
School Construction Project Liabilities and Protections

A C.A.S.H. Workshop Presentation

By Art Hand Jr. Assistant Superintendent, Facilities and Planning
Lodi Unified School District

December 9, 2008

What Makes Projects Work?

- Good Up-Front Planning
- Capable Design/Contract Administration
Professionals with Appropriate Project Oversight
Responsibilities
- Bidding Do's & Don'ts
- Project Start-up Tips
- Diligent Oversight throughout Construction
- The Importance of Project Closeout

Good Up-Front Planning

- Know what you're trying to accomplish
- Be sure that you have the budget in place to meet your project goals
 - Contingency Monies
- Allow yourself enough time to complete the work
 - Plan approval
 - State Funding Apps and Cash Flow
 - Fear of the Unknown

Project Oversight Responsibilities

- Architect Selection
 - Interview and select vs assignment
 - Consulting Engineers – Be Vocal
- To CM or not to CM, That is the Question
 - Benefits and Liabilities
 - Are they really needed?
 - If they are - CM or CMR?
 - Overlap of responsibilities with design professionals
 - Change Order prep
 - Submittal Approvals

Bidding Do's & Don'ts

- Choose the Right Bidding Scheme
 - Traditional
 - Lease – Leaseback
 - CMAS
- Contract Language – Make sure all the bases are covered
 - Importance of Pre-Bid Job Walks
 - Hazardous Material Notifications
 - Change Order Protocols
 - Early Termination

Project Start-up

- Pre-Construction Conferences
 - Include all the players
 - Take copious notes
 - Cover all the bases
- “Three-legged Stool” Project Administration Concept And The Realities Of The District Position
 - One District can really be an island
 - Realities of the word “team”

Diligent Construction Oversight

- Watching **EVERYBODY** is difficult to do
 - Manning the Job
 - District Reps and Contractor
 - Change Orders
 - Field Approvals
 - Design professional responsibility
 - Board of Education Approvals
 - Disputes

Project Closeout

- Getting to the Goal Line while keeping your budget (and sanity) in tack
 - Finaling out a project
 - Last Change Orders
 - Notice of Completion (NOC)
 - Finishing remaining punchlist work
 - OPSC Project Closeout (if applicable)
 - Don't hold your breath

Final Thoughts

- Now that you think you're done, where do you go from here?
 - Learning from our mistakes and celebrating our victories
 - Debriefing
 - Design and construction team
 - Facility users
 - Claims
 - Litigation vs mediation vs arbitration
- On to the next challenge!

QUESTIONS?

COMMENTS?

DISCUSSION?