

# *THE SCOPE*



*BUFFALO/WESTERN NEW YORK CHAPTER of the CONSTRUCTION SPECIFICATIONS INSTITUTE*

Construction Specifications Institute, Inc. website: [www.csiresources.org](http://www.csiresources.org)

Northeast Region CSI website: [www.csinet.org](http://www.csinet.org)

Buffalo/WNY website: [www.csibwny.com](http://www.csibwny.com)

**APRIL 2021**

**VIRTUAL**  
**LEARNING SESSION**  
**MEETING**

**April 8, 2021**

**NOON**

**SEAMLESS FLOOR AND WALL SYSTEMS**

**Presented by Jodi A. Campbell, CSI, CDT, LEED Green Associate**  
**Architectural Account Executive**  
**Sherwin-Williams Company**

**1-AIA LU/HSW**  
**Certificate of Completion for others**

**Invitation to follow by e-mail**

**There will be a restaurant gift card drawing for attendees**

**Program Description to be found on page 4**

**CHAPTER OFFICERS**

President – Devin Filipiak, CSI, CIT Ehrhart Construction Management	716-997-9668
Vice-president – Suzanne Daddis, CSI, BD, CM, CMMA Trautman Associates	716-883-4400
Secretary - Robert H. Ruml, AIA, CSI Trautman Associates	716-883-4400
Treasurer – William Ferguson, CSI, AHC SIMONSWERK North America	262-472-9500
Immediate Past President, Advisor to the Board – Alex Grande, CSI, CDT Kideney Architects PC	
Region Director – Jim Grucella, CSI Emeritus	716-997-6320

**COMMITTEE CHAIRS**

Program Chair– Deborah Siener, RA, CSI, CDT, LEED AP-BD+C, Foit-Albert Assoc.	716-856-3933
Academic Liaison – Suzanne Daddis CSI, BD, CM, CMMA Trautman Associates	716-883-4400
Awards Chair – David Rood, CSI Weatherpanel Inc.	716-876-5440
Certification - Kevin M. O’Beirne, PE, CCS, CCCA, FCSI HDR, Inc.	716-997-9668
Electronic Communications – Devin Filipiak, CSI, CIT Ehrhart Construction Management	
Membership Chair - Brad Vaillancourt, AIA, CSI, RA, LEED AP-BD+C Trautman Associates	716-883-4400

**DIRECTORS**

Jim Grucella, CSI Emeritus – Retired	716-997-6320
Joanne S. Harris, CSI –Pella Windows and Doors	716-662-2554
Brad Vaillancourt, CSI – Trautman Associates	716-883-4400
Ted Czajkowski, CSI –Retired	716-883-4400
Bill Ferguson, CSI, AHC – SIMONSWERK North America	262-472-9500

**EDITOR**

James Grucella, CSI Emeritus 5575 Big Tree Rd., Orchard Park, NY 14127-2206 j.gru@verizon.net	716-997-6320
---	--------------

**NORTHEAST REGION**

President – Len Anastasi CSI, AHC presidentNER@optimum.net	516-334-6466
Director – Cam Featherstonhaugh CSI, CCS cam@truexcullins.com	

**EDITORIAL POLICY**

“THE SCOPE” is published as the official newsletter of the Buffalo-Western New York Chapter Construction Specifications Institute. It may also be used to exchange information and opinions. Contributions of articles from readers are welcome when proper sources are identified, but neither the Editor nor the Chapter assumes responsibility for the validity of accuracy of such articles. Any part of this newsletter may be reproduced by other CSI chapters, giving proper source identification. The appearance of any article, advertisement, product, service, names, picture, opinion or assertion does not constitute endorsement by the Chapter or its members. Contributions should be in the Editor’s office by the third Tuesday of the month.

**CONTACT**

716-997-9668
716-883-4400
716-883-4400
262-472-9500
716-997-6320

**CONTACT**

716-856-3933
716-883-4400
716-876-5440
716-997-9668
716-883-4400

**CONTACT**

716-997-6320
716-662-2554
716-883-4400
716-883-4400
262-472-9500

Please let the SCOPE be your clarion!

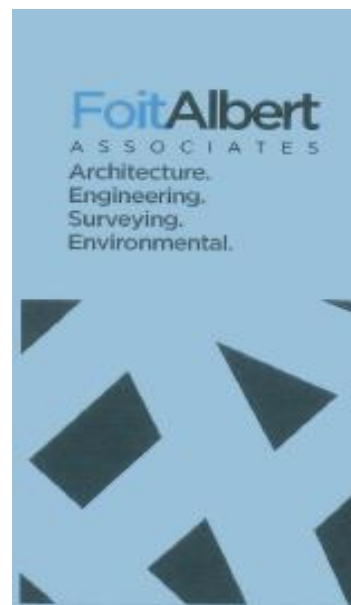
Your activities, projects, and achievements are important to our membership.

Please forward your articles to the Editor



716.926.6463  
info@ehrhartcm.com  
www.ehrhartcm.com

Residential & Commercial



Devin Filipiak  
Project Manager

716.997.9668  
dfiliplik@ehrhartcm.com

Deborah J. Siener, RA  
CSI, LEED® AP BD+C  
Project Architect

716.856.3933  
dsienef@foit-albert.com  
www.foit-albert.com

MBE Certified | DBE Certified



## President's Perspective

Understanding is such a simple word, yet also sometimes is the most difficult action in our world. With so many cultures, ideas, beliefs, and personalities, it can be an overwhelming mix. However, understanding can have some of the most powerful results and even lead to the most successful resolutions. Granted, understanding may not always solve an issue, it can to a better knowledge of where others are coming from, so it brings us that much closer to a resolution. Understanding leads to knowledge and as we have heard, knowledge is power. Asking questions is vital to this process, guiding and leading, as well as following and learning. All these are part of this understanding mix. Unfortunately, many feel threatened by others due to a lack of understanding. Others may get angry when questioned for the sake of understanding. In construction and design, understanding is vital. Clients, General Contractors, Subcontractors, Suppliers, Architects, all should understand the WHY and HOW of their projects. If there is a question, ask. If there is a concern, mention it. If you are on the receiving end, be patient. Be receptive. Realize that the understanding is what brings the project to a successful end. On a larger scale, this should be applied to life in general. Do not be afraid to question or be questioned. Understanding is a pillar to a peaceful world. A little understanding by everyone can bring us a long way.

**Devin Filipiak, CIT, CSI**  
**President, Buffalo/WNY Chapter**



**William Ferguson, AHC**

Regional Sales Manager North

✉ [william.ferguson@simonswerk.com](mailto:william.ferguson@simonswerk.com)  
 ☎ +1 262-472-9500  
 ☎ +1 262-472-0217

[www.simonswerk-usa.com](http://www.simonswerk-usa.com)

**SIMONSWERK North America, Inc.**  
 1171 Universal Blvd.  
 Whitewater, WI 53190  
 U.S.A.

[weatherpanel.com](http://weatherpanel.com)



**Dave Rood**  
 Commercial Sales  
 Direct: (716) 370-2624  
 Cell: (716) 583-3612  
[drood@weatherpanel.com](mailto:drood@weatherpanel.com)

285 Chandler Street  
 Buffalo, NY 14207-2476  
 (716) 876-5400  
 Fax: (716) 876-8550

## AIA/CES Registered Provider Program Summary

## Provider



Sherwin-Williams Company K065

**Seamless Floor and Wall Systems**

1.0000 LU Hours

This program has HSW credit

## Description:

This program walks through various coatings, slurries, broadcasts, and trowel applied flooring systems. Emphasis is provided on surface preparation and installation requirements. Industrial and decorative systems are outlined including benefits, limitations, and type of areas for installations.

## Learning Objectives:

- What is resinous flooring?
- Identify different types of resinous floors and wall systems.
- The installation process for resinous floors and wall systems.
- The surface preparation requirements resinous floors and wall systems.
- Recommended uses for resinous floors and wall systems.
- Learn the difference between coatings, slurries, broadcast and troweled applied flooring systems.
- Learn additional considerations when choosing a seamless floor or wall system.

**TRAUTMAN  
ASSOCIATES**

ARCHITECTS / ENGINEERS

**Suzanne E. Daddis** CSI37 Franklin Street, Suite 100  
Buffalo, New York 14202P 716 883 4400  
F 716 883 4268SDaddis@TrautmanAssociates.com  
TrautmanAssociates.com



Robert H. Ruml, AIA, CSI has been a member of the Buffalo/WNY Chapter since November 2006 and has served as a Director and currently serves as chapter Secretary. Trustworthy, ethical, discreet, well organized with an attitude of self-motivation, creativity, and initiative to achieve goals Robert is a registered architect, Principal and project manager at Trautman Associates Architects & Engineers. He has been with the firm for over 33 years with professional specializations in capital improvement and renovation projects. He has performed architectural programming, design, production, and project administration services for a variety of projects including municipal, governmental, United State Air Force, institutional, educational - K-12, Charter Schools and Universities, and commercial facilities.

Robert resides in Kenmore with his wife. They have two adult children who are college graduates. He and his wife are members of the Kenmore Village Improvement Society (KVIS). Robert served his country for 8 years in the Navy Reserve as a SEABEE attached to NMCB 21 and as a member of the New York Naval Militia.

Besides architecture Robert is significantly involved with Scouting; he is an Eagle Scout, (his son is also an Eagle Scout) a Vigil member of the Order of the Arrow (OA); (Wowatam Wikhetschik) a life member of the National Eagle Scout Association. (NESA) and past Scout Master of Troop 37. Robert currently is an active member in the OA and the BSA Greater Niagara Frontier Council Properties Committee consulting on various camp facilities projects, maintenance and proposed new work. As an architect he has played an active role in the design, implication and building of new lean-to's and shelters at Camp Stonehaven. In addition, Robert has designed various new camp buildings for future camp improvements, planning, and construction. Trautman Associates has supported his efforts thru pro bono work.

Robert is an active Board Member for FeedMore WNY (formally Meals On Wheels WNY) since 2015, and is also a committed member on the facilities committee. He has participated on a number of subcommittees, food drives, fundraising events, meal delivery, assisting in the food warehouse and packing out food donations for distribution during the COVID-19 pandemic. He a driving member of the planning committee developing the future building facility and site programming and facility design for the growth of the organization.

Volunteering to help others continues with SHP-NY-Buffalo in building beds for kids. This is a nonprofit organization that builds and distributes beds for kids who are sleeping on the floor.

Outside of architecture Robert and his family have enjoyed camping at state, local and national parks and campgrounds, trips to various states, hiking, biking, ship cruises and trips to Scotland, Ireland, and England.



**Robert H. Ruml** AIA, CSI

37 Franklin Street, Suite 100  
Buffalo, New York 14202

P 716 883 4400  
F 716 883 4268

RRuml@TrautmanAssociates.com  
TrautmanAssociates.com

## **CSI Strength in Members**

**Deb Siener, RA, CSI, CDT, LEED AP BD&C**

After the Scope not being published for several years, I am very happy that we are up and running again. During that time, we have continued to promote the importance of our construction network community through our monthly luncheons and annual ski events. The pandemic has certainly put a crimp in that. We still can however grow our network of people and learn the value that they hold for us in our daily work lives.

One person I want to recognize, whom has been working tirelessly with little recognition is Kevin O'Beirne. Most of you don't realize how much of a part he plays in our construction lives and how proud we are as the Buffalo/WNY CSI Chapter to have him on our team.

Kevin O'Beirne is a professional engineer licensed in New York and Pennsylvania. He is a graduate of the State University of New York at Buffalo with a BS in Civil Engineering. He has over 32 years of experience in design, construction contract administration, and project management on water and wastewater treatment and infrastructure projects.

Mr. O'Beirne is the National Manager of Engineering Specifications for HDR—a global engineering and architecture design firm with 11,500 employees. He is experienced with construction documents, construction claims resolution, design-build and other alternative project delivery methods, and related matters.

Mr. O'Beirne is an ACEC delegate on and past chair of the Engineers Joint Contract Documents Committee (EJCDC), participating on EJCDC's Construction, Procurement, Design-Build, and Construction Management Subcommittees. He is a Fellow of the Construction Specifications Institute (CSI), serves on various CSI national committees, writes a blog on CSI's national website, and received CSI's "Communicator of the Year" award in October 2019 and November 2020. He is a principal author of CSI's book, *Construction Contract Administration Practice Guide, Second Edition*, published in October 2020. He has been awarded the prestigious Northeast Region CSI Education Award.

He frequently presents for HDR and externally on construction documents and related matters and has authored over 35 feature-length articles and papers on this topic. He also presents for our chapter as he did for our February virtual launch. I particularly enjoy his presentations as they are so informative for all parties regarding specifying dos and don'ts.

Terry and I had the pleasure of attending his induction as a CSI Fellow at the National CSI convention in Austin, Texas a few years ago. He is well recognized Regionally and Nationally but I sometimes think our own chapter family doesn't know what a treasure we have!

## **Region Update**

--The Northeast Region CSI has completed an excellent Recruitment Video to assist all our Chapters in reaching new members with the many benefits we have available to the Construction Industry. The realistic and honest portrayal of actual CSI people in action speak to the power of collaboration within our organization. You may enjoy watching it at: <https://honceoui.wistia.com/medias/7qinoleOrg>.

--Northeast Region CSI Annual Conference and Trade Show has been canceled for 2021 because of many uncertainties. The venue, Hotel Plymouth in MA has agreed to continue to have the event until the Spring of 2022. Dates will be announced in the future. The Keynote Speaker, Joe Lstburek, Ph.D., P, Eng., ASHRAE Fellow, has also agreed to stay on board.

--Many inter-chapter cooperative ventures were discussed for future consideration. All of our Region struggles with the regulations and uncertainties of the Corona 19 Virus.

Jim Grucella, CSI Member Emeritus, Region Director



## Promote Your Presence In the SCOPE

For as little as \$100.00 for ten issues a business card can be placed on the inside pages of the SCOPE. The ad size would be approximately 3"x 2". The newsletter is sent by e-mail to over 100 members as well as individuals in sundry aspects of the Construction Industry. Our sponsors benefit from exposure to Architects, Builders, Engineers, Product Representatives, Construction Managers, Construction Inspectors, Building Owners and Educators in our immediate area as well as the Northeast.

Please forward your card with payment by mail or e-mail to:

Jim Grucella, CSI Emeritus  
 SCOPE Editor  
 5575 Big Tee Road  
 Orchard Park, New York 14127

Or, e-mail to: [j.gru@verizon.net](mailto:j.gru@verizon.net)

We are currently accepting enrollments for the Fall of 2021 to the Summer of 2022, but will include your information at no charge for the balance of our fiscal year which ends in June.

<div data-bbox="280 1467 375 1560"> </div> <p data-bbox="467 1472 670 1556"> <b>Joanne Harris, CSI-CDT</b>            Commercial Sales Representative            phone: 716.662.2554            jharris@pellabuffalo.com            www.pellawny.com         </p> <table data-bbox="289 1619 578 1671"> <tbody> <tr> <td data-bbox="289 1619 418 1671"> <b>Showroom</b>            2580 Walden Avenue            Buffalo, NY 14225         </td> <td data-bbox="467 1619 578 1671"> <b>Office</b>            558 Sonwil Drive            Buffalo, NY 14225         </td> </tr> </tbody> </table>	<b>Showroom</b> 2580 Walden Avenue Buffalo, NY 14225	<b>Office</b> 558 Sonwil Drive Buffalo, NY 14225	<div data-bbox="808 1423 1357 1444"> <p>GENERAL CONTRACTING   CONSTRUCTION MANAGEMENT   DESIGN / BUILD   FACILITY SERVICES</p> </div> <div data-bbox="813 1467 992 1644"> </div> <p data-bbox="1019 1472 1317 1570"> <b>Christopher M. Picone</b>            LEED AP  <i>Vice President / Director of Operations</i>            cpicone@piconeconstruction.com         </p> <p data-bbox="1019 1581 1252 1644">           Phone: (716) 634-9994 x202            Fax: (716) 633-6956            Cell: (716) 818-0988         </p> <div data-bbox="889 1675 1276 1724"> <p>10995 Main Street, Clarence, New York 14031  <a href="http://www.PiconeConstruction.com">www.PiconeConstruction.com</a></p> </div>
<b>Showroom</b> 2580 Walden Avenue Buffalo, NY 14225	<b>Office</b> 558 Sonwil Drive Buffalo, NY 14225		



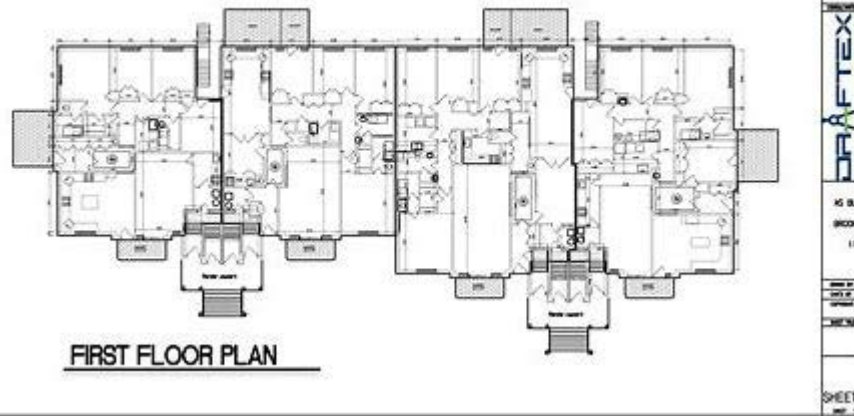
Article for *The Scope* (April 2021 issue)—newsletter of the  
Construction Specifications Institute’s Buffalo-Western NY Chapter

## Why Not “As-Built”? Record Documents by Any Other Name

by Kevin O’Beirne, PE

It is very important for contractual terminology to clearly communicate its intended meaning. When terms with different meanings are used interchangeably, their meanings can become muddled. Perhaps that sounds unimportant to some owners, architects, and engineers, but it can be **very** important to attorneys, courts, arbitrators, professional liability insurance carriers, and professional licensing boards. In short, terminology **matters**.

Because most owners and design professionals typically dislike dealing with lawyers, insurance carriers, and the like, it is wise to **habitually** use appropriate terminology, especially in construction documents, proposals and agreements for design professional services, and related correspondence.



### “As-Builts”

The term "as-built" has fallen into disfavor over the years, especially for documents the design professional prepares, post-construction, from owner- or contractor-furnished markups, for the owner’s subsequent use in operating and maintaining the facility. This is because the design professional typically has only a very-occasional presence at the site during construction and is typically **not** aware of every nuance of field conditions encountered and dimensional variations from the requirements of the construction contract documents.

Design professionals’ drawings and specifications are supposed to be accurate and reliable, especially when sealed and signed. When a design professional submits to the owner documents labeled “as-built”, it would be a very strong representation that the design

professional has **verified the accuracy** of such documents. Status as a licensed professional engineer (PE), registered architect (RA), or professional geologist (PG) allows others to **rely** on the RA's, PE's, or PG's oral and written statements and assertions of fact, unless there are explicit disclaimers to the contrary.

Where the term "as-built" is used today, it may perhaps best refer to documents the **contractor** is often required by contract to maintain during construction, marking on the contract documents' drawings and specifications, and that are submitted to either the owner or design professional at the end of construction. "As-built" can perhaps more-properly refer to such documents, because the contractor is in the best position to truly record "as-built" conditions, because the contractor is onsite every day and is supposed to be building the project under the active supervision of a competent site superintendent who keeps their eyes open. Regardless of whether the owner or design professional furnishes the services of an onsite "resident project representative" (construction observer) during construction, the **contractor** is always more intimately familiar with the progress and nuances of construction than is another entity assigned to "watch" the contractor. Whether such documents **are** truly accurate is not the point; they are **supposed** to be complete and accurate, as required by the construction contract.

Assuming the design professional is retained to produce post-construction drawings of "as-built" conditions marked by the contractor or owner, the design professional should **not** label such documents "as-builts" because the design professional typically has no way of knowing if the information shown and indicated on the contractor's or owner's field markups is complete and accurate. For this reason, design professionals should usually **not** seal and sign record documents they prepare from information furnished by others. Field data for such documents is not recorded under the direct, personal supervision and control of the design professional-in-responsible-charge of the project's design.<sup>1</sup>

When an owner does **not** retain the design professional to prepare record documents from the contractor's or owner's construction markups, the owner, presumably, fully recognizes the effects on the future operation, maintenance, and modification of the facility. Such a decision will provide the owner or facility manager with only the single set of markups prepared by the contractor. These may be easily misplaced, are not durable, and are not as reproducible compared to executable CAD or BIM files.

## What Standard Contract Documents Say

As discussed below, standard contracts in widespread use in the United States for design-bid-build projects take different approaches to record documents.

AIA A201—2017, *Standard General Conditions of the Contract for Construction*, says:

"§ 3.11 Documents and Samples at the Site

"The Contractor shall make available, at the Project site, the Contract Documents, including Change Orders, Construction Change Directives, and other Modifications, in good order and marked currently to indicate field changes and selections made during construction, and the approved Shop Drawings, Product Data, Samples, and similar required submittals. These shall be in electronic form or paper

---

<sup>1</sup> A possible exception is when the design professional itself will perform or retain the services of a licensed professional land surveyor to perform, a post-construction survey of the completed work, which is usually relatively expensive and uncommon.

copy, available to the Architect and Owner, and delivered to the Architect for submittal to the Owner upon completion of the Work as a record of the Work as constructed.

AIA A503—2017/2019, *Guide for Supplementary Conditions*, advises drafters of the construction documents to include specific requirements for the contractor’s “record of the Work, as constructed”, in the Division 01 specifications, and presents no model language for augmenting AIA A201 Section 3.11.

AIA B101—2017, *Standard Form of Agreement between Owner and Architect*, includes the following:

“§ 3.6.6 Project Completion

“§ 3.6.6.1 The Architect shall:

.3 forward to the Owner, for the Owner’s review and records, written warranties and related documents quired by the Contract Documents and received from the Contractor; ....”

None of the foregoing AIA clauses provide a “real” name for the “record documents”, “as-builts”, or whatever they’re called. AIA B101—2017, Section 4.1.1, suggests potential additional services that may, upon mutual consent of the owner and architect, be included in the architect’s scope of services, including:

“§ 4.1.1.14 Conformed documents for construction	
“§ 4.1.1.15 As-designed record drawings	
“§ 4.1.1.16 As-constructed record drawings.”	

The foregoing does not distinguish the difference between “conformed documents” and ‘as-designed record drawings”. Likely, the former incorporates only changes made via addenda whereas perhaps the latter shows both changes made via addenda and construction stage modifications designed by the architect.

AIA B101—2017 Sections 4.1.1.16 uses the term, “as-constructed record drawings”. AIA’s current standard contracts present no other detail on the contractor’s or architect’s responsibilities for such documents.

Among the documents of the Engineers Joint Contract Documents Committee, EJCDC C-700—2018, *Standard General Conditions of the Construction Contract*, includes:

“7.12 *Record Documents*

“A. Contractor shall maintain in a safe place at the Site one printed record copy of all Drawings, Specifications, Addenda, Change Orders, Work Change Directives, Field Orders, written interpretations and clarifications, and approved Shop Drawings. Contractor shall keep such record documents in good order and annotate them to show changes made during construction. These record documents, together with all approved Samples, will be available to Engineer for reference. Upon completion of the Work, Contractor shall deliver these record documents to Engineer.”

EJCDC E-500—2020, *Agreement between Owner and Engineer for Professional Services*, Exhibit A Paragraph 1.06.B, includes the following in the engineer’s **basic** construction phase services:

“24. *Contractor’s Completion Documents:* [Engineer shall] . ...Receive from Contractor, review, and transmit to Owner the annotated record documents which are to be assembled by Contractor in accordance with the Construction Contract Documents to obtain final payment. The extent of Engineer’s review of record documents will be to check that Contractor has submitted a complete set of those documents that Contractor is required to submit.”

In Paragraph 7.01.A, EJCDC E-500—2020 includes the following defined term:

“29. Record Drawings—Drawings depicting the completed Project, or a specific portion of the completed Project, prepared by Engineer and based on Contractor’s record copy of all Drawings, Specifications, Addenda, Change Orders, Work Change Directives, Field Orders, and written interpretations and clarifications, as delivered to Engineer and annotated by Contractor to show changes made during construction.”

EJCDC E-500—2020, Exhibit A Paragraph 2.02, suggests the following as optional, “additional services”:

“A. If authorized in writing by Owner, Engineer provide [the following services]...

“21. Preparing Record Drawings and furnishing such Record Drawings to Owner.

“22. Supplementing Record Drawings with information regarding the completed Project, Site, and immediately adjacent areas obtained from field observations, Owner, utility companies, and other reliable sources.

“23. Conducting surveys, investigations, and measurements to verify the accuracy of Record Drawing content obtained from Contractor, Owner, utility companies, other sources; revise and supplement Record Drawings as needed.”



shall

areas

field

and

Thus, EJCDC uses the term “record documents” to describe **both** what the contractor prepares during construction **and** any derivative documents the engineer may be retained to prepare for the owner, although EJCDC E-500 clearly indicates that “Record Drawings” are prepared by the **engineer**. EJCDC E-500—2020 Exhibit A Paragraph 2.02.A.23 (optional “additional services”), suggests performing field measurements, field verification, and surveys of post-construction conditions; however, they are typically **not** part of the engineer’s services. This writer has seen owners authorize such services by their design professional consultant perhaps once or twice in over 30 years.

Neither AIA nor EJCDC uses the term, “as-built”. The term “as-constructed” in AIA B101—2017 Section 4.1.1.16 likely means something close to, “as-built”; however, its exact meaning is unclear.

## Recommended Usage

Presented above is consideration of “as-built”, “record documents”, “record drawings”, and “as-constructed drawings” by the two most-commonly used, standard contract-writing organizations in the United States. Some people in the industry occasionally invent new terms for old ideas or things. However, in this writer’s opinion, new terms are not needed and those already commonly used are sufficient.

What *is* needed, however, is greater understanding among architects, engineers, and owners of the nuances of the terms “as-built” and “record documents” and similar terms, and their proper use. This writer presents the following guideline for terminology on “post-construction depictions of the final condition of the work”:

- Terminology should be consistent with the associated contracts.
- Design professionals should check their professional liability insurance policy to refamiliarize themselves with its terminology and conditions, and should endeavor to use, in proposals, professional services contracts, and correspondence, terminology consistent with their insurance policy. Failure to do so may have potential to result in a denial of coverage in the event of a claim.

- “As-built” should likely be avoided due to its prior use and widespread misuse.
- “As-constructed drawings” and “as-constructed specifications” may be appropriate when referring to the contractor’s, owner’s, or third-party construction manager’s markups



- of as-constructed conditions. While “as-constructed” may, for all intents and purposes, have the same meaning as “as-built”, it does not have “as-built’s” baggage.
- Both EJCDC C-700 and AIA A201 require the contractor to maintain “as-constructed drawings” and “as-constructed specifications” (terms used for this article; neither term is used in AIA A201 or EJCDC C-700), and other records, such as copies of shop drawings and other submittals, and others. Collectively, such documents may perhaps be referred to as, “Contractor’s record documentation”.
- “Record documents” (and derivatives like, “record drawings”) is appropriate when referring to documents prepared by the design professional, whether from the contractor’s (or others’) as-constructed markups or post-construction measurements, surveys, and verifications performed by the design professional. .

## Sealing and Signing Record Documents

Although the topic of sealing and signing record documents was previously addressed in this publication,<sup>2</sup> because of its importance, it is briefly addressed here.

In this writer's view, design professionals should typically **avoid** sealing and signing record documents developed from information furnished by the contractor or others, because the design professional typically has no way of verifying the completeness and accuracy of the information presented by parties not under the direct, personal supervision and control of the design professional-in-responsible-charge. In certain jurisdictions, such as North Carolina (in a written interpretation rendered by the North Carolina PE Board, applicable to North Carolina professional engineers), record documents should be sealed and signed. In other circumstances, the professional services contract may expressly require the design professional to seal and sign record documents.

Every state's design professional laws and regulations forbid architects, engineers, and geologists from sealing and signing documents not prepared under their direct, personal supervision and control. Given this, sealed and signed record documents should feature appropriate disclaimer language adjacent to each seal and signature.<sup>2</sup>

Various entities, including the American Institute of Architects, have online papers and guidance addressing whether design professionals should seal and sign record documents. Such sources may also provide further, useful information.

## Conclusions

When it comes to the design professional's deliverables and other instruments of service—regardless of whether a seal and signature is applied—terminology is important the terminology used to be giving the owner or the public assurances on which they are entitled to rely. Therefore, use appropriate terminology consistent with applicable contracts, laws and regulations, and the architect's or engineer's professional liability insurance policy.

Text © 2019-2021 by Kevin O'Beirne

The opinions expressed herein are the views of the author alone and should not be attributed to any other individual or entity



*Kevin O'Beirne, PE, FCSI, CCS, CCCA is a professional engineer licensed in NY and PA with over 33 years of experience designing and constructing water and wastewater infrastructure for public and private clients. He is the engineering specifications manager for a global engineering and architecture design firm. He is a member of various CSI national committees and is the certification chair of CSI's Buffalo-Western New York Chapter. He is an ACEC voting delegate in the Engineers Joint Contract Documents Committee (EJCDC) and lives and works in the Buffalo NY area. [Kevin O'Beirne's LinkedIn page.](#)*

---

<sup>2</sup> See: O'Beirne, Kevin, "What the Heck Are They, Really? Conformed Documents and Record Documents", *The Scope Newsletter*. CSI Buffalo-Western New York Chapter, February 2018.