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**Hot Topic Session: Responsibility
in Concrete Construction**

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Jeffrey W. Coleman is a trial attorney and licensed engineer (Iowa, Minnesota, and Wisconsin) who has handled large complex construction cases throughout the United States. Mr. Coleman provides advice and counsel to all parties involved in the design and construction process. While he has been involved in major cases, a majority of his practice involves advising clients on contracts, contract negotiation, claims avoidance, and early resolution of potential claims. He frequently represents companies involved in concrete construction. He is the author of the book *Legal Issues in Concrete Construction* published by the American Concrete Institute in 2004. He is the only attorney who is also a Fellow in the American Concrete Institute and is chairman of ACI Committee RCC (Responsibility in Concrete Construction).

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**Responsibility in Concrete
Construction**

Former Board Committee “RCC”
Now Know As “Committee 132”

- * History and Background
- * “New” document “*Responsibility in Concrete Construction*”

History

- * Organized in 1987 as a Board Committee “RCC”
- * First RCC document published in *Concrete International* in 1995
- * Revisions approved by the Board and published in 2004

History

- * 2003, Boston Convention, Chair Klorman proposes a new RCC document
- * 2004, Washington DC Convention, the committee approves unanimously work on a new document
- * 2008, work starts in earnest on a new RCC document

History

- * 2010, the new RCC draft document is shared with TAC, comments received and incorporated.
- * 2010, Pittsburgh, new RCC document balloted to full committee and all negatives resolved.
- * 2011, Tampa Convention, RCC document is forwarded to the Board for approval and publication

History

- * After **MUCH** discussion it was determined by the Board and supported by the committee that the RCC committee should become a traditional ACI committee and be re-named Committee 132.
- * The committee is then informed it must re-submit the document and start the TAC review process.

History

- * "As we speak" the committee 132 document "Responsibility in Concrete Construction" is in final approval stages and ready to submit to TAC.

Objectives

- * 1) Define Responsibilities of the parties to the concrete design and construction process.
- * 2) Avoid assignments of responsibility that are unfair or unrealistic.
- * 3) Avoid the assignment of responsibilities by third parties or court decisions.

Introduction

This document is intended as a guide for defining responsibilities of the various parties involved in the design and construction of concrete structures in the United States of America.

While the document is primarily directed to projects in the United States, the guidance presented may be applicable to contractual relationships addressing concrete construction in other parts of the world.

The responsibilities of each party in a concrete construction project should be adequately described in the contracts between the parties. This should include responsibility for the Owner's project objectives, including sustainability. It is important that the party controlling that process (usually the Owner or an Owner's representative) makes certain that the responsibilities of the parties are clear, coordinated, and consistent. Clarity and consistency in the responsibilities defined in the contracts will reduce disputes.

This document is not intended to supersede the contracts between the parties. If there are inconsistencies between the parties' contracts and responsibilities defined in this document, then the contracts between the parties govern the relationships and responsibilities.

The user of this document is encouraged to also review this committee's report published in September 1995 in Concrete International. In particular the Committee continues to endorse the concept that responsibility should only be assigned where authority is also granted and that each party should take responsibility for its own work.

Chapters

- * 1. Introduction
- * 2. Definitions
- * 3. Document Referenced in Contract Documents
- * 4. Responsibilities of the Owner
- * 5. Responsibilities of the Licensed Design Professional
- * 6. Responsibilities of the General Contractor
- * 7. Responsibilities of the Design Builder

Chapters

- * 8. Responsibilities of the Subcontractor
- * 9. Responsibilities of the Specialty Subcontractors
- * 10. Responsibilities of the Concrete Material Supplier
- * 11. Responsibilities of the Testing/Inspection Agency
- * 12. Responsibilities of the Construction Manager
- * 13. Responsibilities of the Forensic Consultant
- * 14. Responsibilities of the Multiple-Prime Contractor
- * 15. References

Committee Makeup

- * 20 Committee members
- * Representation by Designers, Contractors, Subcontractors, Suppliers and Owners... reasonably balanced
- * And... two Attorneys

Questions?

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