



Negotiating Contracts: Understanding your Risks

Thank you for viewing the webinar and reading the handout for the AIA Trust and Victor sponsored course Negotiating Contracts: Understanding your Risks. Please answer the following questions and email your self -assessment test to aiatrust@aia.org to obtain 1.5 learning units.

1. What elements are required for contract creation?
 - a. Mutual Assent
 - b. Consideration
 - c. Legal Capacity to Contract
 - d. A & C
 - e. All of the above

2. True or False? American law dictates that you are responsible for the foreseeable costs of your wrongful conduct.

3. True or False? Tort law maintains that negligence is based on the failure to meet the standard of care for the duty owed to the plaintiff.

4. True or False? Liability in the performance of professional services is only dependent on the contractual obligations of the professional.

5. True or False? In a jury trial to determine the professional liability of an architect, the jury is asked to determine whether by not meeting the standard of skill and care for a professional in a similar circumstance, the defendant's conduct was a proximate cause of injury to the plaintiff.

6. To be held liability for a breach of a warranty obligation separate from any liability for negligence, the architect has to have created a situation that includes what factors?
 - a. The architect made a promise
 - b. The plaintiff had a right to rely on the promise
 - c. The plaintiff did rely on the promise
 - d. Harm to the plaintiff occurred because the promise was false
 - e. All of the above

7. True or False? If an architect is found liable in the performance of professional services because of the architect's failure to meet the standard of care for the services performed, the architect's liability is limited by law to the amount of insurance carried by the architect.
8. True or False? When an architect serves as the project owner's representative during the construction phase of a project, the architect takes on the responsibility of a fiduciary because the architect approves the contractor's applications for payment.
9. True or False? Every professional liability insurance policy excludes all contractual liability except in the case where the architect's liability would exist even in the absence of the contractual obligation.
10. True or False? The greatest risk in agreeing to transfer rights is the loss of the ability to use the documentation as leverage to secure payment for the services that produced them.