



**ConsensusDocs®**  
BUILDING A BETTER WAY

# **ConsensusDocs Guidebook**

## **ConsensusDocs 842 – Owner and Energy Consultant Agreement**

January 2016 Edition



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BUILDING A BETTER WAY

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by

ConsensusDocs LLC

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## **Introduction to the ConsensusDocs Guidebook**

ConsensusDocs is the product of leading construction associations, dedicated to identifying and utilizing best practices in the construction industry for standard construction contracts. The 40+ participating associations represent Design Professionals, Owners, Constructors, Subcontractors, and Sureties that literally spell the Docs in ConsensusDocs. ConsensusDocs contracts and forms attempt to fairly and appropriately allocate risks to the Party in the position to manage and control the risk. The practices articulated in the documents are forward-thinking, and may not always represent the status quo, but rather a better path forward to achieve project results. The goal of the multi-disciplined drafters was to create documents that best place the Parties to a construction contract in a position to complete a project on time and on budget with the highest possibility of avoiding claims.

By starting with better standard documents that possess buy-in from all stakeholders in the design and construction industry, you reduce your transaction time and costs in reaching a final Agreement. By using fairer contracts helps eliminate unnecessary risk contingencies and thereby better pricing. In addition, “fill-in-the-blanks” are intended to lead to productive discussions about how particular risks should be allocated on specific projects before a contract is finalized.

In this Guidebook you will find comments by individual associations regarding particular contract documents. These comments are organized by numeric sequence of the ConsensusDocs contract documents. The overview sections highlight issues and innovative features of the documents generally. Association comments are expressions by an association to its association membership. These comments highlight provisions or alert their membership to consider possible project-specific modifications to a consensus standard Agreement or form.

Lastly, the ConsensusDocs coalition organizations and ConsensusDocs staff are deeply indebted to the hard work of the many the seasoned professionals who contributed countless hours in the creation of the ConsensusDocs contracts as well as this Guidebook. Their collective experience represents hundreds of years of practical experience in the construction field. Contributor names can be found at the conclusion of this Guidebook.



## **Comments regarding ConsensusDocs 842\* Owner and Energy Consultant Agreement**

Agreement (section 2.2.1): The User is expected to create these referenced exhibits as applicable. These exhibits contain information that is largely based on a project and company specific information that varies. The Parties are encouraged to create other exhibits as appropriate and list the exhibits in this section.

Authorized Representative (section 3.8): User may want to delete this section if damages are not expected during the normal course of the Services.

Samples (section 3.11): User may want to delete this section if samples are not expected to be collected.

Hazardous Materials (section 3.12) User should determine whether this particular section should be stricken, particularly if it is known that Hazardous Materials will not be encountered.

Insert Project Description (Exhibit A): Commercial Building Energy Audits, Second Edition, American Society of Heating, Refrigerating, and Air Conditioning Engineers, Atlanta, GA, ©2011, except completing all of the forms and templates is not required..

Measurement and Verification Plan (Exhibit A): International Performance Measurement and Verification Protocol, Concepts and Options for Determining Energy and water savings – Volume I, July 2014, Prepared by Efficiency Valuation Organization, <http://www.evo-world.org/>, 1689 K Street NW, Suite 300, Washington, DC 20006, USA.

Responsible Party for a Model (section 4.3.3.2): Identify the party responsible for reach model deliverable. This includes all needed Design Models, Construction Models, and any Federated Models or Record Models.

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\* This publication is designed to provide information in regard to the subject matter covered. It is published with the understanding that the publisher, endorsers of ConsensusDocs and contributors to this Guidebook are not engaged in rendering legal, accounting, or other professional services. If legal advice or other professional advice is required, the services of a competent professional person should be sought.