

building text within each contract. AIA E204™–2017, the Sustainable Projects Exhibit, has been developed to replace the Sustainable Projects documents included in the A201 family of AIA Contract Documents.

E204™–2017 has been developed for use on a wide variety of sustainable projects, including those in which the Sustainable Objectives include obtaining a Sustainability Certification, such as LEED™ (Leadership in Energy and Environmental Design), or those in which the Sustainable Objective is based on incorporation of performance-based sustainable design or construction elements. E204™–2017 addresses the responsibilities of the parties. It also addresses risks unique to such projects, including product substitution, delayed or failed certification, and consequential damages. It is not a stand-alone document, but is intended to be attached to an existing contract on a project that includes a Sustainable Objective.

As discussed above, A201™–2007 §11.1 and Exhibit A §A.3.2 require the Contractor to maintain liability insurance. Several insurance companies now offer insurance for builders and design professionals that includes “green” liability coverage, which includes “wrongful acts” while providing green building services or sustainable design and consulting services. Notably, however, A201™–2017, Exhibit A, and E204™–2017 do not require the contractor to maintain “green” liability coverage.

Conclusion

Exhibit A includes greater specificity regarding what coverages and limits are required, perils that must be insured against, exclusions that are prohibited, and who must procure and how long they must maintain coverages. However, some coverages may be impossible or impractical to obtain. Nevertheless, Exhibit A prompts the parties to consider and discuss risks early, and the best way to manage, transfer, or insure those risks.