HOW CAN YOU AVOID GETTING SUED???
YOU CAN’T!!!
YOU CAN'T!!!
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 been 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.
DESIGN & BID PHASE
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 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?
## SUBMITTAL REVIEW STAMP

<table>
<thead>
<tr>
<th>Approval Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ APPROVED</td>
<td>Fabrication may proceed as shown</td>
</tr>
<tr>
<td>□ APPROVED AS CORRECTED</td>
<td>Fabrication may proceed based on corrections indicated</td>
</tr>
<tr>
<td>□ APPROVED AS CORRECTED RESUBMIT FILE COPY</td>
<td>Fabrication may proceed based on corrections indicated. Correct submission to resubmit for record purposes only.</td>
</tr>
<tr>
<td>□ DISAPPROVED</td>
<td>Resubmit for approval.</td>
</tr>
<tr>
<td>□ REVIEWED FOR INFORMATION</td>
<td>Approval not required. Accepted for information purposes only.</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>BY:</th>
<th>DATE:</th>
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</table>

YOUR COMPANY NAME

**Craddock Davis & Krause LLP**

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CONSTRUCTION PHASE
ALWAYS RESOLVE CONFLICTS CLEARLY AND IN WRITING
MAKE SURE YOUR PROJECT IS CONSTRUCTED PER PLAN
KNOW WHEN TO FIGHT OR WHEN TO NEGOTIATE!
QUESTIONS?