



THE IMPORTANCE OF SHOP DRAWINGS IN THE DESIGN PROFESSIONAL'S PRACTICE

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While not all projects require the preparation of shop drawings, those that do present unique challenges and potential liability exposure to the design professional. Therefore, it is important that the design professional be aware of its obligation concerning the review and approval of shop drawings prior to the commencement of construction. Shop drawings are an essential element to many projects, providing detail as to how particular elements of a project are to be constructed and installed. The purpose of the shop drawings is to provide the contractor with sufficient detail to make certain that the items set forth in the shop drawings are properly and safely constructed.

For those projects requiring the preparation of shop drawings, it is imperative that the design professional address the following issues prior to construction and installation of the element set forth in the shop drawing:

1. What items require shop drawings;
2. Who is responsible for preparing the shop drawings;
3. When are the shop drawings to be provided to the design professional for review and approval; and
4. Are there any other parties that will be involved in the shop drawing review process.

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Far too often, projects proceed without the necessary shop drawings or with shop drawings that contain errors. In both instances, the design professional faces potential liability exposure with respect to damages resulting from improper design of the item that was to be set forth in the shop drawing. Specifically, there are situations where the party retained to prepare the necessary shop drawing (i.e., contractor, sub-consultant, manufacturer, supplier) either improperly interpreted the design professional's project drawings and specifications or decided, on their own, that revisions needed to be made in order for the specified element to comply with the project drawings. In either event, such deviations must be identified and approved by the design professional prior to proceeding with construction.

When an item set forth in the shop drawings deviates from the design professional's drawings and specifications often this results in damages to the owner and contractor. In such circumstances, all eyes immediately turn to the design professional to explain how this happened. Not surprisingly, the sub-consultant that prepared the shop drawings, the contractor and the owner each contend that the design professional had the ultimate responsibility to review and approve the shop drawings to make certain that they fully conformed with the design intent provided in the project drawings and specifications prepared by the design professional.

In those instances where there are no shop drawings, it leaves the design professional with few arguments in its defense. Similarly, when the shop drawings are either not reviewed or reviewed and errors are overlooked, again this limits the number of defenses available to the design professional. For these reasons, it is essential that the design professional demand that it be provided with the necessary shop drawings in a timely manner and that the design professional take the time to fully review the shop drawings in order to provide the necessary comments, if any, and approval. Proceeding in this manner greatly reduces and often eliminates issues involving errors with the sub-

consultant's shop drawings thereby reducing the possibility of potential damages resulting therefrom.

Notably, arguments may be made that the sub-consultant who prepared the shop drawings should be held responsible for its own acts of negligence in improperly preparing the shop drawings or deviating from the design intent set forth in the project drawings and specifications. Arguments may also be made that the contractor knew or should have known of the deviation as it is the responsibility of the contractor to compare the shop drawings to the construction drawings prepared by the design professional prior to proceeding with construction. Proceeding in this manner should put the contractor on notice that there exists a deviation that needs to be addressed and resolved, with the assistance of the design professional, prior to proceeding with construction.

CONCLUSION

While it is understood that the time associated with preparing, reviewing and ultimately approving shop drawings may have an impact on the overall schedule of a project, the damages resulting from construction of elements that were contained within improper shop drawings are often significant. The result can be a delay of the project and costs associated with remediating the condition. Therefore, when shop drawings are required it is incumbent upon the design professional to strictly comply with the above-referenced steps in order to protect itself at a later date from almost certain liability and damage claims by the owner and contractor.

This article is intended only as a general discussion of the subject topic and as such does not create an attorney-client relationship with the reader and is not meant to provide legal advice in any manner.