

**UNDERSTANDING THE VALUE AND RISK IN USING THE 2022 AIA DIGITAL PRACTICE DOCUMENTS**

September 2022

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**UNDERSTANDING THE VALUE AND RISK IN USING THE 2022 AIA DIGITAL PRACTICE DOCUMENTS**

- Understand how the new Digital Practice Documents provide the tools design firms need to provide responsive services to clients while minimizing the risks of the firms through right-of-reliance standards.
- Learn how the *E201-2022 BIM Exhibit for Sharing Models with Project Participants, Where Model Versions May be Enumerated as a Contract Document* and the *G203-2022 BIM Execution Plan (BEP)* create new fundamentals of project delivery.
- Appreciate how the BIM Execution Plan (BEP) assists the project team of owner-architect-contractor to define which systems, building elements, or digital data will serve as a supplement to the paper documents.
- Recognize that while the standard of care related to the use of BIM is evolving, the AIA Digital Practice Documents do not require the design firm to meet a higher standard of design delivery.

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**UNDERSTANDING THE VALUE AND RISK IN USING THE 2022 AIA DIGITAL PRACTICE DOCUMENTS**

- Why did the AIA change the digital practice documents?
- Why are the major business and professional risks in using the digital practice documents?
- How will the documents modify your practice management procedures?

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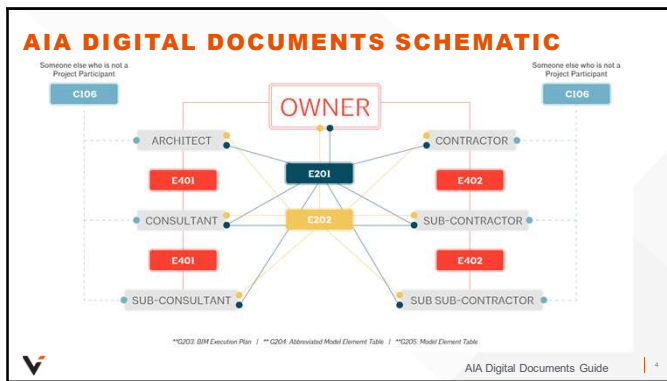
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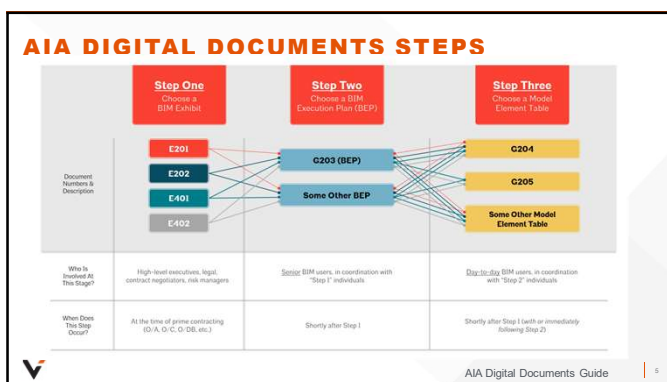
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### EXHIBITS – CONTRACTUAL ADDITIONS

**Project-wide sharing exhibits**

*E201-2022 BIM Exhibit for Sharing Models with Project Participants, Where Model Versions May be Enumerated as a Contract Document*

- Not an agreement – must be included as an exhibit to the existing agreement for design services and for construction
- The specific model information is a Contract Document and is part of the package of information that forms the agreement between the project owner and the contractor.
- Fits into the Spearin Doctrine of information provided by the project owner on which the contractor can rely.

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**EXHIBITS – CONTRACTUAL ADDITIONS**

**Project-wide sharing exhibits**

*E202-2022 BIM Exhibit for Sharing Models with Project Participants, Where Model Versions May Not be Enumerated as a Contract Document*

- Not an agreement – must be included as an exhibit to the existing agreement for design services and for construction
- The specific model information is can only provide information at the level of sharing and reliance agreed to in the Exhibit.
- The project owner provides no warranty to the contractor on the use of the shared information.



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**EXHIBITS – CONTRACTUAL ADDITIONS**

**Separate team sharing exhibits**

*E401-2022 BIM Exhibit for Sharing Models Solely Within the Design Team*

- The E400 series is intended to be used when models will not be shared with all project participants.
- The E401-2022 allows sharing among the entire Design Team.
- The Design Team is defined as “the Architect, its Consultants, Subconsultants, and Sub-subconsultants, at any tier.”



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**EXHIBITS – CONTRACTUAL ADDITIONS**

**Separate team sharing exhibits**

*E402-2022 BIM Exhibit for Sharing Models Solely Within the Construction Team*

- The E400 series is intended to be used when models will not be shared with all project participants.
- The E402-2022 allows sharing between the entire Construction Team.
- The Construction Team is defined as the Contractor, Subcontractors of any tier and fabricators.



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**EXHIBITS – TABLE OF ARTICLES**

- 1 GENERAL PROVISIONS
- 2 MODEL USES, SHARING, AND RELIANCE
- 3 BIM EXECUTION PLAN
- 4 LEVELS OF DEVELOPMENT
- 5 NON-BIM DIGITAL DATA
- 6 OWNERSHIP, SHARING, AND SECURITY OF DIGITAL DATA
- 7 INSURANCE FOR BIM AND DIGITAL DATA RISKS
- 8 OTHER TERMS AND CONDITIONS



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**EXHIBITS – MODEL USES**

**§ 2.2 Model Uses**

§ 2.2.1 The Project Participants shall develop Models on the Project for the following uses:  
(Check all of the boxes for Model Uses that may apply on the Project and describe the selected uses.)

§ 2.2.1.1 **Planning** (Examples include programming, site analysis, energy analysis, scheduling, cost and quantity estimating, and documentation of existing conditions):

§ 2.2.1.2 **Design** (Examples include design authoring, design review, 3D coordination, structural analysis, lighting analysis, energy analysis, site utilization, and engineering analysis):

§ 2.2.1.3 **Construction Management** (Examples include preconstruction activities, scheduling, cost estimating, value engineering, and constructability):

§ 2.2.1.4 **Construction** (Examples include construction system design, procurement, fabrication, 3D control and planning, and record modeling):

§ 2.2.1.5 **Post Construction** (Examples include building system maintenance, building system analysis, asset management, space management and tracking, disaster planning, and record modeling):

§ 2.2.1.6 **Other:**



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**EXHIBITS – SHARING TIERS (E201-2022)**

§ 2.3 Model Sharing. The Parties agree to implement the Sharing Tier ("Tier") designated in Table 2.4 for each Model Portion. The Tiers referenced in Table 2.4 are defined in Sections 2.3.1 through 2.3.3.

§ 2.3.1 **Tier One – Limited Authorized Sharing:** A Model Portion designated as Tier One may be shared by its Author with other Project Participants. However, unless otherwise authorized in writing by the Model Author, any Project Participant's use of, or reliance upon, a Model Portion designated as Tier One shall be at the Project Participant's sole risk. The Parties agree that no Version of a Model Portion designated as Tier One shall be enumerated as a Contract Document.

§ 2.3.2 **Tier Two – Prescriptive Sharing with All Project Participants:** Subject to the reliance and authorization provisions of Section 2.5, the Parties agree that a Model Portion designated as Tier Two may be shared among all Project Participants. The Parties agree that no Version of a Model Portion designated as Tier Two shall be enumerated as a Contract Document.

§ 2.3.3 **Tier Three – Prescriptive Sharing with All Project Participants and Enumeration as a Contract Document:** Subject to the reliance and authorization provisions of Section 2.5, the Parties agree that Model Portions designated as Tier Three may be shared among all Project Participants. The Parties agree that a Version of a Model Portion designated as Tier Three may be enumerated as a Contract Document.



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**EXHIBITS – BIM EXECUTION PLAN**

§ 3.2.1 If the Parties select Other in Section 3.2, then, at a minimum, the BIM Execution Plan shall contain the information set forth in this Section 3.2.1:

- .1 BIM-specific information, including a detailed schedule for Model development, and a list of relevant Project Participants' contact information and discipline;
- .2 Designated Delivery Milestones;
- .3 Software requirements and file exchange protocols, including software version(s) to be used for Modeling, updating policies, if any, tools to be used for collaboration or file sharing, and frequency for file sharing;
- .4 Data storage, backup, and security measures in addition to those set forth in this Exhibit;
- .5 Modeling protocols, including project coordinates, Model data subdivisions, common data fields, phasing, sheets, design options, non-modeled elements, and file naming conventions and standards;
- .6 Model management protocols including (1) defining roles, responsibilities, and collaboration and execution processes, (2) identifying meeting types and frequency, and (3) indicating quality control measures, including checks for interference, standards, and Model integrity;
- .7 Designation of the LOD of Model Elements, which can be accomplished by using a completed Model Element table;
- .8 Authorization forms for Model reliance;
- .9 Identification of Models; and
- .10 Other:

(Include other mandatory items to be included in the BIM Execution Plan.)



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**EXHIBITS – LOD DEFINITIONS**

**LOD 100.** The Model Element may be graphically represented in the Model with a symbol or other generic representation, but does not satisfy the requirements for LOD 200. Information related to the Model Element (e.g., cost per square foot, tonnage of HVAC, etc.) can be derived from other Model Elements.

**LOD 200.** The Model Element is generically and graphically represented within the Model with approximate quantity, size, shape, location, and orientation.

**LOD 300.** The Model Element, as designed, is graphically represented within the Model such that its quantity, size, shape, location, and orientation can be measured.

**LOD 350.** The Model Element, as designed, is graphically represented within the Model such that its quantity, size, shape, location, orientation, and interfaces with adjacent or dependent Model Elements can be measured.

**LOD 400.** The Model Element is graphically represented within the Model with detail sufficient for fabrication, assembly, and installation.

**LOD 500.** The Model Element is a graphic representation of an existing or as-constructed condition developed through a combination of observation, field verification, or interpolation. The level of accuracy shall be noted or attached to the Model Element.



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**PROTOTYPE DOCUMENTS**

**BIM Execution Plan**

*G203-2022 BIM Execution Plan*

- A framework that can be used to create a project-specific BIM Execution Plan.
- The BIM Exhibits each contain language requiring the parties to the contracts to which the specific Exhibit is attached to adhere to the BIM Execution Plan.



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**PROTOTYPE DOCUMENTS**

**Model Element Tables**

*G204 Model Element Table*

- Using Levels of Development, model authors can convey the specificity and exactness of their model elements.
- Those with access to the model can determine an appropriate amount of reliance on the shared model elements.
- The G204 is an Excel table in which the project participants can designate LODS for various model elements at different project milestones.
- Uses the CSI UniFormat categorization of model elements.



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**PROTOTYPE DOCUMENTS**

**Model Element Tables**

*G205 Abbreviated Model Element Table*

- Created in response to user feedback that the G204 level of information was too burdensome for some projects.
- The number of phases of G204 was reduced from six to three – Schematic Design, Design Development and Construction Documents.
- The CSI UniFormat categorization of model elements was abbreviated to only 3 levels.



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**TRADITIONAL BIM LICENSING AGREEMENT**

*C106 Digital Data Licensing Agreement*

- Conveys a nonexclusive limited license to use Digital Data in accordance with the terms and conditions set forth in the agreement.
- Is not an agreement for the sale or assignment of any rights in the Digital Data or in the software used to generate it.
- Because Digital Data may be subject to copyright protection or considered confidential or business proprietary, the Transmitting Party warrants that it is the copyright owner, or has permission from the copyright owner to transmit Digital Data, or is authorized to transmit Confidential Digital Data for its use on the Project.
- The Receiving Party agrees to keep such information confidential and not to disclose it other than in certain circumstances outlined in the agreement.



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**DESIGN FIRM CONCERNS**

- Is my information protected from misuse?
- Does BIM information as a Contract Document cause me greater risk?
- Will I be providing more information without getting paid to do so?
- Does my professional liability insurance provide coverage?
- Do I have any choice?



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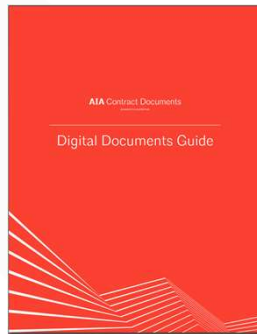
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**RESOURCES**

The AIA Contract Documents program provides tools, contract samples, commentaries, and this Digital Documents Guide.

Aiacontracts.org (Search for BIM under the Documents and under the Learn tabs for articles.)

Youtube.com (Search for AIA Contract Documents for webinars.)



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School of Risk Management

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