

4. UNDERSTANDING THE ROLES OF YOUR ARCHITECT & BUILDER

It's been one year since you started the process of building a home. You worked 4 months with your Architect and 8 months with your Contractor, how does it feel? Both the Architect and Contractor hope it was a great experience, but there are many issues and emotions that have been dealt with over the last year, three entities had just signed contracts a year before binding them contractually. The Owner, Architect, Contractor relationship is complex but completely explainable.

The Owner desires something, the Architect designs something and the Builder builds something. As simple as that may sound that is the way all legal contracts define the responsibility of the three above parties.

The Owner hires an Architect, the Architect draws plans and the owner hires the Contractor. The Architect is not involved in the Owner/Contractor agreement except as the owner's agent when requested or required. The Contractor's obligation to the owner is to interpret the plans or contract documents and build it to meet all applicable codes. The Architect's obligation is to insure the contract documents and the design intent is what is built.

If the owner desires a change during construction they should consult with their Architect and determine the most economical and reasonable approach to the change and then the Architect present it to the Contractor for their input. A cost or a credit should be presented to the owner for their approval prior to the change being made physically. Wise decisions can be made while building if all three parties work together.

The responsibility for the quality of the construction lies strictly with the Contractor. The Architect is responsible for clarifying the plans when a question is raised and observing the work to insure its acceptability and insuring the Contractor lives out his contractual responsibilities by reviewing monthly pay applications and schedules and reporting his or thoughts back to the owner. This service provided to the owner is meant to serve more as a check on the contractor than as a watchdog to tell the Contractor how to build, he or she should already know how to build.

As the job nears completion, the Architect is responsible for determining what is left using a punch list at about 90%. He will determine the date that will bring the job to full completion. This date will insure the Architects fulfill their contractual

agreement. Likewise, the Contractor's responsibility is to complete the project in a timely and professional manner and organize his subcontractor's to complete punch list items with as little interference with the Owner's life as possible. Those issues that are still outstanding should be listed by the Architect and Contractor and presented to the Owner for resolution. Care must be taken by the owner that these steps aren't omitted or not done. A punch list is extremely important as is the other documentation required to close out a job including lien releases and transferring insurance from Contractor to Owner.

The contractual responsibility doesn't end with the completion of the project but actually extends for the one year warranty period when the Architect does an inspection one year after the Date of Substantial Completion and the contractor must correct any items.

The one year cycle is important because typically a house or project seasons through the different weather conditions and one year allows the house to complete the full weather cycle. This is typically when cracking and/or settlement may occur.

The responsibilities of the three parties are laid out in AIA (American Institute of Architects) documents. I highly recommend using these when entering into a contractual relationship with either an Architect or Contractor. These documents are available from the Albuquerque AIA office at (505) 244-3737 or give me a call at 988-5269 and we can help you obtain them.