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CONTRACTORS' CUSTOMARY DUTIES & RESPONSIBILITIES

In order to clearly establish the issues surrounding a construction dispute, it is first necessary to gain an understanding of what a general building contractor ordinarily does and is subsequently responsible for when performing work under a contract for a building owner.

Construction contracts and their inherent terms and conditions vary widely depending upon the source. These sources usually are the standard form contracts available through the American Institute of Architects (AIA), the Associated General Contractors (AGC), Building News, Inc. (BNI) or a "make-your-own" contract.

Property owners ordinarily are not experienced with the organizational and technical requirements, experiential skills or legal requirements for licensed general building contractors. Therefore, owners customarily rely upon the experience and skills of a contractor with whom they believe will perform in a **timely** and **workmanlike** manner, and do so in accordance with the requirements of the contract documents in question. It is this element of **TRUST** and **GOOD FAITH** that is most often betrayed either due to the incompetence or lack of reasonable due **diligence** by the general contractor, and in some cases both.

In an effort to establish a reasonable foundation to the issues at hand, the following is a representation of the **basic duties and responsibilities** of a licensed general building contractor in the State of California. It is only intended as a thumbnail sketch of that which has become the **INDUSTRY STANDARD OF PRACTICE** performed by countless contractors throughout many years:

Understanding the **Construction Specifications Institute's Master Specification Format**

The Construction Specifications Institute (CSI) has over many years broken down the basic elements of building construction into **16 divisions**, with a plethora of **sub-divisions** all illustrating the components and their requirements for building construction.

These divisions and sub-divisions are utilized by architects, engineers, contractors, building departments and building product manufacturers in order to maintain a highly organized method of referring to each component and procedure used within a building structure, its related site work, and their specific requirements for the manufacture, assembly, testing, job site coordination and construction, similar to the Dewey Decimal System used for libraries.

These divisions are as follows:

- DIVISION 1: General Requirements
- DIVISION 2: Site Work
- DIVISION 3: Concrete
- DIVISION 4: Masonry



DIVISION 5: Metals
DIVISION 6: Carpentry
DIVISION 7: Thermal & Moisture Protection
DIVISION 8: Doors, Windows & Glass
DIVISION 9: Finishes
DIVISION 10: Specialties
DIVISION 11: Equipment
DIVISION 12: Furnishings
DIVISION 13: Special Construction
DIVISION 14: Conveying Systems
DIVISION 15: Mechanical
DIVISION 16: Electrical

Once the construction drawings have been completed by the project architect, they customarily are provided to a pre-selected list of general contractors for their bids, which in turn are usually resulting in a general contract award. The sequence of events is usually divided into multiple phases, such as the **Bidding Phase, Pre-Construction Phase, Construction Phase** and the **Completion Phase**.

Throughout all phases of the work, the general contractor has a **nondelegable duty** to exercise all due diligence to perform all of the work for which he has contracted for, to supervise all work performed by his employees and /or subcontractors and do so in a timely and workmanlike manner.

The contractor is solely responsible to the owner for the compliance of all work performed to be in strict accordance with all of the requirements of the **approved** plans, specifications, locally adopted building codes and ordinances, building code standards, and applicable industry standards. The contractor is licensed and regulated by the Contractors State License Board, and is held to the requirements of the Business and Professions Code, and CAL-OSHA (for safety issues).

Communication

Communication between all parties connected with the construction process is an extremely vital function. In order to avoid confusion whereby too many people (subcontractors, etc.) become involved with contacting the project architect, it is customary that all communications with the project architect and/or owner be conducted through the general contractor, only. This, of course does not restrict the owner's communications with the project architect directly.

As a custom and practice, the project architect will perform post design construction administration services (from minimal to extensive, depending upon their contract terms and conditions with the owner), and in many cases, act as the owner's representative throughout the construction phases.

Accordingly, the contractor will customarily direct all correspondence, shop drawings, samples, descriptive data, reports, proposals, transmittals, requests for information, or requests of any nature to the Architect for his response. The Architect will in turn respond to the contractor in a timely manner with his responses.

Basic Duties and Responsibilities of the General Contractor Bidding Phase

1. Receive the bid documents (plans, specifications, and R.F.Q. [Request for Quotation]).
2. Review the bid documents for:
 - A. Completeness,
 - B. Special Equipment,
 - C. Special Requirements (allowances, etc.).

3. Compile a comprehensive list comprising the total “Scope of the Work,” all items comprising labor, materials, equipment, and rentals, applicable to CSI Specification Divisions 1 through 16.
4. Conduct a quantity survey for all items (prime contractor and subcontractor labor, equipment, materials, temporary facilities, services and rentals) comprising the total **scope of the Work** (cost breakdown). This is commonly referred to as a **take-off** for quantities for each and all items, applicable to CSI Specification Divisions 1 through 16.
5. Create a complete cost breakdown for each item, applicable to CSI Specification Divisions 1 through 16. This is commonly referred to as a **schedule of values** which can be used for not only the bid, but for payment requests and **cost-loaded schedules**, as well.
6. Conduct a **site inspection**, check the site conditions for:
 - A. An accurate representation of the conditions as shown on the plans,
 - B. Access to the site,
 - C. Utilities,
 - D. Locations for:
 1. Temporary Field Office,
 2. Temporary Telephone(s),
 3. Temporary Water,
 4. Temporary Toilet(s),
 5. Temporary Power,
 6. Temporary Fences and Gates,
 7. Materials’ Storage
 - E. Any unusual or potentially problematic conditions.
7. Complete all of the above and submit proposal (**Bid**). Once the Construction Contract has been awarded, then the **pre-construction phase** begins.

Pre-Construction Phase

1. Procure all sub-contracts, material suppliers, equipment, services and rentals in accordance with the requirements of the “Approved” Plans and Specifications (Divisions 1 through 16).
2. Procure the building permit and post it on the job site.
3. Procure the original “City Approved” (“**Stamped**”) plans, permit card and maintain them on the job site.
4. Provide for all temporary facilities, in accordance with Division 1, General Requirements:
 - A. Temporary Power,
 - B. Temporary Water,
 - C. Temporary Toilet(s),
 - D. Temporary Field Office,
 - E. Temporary Telephone,
 - F. Temporary Fence, gates and barricades.
5. Provide for adequate, skilled, and knowledgeable job site supervision.
6. Consult with all subcontractors and material suppliers for the availability of adequate work forces and materials.
7. Create a preliminary Critical Path Method (CPM) construction schedule showing starting and ending dates for all phases of operations from project start through contract completion date (This schedule requires regular [weekly or monthly] updating).

8. Upon completion of the preliminary CPM construction schedule, meet with the architect and owner (or their representatives) and have an understanding (agreement) of the **Schedule** and utilize same as the **Approved Project Schedule**, including the **Schedule of Values**.

9. Conduct a **pre-construction job site meeting** with all key subcontractors, employees and material suppliers:

A Typical Pre-Construction Meeting AGENDA

A. Introductions, names, addresses, phone numbers & after hour emergency phone numbers:

1. Owner's Representative,
2. Architect's Main Office,
3. Architect's Consultant(s),
4. Geotechnical Engineer,
5. Building Inspector,
6. Testing Laboratory,
7. Contractor's Office,
8. Contractor's On-Site Personnel,
9. Key Subcontractors.

B. Administrative Items:

1. Organization and Relationships,
2. Communications & Correspondence,
3. Submittals and Shop Drawings,
4. CPM Scheduling,
5. Schedule of Values & Payment Applications,
6. Clarifications and R.F.I's.,
7. Change Order Proposals, and Change Order Approvals,
8. Substitutions,
9. Project Progress Meetings,
10. Exception Reports by the Architect, his Consultants, the Special Inspectors or the Building Inspector.

C. Job Site Coordination Items:

1. Record "As-Built" Drawings,
2. Required Inspections and Testing,
3. Safety - Permits - First Aid,
4. Work Hours,
5. Supervision,
6. Utilities and Services,
7. Security Procedures,
8. Parking,
9. Storage,
10. Utility Interruption,
12. Field Offices and Equipment,
13. Municipal Permits.

D. Technical Items and Questions:

1. Schedule Review,
2. Mobilization Period Activities & Schedule,
3. Questions and Answers.

10. Provide the owner with a complete list indicating the names, addresses and telephone numbers for all subcontractors, material suppliers, special inspectors, and contractor's employees furnishing labor and materials to the project (This is usually provided for preliminary lien notice purposes), and updated as needed.

11. Continue reviewing the approved plans and specifications, for constructibility. Prepare written **Requests for Information** (RFI's) to address questions to the architect as they arise. The RFI's should be brief, sequentially numbered and contain only one subject for each RFI.

Once the pre-construction activities have been completed, the **Construction Phase** begins and should be conducted in strict accordance with the approved plans, specifications, codes, ordinances, and construction schedule.

Construction Phase

1. Schedule all work in accordance with the approved project construction schedule.
2. Provide for adequate, skilled, and knowledgeable job site supervision. Since most construction projects involve the coordination and supervision of a multitude of building trades, it is customarily (required by most contract forms) required that a highly experienced person(s) be in constant attendance on the project site, a superintendent, to perform this function, and also to act as a liaison for the general contractor with the project architect and the owner.
3. Coordinate, supervise, and inspect all work (in progress) for strict adherence with all of the requirements of the approved plans, specifications, building codes and ordinances, and building standards.
4. Look well ahead of the work actually in progress for areas that may cause delays, or problems, and find means to resolve them before they become delays or problems.
5. Maintain the approved construction schedule, and revise it as needed to maintain the contract schedule start and end dates.
6. Conduct weekly **safety meetings** with all trades and employees.
7. Conduct weekly **progress meetings** with the architect and owner or their representatives.
8. Coordinate and schedule all required **municipal inspections**. Plan ahead for them, and be sure that the work is ready for the inspections.
9. Maintain complete **records** for all activities during construction:
 - A. Organization List (Subcontractors and Material Suppliers),
 - B. Communications,
 - C. Submittals and Shop Drawings,
 - D. Schedule,
 - E. Correspondence,
 - F. Daily Activity Log,
 - G. RFI's and Answers,
 - H. Change Orders - Requested and Approved,
 - I. Meetings - Safety and Progress,
 - J. Reports - Inspections, Testing, ICBO, ASTM, etc.

Completion Phase

1. All submittals, record **as-built drawings**, manuals, warranties, extra materials, lien releases or waivers and final payment applications should be made to the architect, and/or owner.
2. All **punch-list** items shall be completed and accepted by the architect, owner and any **correction notices** be approved by the building inspector prior to submitting for final payment.
3. All required equipment startup and tests shall be thoroughly documented and copied to the architect, the building inspector (test reports only), and the owner.
4. All required special inspections, building inspector inspections, and reports of all materials testing results shall be completed, signed off by all parties, and furnished to the building department, the architect and the owner.
5. The architect, the engineers, the materials testing laboratory and their applicable special inspectors should complete and sign a final inspection report, if required.
6. All debris removed and hauled away from the site, and all surfaces cleaned, in accordance with the requirements of the specifications.
7. All maintenance programs carefully explained to the owner.
8. All keys, warranties and maintenance manuals turned over to the owner.