

01 NCAC 30A .0403 DESIGNER'S RESPONSIBILITIES

The designer's responsibilities during the construction phase shall be as described in the Planning Procedures (OC-18), the General Conditions and the State Construction Manual. The designer's responsibilities shall include the following:

- (1) Pre-construction Conference. The designer shall arrange for and give written notice to all contractors, the owner and the division of state construction as to a time and place of the pre-construction conference. The purpose of this meeting is to review all requirements of the division of state construction and to coordinate activities for all construction. Minutes of this conference shall be sent to all contractors, the owner and the division of state construction;
- (2) Monthly Progress Meetings
 - (a) The designer shall establish and conduct a regular schedule of monthly meetings to be held at the job site each month throughout the entire construction period. Authoritative home office and project personnel representatives of each prime contractor shall be required to attend such meetings. The owner and the division of state construction shall be notified of such meetings and are expected to be represented. The purpose of these regular meetings is to assess the monthly status and progress of the work. Remedial measures, if necessary, should be decided upon by joint agreement and the results thereof evaluated at the next meeting. These meetings shall be open to the subcontractors, material suppliers and any others who can contribute beneficially toward maintaining required job progress, and such personnel shall be encouraged to attend. It shall be the principal purpose of these meetings or conferences to effect coordination, cooperation, and assistance in every practical way to maintain progress of the project and to complete the project within the contract time.
 - (b) The designer shall prepare and submit to both the owner and to the division of state construction a report of the pertinent and salient matters considered and conclusions reached at each of these monthly meetings, together with such other matters relating to project progress throughout the life of the contract;
- (3) Construction Progress Reports
 - (a) The designer shall submit copies of monthly construction progress reports to both the owner and the division of state construction. Sample forms may be obtained from the division of state construction. Particular attention shall be given to the schedule status of the work, indicating whether or not work is on schedule, giving reasons if work is not on schedule, and the status of required insurance. Reports shall indicate date of starting work and scheduled date of completion.
 - (b) Construction progress reports shall include weekly inspection reports by the designer and all consultants involved, consistent with work in progress. Sample forms for weekly inspection reports may be obtained from the division of state construction;
- (4) Field Testing (Witnessing and Approving Results of All Field Testing on the Project). Copies of test results shall be sent to the division of state construction;
- (5) Details. Processing shop drawings, providing details and interpretations, and processing material lists and other data with sufficient dispatch to preclude construction delays;
- (6) Administration. Providing general administration for construction contracts;
- (7) Change Orders
 - (a) No change in the construction from approved plans and specifications shall be made until a change order has been prepared and approved, except in the case of emergency, as covered in general conditions (Form OC-15).
 - (b) Change orders shall be prepared with sufficient copies to provide one to each holder of contract documents and one copy for the contractor's surety.
 - (c) Change orders shall be accompanied by a complete breakdown showing computation of the cost, together with a written explanation of the change and reasons for the change.
 - (d) The designer, by his submission of the change order to the owning agency, certifies that he has examined and analyzed the change order and has found it to be in order, and the cost reasonable.
 - (e) The owning agency shall forward all copies of the change order to the division of state construction for final approval and distribution.
 - (f) Incomplete change orders will be returned to the designer for correction and completion;

- (8) Payments
- (a) Contractors' requests for payments shall be submitted to the designer for approval.
 - (b) Designer submits for payment. After payment requests have been approved, the designer shall apply his certificate and submit the requests to the owner in sufficient copies for payment. The designer's certificate shall show the following:
 - (i) total amount of contract,
 - (ii) extra work,
 - (iii) credits,
 - (iv) total of contract plus or minus any changes,
 - (v) value of work performed to date,
 - (vi) value of material stored on the site,
 - (vii) retainage,
 - (viii) amount previously paid,
 - (ix) amount of present certificate,
 - (x) balance of contract sum;
- (9) Final Inspection
- (a) Prior to issuance of final payment certificates, the designer shall schedule a formal final inspection.
 - (b) Written notice of the inspection shall be furnished not less than one week prior to the inspection to the owning agency, the division of state construction, the contractors concerned, other persons designed by the owning agency, and, where applicable, the Department of Insurance (engineering division), the division of health services of the Department of Human Resources (sanitary engineering section), and the Department of Labor.
 - (c) The designer shall conduct the inspection and tabulate a punchlist of all defects or discrepancies for correction by the responsible contractors. Copies of the punchlist will be furnished to all parties.
 - (d) Upon completion, by the contractors, of corrections required by the punchlist, the designer shall schedule a second inspection at the convenience of the owning agency and shall furnish written notice not less than one week prior to such inspection to the owning agency, the division of state construction and the contractors concerned. Within one week following such inspection, the designer shall furnish written notice to the division of state construction as to whether or not the punchlist items have been completed.
 - (e) Upon completion of the project, the designer shall compute the total time for completion as allowed in the contract, plus any time extensions granted and determine the number of days, if any, in excess of the contract construction time for which the several contractors appear liable for liquidated damages. The designer shall then notify the affected contractors of any proposed assessments of liquidated damages and allow the contractors time to respond thereto. The designer shall then prepare recommendation to the owning agency and to the division of state construction as to the amount of liquidated damages, if any, to be assessed and the portion of such assessment attributed to each of the several prime contractors.
 - (f) Upon acceptance of the project, the designer shall assemble written guarantees, affidavits, manuals of instruction for operation, and other required and closing papers of the contractors; issue certificates of final completion, certificates of compliance as required by G.S. 133-1.1, final certificates for payment; set the date for the beginning of the guarantee period; and forward all closing papers to the owning agency with appropriate duplicates to the division of state construction.
 - (g) Contractors shall not cancel their builder's risk insurance until final acceptance of the project (including completion of the punchlist items) and then shall furnish the required cancellation notice to the designer and the owning agency.
 - (h) Final inspection shall not be scheduled until all contracts are completed unless otherwise approved by the division of state construction.
 - (i) Owning agencies shall not occupy or use any portion of the project unless such occupancy or use has been approved by the division of state construction. In such instances, the owning agency must comply with all conditions required by the division.

*History Note: Authority G.S. 133-1.1; 143-341; 143B-10;
Eff. February 27, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,
2018.*