

## BUILDING INFORMATION MODELING: TODAY'S CONTRACTS MIGHT NOT WORK WITH TOMORROW'S TECHNOLOGY.

By: Chandra Lantz, Esq.

It may be time to review your standard contract in light of emerging technology. Three-dimensional building modeling is no longer a design tool of the future. Many contracts, however, do not address 3-D building modeling and the result is often confusion in apportioning liability when the as-built project doesn't resemble the 3-D design.

Forexample,anownerutilizing 3-D design technology often requires not just the designer, but also the prime contractor and all subcontractors, to input their design and coordination information into the model. The model should then provide, for example, coordination details that identify conflicts between trades or design errors. But what if one trade's contribution is incomplete through a data loss or human error? What if the modeling program fails to properly incorporate the information provided? What about judgment calls and field coordination issues that the model fails to provide?

No doubt new issues presented by this evolving technology will be resolved by familiar concepts. The owner may be deemed to have impliedly warranted the suitability of the modeling program. The designer may be responsible because he or she created the model used as the project's "plans and specifications." The contractors may be blamed for failure to coordinate or for providing incomplete information.

Then—as now—the construction documents will provide courts with the answers to disputes to come. For this reason, contractors and designers must avoid

using "old" form documents with new technology. When 3-D modeling is used on a project, careful reconsideration must be given to all aspects of the construction documents, including indemnification, limitations of liability, bonding and insurance, scope of work, order of precedence of the documents, etc. By doing so, each party's areas of responsibility can be clarified in advance of any problems that may arise on the Project with the use of 3-D modeling.

---

Three-dimensional  
building modeling is  
no longer just a design  
tool of the future.

---