



# Checklists & Worksheet

**Note: to view Checklists & Worksheet in Acrobat select from the top menu: View, Page Display, Two Page View and Show Cover Page in Two Page View.**

## Introduction

These tools form part of the *Claims Experience Workbook*, which is intended as an essential guide to their use.

The tools were developed in response to Pro-Demnity's experience with claims that arose from 2006-2011. Each Checklist relates to a section of the *Claims Experience Workbook*, and is dedicated to one of four key themes. Therefore, users of each Checklist should benefit by reading the related section of the *Workbook*. Detailed step-by-step instructions for the use of the Risk-management Worksheet are contained in the section "Consultants: Risks and claims" (pages 26-31 of the *Workbook*).

Use any of these Checklists, and/or the Risk-management Worksheet, as needed, either alone or in combination, at any stage of a project, as part of an overall risk-management program. All page numbers mentioned refer to the *Claims Experience Workbook*.

## Limitations

The *Workbook* and the Claims Experience Checklists are faithful to the observations made during the *Review of Claims 2006-2011*. Neither pretends to address all of the factors coming to bear on an individual practitioner or project, many of which are described in the *Canadian Handbook of Practice for Architects*, and others which may arise, as time unfolds. Future claims may arise from factors that did not give rise to claims during the study period. Neither the *Workbook* nor the Checklists purport to override the professional judgment that must be applied by every architect, given all of the circumstances he or she faces.

## Disclaimer

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Several Claims Experience Checklists are proposed here. The steps recommended in the Checklists stem directly from what was seen in the *Review of Claims* – highlighting activities that would have addressed either a recurring driver of claims, or a factor that was seen repeatedly to complicate the resolution of claims.

Practitioners are not expected to limit their risk-management activities to the initiatives listed in the Claims Experience Checklists – the Checklists highlight initiatives to be taken as part of a more comprehensive quality-control process, in an effort to reduce the incidence or severity of claims.

# WATER-RELATED

## Claims Experience Checklist

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Use this Checklist at any stage in the project as part of a more extensive risk-management program.

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### Design Stage

Select wall and window systems to comply with the Pro-Demnity *Non-Drained Exterior Wall Exclusion* and *Window Wall Endorsement*.

Carefully consider fundamental design decisions, such as roof slope, material selection, drainage patterns and ventilation – keeping in mind the claims experience and fundamental building science principles.

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### Bid Documents

Indicate roof drains, scuppers, etc., in sufficient number.

Thoroughly describe roof-wall, roof-curb, and parapet details.

Show how ALL wall systems are to be drained and ventilated.

Show how ALL surfaces (walls or floors) slope to drain.

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### Substitutions – Owner Approved

Read the Regulation under the *Architects Act* – entire section 49 (8).

Object in writing, clearly indicating the probable consequences. Refer to the *Sample letter to Client*, contained in Pro-Demnity's 2016 Bulletin *Dealing with Substitutions to Your Design*. Using your professional judgment, adapt the contents to fit the particular scenario.

Refrain from acting as if you have little or no objection – particularly when certifying payment and writing Field Review Reports, or signing a Schedule G for a condominium.

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### Specialist Consultants

Pay extra attention to the risks with respect to the disciplines most often named in water-related claims: mechanical and structural engineers, building science consultants and roof/wall inspectors, explicitly assigning tasks for both parties, with regard to co-ordination.

Obtain peer reviews of the work of all disciplines preparing bid documents to describe the building enclosure and mechanical systems.

Consult with a building enclosure specialist whose practice complements your strengths, availing yourself of assistance at all stages of a project, where warranted. Confirm that the specialist is a qualified professional, who carries appropriate errors & omissions insurance.

Make sure all consultants carry professional liability insurance which is co-ordinated with yours (see pages 26 through 31).

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### Building Type

Pay extra attention to areas where the water-related claims arose, in:

- MURBs, hotels, and seniors' housing: enclosure, mostly exterior wall;
  - houses: roofs and exterior walls;
  - assembly buildings (other than education): enclosure, mostly roof.
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### Continuing Education

Invest in sessions that emphasize the fundamentals of enclosure design – for any architectural staff who make decisions at any stage, including:

- designers;
  - detailers and project managers responsible for bid documents, and;
  - field review and construction contract administration personnel.
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Where to find the resources noted in this Claims Experience Checklist? See page 4 of the *Workbook*.



# BUILDING TYPE

## Claims Experience Checklist

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While water ingress and consulting services during the construction phase are prime concerns for all building types, the claims experience has suggested additional priorities, allocated to each building type, as follows. Use this Checklist at any stage in the project as part of a more extensive risk-management program.

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### Assembly buildings

Consider design elements related to public safety concerns, such as slips or falls on stairs, or other types of personal injury.

Keep water out of the building enclosure – at uniquely-shaped roofs, roof-wall junctions, and elsewhere.

Co-ordinate with the mechanical engineer, with respect to the building enclosure.

Verify the insurance carried by consultants – particularly those subcontracted to the architect (see pages 26 to 31).

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### Hospitals

Establish and document the required design service life of all components, in accordance with *S478-95 Guideline on Durability in Buildings*.

Monitor the timeliness work of the mechanical and electrical engineers, and carefully co-ordinate their work with the overall architectural work, from the earliest design stage, through to occupancy.

Consider both the general and subtrade contractor as potential claimants, who may argue that a costly delay was caused by substandard consulting services during the construction phase (provided by any member of the consulting team).

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### Multi-Unit Residential Buildings

Consider the interests of the eventual occupant who may assert architectural standards.

Design and review exterior walls in order to resist water infiltration.

Co-ordinate the work of consultants carefully, during all phases, regardless of the contractual structure.

Ask the developer to verify the insurance carried by its specialist consultants, and document your efforts to obtain and review it (see pages 26-31).

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### Houses

Obtain a peer review of construction documents – with a particular focus on roof details.

Take extra care in interpreting zoning and other regulations. Confirm with the authorities in writing that interpretations are agreed, and keep a retrievable record.

Consider the potential impacts of all aspects of the design on the neighbours' properties.

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### Office Buildings

Carefully design and review exterior walls to keep the water out.

Verify the insurance carried by consultants.

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Where to find the resources noted in this Claims Experience Checklist? See page 4 of the *Workbook*.

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Use this page to write down specific actions to take on your project

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# CONSTRUCTION-PHASE CONSULTING SERVICES

## Claims Experience Checklist

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Use this Checklist at any stage in the project as part of a more extensive risk-management program.

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### General

- Define your role, and put the agreed scope of consulting services in writing – including, in particular, the scope of any specialist consultants subcontracted through you.
  - Beware of “limited” construction-phase services: your liability may not be limited.
  - Keep in mind that contractors and subcontractors are potential claimants.
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### Co-ordination\*

- Review Practice Tip 27, paying particular attention to the “co-ordination” activities related to the construction phase.
  - Document your expectations of the consultants in detail.
  - Document your efforts to monitor and expedite consultants’ work.
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### Money matters

- Review the evaluation of changes by consultants on an ongoing basis, and try to address and resolve conflicts as they arise.
  - Periodically reinforce the importance of accurate certification – particularly to mechanical and electrical engineers, documenting your efforts.
  - Do not certify work that is properly certified by another discipline.
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### Delay claims

- Verify that consultants process Change Notices and Change Orders within a reasonable time frame. Document your efforts thoroughly.
  - Be aware that “delay” may be added to any other complaint made by a contractor or owner. Expedite your services and those of your consultants.
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### Review

- Be aware that field review can generate a claim, even if it is unpaid. Either negotiate an appropriate fee or stay off the site.
  - Do not try to review what properly should be done by specialist consultants.
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### Substitutions

- Complete the steps listed under Substitutions – Owner Approved in the water-related checklist, page 13.
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### Continuing Education

- Invest in sessions that focus on the architect’s duties with respect to contract administration, as regards both:
    - elements within the architect’s own purview, and;
    - the co-ordination of the consultants’ work.
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\* Co-ordinate means: **organize; identify quality standards; establish procedure for; manage information flow; review; arrange; resolve inconsistencies; establish a congruent relationship; monitor; update; provide direction; receive requests; resolve conflicts; expedite; integrate**

*Practice Tip 27 contains valuable descriptors of the architect’s role in co-ordination – from schematic design through to the end of the construction phase.*

**Where to find the resources noted in this Claims Experience Checklist? See page 4 of the Workbook.**



# RISK-MANAGEMENT WORKSHEET

Project Name \_\_\_\_\_

1 Consultant name and area of expertise <i>List ALL who give advice on the project</i>	Often In Claims	2 Consultant Insured?					3 Consultant contracted to <i>Choose one</i>	4 Highest Risks Overall
		Choose one	Check: is insurance required by Ontario law?			Use Pro-Demnity Bulletin		
			Must Have	May Opt-Out	Not Required			
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