

**Construction Claims Task Force
Design Community Panel Presentation: Attachment A
December 2, 2005**

Strategies for Improving Long Term Building Integrity & Consumer Protection in Residential Condominium Projects

Voluntary Best Practices

Developers

- Select qualified, experienced design & construction partners.
- Require and Support Quality Assurance strategies by Architect & Contractor.
- Decision making based on providing quality building envelope & systems.
- Select design and materials taking maintainability into consideration.
- Budget money and time adequately for design development, QC, and construction.
- Require Architect to specify complete ongoing inspection and maintenance protocol input from General, suppliers and subcontractors.
- Require General contractor to collaborate with specialist to assemble appropriate and understandable Maintenance Manual
- Bring Property Manager and Reserve Study Provider into project early to provide input to design team.
- Include in construction contract a budget for long-term inspection and maintenance by qualified contractor for envelope systems.
- Advocate for HOA boards and unit owners to understand, adopt, and carry through with inspection & maintenance protocols.
- Require in HOA declarations that board shall comply with inspection and maintenance protocols defined by the Maintenance Manual.
- Maintain contact with HOA; require copies of inspection reports and maintenance logs.
- In HOA Declarations, Reserve right to audit inspection reports and maintenance logs.
- Initiate Maintenance Manual and reserve study process during design phase.
- Consider creating "Early Transition Committee" including interested unit owners, prior to Developer to HOA handoff.
- Support periodic education updates for new boards.
- Require appropriate assessment of building prior to end of 1 year and subsequent warranty expirations by Architect, contractors, building manager.

Architects & Design Consultants

- Work only with developers committed to best practices in design & construction.
- Require client to work with qualified general contractor.
- Require participation of building envelope engineer during design, system selection, detailing and construction phase.
- System selections based on best available information on envelope environment, products, performance, constructability, maintainability.

- Construction documents go through formal quality review by internal QA team, as well as through Envelope Engineer, contractor, and building management representative.
- Support assembly of Maintenance Manual.
- Specify full on-site mockups of envelope multi-system assemblies; collaborate with envelope consultant and contractor to adjust detailing as appropriate.
- Specify rigorous water testing of in-place envelope assemblies.
- Document regular field observations by architect, structural and MEP engineering consultants, envelope consultant, and acoustic engineer.
- Support transition to management by HOA board and building manager.
- Participate in assessment of building prior to end of 1 year and subsequent warranty expirations by architect, contractors, building manager.
- Ask developer to require reporting from HOA/building manager regarding completion of scheduled inspection and maintenance tasks.
- Assist HOA, building manager and contractor with problem investigations.
- Maintenance Manual writing consultants include guidelines for performing inspections.
- Maintenance Manual content standards for different types of project may be useful.
- Maintenance Manual must be comprehensive, while remaining understandable to the HOA Board members.

General Contractors

- Commit to best practices and only participate with developers and architects who are equally committed.
- Apply experienced staff and subcontractors to condominium projects.
- Participate in design and systems selections process, for quality, constructability, maintainability.
- Provide prompt and reliable cost estimates during design, avoid VE of envelope quality.
- Review and comment on construction documents quality.
- Commit to decisions of critical envelope assemblies and MEP components.
- Execute the work in accordance with a job specific QA/QC program to ensure compliance with the contract documents. Appoint a staff Quality Control Coordinator dedicated specifically to QA/QC during the execution of the work.
- Provide ongoing QC education for sub-contractors.
- Provide a comprehensive photo and checklist history of the construction that is recorded and archived in a manner that is easily accessible for future use.
- Provide mockups of building enclosures and key building components that are tested early in the construction sequence to allow for detailing improvements where applicable.
- Develop a project specific Maintenance Manual that provides HOA's with a clear path to the building maintenance requirements.
- Review and reconcile specified warranties with actual industry warranties prior to finalization of contract documents.
- Contractor to provide clear documentation on status of warranty requests. Require that building participants define and follow a warranty request protocol.

Homeowner Associations

- Understand responsibility to plan for and execute building maintenance.
- Educate members regarding both board and individual responsibilities.
- Control process for unit modifications.
- Seek qualified assistance from Building Management and Reserve Study specialists.
- Hire qualified maintenance subcontractors.
- Maintain board understanding of upcoming required tasks, completed tasks.
- Maintain constructive relationship with original development team.

Property Managers

- Execute Maintenance Manual requirements timely and consistently
- Make adequate operating budget recommendations to execute annual Maintenance Manual requirements.
- Use only qualified contractors
- Establish long term contractor relationships for consistent performance
- Maintain thorough records and distribute regularly to HOA, Development Team
- Notify original Architect, Contractor of problem incidents, allies in identifying solution.
- Provide Maintenance Manual familiarity update annually for new (and returning) board.
- Provide new Unit owner familiarization session re: Maintenance and User Guidelines.

Reserve Study Specialists

- Initiate reserve study process during design phase (in concert with early draft Maintenance Manual).
- Understand building systems and inspection/maintenance needs.
- Coordinate reserve study update with final Maintenance Manual.
- Integrate maintenance manual defined tasks for ongoing inspection and maintenance as well as for cyclical repairs and replacements.
- Provide reserve budget adequate to accomplish Maintenance Manual requirements
- Apply the Maintenance Manual concept to both new construction and condo conversions.
- Provide ongoing education to older HOAs on value of Maintenance Manual approach.

Insurance

- Establish standards for insurability or rates based on compliance with best practices.

Legal

- Write governing documents to set clear responsibilities and restrictions to protect unit owner's property values and common elements.
- Understand best practices and advantage to each participant.
- Avoid counterproductive limitations on reserve assessment changes.
(Board has to manage investments needed to protect the owner's property, avoid tying their and unit owner's hands in ability to do so).
- Establish clear definitions and rules for both"
 - a. Reserves budget (3 to 30 year events).
 - b. Ongoing operations budgets for regular inspections and maintenance.