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Record keeping during construction: A worthwhile effort

is Ian Street



Nautilus
Consulting,
LLC

The accurate recording of construction project events and the subsequent maintenance of these records is absolutely essential. If you are a contractor asserting a claim, proper documentation will be required to convince a judge, jury or arbitration panel of the legitimacy of the claim and the resulting increased costs. Conversely, an Owner can use the documentation maintained during the course of the project to counter the premise of a contractor's claim as well as the claimed costs.

Nevertheless, many organizations have no set policies regarding the establishment and maintenance of a recordkeeping system. Instead, it is often left to the project manager to develop his own system for the project. As a result, there is frequently no consistency within a company as to the type of recordkeeping system employed.

A good system will allow you to create a contemporaneous record of project events so that credibility issues as to the facts in future litigation or arbitrations are avoided. It will also allow you to retrieve important documents quickly as well as to recreate the project at a later point in time to determine when work activities were

performed, the manpower involved, impacts to the project work, etc. Very often, a good record keeping system can lead to an equitable resolution to the problem during the project, rather than after it in either costly litigation or arbitration.

The records that should be kept during the course of construction will vary by the nature and duration of the project. However, some of the types of records that should be compiled during the course of the project and retained after it would typically include the following:

- **Daily Report** - A daily report can be an invaluable tool in recreating the events of the project and in performing an analysis of the project delays. The information that should be included in the report are the project name, location, date, weather, the work accomplished, work hours, the total number of men for each trade and each subcontractor, quantity of work installed, materials delivered, visitors, Owner directives, work impacts and meetings attended.

With this information, you can create an as-built schedule for the project which will identify when the various project activities were performed as well as when specific project impacts were encountered and resolved.

- **Daily Timesheet** - Another important document is the daily timesheet. The timesheet should record the name of each individual, the hours they work each day, the number of hours they worked on individual tasks and the quantity of material installed on each task. This information can then become the basis for the project

payroll reports.

- **Submittal/RFI/Correspondence Logs** - Logs should be maintained which track the flow of documents. These would include logs for correspondence, requests for information/clarification, shop drawing submittals and change orders. This will allow you to track when items were received & transmitted and to determine when a response is past due.

- **Photographs/Videotapes** - Photographs and videotape should be used to document project progress as well as any impacts to the work. Progress photos and/or videotape should be date stamped and taken on a weekly basis for short duration projects and no less frequently than monthly on multi-year projects. A clear description of what is being viewed as well as a description of any impacts, delays and problems encountered in the affected area should be noted.

- **Meeting Minutes** - Subsequent to any and all meetings, minutes should be prepared and distributed to all attendees to allow them an opportunity to register disagreement with the minutes as written. This also serves to document what was discussed at the meeting.

- **Transmittals** - All items being transmitted to either the Owner or his agent should be accompanied by a transmittal. In this way, submittal dates for all shop drawings, requisitions, schedules, change orders, etc. can be tracked.

- **Notice** - All required contractual notices should be communicated in

accordance with the contract requirements, typically in the form of a letter. This is particularly important as most contracts require written, not verbal notification of changed conditions or claims. In addition, the sending of a letter on all matters of importance allows you to convey your position on a matter and build a record to support your position. All notices should be sent in the manner and within the time frame as defined in the contract.

- **Schedules** - Many contracts require the contractor to prepare on a periodic basis, typically monthly, an update to the project schedule and a narrative report. This report describes the status of the project, compares the planned and actual progress of the scheduled activities and the project, and identifies the restraints on affected activities. Even if the contract does not require the preparation of such a report, it is good practice to prepare one so that the project impacts and their effects are clearly identified through contemporaneous documentation.

While the extent of documentation described above may seem considerable, it is necessary if you are to adequately document your position during the project and to be in a position to demonstrate in legal proceedings that the facts are as you say. The alternative is to rely upon verbal testimony whose success will rely only upon the credibility of your witnesses.

Ian Street is the president of Nautilus Consulting, LLC, Commack, N.Y.