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CONSISTENCY

Consistency between all contracts

The design professional should be sure to examine any other contracts signed by the client. The design professional's contract should be compatible with that of the contractor, construction manager and project manager. There should be no inconsistencies between the contracts for lawyers to exploit, and no doubling up of roles and responsibilities.

Non-contractual liability

These paragraphs echo information in other sections of this guide, but the point is worth repeating. On or off the job site, it can be very easy to provide a contractor with advice or information that in effect transfers responsibility from the contractor to the design professional. For a design professional, it may go against the grain to know a solution and not be able to express it, but there are many situations on a job site that simply are not the design professional's business. When communicating with contractors anywhere and any time during a construction project, the design professional should always be conscious of exactly what can and cannot be said. Among other things, the contractor is responsible for the 'means, methods, techniques, sequences and procedures' of performing the construction. Any specific advice or instructions from the design professional could be construed as assuming responsibility for results.

Assuming liability where there is no contract or payment

As mentioned in 'Communication,' some design professionals get into trouble by giving advice without being paid, without a contract and, possibly, without even knowing that they are, in effect, giving their professional opinion.