

THE ENGINEER'S ROLE IN CONSTRUCTION ADMINISTRATION

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While engineers have traditionally focused most of their efforts in the design end of construction projects, in recent years, many engineers have expanded their work into construction administration. This may include providing oversight on the job or serving as a quasi-representative of the owner during construction. If the engineer is not careful, he or she may face liability exposure in the event of an accident or a defect in the construction.

First and foremost, the engineer should be diligent in reviewing all contracts to provide such services. Very large owners and contractors will often present lengthy form contracts prepared by their management or legal counsel. Such contracts often include very expansive responsibilities for the engineer, who may or may not in fact be qualified to provide such services. If the engineer has any questions as to their ability to capably perform all of the services required under the contract, the engineer should work with the owner or contractor to have those responsibilities delegated elsewhere or modified as appropriate.

While providing construction administration services, the engineer must also be careful to not inadvertently assume responsibilities not delegated to the engineer under the contract. Contractors alone are responsible for the means and methods of construction. However, should an engineer encounter a situation requiring remedial attention, and direct employees of a contractor or subcontractor to make certain changes in the field, the engineer may be held responsible if that work results in an accident or construction defect. The better practice is generally to inform an authorized representative of the owner or contractor of the condition, and leave it to that representative to issue the appropriate work directions to their employees.

Another issue that may give rise to increased liability exposure involves installation specifications. A contractor or subcontractor may approach the engineer and ask for directions on how to complete an installation. Despite having the best of intentions, the engineer may be crossing over from the design realm and into the means and methods of construction, which should be left exclusively to the construction contractors. Engineers would be better served declining to provide such direction, or in the alternative, directing the inquiring party to the manufacturer or some other entity who can better guide the installation process.

Engineers are frequently in attendance at progress meetings, which may involve discussion of safety matters. If meeting minutes are subsequently circulated that contain apparent approval of certain safety or other job site directions, the engineer may be held responsible should problems arise thereafter simply by having been identified as being in attendance. The engineer should seek to have meeting minutes clarified to reflect that the engineer took no position with respect to job site safety issues or other means and methods issues.

Engineers are encouraged to consult with their legal counsel regarding the propriety of contract language and the extent of their in-the-field responsibilities for construction administration.