

HOW CAN YOU
AVOID GETTING
SUED?????



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YOU CAN'T!!!

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A blue-tinted background image of a microscope, showing the eyepiece and objective lenses on the right side, and the stage and base on the left. The text is centered in the middle of the image.

**BUT YOU CAN HELP
MINIMIZE YOUR
EXPOSURE/ LIABILITY/
DAMAGES**

THE KEY
IS

DOCUMENTATION

IF THERE IS NOTHING IN WRITING
THEN IT DID
NOT
HAPPEN!

RECOMMENDED DOCUMENTATION

- * Submittal logs
- * Change order logs
- * Correspondence logs
- * **Emails**
- * RFI log
- * Project management software
- * Conformed documents
- * Verbal directions
- * Field directives
- * Daily reports
- * Record photos
- * Retention policy
- * Litigation hold
- * Privacy of confidential information (i.e. SS #)



35. This photograph shows some of the repair attempts. The lighter colored areas are repairs made between 2002 and 2006.



36. This photograph shows another area of repairs. The darker colored repairs were made in December 2006.



39. This photograph shows another view. These problems with the blistering and irregularity are general problems throughout, yet the patches never addressed these problems.



40. This photograph shows a view looking up the roof. The irregularities and blisters can be seen.



79. This photograph shows the separated layer of the foam. The foam is wet.



80. This photograph shows water shooting out of a big water blister.

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DESIGN
&
BID PHASE

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SUBMITTALS

&

RFI'S



ARE RFI'S BETTER THAN SUBMITTALS?

RFI – Background

RFI is a communication tool to facilitate resolution of or to clarify design document issues

- * Typically contractor submits and designer responds
- * Clarify a legitimate question concerning the design documents
- * Keep the project moving forward and build the job
- * Can lead to Change Orders
- * Process will vary from project to project
- * Effectively coordinate and manage RFIs
- * Assist documenting the history of the project

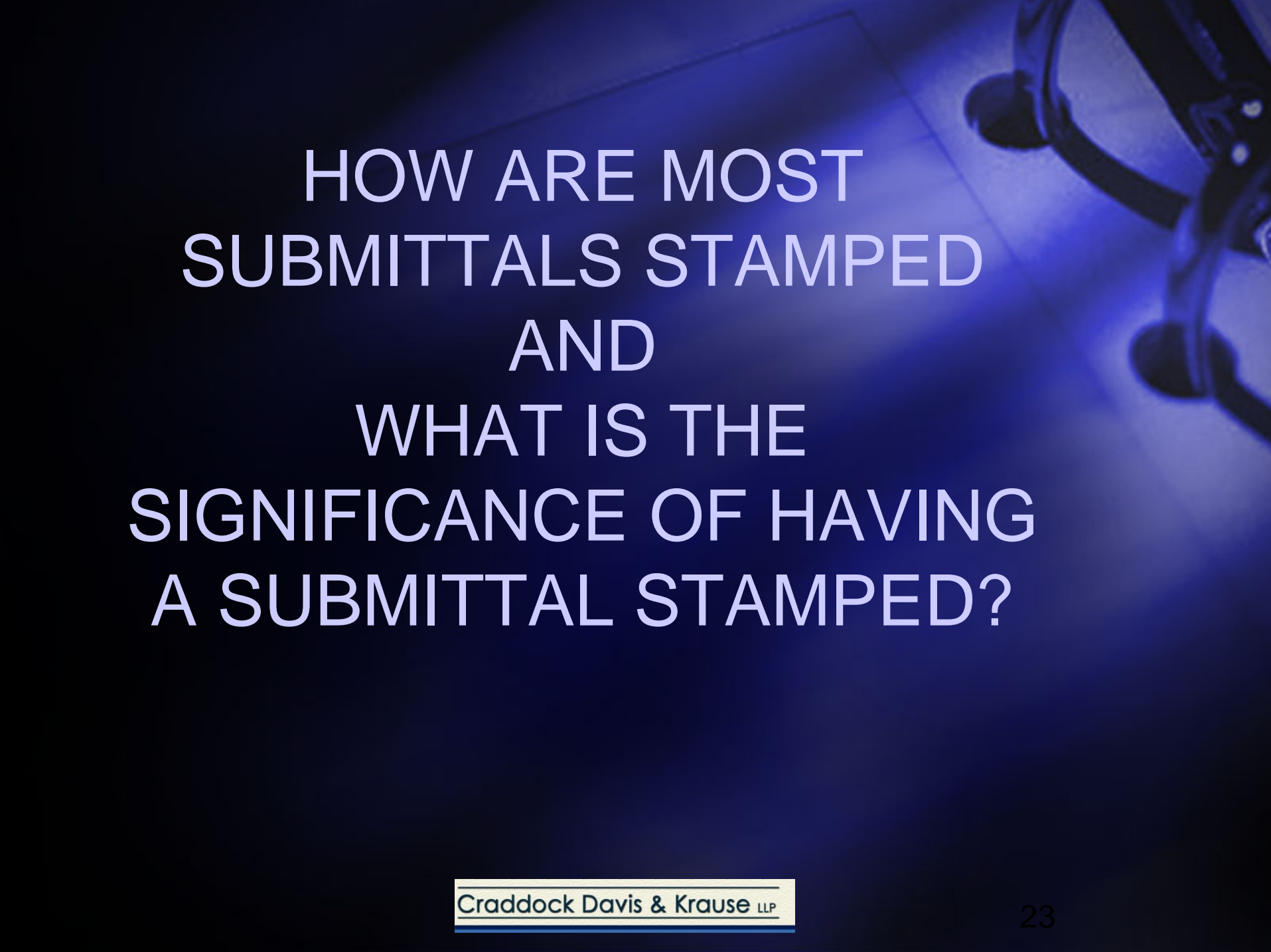
RFI – Background (Continued)

RFI is a communication tool to facilitate resolution of or to clarify design document issues

- Reason - design documents are allegedly:
 - Faulty
 - Ambiguous
 - Inadequate
 - Incomplete
 - Conflicting, etc...
- Claim Submitted for acts or omissions of the Design Professional – based on RFIs
- Perceived as providing a methodology to document deficiencies in the contract documents and establish a basis for additional costs and time

SUBMITTALS

- Subcontractor Driven
 - Minimal Review
- Does Not Identify A Specific Conflict



HOW ARE MOST
SUBMITTALS STAMPED
AND
WHAT IS THE
SIGNIFICANCE OF HAVING
A SUBMITTAL STAMPED?

SAMPLE

SUBMITTAL REVIEW STAMP

APPROVAL FOR GENERAL COMPLIANCE WITH STRUCTURAL CONTRACT DOCUMENTS

- | | |
|--|---|
| <input type="checkbox"/> APPROVED | Fabrication may proceed as shown |
| <input type="checkbox"/> APPROVED AS CORRECTED | Fabrication may proceed based on corrections indicated |
| <input type="checkbox"/> APPROVED AS CORRECTED
RESUBMIT FILE COPY | Fabrication may proceed based on corrections indicated.
Correct submission to resubmit for record purposes only. |
| <input type="checkbox"/> DISAPPROVED | Resubmit for approval. |
| <input type="checkbox"/> REVIEWED FOR INFORMATION | Approval not required. Accepted for information purposes only. |

Approval is for general compliance with the structural contract documents only. This approval assumes no responsibility for dimension, quantities and conditions that pertain to fabrication and installation or for processes and techniques of construction. The Contractor is responsible for coordination of the work of all trades and the performance of this work in a safe and satisfactory manner.

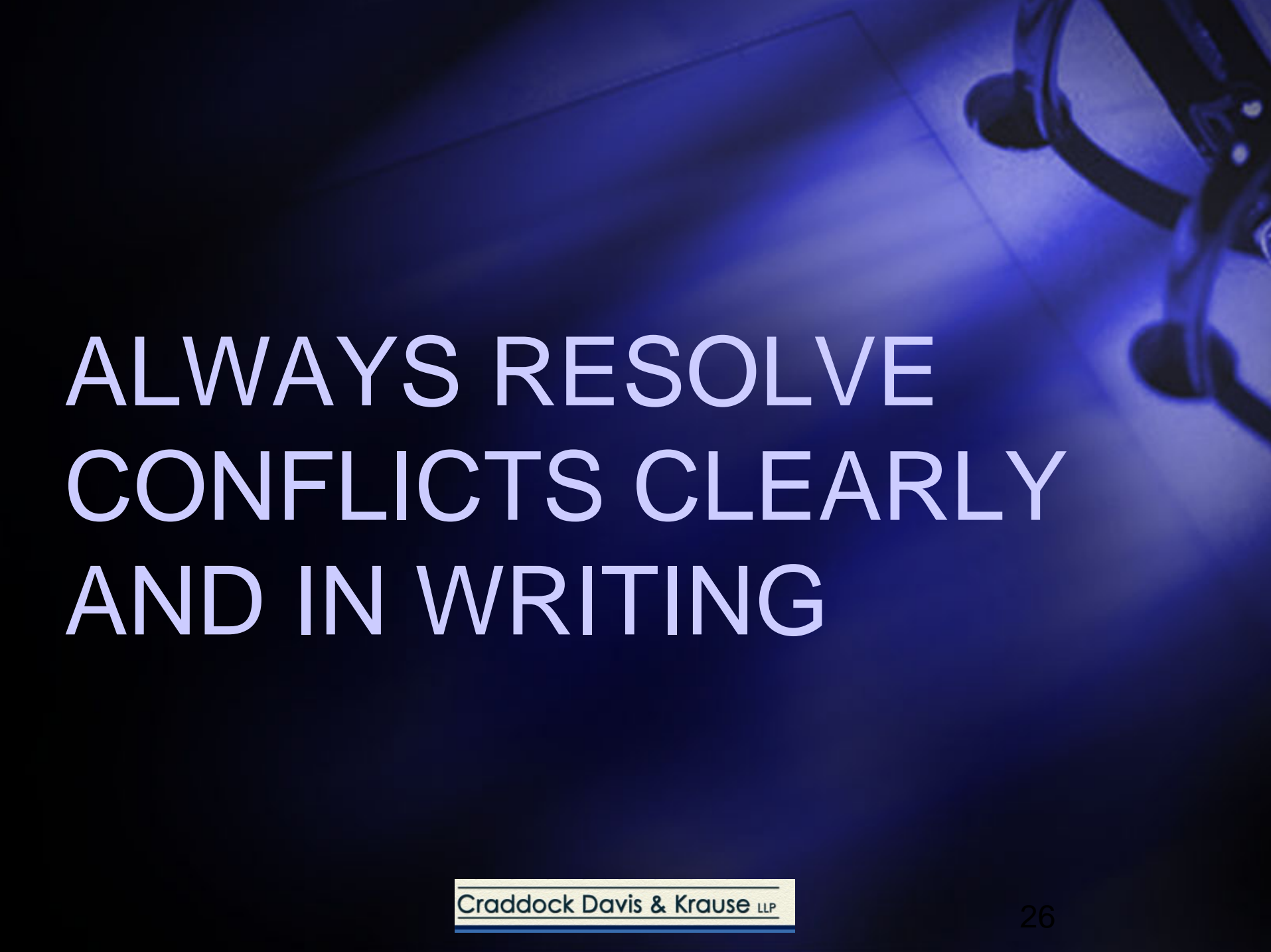
BY: _____ DATE: _____

YOUR COMPANY NAME

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CONSTRUCTION PHASE

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ALWAYS RESOLVE
CONFLICTS CLEARLY
AND IN WRITING




27.05.2009





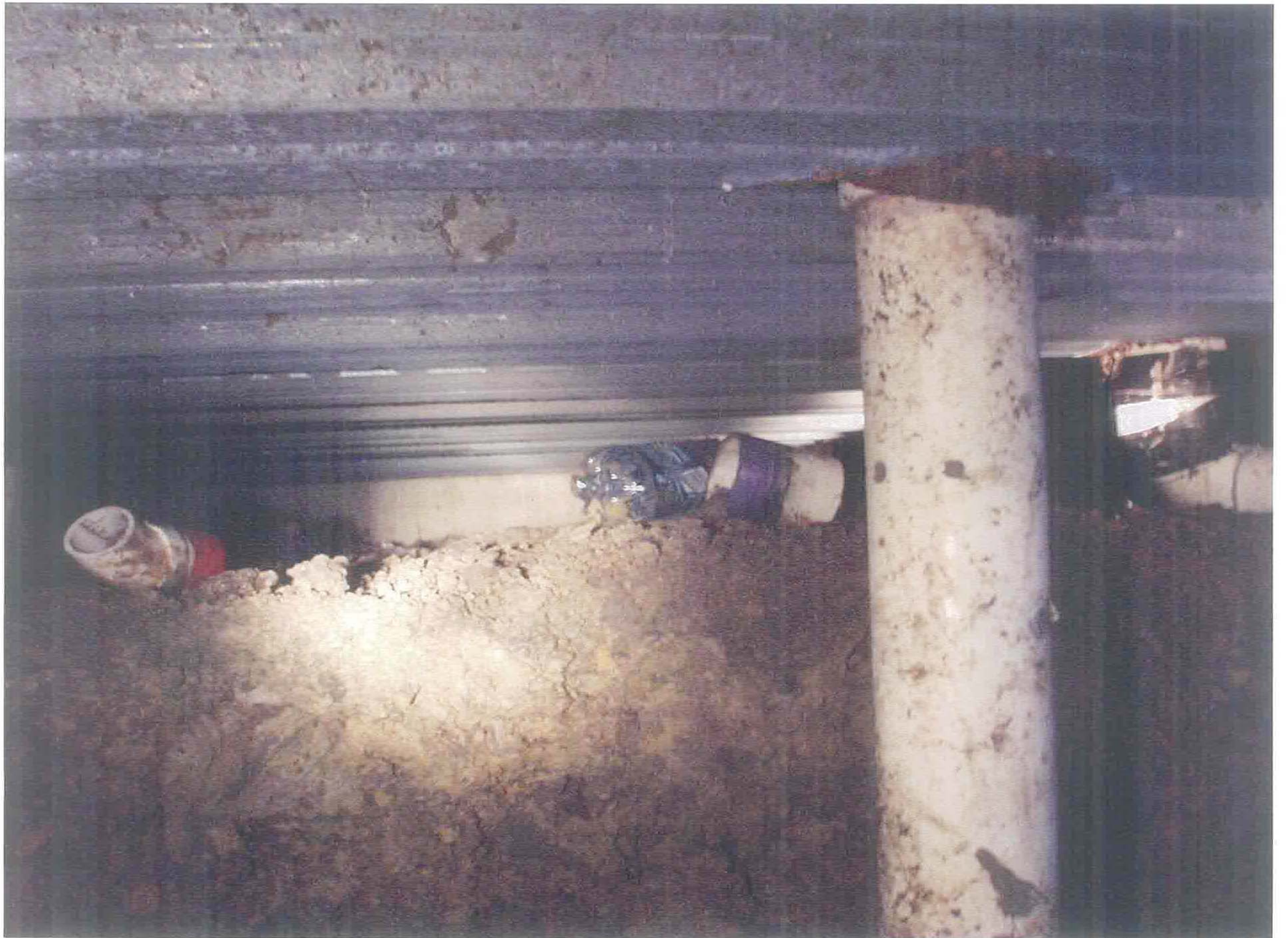
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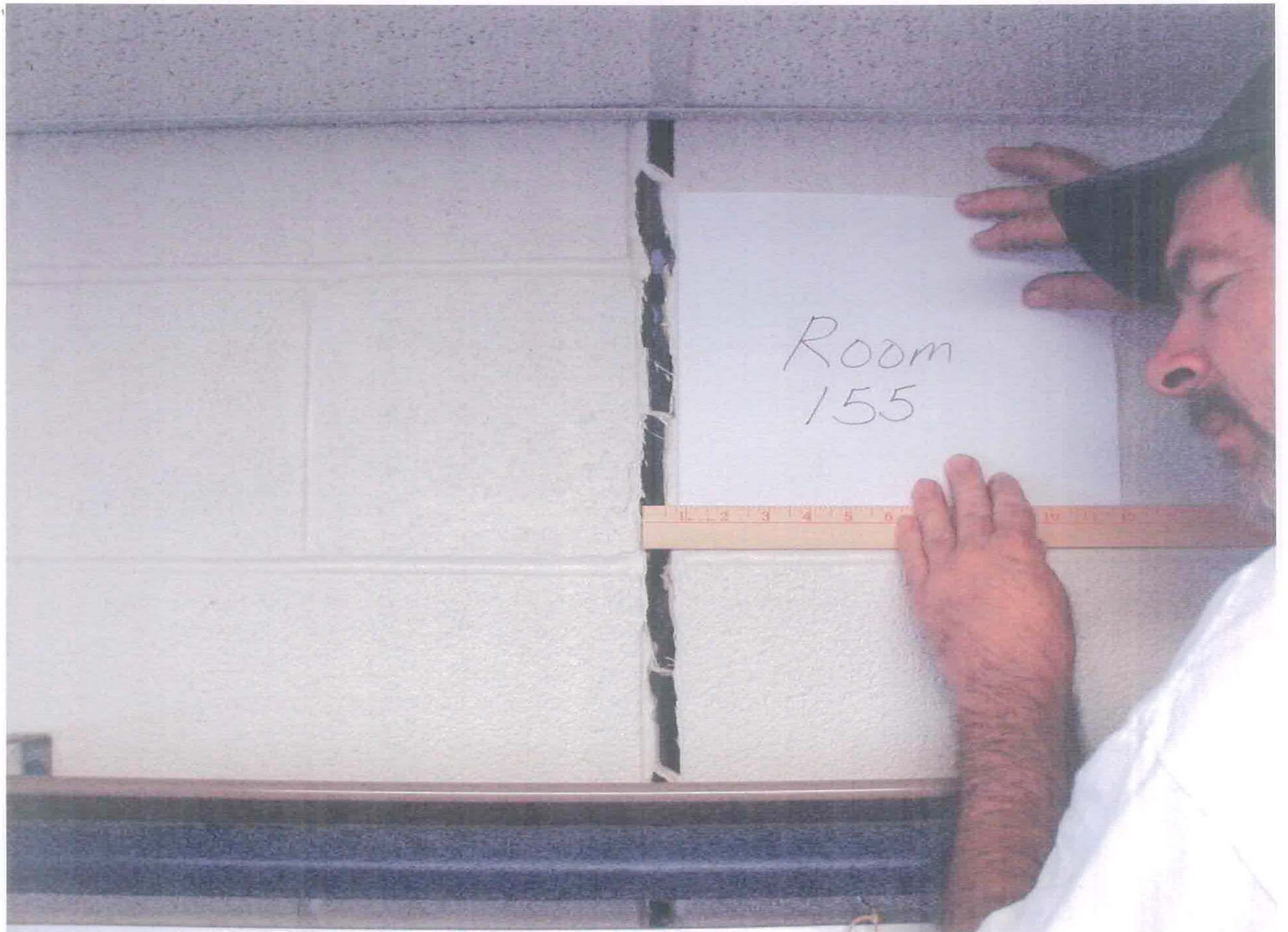
MAKE SURE YOUR
PROJECT IS
CONSTRUCTED
PER PLAN



KISD 005329




KISD 005328



KISD 005379



KISD 00532



KNOW WHEN TO FIGHT
OR WHEN TO
NEGOTIATE!

A blue-tinted photograph of an office chair's casters and base, positioned in the upper right corner of the slide. The rest of the slide is a solid dark blue background.

QUESTIONS?

The background of the slide is a blue-tinted photograph of an office desk. On the left, there are blueprints or technical drawings spread out, with a red pen and a pair of compasses resting on them. On the right, the back of a black office chair is visible, showing its five casters and the central column. The overall lighting is dim, creating a professional and focused atmosphere.

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