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Responsibilities of the Owner involved in a Constructed Project

The following items outline the responsibilities of the owner.

- Has ultimate responsibility of the construction project, in that the owner is the final decision making authority and directly or indirectly all parties in the process report to the owner.
- Proposes the project
- Provides funding for the project
- Provides needed real estate and rights of way
- Sets the project scope
- Sets the project objectives
- Establishes the budget
- Sets overall project schedule
- Beyond legally established codes and regulations, the owner establishes quality and performance standards for the project
- Establishes system for overall project management
- Selects key designers, managers and contractors
- Establishes quality assurance program
- Provides required insurance coverage
- Provides overall site safety and security
- Makes agreed upon payments as project goals are met
- Accepts the completed project

Exhibit 3.4b - 1

Responsibilities of Materials Suppliers involved in a Construction Project

Some of the following represent the responsibilities (or not) of a material supplier (concrete producer)

- Use ingredient materials that comply with pertinent specifications
- Manage materials and production practices that facilitate quality and maintaining batch to batch uniformity
- Maintain production facilities to include concrete plants and mixer trucks in conformance with pertinent standards (ASTM C 94, AASHTO M157)
- Maintain documentation of ingredient materials certifications and quality tests to be provided to the purchaser on request
- Conform to industry best practice, as presented in the requirements of ASTM C 94, for production and delivery of concrete when no specification or contract is invoked for the job.
- Supply concrete in accordance with the order made and in conformance to the standard of care for materials suppliers in the geographic area or the work. All requirements in a specific contract override the requirements of reference standards such as ASTM C 94
- Material suppliers have no direct responsibility for engineering design
- Materials suppliers have no direct responsibility for compliance with requirements in building codes if these are not addressed in contract documents.
- The material supplier has the responsibility to communicate potential errors, omissions and conflicts in contract documents if they have such knowledge relative to the standard of care in the geographical area of operation, or relative to constructability or service conditions of the structure.
- When the contract or job specification assigns prescriptive provisions to the composition of the concrete mixture, the concrete producer has no responsibility for the resulting performance of the fresh or hardened concrete
- When the contract or job specification assigns a combination of prescriptive and performance provisions on the concrete mixture, the producer is responsible for furnishing material to the more restrictive criteria but will not be responsible for any performance characteristic that was intended and not defined by the prescriptive limits.
- When the contract or job specification assigns performance criteria to the concrete mixture, these need to be clearly defined and it is the responsibility of the concrete producer to demonstrate compliance in accordance with the criteria set forth in the contract. In such cases the producer has the right to retain confidentiality of the mixture composition especially when there has been a significant cost and/or effort associated with establishing the mixture composition to achieve the required performance.
- The material supplier has the responsibility to report information and furnish documentation that is required in the submittals section of a contract or job specification.
- The concrete producer cannot be responsible for product quality or complying with the order made when additions or modifications are made by the purchaser over and above that permitted by the standards.

Responsibilities of Specialty Subcontractors

(A specialty subcontractor is one whose scope of work includes the construction **and** the design of a portion of the work. The specialty subcontractor retains a licensed design professional to execute the delegated design work. Examples would include the design and construction of precast concrete elements, or the design of and construction of all or part of cast-in-place post-tensioned floor systems.)

- Retain the services of a design professional (specialty engineer) with demonstrated expertise and/or experience in the type of work to be designed. Responsibilities of the specialty engineer include:
 - Design the work in accordance with the standard of care for the design of similar works in the same geographic area.
 - Prepare plans and specifications for the work that incorporate all applicable building code requirements, laws, and ordinances.
 - Perform all contractually required inspections, observations, and reviews of placing and/or shop drawings.
- Review the design for obvious errors or differences from general accepted standard practices.
- Construct the work in accordance with the plans and specifications prepared by the specialty engineer.
- Construct the work in accordance with the standard of care for the work involved and in accordance with standard practices of similar subcontractors in the same geographic area.

Responsibilities of General Contractor

Definition: A general contractor is a contractor whose scope of work includes the construction of a portion of the work. This work is described in the “general contract documents”.

- **General Contractor**

- Construct the building in accordance with the contract documents and with the appropriate standard of care for general contractors in the geographical area of the work.
- Contractors have no direct responsibility to engineering design requirements found in building codes.
- Contractors conform to code design requirements by building in accordance with the contract documents.
- Contractors have a right to assume that contract documents contain all applicable code and other requirements.
- Call attention to any obvious errors or discrepancies in the contract documents.