

B210TM-2017 is set up as a menu of services with six main categories of services:

- Facility Condition Assessment;
- Facility Performance Assessment;
- Operations Assessment;
- Space Management;
- Maintenance Management; and
- Digital Facility Management System.

The first three service categories were included in the 2007 version of B210TM, but have been expanded in the 2017 version. The latter three service categories are new to the 2017 version of B210TM.

C203TM Commissioning Services

No longer written as an Architect’s scope of services in the B-Series of documents, C203TM-2017 does not specify the professional background of the person or entity performing commissioning services. The provider is now classified as a “Consultant” in the C-Series of documents. C203TM-2017 now includes provisions regarding

- The Consultant’s role in preparing the Owner’s project requirements;
- A more detailed description of the commissioning plan;
- Updated commissioning-related design review provisions; and
- Updated provisions related to the commissioning during the construction phase of the Project.