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COMMUNICATE WITH THE CLIENT

Professionals provide services. Those services are focused on meeting the expressed needs of a client. Therefore, there should be a mutual understanding of the goal of the client's project and the services being provided on that project.

Make sure you have a clear understanding of the client's expectations. Many people, and many clients, do not understand the roles and responsibilities of the design professional on a typical construction project. Many clients believe design professionals are responsible for total performance. They are not.

The client must recognize that the design professional is an advisor; it is important to communicate the limits of your responsibilities so that the client knows what roles you can and cannot perform. Lawyers and doctors do not guarantee the results of their performance; neither should design professionals.

The design professional is the client's consultant whose role is to provide design services and assist the client in securing from the contractor a project that is in general conformity with the design professional's design concept and specifications.

Contractors, not design professionals, are responsible for total performance; in other words, building the project. Design professionals do not manufacture or install project components they specify, nor can they guarantee those components.

Construction phase services evaluating the work of the contractor are meant to determine general conformity of the construction with the plans and specifications.

Ideally, design professionals should be allowed to provide those construction phase field services that they judge necessary to determine that the contractor is building the project in substantial compliance with the design concept and specifications. When discussing this important point, the design professional should explain the potential dangers and consequences inherent in the reduction of construction phase services to reduce project costs. Certifications should be qualified to accurately reflect the scope of services being provided. The design professional should also make sure that the client understands that field service staff cannot be expected to detect every minor deficiency.

If clients choose to have their own supervision personnel in the field, rather than letting design professionals perform those construction phase field services, they should be made to understand that contracts must be adjusted to reflect such situations and relieve design professionals of liability for the risks created by the client's decisions made on-site.

Clients should know that the design professional can provide some form of project cost estimates for budgetary purposes, but due to many factors beyond the control of either party, these estimates cannot be guaranteed. Clients should also be advised to establish contingency funds to meet unforeseen additional costs.

Estimates are just that, not guarantees. They represent experienced professional judgment based on the information and knowledge available at the time the estimate was made. There are various methods of generating a 'conceptual estimate' of project cost, and the strengths and limitations of the chosen method should be clearly communicated to the client.

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The design professional should carefully review the feasibility study, and if there are aspects that appear unrealistic or unattainable, make sure the client understands the reasoning behind your concerns.

Above all, do not 'protect' the client from the realities of life on a construction site. The more disputes and disagreements are ignored or swept aside at the beginning, the greater the possibility they will reappear in the form of problems and, ultimately, claims.

Formal channels at beginning of project

It is essential to establish formal channels of communication with the client at the inception of the project. The channels should be reliable, effective and measurable; senior management should make sure that communication channels are being used for their intended purpose. Simplicity is important, because clumsy, time-consuming procedures may appear pointless to some personnel. This can be very dangerous if the system itself becomes a reasonable excuse for ignoring it.

Good communication means that the design professional informs the client every time a risk situation arises. The design professional's role is to analyze the risk from a professional standpoint and let the client assume or reject the risk. The client makes the decision.