

Guide for Responsibility in Concrete Construction

Reported by ACI Committee 132

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Guide for Responsibility in Concrete Construction

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The responsibilities of each party in a concrete construction project should be adequately described in the contracts between the parties, including the responsibility for the owner's project objectives. It is important that the party controlling that process (usually the owner or the 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 friction in the execution of a construction project, as well as reduce the incidence of legal disputes.

This guide identifies and suggests allocation of responsibilities to various parties involved in concrete construction in the United States; however, the guidance presented may be applicable to contractual relationships addressing concrete construction in other parts of the world. This guide can also be useful in assessing existing contractual documents to determine if they are adequate and balanced with respect to responsibilities associated with concrete construction.

In some cases, the responsibilities outlined carry the force of law. In others, there are options that could be incorporated into a particular contract.

Keywords: concrete construction; contracts; owner; responsibility.

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Reference to this document shall not be made in contract documents. If items found in this document are desired by the Architect/Engineer to be a part of the contract documents, they shall be restated in mandatory language for incorporation by the Architect/Engineer.

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CHAPTER 1—INTRODUCTION AND SCOPE

1.1—Introduction

The responsibilities of each party in a concrete construction project, including the responsibility for the owner's project objectives such as (in no particular order) schedule, functionality, and sustainability, should be adequately described in the contracts between the parties. 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.

1.2—Scope

This guide describes the responsibilities of various parties involved in the design and construction of concrete structures in the United States. 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. This guide is not intended to supersede contracts between the parties. If there are inconsistencies between the parties' contracts and responsibilities defined in this guide, then the contracts between the parties govern the relationships and responsibilities. One use of this guide would be to evaluate the balance of the responsibilities associated with concrete construction.

CHAPTER 2—DEFINITIONS

ACI provides a comprehensive list of definitions through an online resource, "ACI Concrete Terminology," <http://www.concrete.org/Tools/ConcreteTerminology.aspx>. Definitions listed herein compliment that source.

agent construction manager—person or entity who enters into a contract with the owner to manage a construction project, and generally does not act as a general contractor.

concrete material supplier—entity that produces concrete and delivers it to the project in a freshly mixed and unhardened state.

construction manager at risk—entity or person that enters into a contract with the contractors who perform the work and functions as a general contractor.

design/builder—person or entity that undertakes a combination of both design and construction for either an entire project or a significant portion of a project.