
Allocating Green Building Responsibilities: The ConsensusDOCS 310

The ConsensusDOCS coalition released the construction industry's first comprehensive standard contract form addressing the unique risks and responsibilities associated with building green projects. It is ConsensusDOCS 310, *Green Building Addendum*.

The *Green Building Addendum* (GBA) creates a role for a green building facilitator (GBF) to coordinate or implement desired green building goals. It establishes the duties of the GBF as the manager of the process and identifies the responsibilities of project participants. The implementation and coordination efforts necessary to achieve a successful green building project are vital for those projects for which the project owner is seeking a third-party rating certification, such as through the LEED program.

Identification of Objectives Is Crucial

The GBA provides a contract mechanism to identify clear objectives and assign roles and responsibilities early in a project to achieve them. Until the GBA contract forms, documents that included the performance requirements and address risk allocation did not exist despite a critical need to identify the legal risks presented by designing and constructing green buildings. Many projects use standard contracts even if the project emphasizes achieving a specified level of energy or water use or project certification. This is risky because green projects often involve contractual issues, communication and documentation requirements, and costs that are not specifically addressed in most form contracts.

While all built-environment projects will increasingly have to be designed and built with sensitivity to minimizing energy and water use and reducing impact on the natural environment, certain projects—because of third-party certifications or government requirements—will be far more demanding. The addendum was drafted to clarify roles and tasks both in conjunction with the other ConsensusDOCS contract documents, but also with other form contracts, such as those published by The American Institute of Architects (AIA).

In defining the green scope and allocating related responsibilities, the GBA apportions liability based on responsibility. It does not reallocate project risks from the design contract and the construction contract unless the parties to the green project specifically choose to assign risks in a different manner.

Green Building Facilitator Role

The GBA creates a new function in the building process. It establishes the role of green building facilitator, who is responsible for achieving green building goals. The GBF could be an existing project participant or separate consultant—an architect, engineer, contractor, construction manager, or third-party consultant or advisor—as long as the GBF is not an in-house employee or staff member of the client. If the design professional assumes the role, the additional services should result in significant additional compensation; with the role, however, comes significant exposure.

The addendum is intended to identify the elements of performance required of the GBF on projects

incorporating green building elements or rating goals. It contemplates that such services will be included in the underlying agreement with the project participant or will be included in a separate agreement with a GBF. The roles and responsibilities of the GBF are identified so that the architect or engineer, the contractor, and any other project participant will be aware of the GBF's presence and purpose on the project.

The GBF provides assistance to the client in coordinating the design, construction, and document submissions that are necessary to accomplish any third-party rating objectives for a project. A key function of the GBF's presence on the project is to take the various documentation and reports supplied by the design team or contractors and assemble the information for submission and processing to obtain the written certification or designation of the targeted green status.

The *Green Building Addendum* accommodates the specific identification of green objectives, whether by declaration of a specific level of third-party rating, a specific level of building performance, or both, and takes into consideration the elevated risks in green building design and construction. As firms respond to client interests and government edicts on sustainability in design and construction, the ConsensusDOCS 310 may become a vital tool.

Information on the GBA is available at

www.ConsensusDOCS.org/catalog/300-series. ♦