

**CONSTRUCTION MANAGEMENT
AGREEMENT**

THIS AGREEMENT (hereinafter **AAgreement (B)**) is made and entered into this ____ day of _____, 200__, by and between _____, located at _____ (hereinafter "**Developer**"), and _____, located at _____ (hereinafter **AConsultant(B)**).

RECITALS

WHEREAS, Consultant has special expertise in the management of real estate construction;

WHEREAS, Developer owns a certain property located at _____ (hereinafter the "**Property**"), and desires to _____ (e.g. build an additional building on the Property);

WHEREAS, the parties agree that Developer requires Consultant's services in the supervision and management of the construction _____ (e.g. of the new building);

WHEREAS, the parties desire to reduce their agreement to writing,

THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the parties stipulate and agree as follows:

AGREEMENT

1. **Construction Project.** It is anticipated that Developer will be embarking upon the new construction of _____, located at _____. If the Developer proceeds with the construction of the Property, Consultant shall be retained to supervise the building process.

2. **Consultant Services.** The Consultant shall serve as construction manager and shall perform construction management services to execute the management of the entire Work described in the Building Plans and all related Construction Documents. Moreover, Consultant shall assist in the design and hiring of a contractor for the actual construction.

3. **Consultant Fee.** The Developer shall pay Consultant in cash or equivalent funds for the performance of this Agreement the Contract Sum of _____ Percent (____%) of the final design and construction costs. Consultant shall also be reimbursed for and any direct and reasonable expenses incurred by Consultant. Approximate construction and design costs are expected to be \$_____.

4. **Payment of Consultant Fee.** Developer agrees to pay Consultant in monthly progress payments under the method of >percentage completion< based on Consultant's total fee, in comparison to the portion for the Property that has been completed. Payments shall be made by the ____ day of the following month services are rendered. Payments shall begin the first month after a construction contract has been awarded. Payment to Consultant shall be in cash or its equivalent. Any late payments shall bear interest at the rate of _____ percent (____%) per annum.

5. **Consultant Role.** Consultant acknowledges that the Developer does not direct the day to day tasks of Consultant. Consultant is an independent contractor that can work at his own pace to complete projects and is liable for its own negligent actions, taxes and insurance. Consultant cannot bind Developer unless directed to do so in writing and is not an Agent of Developer.

6. **Term and Termination of Agreement.** This Agreement shall be binding until the Property is developed according to the current plans so long as there are no outstanding issues between Consultant and Developer that have been submitted in writing to the other party. Either party may terminate this Agreement at any time for any reason, however, Consultant shall be paid an amount according to the percentage of completion. It is recognized that as of the date of this Agreement, Consultant has already completed significant work and services related to the Property, and therefore it is agreed that _____ percent (____%) has been completed under the >percentage completion< formula, [optional when applicable]

7. **Miscellaneous**

A. **Entire Agreement.** This Agreement embodies the entire agreement between the parties and cannot be varied except by the written agreement of the parties.

B. **Successors and Assigns.** All of the terms and conditions of this Agreement are hereby made binding on the successors and permitted assigns of both parties hereto.

C. **Governing Law.** This Agreement shall be governed by and construed in accordance with the Laws of the State of _____. Both parties agree that proper venue is _____ County, State of _____.

D. **Attorneys' Fees.** In the event that legal or collection action is brought to enforce the terms of this Agreement or collect monies due hereunder, the defaulting party shall be required to pay collection costs up to fifty percent of the amount due and owing, costs of court and reasonable attorney fees.

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the Primary Road System Iowa. Highway Commission,1964

Illustrated Dictionary of Building Design and

Construction Ernest Burden,2005 With a straightforward A Z organization and more photos drawings and diagrams than any other illustrated dictionary this dictionary will be a mainstay on the shelves of anyone involved in the building industry The wide range of topics makes it the only single volume reference to cover all aspects of design construction and related business terminology A sampling of the categories includes Project Management Construction Process and Management Design Build Eco Design and Green Building Marketing and Presentation No other illustrated construction dictionary covers design the coordination between the entire design and project delivery process and the business aspects of the building industry **Western Construction News** ,1937 **Revised Ordinances of the City of Sterling, Illinois** Sterling (Ill.),1927

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