

Welcome!

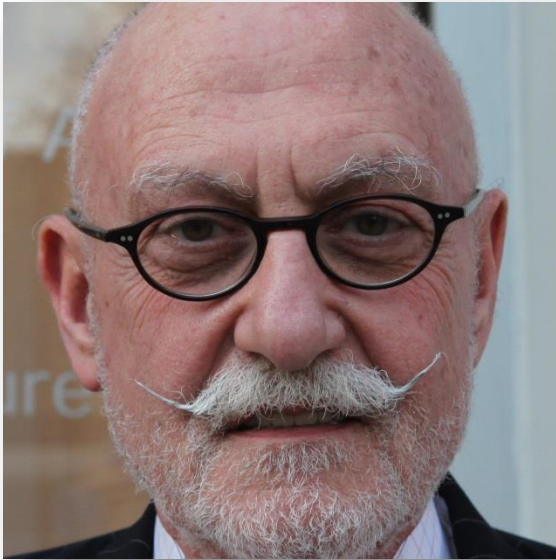
Construction Project Documentation “If It’s Not Documented ...”

Tues, Dec. 15, 2015 12:00 PM - 1:00 PM EDT

Earn 1.0 AIA HSW LUs



Moderator



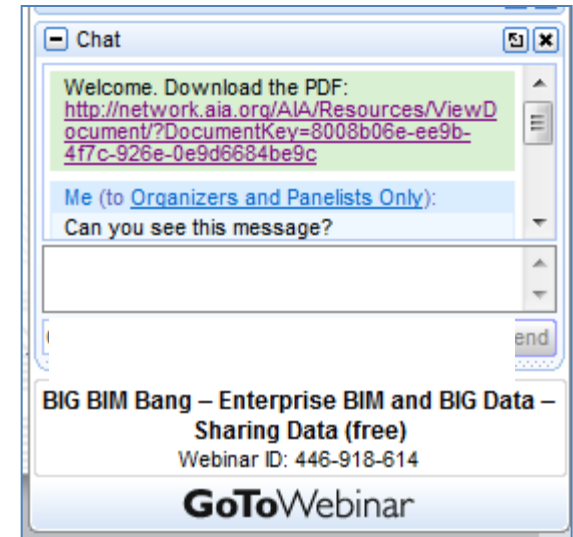
**Burton Lloyd Roslyn, FAIA,
FARA, DBIA-Architect**

Burton Roslyn's foremost accomplishment has been as advocate for and practitioner in what are the new Project Delivery Models: Integrated Project Delivery and Architect led Design Build. As a leader of AIANYs he has spearheaded legislative initiatives that are redefining the role and perception of architects in New York State and through those efforts participated in and taken a leading role in the national dialogue on these issues, including the actual drafting of legislation that has been adopted. Roslyn is an educator at New York Institute of Technology and his expertise in Design-Build is recognized nationally.



Questions?

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Content-related questions will be answered during the Q&A portion as time allows.

Tech support questions will be answered by AIA staff promptly.



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- **in the Chat box** at the conclusion of the live presentation;
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Speaker



Paula Selvaggio, RPLU

Paula M. Selvaggio is Senior Vice President and Industry Segment Leader of the Oswald Companies with responsibility for overall management of the Design Professional market segment in Ohio, Western Pennsylvania and West Virginia. For 30 years Paula has focused her career on professional liability insurance for architects, engineers and contractors. She recommends insurance programs, provides in-house education programs, contract review services and loss prevention consultation to clients, universities and professional associations. She received her Registered Professional Liability Underwriter (RPLU) designation in 2004, and Risk and Insurance Magazine named Paula a 2013 Power Broker® Winner in the Construction category.



Speaker



Eric O. Pempus, AIA

Eric Pempus is a risk manager at Oswald Companies with over 35 years of experience in architecture, law and the construction industry. He is a licensed architect in Ohio, California and North Carolina, and an attorney in Ohio. He is responsible for managing clients with risk management, contract review services and clients' continuing education programs. Prior to Oswald, Eric served for 20 years as General Counsel/Vice President Specifications for a large A/E/CM firm. He develops and delivers risk management educational programs, and is a Graduate Faculty Professor at Kent State University's College of Architecture & Environmental Design.



Course Description

Design and construction phase services include multiple duties and responsibilities, all of which should be documented in the regular course of project management. Proper documentation of a project also manages the design professional's, the project owner's and to some extent the public's interests and risks. This workshop will discuss the importance and types of project documentation, and outline tools and strategies for proper documentation of a successful project from design through construction contract administration.



Learning Objectives

1. Understand that design and construction phase services include multiple duties and responsibilities, all of which should be documented in the regular course of project management.
2. Understand that proper documentation of a project also manages the design professional's, the project owner's and to some extent the public's interests and risks. Proper documentation also reduces the design professional's professional liability insurance costs.
3. Understand the importance and types of project documentation, and outlines tools and strategies for proper documentation of a successful project from design through construction contract administration.
4. Learn through a Harvard University case study format how to analyze a complex set of facts based upon a real dispute that addresses proper project documentation.



And now for our presentation:

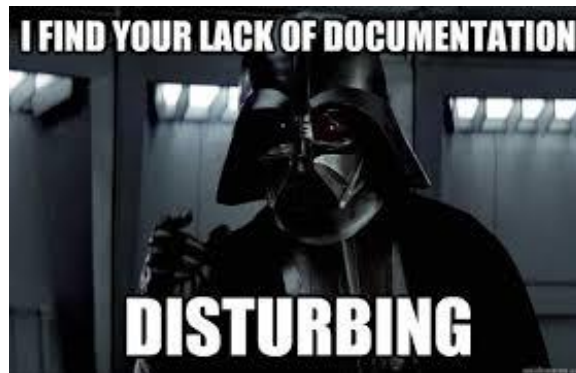
Construction Project Documentation “If It’s Not Documented ...”





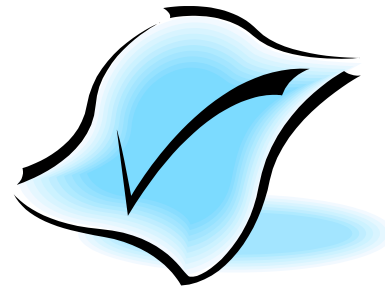
Construction Project Documentation

“If It’s Not Documented ...”



Agenda

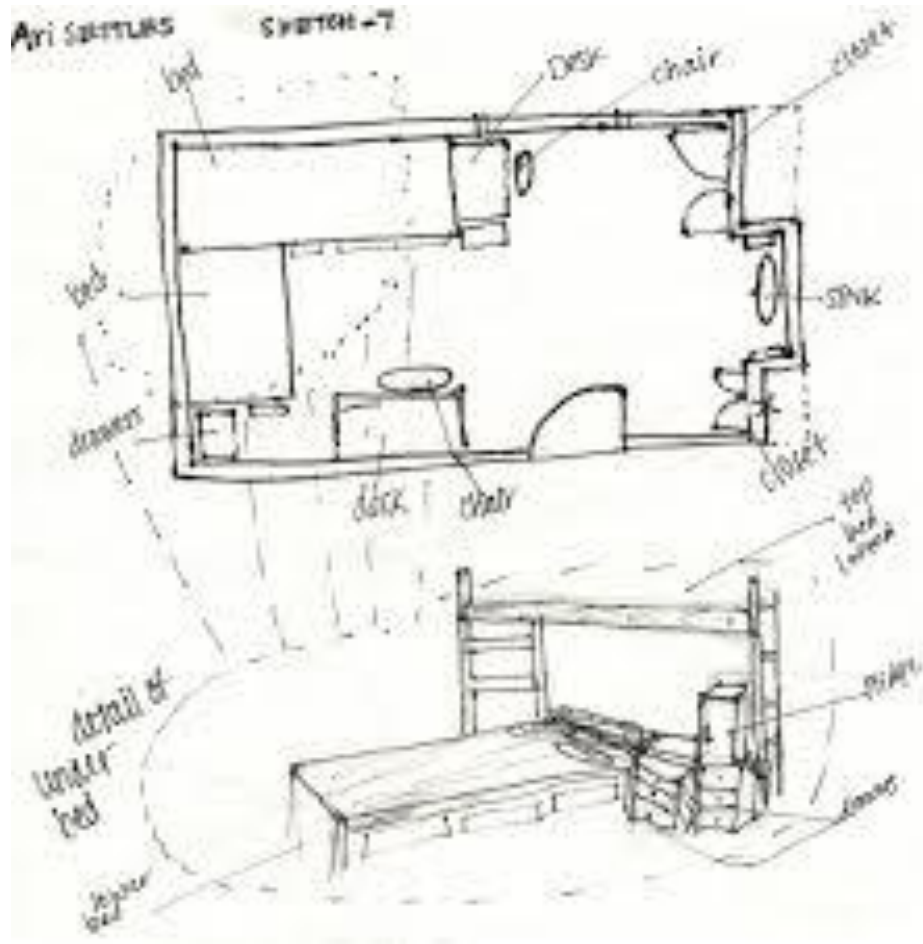
- Documentation Defined
- Risk Drivers
- Forms of Documentation / Communication
- Summary
- Questions / Conclusion



What is “Documentation”

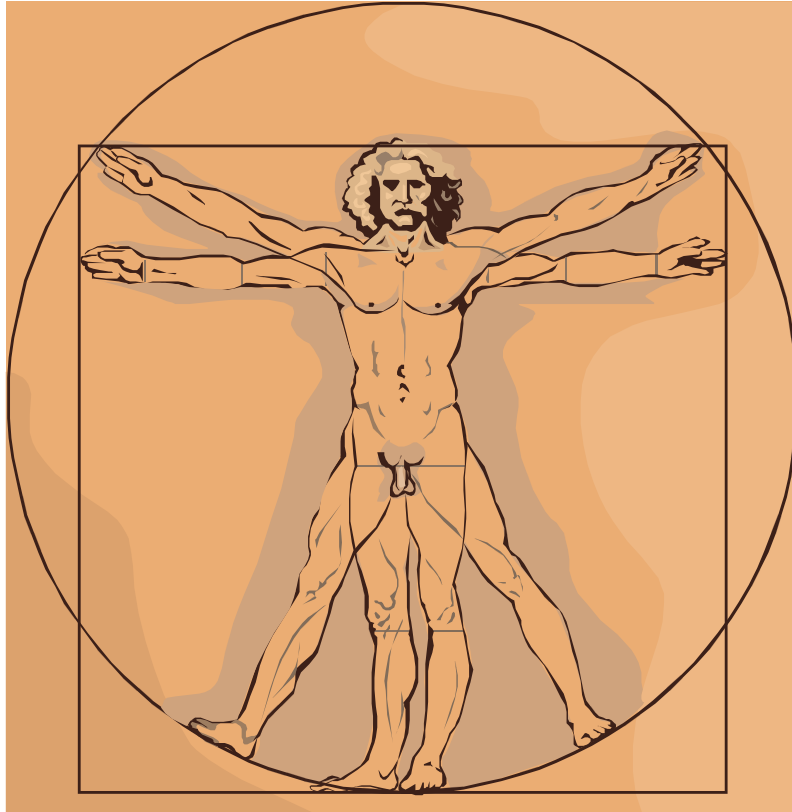
- **Physical things** - paper records such as proposals, contracts, correspondence, memorandums, drafts, reports, drawings, specifications, shop drawings and samples (submittals), presentation materials, renderings, models, mock-ups
- **Electronic things** – digital emails, LinkedIn, text messages, tweets, social media, audio and visual recordings and photographic info on computers, servers and the “cloud”
- **Anything** - related to your firm’s records

The Restaurant Napkin



- When it comes to documentation, something is better than nothing
- I.M. Pei - save your napkins
- There was a famous Italian painter, sculptor, architect, inventor, mathematician, etc. was known to document his work well.

Leonardo da Vinci kept Detailed Notebooks of his Work



Documentation – a Vital Element of Communication

- Client selective **amnesia** of their critical decisions or project discussions
 - e.g. **authorization to proceed** to the next phase of services (B101 requests approval)
- In a **claim situation**
 - he/she who has the best documentation usually wins
 - if it's not documented, it “_____”



Documentation, How Important is it Really?

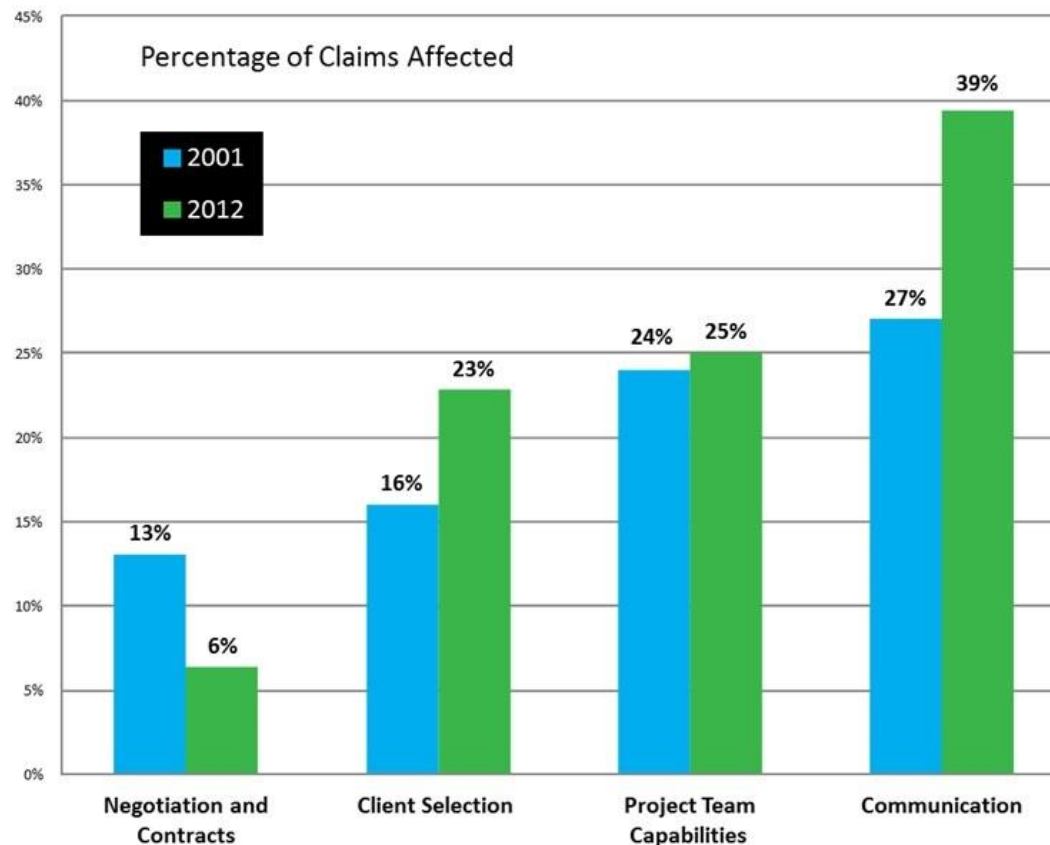
- An essential fabric of **project management**
- **Why** we document:
 - to communicate clearly-both internally & externally
 - organize info & efficiently retrieve when needed
 - reconstructing the project for yourself or others
- Let's take a look at some **statistics**



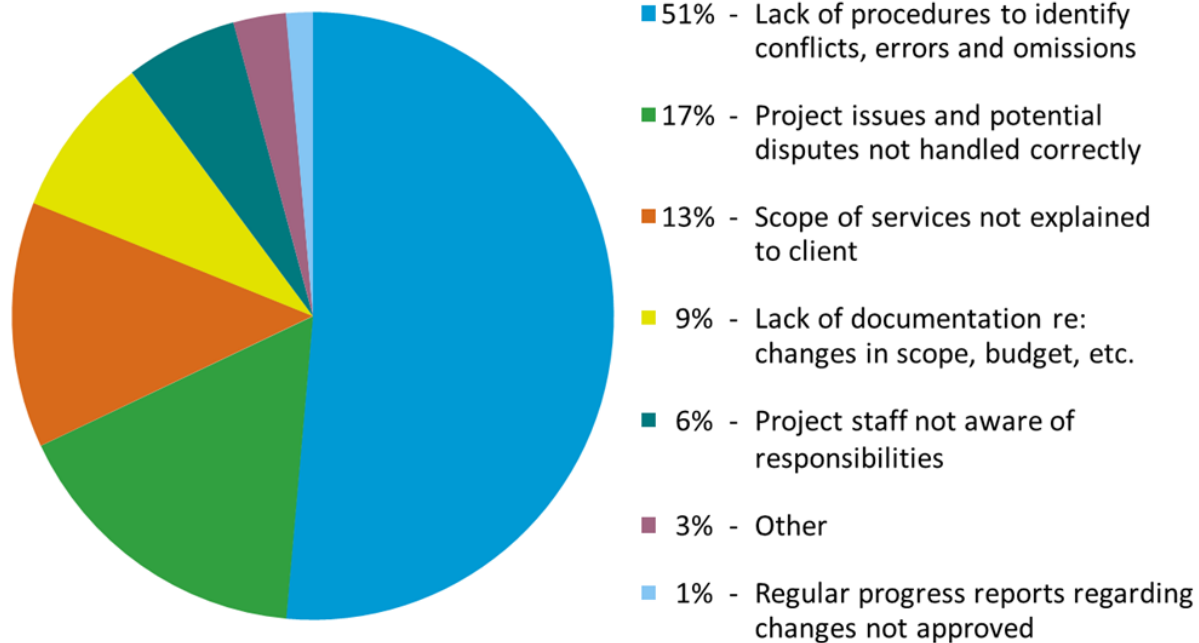
Classification of Causes

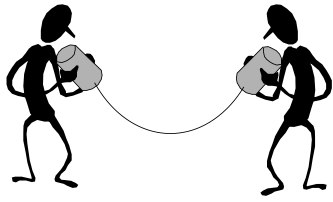
- **Technical (____ %?)**
 - Error and/or omission of a technical nature which resulted in a loss prevention file or claim
- **Non-technical (____ %?)**
 - Breakdown in project or practice management processes which contribute to a loss prevention file or claim being made

Top 4 Non-technical Contributors



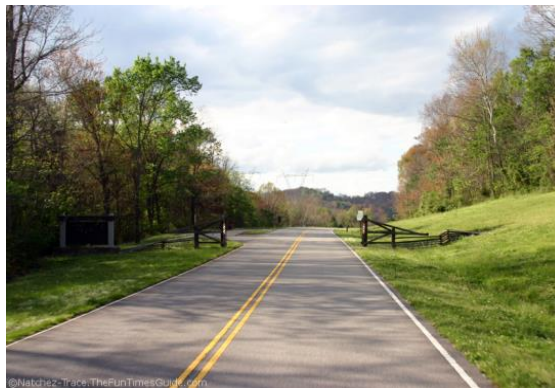
Communication Issues





Communication

- Often overlooked in **formal education**, which emphasizes technical skills
- The only vehicle to ascertain client needs
- Today's **fast pace** can contribute to huge misunderstandings
- **A two-way street:** it's not enough to think you are communicating,
 - you must verify you are understood



Consequences of Poor Communication

- Disputes/Claims/Financial Loss \$\$\$
 - **Loss** of reputation
 - **Loss** of trust with consultants/team members
 - **Loss** of client – it's easier to keep a good client than it is to find a new one

Carved in stone, type setting, printing press, telephone, email, Facebook, texting, twitter, 3dp...?



BIM, then there is 3-D printing

- Printer technology



- What is on the next horizon?
- Star Trek's transporter - beam me up, Scottie !!!

Formula 1 Air-Foil Modification

Nov. 2013/Austin, Texas



How many times do you actually reach a person when you call?



Telephone Records

- Telephone memo:
 - notifying/copy other party(ies)?
 - request for action or follow-up?
- Phone conversations (including cell):
 - contemporaneous records required
 - tape recordings/state laws vary
 - “one-party consent” law



Voicemail

- New technology-email of VM text translation

“At Eric we are on the lane big architect. Could you put from _____ ARCHITECTS could you please give me a call at 216 -- _____. Run lady thank you.”

- Makes the users vulnerable to:
 - informal/casual/spontaneous statements
 - one-sided documentation opportunity
 - unreliability-no confirmation of receipt or content

4 Steps to Effective Voicemail

- Prepare in advance (applies to all project calls)
- Get in, get done and get out
- Retain a record of voicemails as appropriate
- Follow up in writing as to:
 - points of significance
 - corrections
 - clarifications

Other Forms of Communication

- Text Messaging
 - cell carrier archiving/retrieval
 - forward texts to email system to archive
- Email
 - be wary of short cuts to the “To” – persons that have the same name but are in a different company



From: [REDACTED]
Sent: Friday, November 06, 1998 9:07 AM
To: [REDACTED]
Subject: FW: [REDACTED]
Importance: High

"What I do know is we have a dedicated PM trying to manage a project and make a profit who desperately needs assistance...this message is sent confidentially."

-----Original Message-----
From: [REDACTED]
Sent: Thursday, November 05, 1998 7:22 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: [REDACTED]
Importance: High

I have verified with [REDACTED] and [REDACTED] that these items were in fact discussed 2 weeks ago in Las Vegas-however I am not sure whether they are doable. What I do know is we have a dedicated PM trying to manage a project and make a profit who desperately needs assistance at the senior level of the company. I will await your comments and proposed next steps. This message is sent confidentially.

-----Original Message-----
From: [REDACTED]
Sent: Wednesday, November 04, 1998 8:10 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED]
Importance: High
Mike,

"Help! In looking at the future of this project, we are going to have severe budget over-run if _____ is going to be..."

Help! In looking at the future of this project, we are going to have a severe budget over-run if [REDACTED] is going to be committed to the project full-time during the CD phase (thru [REDACTED]). As you know, I have scheduled him for approximately 60% of his time (and still would prefer less time since he is not producing any deliverables for us!). You should know that [REDACTED] is 1/2 of our labor cost to date! I have two suggestions in how to divert some of the impact:

- Dallas/Justice Program needs to find additional work/assignments/marketing for [REDACTED], that he can do and charge to while living in Las Vegas.
- Reduce the multiplier for [REDACTED] from 1.7 to 0.5. It is my understanding that other on-site representatives [REDACTED] have had their multiplier reduced to this level. We are paying a double premium with the 1.7 multiplier and paying [REDACTED] living and working expenses in Las Vegas. This was discussed with [REDACTED] at a dinner meeting in Las Vegas on the 22nd of October. [REDACTED] indicated that this was a good idea - reducing our costs on paper and keeping the client happy by having [REDACTED] out there full time. Reducing the multiplier should be retroactive to the whole project.

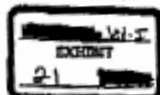
In addition to reducing the amount that [REDACTED] draws down on the project, we are also limited the amount of trips that we taking to Las Vegas, by further combining meetings and not sending additional people where possible (me and [REDACTED]).

We have already stopped / limited the work on the project from the [REDACTED] on-line thru January 99. With the project budget over-run and the value engineering still on-going, the project will not begin the CD phase until [REDACTED]. This should allow us to further extend our time away from the project until February!

In order to help our equity position, we have also double billed for two months during DD.

In order to get us out of further trouble, I need your help as the managing principal of our office is:

001416



"In order to help our equity position, we have also double billed for 2 months during DD"

Meeting Minutes



- Should be required for all meetings
- Distribute only to appropriate parties
- Request review / written response for any changes
 - with a period of objection
 - no response = acceptance
- Clearly document requests for action/follow-up

Submittals

AIA General Conditions (1915)/See also A201 (2007) Art. 3.12.8

Art. 5. Shop Drawings.—The Contractor shall submit two copies of all shop or setting drawings and schedules required for the work of the various trades and the Architect shall pass upon them with reasonable promptness. The Contractor shall make any corrections required by the Architect, file with him two corrected copies and furnish such copies as may be needed. The Architect's approval of such drawings or schedules shall not relieve the Contractor from responsibility for deviations from drawings or specifications, unless he has in writing called the Architect's attention to such deviations at the time of submission, nor shall it relieve him from responsibility for errors of any sort in shop drawings or schedules.

Art 6. Drawings and Specifications on the Work.—The Contractor shall keep one copy of all drawings and specifications on the work, in good order, available to the Architect and to his representatives.

Art. 7. Ownership of Drawings and Models.—All drawings, specifications and copies thereof furnished by the Architect are his property. They are not to be used on other work and, with the exception of the signed contract set, are to be returned to him on request, at the completion of the work. All models are the property of the Owner.

Job-Site Reports

- What we observe when **at the job-site**:
- Use a standard form modified as needed per special project condition
- Field reports sent to prescribed parties
- Note nonconforming work
- Do not stop the work, rather reject NC work
- Note project conditions

Sample Job-Site Report

Site Visit Report No. 7

RTFG Architects, Boulder, Colorado

- Date of Visit: March 17, 2010
- Project No.: RTFG Architects 231-09
- Project Name: Glenn-Osborn Observatory
- Location: Kaho'olawe Island, Hawaii
- **Time in/Time Out:** **8:05 am**
- Weather/Temperature Sunny, Low 70s
- **Items Inspected (*Denotes Action Required)**
 - **Superintendent not on site.** Interior and exterior masonry work on going. Due to high winds yesterday, wall collapsed at northeast corner of observatory storage area. **Injury** to apprentice mason. All other walls in **great shape.**
 - Reviewed several issues **with masonry contractor.** The assistant to the lead mason **has requested possibility of** a 4" veneer ground faced block and 8" back up on the interior in the visitor center in lieu of 12" block.
 - Mechanical rough-in ductwork etc. is ongoing. Mechanical contractor's foreman **has been replaced** for poor performance.
 - Concrete slab has been poured at main entrance. Work **appears to be in conformance** with detail drawings.
 - Fireproofing **appears to be behind schedule.** *Will check critical path with CM.
 - **Provided hand-drawn sketch** for revision to main telescope mount.

RFIs

AIA B101 (2007)

- § 4.3.3 The Architect shall provide Construction Phase Services exceeding the limits set forth below as **Additional Services**. When the limits below are reached, the Architect shall notify the Owner:
- .1 « » (« ») **reviews of each Shop Drawing**, Product Data item, sample and similar submittal of the Contractor
- .2 « » (« ») **visits to the site** by the Architect over the duration of the Project during construction
- .3 « » (« ») **inspections for any portion of the Work** to determine whether such portion of the Work is substantially complete in accordance with the requirements of the Contract Documents
- .4 « » (« ») **inspections for any portion of the Work** to determine final completion
- **.5 « » (« ») excessive/repetitive/unnecessary RFIs.**

ABC Contractors, Inc.
111 First Street
Hometown, USA

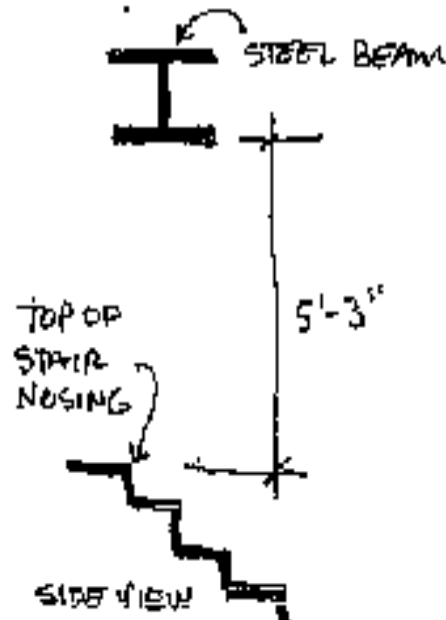
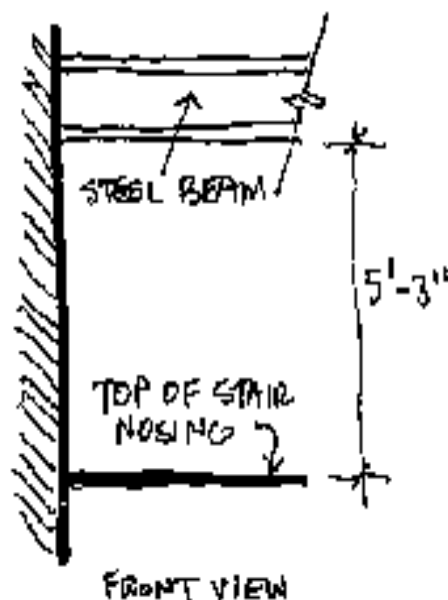
Request for Information

Date Sent to Architect: 5/1/07 via Email: ☒ U.S. Mail: ☐ Hand Delivery: ☐

Project Name/Location: WORLD HEADQUARTERS/CLEVELAND

State below the information sought which is not contained in the Contract Documents:

WHAT SHOULD WE DO ABOUT THE FOLLOWING
CONDITION AT STAIRWAY # 7?

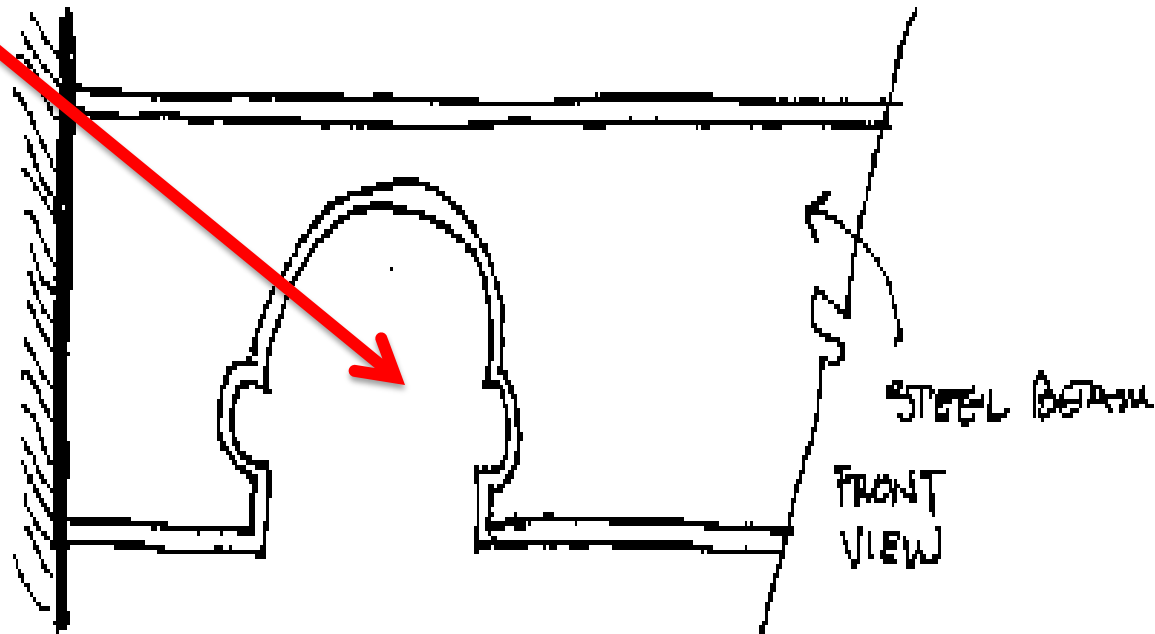


The Architect's Response

Date Sent to Contractor: 5/1/07 via Email: ☐ Fax: ☒ U.S. Mail: ☐ Hand Delivery: ☐

Architect's Response/Action:

MODIFY STEEL BEAM AS FOLLOWS:



Certificate of Completion

- One of the **most important** project documents
- **A201 § 9.8.1** *At the stage in the progress of the Work when the Work is sufficiently complete in accordance with the Contract Documents so that the Owner can occupy or utilize the Work for its intended use.*
- Design Professional will prepare a **Certificate of Substantial Completion** that shall establish the date thereof
- **Triggers** warranties/guarantees, statute of repose
- ***What if not hired to do construction phase services?***





Photographs

- Avoid **random photos** at site
 - *documentation that you don't know that you have*
- Background elements in photos **may later reveal errors or omissions**
 - *and your firm may then be held responsible*
- Use the **10 feet or 100 foot rule**
 - *know what photos to take and why*
- Videos, time lapse, Earthcam

<http://www.cuyahogacounty.us/en-US/earthcam.aspx>



Record Retention Issues

- Is there a **duty to retain** records?
- What do I keep and for how long?
- In what form do I keep my records, paper and/or electronic?

(Does your firm have a record retention policy?)



Summary

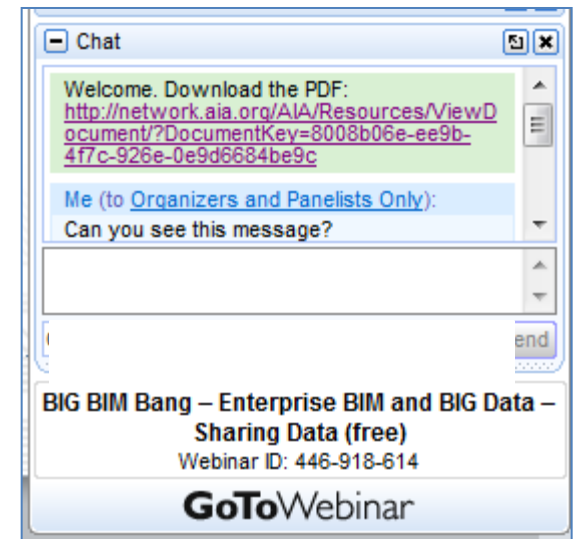
- Documentation is a vital part of project communication / management
- Proper documentation protects all parties
- Good documentation leads to successful/safe projects



Questions?

Submit a question to the moderator via the chat box.

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Thank you for joining us!

This concludes the AIA/CES Course **#CCA1504**. The webinar survey/report form URL is listed in the chat box **and** will be included in the follow-up email sent to you in the next hour.

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