

CSDZ Webinar

Construction Phase Risk Management

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Overview

Roles and Responsibilities

Construction Site Safety

Submittals

Observations and Evaluations

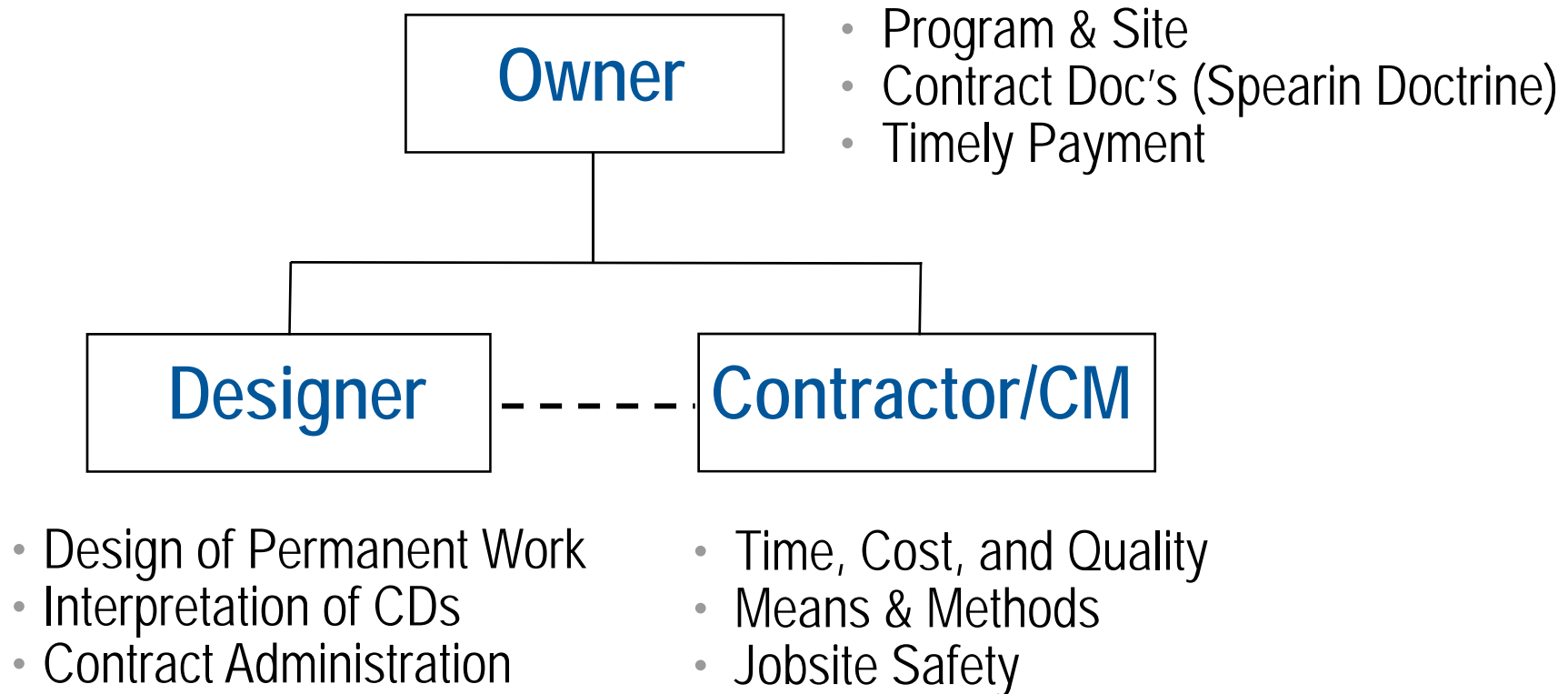
Change Orders

Certification

Roles and Responsibilities



Construction Phase



Design Professional's Role

Administer the "Contract for Construction"...NOT
"Construction Administration"

The design professional should avoid taking actions specified as the contractor's responsibility under the contract documents

Contractor's Responsibilities

- The construction site
- The construction means, methods, techniques, sequences, and procedures
- Safety
- Developing the schedule of values
- Creating and submitting construction schedules and schedule for submittals

Construction Site Safety



Safety on the Job Site

- The contractor is solely responsible for safety on the job site.
- The Design Professional may have some responsibility if
 - Risk of injury is foreseeable
 - Design professional has some element of control
 - Design professional has actual knowledge of the danger
 - Design professional has a reasonable opportunity to avert the harm

Safety on the Job Site

If a design professional sees an unsafe condition, she should:

- report it to the construction superintendent
- inform the owner
- or, in specific cases, report it to the appropriate regulatory officials
- if danger is imminent take reasonable and prudent action under the circumstances

Submittals



Schedule for Submittals

The Contractor is responsible for creating a schedule of submittals which should:

- Be submitted and approved by the design professional
- Include time needed for review and/or to provide re-submittals
- Be coordinated with the construction schedule

Shop Drawings

What are Shop Drawings?

Shop drawings show the construction means and methods not typically found in the construction documents.

Shop drawings are communication tools.

Shop Drawings - Responsibilities

The contractor is responsible for:

- reviewing/coordinating shop drawings produced by subcontractors or suppliers
- placing an approval stamp on them
- submitting them to the design professional for review

Shop Drawings - Responsibilities

The design professional is responsible for:

- Comparing the information in the shop drawings to the information and design concept in the contract document
- Noting any deviances and informing the contractor
- Reviewing and approving the aspects for which the design professional is responsible
- Placing a review stamp and returning to the Contractor

Review & Approval of Submittals

Shop Drawings Checklist

- Summary list of submittals
- Submittal and progress schedules are coordinated
- Each party knows and timely fulfills its contractual obligations
- Submittal stamp reflects contractual obligations
- Submittal log reflects as-planned and actual receipt and return dates and actions taken

Submittal Stamp

REVIEWED									
SUBMISSION NO.	1	2	3	4	5	6	7	8	9
<input type="checkbox"/> NO EXCEPTION TAKEN <input type="checkbox"/> MAKE CORRECTIONS NOTED <input type="checkbox"/> SUBMIT SPECIFIED ITEM <input type="checkbox"/> NO FURTHER SUBMISSION REQUIRED <input type="checkbox"/> RESUBMIT <input type="checkbox"/> RESUBMIT FOR RECORD ONLY									
Corrections or comments made on the shop drawings during this review do not relieve contractor from compliance with requirements of the drawings and specifications. This check is only for review of general conformance with the design concept of the project and general compliance with the information given in the contract documents. The contractor is responsible for: confirming and correlating all quantities and dimensions; selecting fabrication processes and techniques of construction; coordinating his work with that of all other trades; and performing his work in a safe and satisfactory manner.									
<input type="text"/>									
Date: _____	By: _____								

<input type="checkbox"/> Approved	<input type="checkbox"/> Furnish as Corrected
<input type="checkbox"/> Rejected	<input type="checkbox"/> Revise and Resubmit
<input type="checkbox"/> Submit Specified Item	
<p>This review is only for general conformance with the design concept and the information given in the Construction Documents. Corrections or comments made on the shop drawings during this review do not relieve the contractor from compliance with the requirements of the plans and specifications. Approval of a specific item shall not include approval of an assembly of which the item is a component. The contractor is responsible for: dimensions to be confirmed and correlated at the jobsite; information that pertains solely to the fabrication processes or to the means, methods, techniques, sequences and procedures of construction; coordination of the Work with that of all other trades and performing all Work in a safe and satisfactory manner.</p>	
By: _____	Submittal No.: _____
Date: _____	Project No.: _____

Observations / Evaluations



Observations/Evaluations

The difference between observations/ evaluations and inspections is the intensity or level of effort

Observations/Evaluations Activities

- Site visits during construction or resident project representation
- Communications and documentation
- Programmed inspections and testing
- Special inspections and testing
- Certifications
- Rejection of non-conforming work

Observations/Evaluations Activities

During site visits, the design professional does not:

- supervise or direct the work
- perform inspections of the work

Authority to Reject Non-Conforming Work

Checklist: Non-Conforming Work

- Scope of responsibility
- Coordination between prime professional and consultant
- owner's right to accept non-conforming work and legal or code limitations

Authority to Reject Non-Conforming Work

Checklist: Non-Conforming Work

- Rejection should not include corrective advice
- Contractor decides on means and methods
- Design professional focuses on result

Observations/Evaluations

Ideally, after each site visit, the design professional prepares a written report to the owner and gives a copy to the contractor

Preparation of Contract Changes



Change Orders

Change orders are modifications of the owner-contractor agreement

Change orders relating to the construction typically require the signature of the owner, contractor, and design professional

Change Orders

Methods Available for Contract Changes

- Minor change/field order
- Change order
 - Additions
 - Deletions
 - Substitutions
- Construction/work change directive

Contract Changes: Critical Issues

Checklist: Change Orders

- Authority to order change
- Impact of change or number of changes (ripple effect)
- Attention to the progress schedule
 - Look for areas where the contractor is losing time
 - Insist on schedule updates

Contract Changes: Critical Issues

Checklist: Change Orders

- Adherence to the changes clause
- Fairness and impartiality of administrator
- Timeliness of resolution — unresolved changes are claims
- Claims against design professionals — issue of betterment

Certifications



Types of Certificates

- Progress (\$)
- Completion
- Compliance

Certificate

A **written assurance**, or official representation, **that some act has or has not been done, or some event occurred**, or some legal formality has been complied with...a statement or some fact in writing signed by the party certifying...

Typical Problems with Certificate Forms

- Require knowledge outside the knowledge or control of design professional
- Call for legal conclusions
- Impose duties and responsibilities that expand those assumed by contract — without additional compensation
- Create potential liabilities to third parties known or unknown **at the time of certification**

Certification Should Be:

Checklist: Certification

- Consistent with the design professional's contractual scope of services
- Identified as to its purpose, the applicable time/date, and recipient
- Limited to a statement of facts directly known to the design professional or qualified as a professional opinion

Schedule of Values

The schedule of values:

- establishes the part of the contract sum associated with various aspects of the work
- is developed by the contractor
- becomes part of the contract once agreed upon by the owner
- helps the design professional calculate and approve payments to the contractor based on the percentage of work completed

Payment Recommendations / Certifications

The contractor submits an application for payment to the design professional who:

- makes a recommendation or certification to the owner regarding payment due based on the schedule of values
- does not usually have to confirm payment by the contractor to subcontractors and suppliers



Conclusion

Conclusion

- Establish appropriate owner and contractor expectations.
- Know the requirements of the contract documents.
- Confirm that the CA services in the professional services agreement mirror those in the general conditions of the contract for construction.
- Act affirmatively in fulfilling your responsibilities. Use qualified staff to perform CA services.
- Document performance—systematically, contemporaneously, and objectively.
- Don't delay in asking for help when you need it.

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Thank you for your **time!**

Questions?

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