



Remedying Shop Drawing Problems

Everyone agrees that preventing a potential problem in advance is better than fixing it later on, especially in the shop drawing review process. Design professionals concur that shop drawing review can be a cause of distress and ultimately claims. But design professionals can make the shop drawing review process work to their advantage as a way to avoid claims from occurring altogether.

Take, for instance, an architect who was hired to draw up plans for the remodel of an old winery. The assignment included ensuring that the interior be consistent with local code requirements. By following a few minimal steps, the architect could have prevented a claim.

As is expected, the contractor began submitting shop drawings to the architect for review. The architect returned one of the shop drawings to the contractor for resubmission once the contractor "cleaned up" particular parts. The contractor resubmitted the drawings for a second evaluation. Unbeknownst to the architect, the contractor altered the width of the stairway leading up to an office to make it narrower, a modification that was not called for or expected as part of the "clean-up" process. Oblivious of the alteration to the stairwell, as this was clearly not a portion of the shop drawing the contractor was intended to resubmit, the architect stamped the drawings, "Approved."

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When the project was finished and the local building code representative declined to grant a Certificate of Occupancy, the architect was left wondering why. The predicament? The narrowed stairwell, as altered by the contractor and unconsciously approved by the architect, did not conform to the local fire code. The consequence? The stairway had to be dismantled and rebuilt, at the architect's cost.

The architect emphasized that the shop drawings were properly reviewed and the stairwell was properly designed. As a matter of course, the two shop drawings had been reviewed and modifications were noted. Nonetheless, the shop drawing with the error was stamped "Approved." Hence, the architect was found to be the responsible party and was forced to pay \$87,000 to remove and replace the stairwell.

What can we take from this as a "lessons learned"? By sending the shop drawing back to the contractor without any notations, the architect set themselves up for problems when the updated drawings were resubmitted. Devoid of any notations, the architect was accountable for reviewing the entire drawing all over again.

Steps to take to avoid shop drawing disasters:

- Highlight, cloud or make some entry or notation on the shop drawings restricting the areas that ought to be addressed in resubmittals.
- Include language on your stamp to the effect that any alterations on the shop drawing should be highlighted, clouded or noted by the contractor. Discuss with your local counsel for suggestions on precise wording.
- Send back as "rejected" shop drawings that do not include the contractor's stamp of approval.
- When the shop drawing differs from the contract documents, this should be recorded on the shop drawing and returned to the contractor.
- Return shop drawings whenever there is a mistake, but do not make an effort to correct the mistake.
- Create a schedule for the review of shop drawings and other submittals.
- If the subject matter is outside of your scope of services, write down on the shop drawing saying, "Not reviewed. Outside of Scope of Services," and send back the shop drawing without delay to the contractor.
- Include language on any transmittals on re-reviews signifying "Design Professional has reviewed only those areas of the drawings marked with clouds or other designations indicating those were the only areas changed since Design Professional's initial review of the drawing. Therefore, any changes made to areas outside of the clouded (or in any other way designated area) have not been reviewed. Any such changes in these other areas were made without the knowledge or consent of the Design Professional."
- Set up a quality control program in your office and place an importance on the shop drawing review process. Claims frequently arise from straightforward mistakes.
- Have experienced staff members review more complex submittals. Educate less-experienced staff members to follow measures that you employ.
- Keep up an accurate log of submittals, including copies as submitted and as returned.
- Make certain the contract states a reasonable time frame for shop drawing review.

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By creating shop drawing review guidelines and procedures in your office and utilizing risk management throughout the review process, the anxiety associated with reviewing shop drawings can be diminished.

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