

Specs vs. Drawings

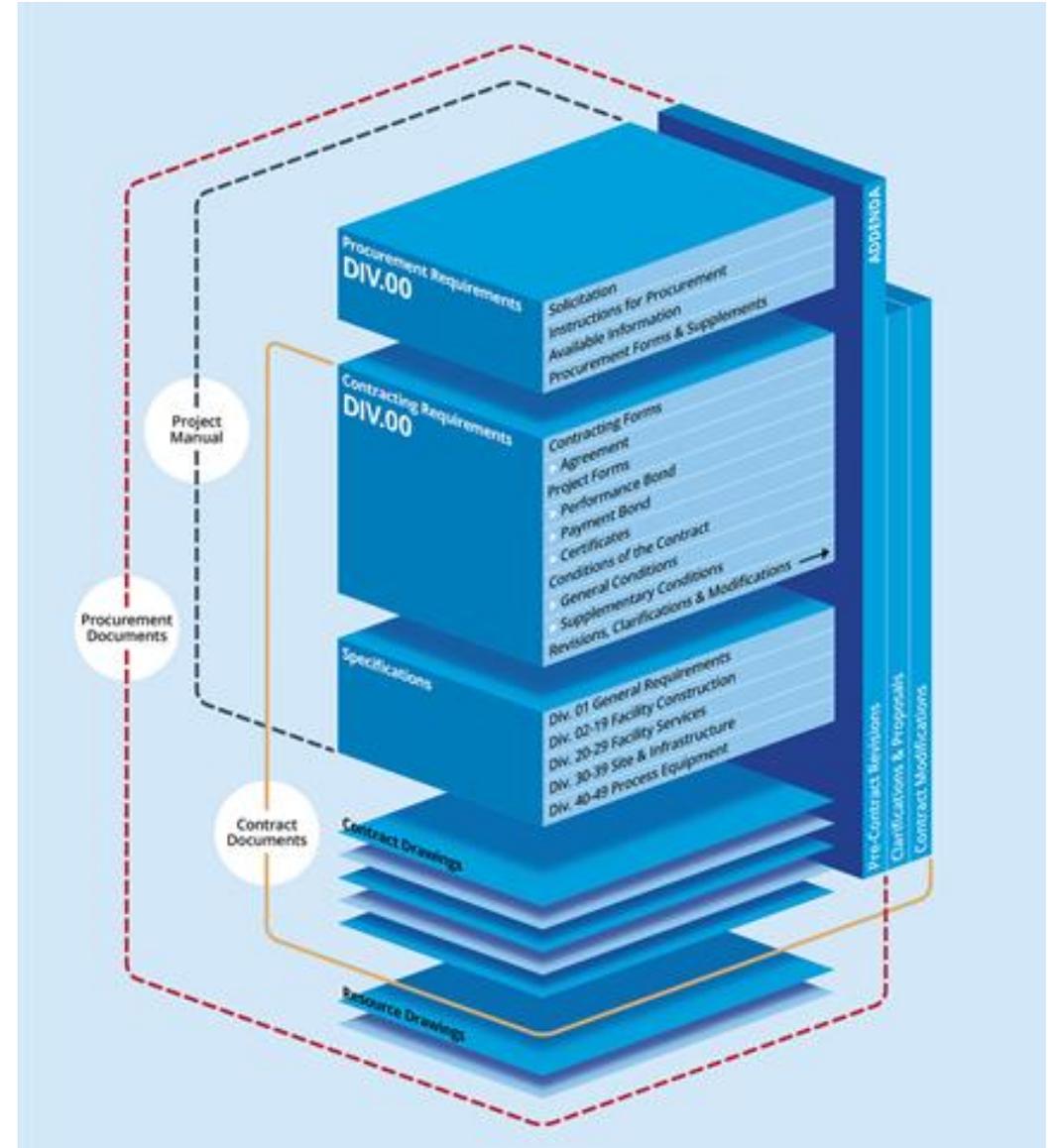


Definitions to Know

Contract drawings are graphic illustrations of what an aspect of a project will look like when the construction is completed. They show the quantitative extent and relationships of elements to one another. The number and types of contract drawings will vary depending on the intended user, project phase, and the quantity of information that must be communicated.

Specifications are written details for the work that need to be completed in a construction project. These details include information such as the scope of the work, materials, and installation process. A specification is divided into subgroups by work results or construction practices in accordance with MasterFormat® listing.





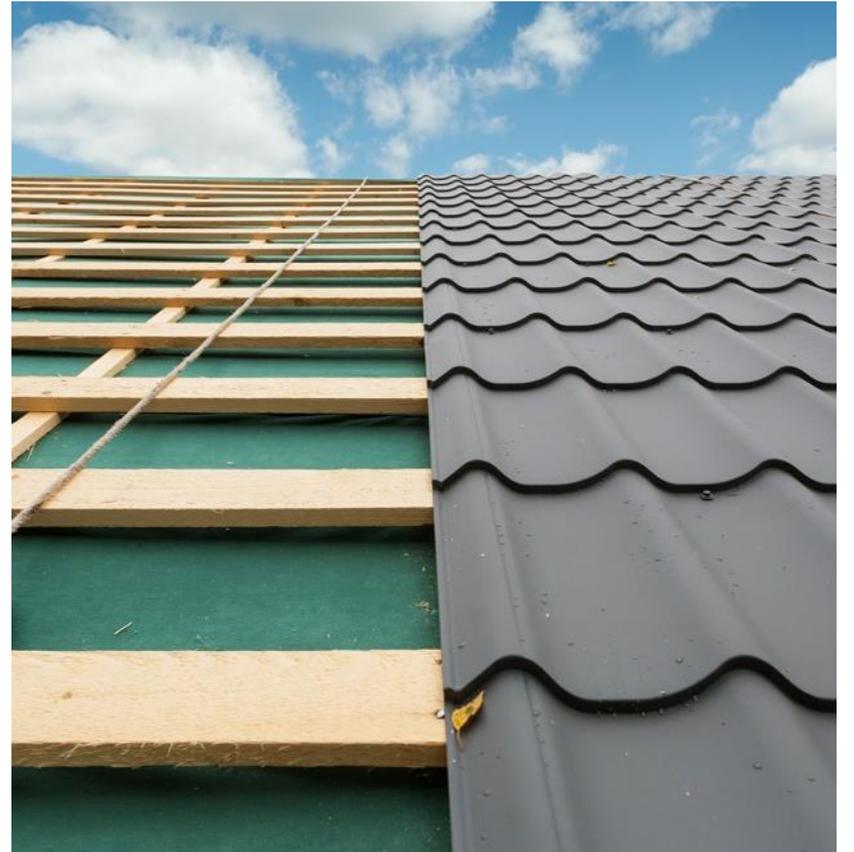
Contract Interpretation

- Are certain documents incorporated by reference, i.e., plans, specs, manufacturer installation guidelines, etc.?
- Is there an order of precedence clause in the event of a conflict between the plans and specs? Who's on first?
- Who resolves the conflict? Architect, Initial Decision Maker, or someone else?



Creating Contract Provisions to Avoid Common Design Problems

- There is a trend of claiming contractors are liable for design and performance based specifications.
- A contractor may have a situation where the design specifies products or performance standards which increase the risk of product or roof system failure.
- The contractor should include specific waivers or disclaimers to mitigate the risk of a questionable design.



Waiver of Design Liability

Contractor is not a design professional. Regardless of any Contract Document provision to the contrary, Contractor disclaims liability for any design defect on the project including, without limitation, defects or deficiencies with the plans, specifications, shop drawings, or performance criteria ("Design Defects"). Customer agrees to release the Contractor from any claims, damages, or losses arising out of or relating to Design Defects.



Liability for Using Existing Drainage



Roof failures resulting from using existing drainage

Unless the scope of work of this contract includes replacement of the roof system's existing drainage, i.e., the existing drains, scuppers, downspouts, gutters, and other ancillary drainage components as may be applicable for the particular project ("Drainage"), Customer hereby agrees to and acknowledges that Contractor shall have no liability or responsibility for improper or inadequate functioning of the Drainage, or any damage arising out of, caused by, or related to same, including, but not limited to, water backup, ponding water, leaks, damage to the roof and areas adjacent thereto, as well as partial or complete roof collapse.

Disclaimer for Internal Gutters

- **Customer understands that while the internal gutter system is designed to manage water flow, there may be inherent risks associated with its use, including, without limitation, elevated risks of leaks occurring within the building envelope, the formation of mold and mildew, and increased costs for repair and maintenance. As a result, Contractor disclaims all liability for any claims, costs, or damages arising out of or related to the internal gutter system.**



Bubble Test Disclaimer

- **Regardless of any requirement contained in FM 1-52 or anywhere else in the Contract Documents, Contractor shall not be required to perform a negative-pressure test, which is sometimes referred to as the "Bubble Test," to verify system performance, field uplift, or adhesion of the roofing membrane. Despite any language to the contrary in the Contract Documents, Customer shall not withhold any payment to Contractor for failure to perform negative-pressure testing on the roof. In addition, any use of a negative pressure test on the roof shall void all workmanship and manufacturer warranties.**

Use Construction Documentation

- Use RFIs and RFCs to obtain answers to design-related issues in writing.
- Photograph and video all in field changes and note same on daily reports and in weekly meetings giving the design professional the opportunity to inspect/address during construction.
- Document in field changes by using negative notice where applicable to “paper the file”
 - Example of email sent to Architect: This morning, we encountered an unidentified roof penetration that required flashing. We installed the flashing prior to the storms hitting this pm. Attached are photos. If you disapprove of this work, please notify us by EOB tomorrow so we can make necessary adjustments.

