



## CONSTRUCTION CONTRACT ADMINISTRATION STATE LAW MATRIX

State/Jurisdiction	Law	Rule
Alabama		<p><a href="#">100-X-5-.06</a></p> <p>(1) On a project where a building permit has been issued and the sealing architect has not been engaged, or is no longer engaged, to perform at least minimum construction administration services, as defined in subsection (a) below, the sealing architect must report to the building official and the Board that he or she has not been, or is no longer, so engaged.</p> <p>(2) The minimum construction administration services expected of the sealing architect deemed necessary to protect the health, safety, and welfare of the public shall be periodic site observations of the construction progress and quality, review of contractor submittal data and drawings, and reporting to the building official and owner any violations of codes or substantial deviations from the contract documents that the architect observed. As with other architectural services, qualified employees of registered architects may perform construction administration services under the instruction and responsible control of their employers.</p>
Arkansas		<p><a href="#">Section IX Contract Administration</a></p>



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		<p>Definition: <i>Construction Contract Administration</i>: Construction contract administration is the portion of the architect’s services that takes place during the construction of a building. Construction contract administration services must include periodic observation of the construction site to determine whether the building is being built in accordance with the construction documents. The appropriate design professional must observe the portion of the work for which he or she is directly responsible.</p> <p>Section IX – Construction Contract Administration</p> <p>A. Construction Contract Administration</p> <p>1. If, under Arkansas law, an architect is required to prepare or supervise and control the preparation of the architectural plans and specifications for a new building or the alteration of or an addition to an existing building, construction observation for the project shall be conducted by an architect or by a person working under the supervision and control of an architect. For purposes of this subchapter, “construction observation” means the administration of the portion of the construction contract described and documented in the architectural plans and specifications, including the following services:</p> <p>a. Visiting the construction site on a regular basis, as necessary, to determine that the</p>



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		<p>work is proceeding generally in accordance with the technical submissions submitted to the building official at the time the building permit was issued;</p> <p>b. Processing shop drawings, samples, and other submissions required of the contractor by the terms of construction contract documents; and</p> <p>c. Notifying the owner and the building official of any code violations; changes that affect code compliance; the use of any materials, assemblies, components, or equipment prohibited by a code; major or substantial changes between such technical submissions and the work in progress; or any deviation from the technical submissions that he or she identifies as constituting a hazard to the public and observes in the course of performing his or her duties.</p> <p><b>B. Responsibility for Construction Contract Administration</b> The owner of any building has the ultimate responsibility for ensuring the health, safety, and welfare of the occupants of the building, as well as the public in general, according to the laws and regulations of the State of Arkansas. The owner of any real property who allows a project to be constructed on such real property and the</p>



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		construction of which requires the services of an architect shall be deemed to have engaged in the practice of architecture unless such owner shall have employed or caused others to have employed a registered architect to furnish construction contract administration services with respect to such project.
<b>California</b>	<p><a href="#">§ 5536.25</a> – Liability; Damages Caused by Subsequent, Unauthorized, or Unapproved Changes or Use of Plans, Specifications, Reports or Documents; Construction Observation Services</p> <p>(B) The signing and stamping of plans, specifications, reports, or documents which relate to the design of fixed works shall not impose a legal duty or responsibility upon the person signing the plans, specifications, reports, or documents to observe the construction of the fixed works which are the subject of the plans, specifications, reports, or documents. However, this section shall not preclude an architect and a client from entering into a contractual agreement which includes a mutually acceptable arrangement for the provision of construction observation services. This subdivision shall not modify the liability of an architect who undertakes, contractually or otherwise, the provision of construction observation services for rendering those services.</p> <p>(C)"Construction observation services" means periodic observation of completed work to</p>	



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	<p>determine general compliance with the plans, specifications, reports, or other contract documents. However, "construction observation services" does not mean the superintendence of construction processes, site conditions, operations, equipment, or personnel, or the maintenance of a safe place to work or any safety in, on, or about the site. For purposes of this subdivision, "periodic observation" means visits by an architect, or his or her agent, to the site of a work of improvement.</p>	
<p><b>Colorado</b></p>		<p><u>2.2</u> Definitions - Responsible Control of Architecture            The Board shall interpret “responsible control” of architecture, as defined in Section 12-25-302(7), C.R.S., as follows:</p> <p>“Responsible control” of architecture shall mean that degree of control an architect is required to maintain over architectural decisions made personally or by others over whom the architect exercises supervisory direction and authority.</p> <p>(a) The degree of control necessary for an architect to be in “responsible control” shall be such that the architect:</p> <ul style="list-style-type: none"> <li>(i) Personally makes architectural decisions, or personally reviews and approves proposed decisions prior to their implementation, including consideration of alternatives whenever architectural decisions that could affect the life, health, property,</li> </ul>



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		<p>and welfare of the public are made. In making said architectural decisions, the architect shall be physically present or, through the use of communication devices, be available as reasonably appropriate.</p> <p>(ii) Judges the validity and applicability of recommendations prior to their incorporation into the work, including the qualifications of those making the recommendations.</p> <p>(b) Architectural decisions that are made by, and are the responsibility of, the architect in “responsible control” are those decisions concerning permanent or temporary work that could create a danger to the life, health, property, and welfare of the public, such as, but not limited to, the following:</p> <p>(i) The selection of architectural alternatives to be investigated and comparison of alternatives for architectural works.</p> <p>(ii) The selection or development of design standards or methods, and materials to be used.</p> <p>(iii) The selection or development of techniques or methods of testing to be used in evaluating materials or completed works, either new or existing.</p> <p>(c) As a test to evaluate whether an architect is in “responsible control” the following must be</p>



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		<p>considered: An architect who signs and seals architectural documents in “responsible control” must be capable of answering questions as to the architectural decisions made during the architect’s work on the project in sufficient detail as to leave little doubt as to the architect’s proficiency for the work performed. It is not necessary to defend decisions as in an adversarial situation, but only to demonstrate that the architect in “responsible control” made them and/or possessed sufficient knowledge of the project to make them. Examples of questions to be answered by the architect could relate to criteria for design, methods of analysis, selection of materials and systems, economics of alternate solutions, and environmental considerations. The individual should be able to clearly define the degree of control and how it was exercised and be able to demonstrate that the architect was answerable within said degree of control necessary for the architectural work done.</p> <p>(d) An architect who adopts, signs, and seals work performed by others shall perform sufficient review and calculation to ensure that all standards of practice required of licensees are met, including satisfying the relevant criteria stated in paragraphs (b) and (c) above, and shall take professional responsibility for documents signed and sealed under his/her responsible charge.</p>
Delaware	<a href="#">§ 303 (c)</a>	



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	<p><b>§ 303. Registration to practice; construction of chapter.</b></p> <p>(c) The owner of any real property who allows a project to be constructed on such real property shall be engaged in the practice of architecture unless the owner shall have employed or shall have caused others to have employed a registered architect and/or a registered engineer to furnish construction contract administration services with respect to such project.</p> <p>(1) For purposes of this section, the following terms shall have the following meanings:</p> <ul style="list-style-type: none"><li>a. "Building official" shall mean the person appointed by the municipality or State subdivision having jurisdiction over the project to have principal responsibility for the safety of the project as finally built.</li><li>b. "Construction contract administration services" shall comprise at least the following services:<ul style="list-style-type: none"><li>1. Visiting the construction site on a regular basis as is necessary to determine that</li></ul></li></ul>	





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	<p>the work is proceeding generally in accordance with the technical submissions submitted to the building official at the time the building permit was issued;</p> <p>2. Processing shop drawings, samples, and other submittals required of the contractor by the terms of construction contract documents; and</p> <p>3. Notifying an owner and the building official of any code violations, changes which affect code compliance, the use of any materials, assemblies, components or equipment prohibited by a code, major or substantial changes between such technical submissions and the work in progress, or any deviation from the technical submissions which he or she identifies as constituting a hazard to the public, which he or she observes in the course of performing his or</p>	



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	<p style="text-align: center;">her duties.</p> <p>c. "Owner" shall mean with respect to any real property any of the following persons:</p> <ol style="list-style-type: none"><li>1. The holder of a mortgage secured by such property;</li><li>2. The holder, directly or indirectly, of an equity interest in such real property exceeding 10 percent of the aggregate equity interest in such real property;</li><li>3. The record owner of such real property; or</li><li>4. The lessee of all or any portion of such real property when the lease covers all of that portion of such real property upon which the project is being constructed, the lessee has significant approval rights with respect to the project, and the lease, at the time the construction of the project begins, has a remaining term of not less than 10 years.</li></ol> <p>d. "Project" shall mean the construction, enlargement, or</p>	



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	<p style="text-align: center;">alteration of a building, other than a building exempted by the provisions of paragraph (b)(5) of this section.</p> <p>(2) If the registered architect who sealed the technical submissions which were submitted to the building official at the time the building permit was issued has not been employed to furnish construction contract administration services at the time such registered architect issues such technical submissions, the registered architect shall note on such technical submissions that the registered architect has not been so employed. If the registered architect is not employed to furnish construction contract administration services when construction of the project begins, the registered architect shall file, not later than 30 days after such construction begins, with the Board and with the building official, on a form prescribed by the Board, a notice setting forth the names of the owner or owners known to the registered architect, the address of the project, and the name, if known to the registered architect, of the registered architect employed to perform construction contract administration services. If the registered architect believes that no registered architect has been so</p>	



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	<p>employed, the registered architect shall so state on the form. Any registered architect who fails to place the note on that registered architect's technical submissions or to file such notice, as required by this paragraph, shall have violated the provisions of this chapter and shall be subject to disciplines as set forth herein.</p> <p>(3) If the Board determines, with respect to a particular project or class of projects, that the public is adequately protected without the necessity of a registered architect performing construction contract administration services, the Board may waive the requirements of this subsection with respect to such project or class of projects.</p>	
<p><b>Georgia</b></p>	<p><a href="#">43-4-1</a>            (2) “<i>Architectural construction contract administration services</i>” shall include at a minimum the following services:            (A) Visiting the construction site on a regular basis to determine that the work is proceeding in accordance with the technical submissions submitted to the building official at the time the building permit was issued; and            (B) Processing shop drawings, samples, and other submissions required of the contractor</p>	<p>50-2A-.02 – Notice of Shared Responsibility            (1)When an architect has been engaged by an Owner to provide professional services limited to the preparation of construction documents only, thereby allowing the Architect of Record limited involvement during the construction administration phase, he shall affix on all instruments of service the following statement: “(Named) Architect of Record is not responsible for interpreting the intent of the construction documents, including making modifications as may be necessary during the construction phase; and that the Architect of Record</p>



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	<p>by the terms of construction contract documents.</p>	<p>is no longer liable for the work where changes to these documents have been made.”</p> <p>(2) When during the course of the Construction Administration phase, services of the Architect of Record are terminated, the Architect of Record shall promptly notify the permitting authority in writing that his services have been terminated and that he will no longer be responsible for interpreting the intent of the construction documents and accordingly is no longer liable for the work where changes to his documents have been made.</p>
<p><b>Guam</b></p>		<p>7 – Professional Conduct – Construction Services</p> <p>An Engineer, Architect and Land Surveyor shall provide construction contract administration when applications are made for building or construction permits involving the public safety and health. The term "construction contract administration" means making periodic visits to the site by a registered engineer, architect or land surveyor or authorized representatives as the case may require, to observe the progress and quality of the executed work and to determine, in general, if the work is proceeding in accordance with the contract documents. It is not required that they make exhaustive or continuous on-site inspections to check the quality or quantity of the work nor is it intended that the engineer, architect and land surveyor be responsible for construction means, methods, techniques, sequences</p>



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		or procedures, or for safety precautions and programs in connection with the work.
<b>Indiana</b>	<p><a href="#">804 IAC 1.1-7-33</a> Sec. 33. (a) In administering the Construction Contract, the architect's function is to determine if the contractor's work generally conforms to the requirements of the contract documents. To evaluate the quality of materials and workmanship, the architect must be thoroughly familiar with all of the provisions of the Construction Contract. Periodic reports on the stage of completion of scheduled activities are collected and compared to the overall Project Schedule at job site meetings. These meetings facilitate communication between the contract parties and produce a detailed progress record. The architect must determine through observation the Date of Substantial Completion and receive all data, warranties, and releases required by the contract documents prior to final inspection and final payment. In addition to these construction-related functions, the architect interprets contract documents when disagreements occur, judging the dispute impartially, even when the owner is involved. Dissatisfaction with the architect's decision can lead to arbitration or the courts.</p> <p>(b) Possible intern activities include the following: (1) Visiting the job site and participating in observation of the work in place and</p>	



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	<p>materials stored, and preparing field reports of such routine inspections.</p> <p>(2) Reviewing and analyzing construction time schedules. Understanding the various network methods (e.g., critical path method) potentially available to the contractor.</p> <p>(3) By review of the contract documents and through professional development programs, developing an awareness of the contractual obligations related to observation of construction.</p> <p>(4) Attending periodic job site construction meetings and assisting in recording and documenting all actions taken and agreed to at such meetings.</p> <p>(5) Participating in the substantial completion inspection and assisting in the punch list verification.</p> <p>(6) Participating in the final acceptance inspection with the owner and other involved parties.</p>	
<p><b>Kentucky</b></p>	<p><a href="#">323.01</a> – Definitions</p> <p>(7) "<i>Administration of construction contracts</i>" means:</p> <ul style="list-style-type: none"> <li>(a) Conducting periodic site visits;</li> <li>(b) Reviewing shop drawings and reviewing other submittals required of the contractor by the terms of the construction contract documents;</li> <li>(c) Reporting to the owner any violations of</li> </ul>	



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	<p>applicable building codes and any substantial deviations from the contract documents that the architect observes; or (d) Reporting to the building official any violations of applicable building codes that the architect observes.</p>	
<b>Mississippi</b>		<p>3.2.16 In regard to construction administration, if, under Mississippi law, an architect must prepare, or supervise and control the preparation of the architectural plans and specifications for a new building or the alteration of or an addition to an existing building, then construction administration for the project shall be conducted by an architect or by a person working under the responsible control of an architect. Construction administration as defined herein constitutes the practice of architecture as defined by the Board.</p> <p>A. For purposes of this rule, “construction administration” means the administration of the portion of the construction contract described and documented in the architectural plans and specifications, including, but not necessarily limited to, the following services:</p> <ol style="list-style-type: none"> <li>1. Visiting the construction site at intervals appropriate to the contractor’s operations to determine that the work is proceeding generally in accordance with the technical</li> </ol>





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		<p>submissions submitted to the owner and/or the building official at the time the building permit was issued; and</p> <ol style="list-style-type: none"><li>2. Processing shop drawings, samples, and other submittals required of the contractor by the terms of construction contract documents; and</li><li>3. Notifying an owner and any building official of any code violations; changes which affect code compliance; the use of any materials, assemblies, components, or equipment prohibited by a code; major or substantial changes between such technical submissions and the work in progress; or any deviation from the technical submissions which the architect identifies as constituting a hazard to the public, which the architect observes in the course of performing the architect's duties.</li></ol> <p>B. On a project where the architect of record has not been engaged, or is no longer engaged, to perform construction administration services, as defined above, the architect of record shall report in writing that the architect has not been engaged or is no longer engaged to perform construction administration services, to the following parties:</p> <ol style="list-style-type: none"><li>1. the building official; and</li><li>2. the owner; and</li><li>3. the client; and</li></ol>



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Nebraska	<p data-bbox="520 358 1104 423"><a href="#">§ 81-3446</a> – Construction Projects on Private Lands; Owner; Duties</p> <p data-bbox="520 431 1182 824">(1) The owner of any real property who allows a project to be constructed on his or her real property is engaged in the practice of architecture or engineering unless he or she employs or causes others to employ licensed professionals or persons under the direct supervision of licensed professionals to furnish at least minimum construction phase services with respect to the project or is exempt from the Engineers and Architects Regulation Act under sections 81-3449 and 81-3453.</p> <p data-bbox="520 870 1192 1411">(2) For purposes of this section: (a) Construction phase service includes at least the following services: (i) Visiting the project site on a regular basis as is necessary to determine that the work is proceeding generally in accordance with the technical submissions submitted to the building official at the time the project permit was issued; and (ii) processing technical submissions required of the contractor by the terms of contract documents. The term does not include supervision of construction, review of payment applications, resolution of disputes between the owner and contractor, and other such</p>	4. the contractor.



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	<p>items which are considered additional construction administration services which the owner may or may not elect to include in the architect's or engineer's scope of work; and</p> <p>(b) Owner means with respect to any real property the following persons: (i) The record owner of such real property; (ii) the lessee of all or any portion of the real property when the lease covers all of that portion of the real property upon which the project is being constructed, the lessee has significant approval rights with respect to the project, and the lease, at the time the project begins, has a remaining term of not less than ten years; or (iii) the grantee of an easement granting right-of-way to construct the project.</p>	
<b>New Hampshire</b>		<p><a href="#">Arch 501.03 (i)</a> - Ethical Requirements For Architects.</p> <p>The licensed architect shall:</p> <p>(i) Exercise direct supervisory control, responsible charge which requires a licensee or employee to carry out all client contracts, provide internal and external financial control, oversee employee training and exercise control and supervision over all jobs requirements to include research, planning, design, field supervision and work product review;</p>
<b>New Mexico</b>	<a href="#">§61-15-2</a> – Definitions	16.30.6.9 – Construction Administration (If



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	<p>D. "<i>construction administration</i>", when performed by an architect, means the interpretation of the drawings and specifications, the establishment of standards of acceptable workmanship and the observation of construction to determine its consistency with the general intent of the construction documents when performed by a person engaged in the practice of architecture. Inspection of buildings by contractors, subcontractors or building inspectors or their agents shall not constitute construction administration;</p>	<p>Required by Contract):</p> <p>A. Bidding and contract negotiation            (1) Definition: Assist the client in establishing and administering bidding procedures, issuing addenda, evaluating proposed substitutions, reviewing the qualifications of bidders, analyzing bids or negotiating proposals and making recommendations for the selection of contractors.            (2) The registrant should make clear what the registrant's role shall be in each of the following steps:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> (a) the bid/award process;</li> <li><input type="checkbox"/> (b) the analysis and evaluation of bids;</li> <li><input type="checkbox"/> (c) settling protests to bid acceptability; and</li> <li><input type="checkbox"/> (d) the role of lending institutions.</li> </ul> <p>B. Construction - office phase            (1) Definition: Processing contractor's applications for payment, preparing change orders, reviewing shop drawings and samples and interpreting construction documents.            (2) The registrant must be able to:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> (a) timely process applications for payment;</li> <li><input type="checkbox"/> (b) evaluate requests for changes and prepare change orders; and</li> <li><input type="checkbox"/> (c) interpret and attempt to resolve conflicts relating to the contract documents and resolve disputes.</li> </ul>



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		<p>C. Construction - observation phase</p> <p>(1) Definition: Assurance that contractor’s work conforms to requirements of contract documents, that standards of workmanship are upheld, and that all work conforms to required codes. It includes the interpretation of contract documents, clarification of design intent, and the resolution of conflicts.</p> <p>(2) The registrant must have an understanding of contract documents and must be able to:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> (a) evaluate quality of materials and workmanship;</li> <li><input type="checkbox"/> (b) analyze construction timetables and produce progress reports;</li> <li><input type="checkbox"/> (c) interpret contract documents;</li> <li><input type="checkbox"/> (d) evaluate dispute resolution alternatives;</li> <li><input type="checkbox"/> (e) monitor and receive all data, warranties and releases required by the contract documents; and</li> <li><input type="checkbox"/> (f) undertake a completion inspection with verification that the work was completed in accordance with the contract documents.</li> </ul>
<b>Oregon</b>		<p>806-010-0050 – Supervision</p> <p>(1) Supervision as mentioned in ORS 671.010(6), and as related to the practice of architecture shall mean the administration of the construction contract which includes:</p> <ul style="list-style-type: none"> <li>(a) General administration of contracts and interpretation of construction documents during the construction phase;</li> <li>(b) Observation of construction and evaluation of the work;</li> </ul>



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		<p>(c) Review of contractor's submittals; and (d) Determination of substantial completion and such other services as may be required in accordance with the accepted practice of architecture in Oregon.</p> <p>(2) Architects must supervise all projects they stamp, with the exception of single-family residences. If the architect of record will not be providing the required supervision, he or she will forthwith advise in writing all involved permit issuing agencies of this fact as well as the Oregon Board of Architect Examiners.</p> <p>(3) In accordance with ORS 671.010(6), supervision of the erection of non-exempt structures constitutes the practice of architecture and therefore must be provided by an Oregon registered architect or engineer who is capable of rendering independent judgment on matters relating to construction.</p>
<b>South Carolina</b>		<p>11-12. (B) – Code of Professional Ethics - Full Disclosure</p> <p>(4) On a project where a building permit has been issued and the sealing architect and the firm of record have not been engaged to perform at least minimum construction administration services, as defined in subsection (5) below, the sealing architect and firm must report to the permitting authority and the building owner that he and the firm have not been so</p>



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		<p>engaged.</p> <p>(5) The minimum construction administration services expected of the sealing architect and firm deemed necessary to protect the health, safety, and welfare of the public shall be periodic site observations of the construction progress and quality, review of contractor submittal data and drawings, and reporting to the building official and owner any violations of codes or substantial deviations from the contract documents which the architect observed.</p>
<p><b>South Dakota</b></p>	<p><a href="#">36-18A-1</a> – Definition of Terms            Terms used in this chapter mean: (9) "<i>Construction administration</i>," the interpretation of drawings and specifications, the establishment of standards of acceptable workmanship, and the site observation of construction, by a licensed professional, for the purpose of determining whether the work is in general accordance with the construction contract documents. Shop drawing review, coordination of a construction project among the owner, architect, engineer, contractor, and subcontractors, and inspection of construction by contractors, subcontractors, owner's agents, building officials, or other unlicensed professionals does not constitute construction administration.</p> <p><a href="#">36-18A-46</a> – Construction Administration Services to be Provided by Architect or Engineer            No person other than an architect or professional</p>	<p><a href="#">20:38:37:02</a> – Prime Professional            A licensed design professional must be responsible for the design component. The prime professional is the leader of the design team and shall manage the design project. The project's architect or professional engineer shall report to the board and the building official if neither one is engaged to provide construction administration services. A prime professional is a licensed professional engineer or architect who is required for any project that requires multiple disciplines, such as, architectural, landscape architectural, civil, structural, mechanical, or electrical engineering. The prime professional is charged with the responsibility of coordination of the professional design package and construction administration services. The prime professional may require testing and uncovering of work to determine compliance with approved plans and specifications. The duties</p>



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	<p>engineer may provide architectural and engineering services which include construction administration services on projects that are not exempt pursuant to § 38-18A-2 and 36-18A-3. The architect or professional engineer of record, or another designated architect or professional engineer without conflict of interest, shall provide a written report of observed deficiencies or variations from the submitted plans and specifications to the building official, owner, and builder before project completion. The board may promulgate rules pursuant to chapter 1-26 to establish construction administration services criteria including coordinating and prime professional criteria for persons licensed by the board.</p>	<p>of the prime professional include the following:</p> <ul style="list-style-type: none"> <li>(1) Acts as point of contact for the project team during the design phase to ensure dialogue among participants, including owners, contractors, developers, design professionals, government bodies, and building officials;</li> <li>(2) Verifies that the submittal to the building official is compatible and coordinated and provides a logical and comprehensive document;</li> <li>(3) Verifies that the design submitted is complete, and that all requirements for calculations and specifications are complete and accurately delineated on plans and related documents;</li> <li>(4) Acts as point of contact during the review process with the building official and provides for timely response to questions, corrections, or requests for additional information on any element of the design package;</li> <li>(5) Acts as point of contact for the design team following permit issuance, responds to changes, clarifications, and additional information that may be required from members of the design team to owners, developers, contractors, or building officials; and</li> <li>(6) Coordinates construction administration services.</li> </ul> <p><a href="#">20:38:37:03</a> – Construction Administration Services Construction administration services shall comprise</p>





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		<p>the minimum following services:</p> <p>(1) Visiting the construction site on a regular basis as is necessary to determine that the work is proceeding generally in accordance with the contract documents and technical submissions;</p> <p>(2) Processing shop drawings, samples, and other submittals required of the contractor by the terms of construction contract documents to assure general accordance with the plans and specifications; and</p> <p>(3) Notifying the owner, the client, the board, and the building official of any observed and uncorrected code violations; changes that affect code compliance; the use of any materials, assemblies, components, or equipment prohibited by a code; major or substantial changes between such technical submissions and the work in progress; or any deviation from the technical submissions that the design professional identifies as constituting a hazard to the public, which is observed in the course of performing the professional's construction administrative duties.</p>
<p><b>Texas</b></p>		<p><u><a href="#">1.217</a></u> – Construction Observation</p> <p>An Architect or a person working under the Supervision and Control of an Architect shall conduct construction observation of the construction of a new building or the alteration or addition of an existing building which is subject to §1.211 of this title (relating to Privately Owned Buildings), §1.212 of this title (relating to Publicly Owned Buildings) and §1.214 of this title (relating</p>



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		<p>to Institutional Residential Facilities). For purposes of this subchapter, "construction observation" means the administration of the portion of the construction contract described and documented in the architectural plans and specifications, including the following:</p> <ol style="list-style-type: none"><li>1. reviewing each shop drawing, sample, and other submittal by a contractor or consultant;</li><li>2. preparing or reviewing each change to an architectural plan or specification;</li><li>3. visiting the construction site at intervals appropriate to the stage of construction to:<ol style="list-style-type: none"><li>a. become generally familiar with and keep the client generally informed about the progress and quality of the portion of the construction completed;</li><li>b. make a reasonable effort to identify defects and deficiencies in the construction;</li><li>c. determine generally whether the construction is being performed in a manner indicating that the project, when fully completed, will be in accordance with the architectural plans and specifications; and</li></ol></li><li>4. in addition to any responsibilities under §1.216 of this title (relating to Other Professional Responsibilities), notifying the client in writing of any substantial deviation from the architectural plans and specifications that may prevent the building</li></ol>



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		from being occupied or utilized for its intended use.
West Virginia	<p><a href="#">§§30-12-11a</a>  <b>§§30-12-11a. Construction administration services required.</b>            (a) The owner of any real property who allows a project to be constructed on such real property shall be engaged in the practice of architecture unless such owner may have employed or may have caused others to have employed a registered architect or registered engineer to furnish "construction administration services" with respect to such project.</p> <p>(b) For purposes of this section, the following terms shall have the following meanings:</p> <p style="padding-left: 40px;">(1) "Building official" means the person appointed by the municipality or state subdivision having jurisdiction over the project to have principal responsibility for the safety of the project as finally built.</p> <p style="padding-left: 40px;">(2) "Construction administration services" comprises at the following services: (A) Visiting the construction site on a regular basis as is necessary to determine that the work is proceeding generally in accordance with the technical submissions submitted to the building official at the time the building permit was issued; (B) processing shop</p>	



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	<p>drawings, samples, and other submittals required of the contractor by the terms of construction contract documents; and (C) notifying an owner and the building official of any code violations, changes which affect code compliance, the use of any materials, assemblies, components, or equipment prohibited by a code, major or substantial changes between such technical submissions which he or she identifies as constituting a hazard to the public, which he or she observes in the course of performing his or her duties.</p> <p>(3) "Owner" means with respect to any real property and of the following persons: (A) The holder of a mortgage secured by such real property; (B) the holder, directly or indirectly, of an equity interest in such real property exceeding ten percent of the aggregate equity interests in such real property; (C) the record owner of such real property; or (D) the lessee of all or any portion of such real property when the lease covers all of that portion of such real property upon which the project is being constructed, the lessee has significant approval rights with respect to the project, and the lease, at the time the construction of the project begins, has a remaining term of not less than ten years.</p>	



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	<p>(4) "Project" means the construction, enlargement, or alteration of a building, other than a building exempted by the provisions of section twelve of this article, which has as its principal purpose human occupancy or habitation.</p> <p>(c) If the registered engineer or registered architect who sealed the technical submissions which were submitted to the building official at the time the building permit was issued has not been employed to furnish construction administration services at the time such registered architect or registered engineer issued such technical submissions, he or she shall note on such technical submissions that he or she has not been so employed. If he or she is not employed to furnish construction administration services when construction of the project begins, he or she shall file, not later than thirty days after such construction begins, with the board and with the building official, on a form prescribed by the board, a notice setting forth the names of the owner or owners known to him or her, the address of the project, and the name, if known to him or her, of the registered architect employed to perform construction administration services. If he or she believes that no registered architect or registered engineer has been so employed, he or she shall so state on the form. Any registered architect or registered engineer who fails to place the note on</p>	



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	<p>his or her technical submissions or to file such notice, as required by this paragraph, shall have violated the provisions of this chapter and shall be subject to discipline as set forth herein.</p> <p>(d) If the board determines, with respect to a particular project or class of projects, that the public is adequately protected without the necessity of a registered architect or registered engineer performing construction administrative services, the board may waive the requirements of this section with respect to such project or class of projects.</p>	