COGENCE Alliance

Owners + Architects + Engineers + Contractors

Inspire. Educate. Unite.

Mission + Purpose

Cogence *(Latin)*

“To drive together” or “Thinking that is well organized”

The purpose of the Alliance is to bring Owners and Developers, Architects and Engineers, Construction Managers and Contractors, and Allied Industry Professionals together to advocate and be a resource for improved project delivery.

For more information visit us at www.cogence.org

Today's Session

Delegated Design in Construction

Pros, Cons and Boundaries

Session Objective

- **Bring together the Chapter's experience on best or better practices related to delegating design (to contractors).**

Internet Search Definition

Delegated design is a construction approach where a contractor or subcontractor assumes responsibility for designing a specific element of a project while the project designer retains overall responsibility for performance criteria.

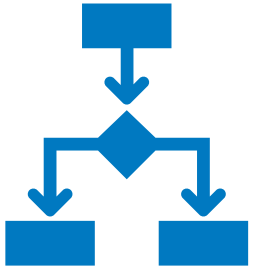
Plan for the Session

Breakout #1: Experiences

- When is delegation of design appropriate?
- Who decides?
- Capture good experiences, bad experiences

Breakout #2: Best/Worst Practices

- What are the good practices (“do’s”) when delegating design?
- What are the bad practices (“don’ts”) when delegating design?



Breakout #3: Decision-Making Flowchart

- Flow chart to make “go” or “no go” for delegation of design.

Breakout Session #1: Experiences

Break into groups of 4-6 attendees, depending on number present

Spend 10 minutes answering the following questions **(write responses on flip charts)**:

- Share any instances of delegated design that went well. Why did it succeed?
- Share any instances of delegated design that did not go well. Why did it fail?
- Who decides to do delegated design?
- Who needs to be informed?

Debrief by group, tabulate the good, bad and ugly.

Experiences:

Risk Management: Delegated design is fundamentally driven by the allocation of **risk and liability**. It is often used to leverage the **specialized expertise** of contractors or subcontractors over that of the design team.

Common Problem Areas:

- **Elevators**: Frequent issues related to communication, code compliance, and documentation.
- **Kitchen Equipment**: Coordination gaps regarding utility connections and owner-furnished items.
- **Security & EMS**: Conflicts arising from highly specific, varied owner requirements.
- **Fire Protection/Alarm**: System failures due to poor communication between trades and insufficient oversight of existing site conditions.
- **Structural Steel**: Complexity in finalizing connections and defining the "start and stop" points of responsibility.

Breakout Session #2: Best/Worst Practices

Break into groups and collectively define on a flip chart:

a) **Best or better practices** related to the following sub-topics for delegated design (see next slide)

- Control of Design
- Legal
- Design Liability
- Other Considerations, especially coordination and roles & responsibility

b) **Bad or worst practices** related to the following sub-topics for delegated design (see next slide)

- Control of Design
- Legal
- Design Liability
- Other Considerations, especially coordination and roles & responsibility

c) **Any other best or better practice** beyond the stated sub-topics

Delegation of Design: Detailed Topics to Consider

Control of Design	Legal	Design Liability	Other Considerations

• Creation of drawings and specifications
• Defining scope that is being delegated
• QA/QC of delegated design
• Use of BIM model or other computerized-design application (leverage its use?)
• Knowledge and use of latest building codes, standards and regulations
	• Appropriate contract provisions
	• Ambiguity in contracts
	• Delegated designer has appropriate professional liability insurance
	• Limitations in scope that can be delegated (especially if it falls outside the contractor's scope in the contract)
	• Spearin Doctrine considerations
		• Adequacy of the performance criteria or design intent for element being delegated
		• Who becomes EOR (Engineer of Record)?
		• Design reviews:
		  • Who reviews/accepts?
		  • Who stamps the design deliverables?
			• Training, O&M Manuals (if needed)
			• Application in Design-Build v. Design-Bid-Build
			• Communication of roles and responsibilities
			• Who owns any "gaps"?
			• Cost and schedule implications

Best Practices:

- **Defined Scope**: Utilize separate specification sections specifically for delegated design to eliminate ambiguity.
- **Communication**: Establish a clear responsibility matrix early in the project to ensure all parties understand their obligations.
- **Pre-Construction Coordination**: Conduct thorough reviews during the early design phase (e.g., Schematic Design) to confirm intent and identify potential conflicts.
- **Qualified Partners**: Select contractors based on their demonstrated capability to handle the specific systems being delegated.
- **Third-Party QA/QC**: Supplement internal reviews with independent verification to ensure code compliance and design integrity.
- **AHJ Interface**: Engage the Authority Having Jurisdiction (AHJ) early to clarify permitting requirements and ensure all delegated systems are properly accounted for.

Practices to Avoid (Worst Practices):

- **Delegating for Schedule**: Do not offload design solely to recover time; this often leads to errors and poor quality.
- **"One Size Fits All"**: Avoid rigid application of processes; recognize that different systems require different levels of oversight.
- **Lack of Budget Consideration**: Failing to account for the costs associated with delegated design (e.g., permit fees, consultant costs) early in the GMP process leads to owner dissatisfaction.
- **Ambiguous Documentation**: Relying on outdated documents or failing to synchronize notes across structural, architectural, and MEP drawings.
- **Ignoring Design Intent**: Treating delegated submittals as purely clerical tasks rather than verifying them for general conformity with project requirements.

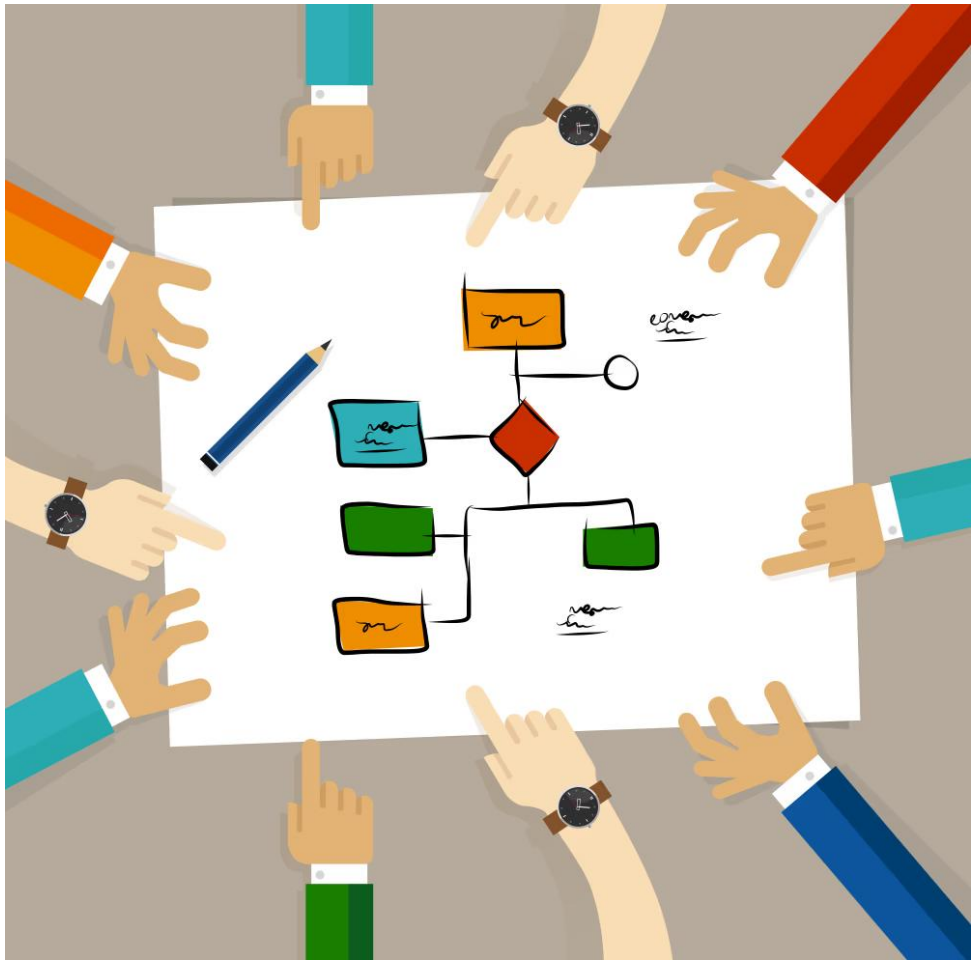
Breakout Session #3: Decision-Making Flow Chart

Break into 4 groups and have each group create on a flip chart their view of a flow chart that leads to a “go” or “no go” decision on delegating design.

Flow chart **should address key criteria** to make that decision.

Suggestion:

Start by placing Post-It notes on flip chart, then establish preferred sequence, then draw flow lines.



Decision Flowchart Principles:

- **Delivery Method Influence**: The approach changes significantly depending on whether the project is **Design-Bid-Build (DBB)**, **Construction Manager at Risk (CMAR)**, or **Design-Build (DB)**.
- **The "Go/No-Go" Step**: Initial project meetings should determine if a system is suitable for delegation based on expertise, schedule, cost, and liability.
- **Accountability**: Even when design is delegated, the owner's accountability remains with the primary design professional; delegated design does not absolve the primary team of their responsibility to provide a coherent, functional building.
- **Iterative Review**: Successful projects utilize loops of communication and model sharing to refine the design, ensuring the contractor's shop drawings align with the overarching design intent.

Audience Polling: Key Takeaways

- Clear communication, delineation. KEEP IT SIMPLE.
- Delegated design should be planned well in advance. Providing specs, guidance, risk, cost, and expertise determine outcome.
- The delivery system drives the bus. Delegated design is the best delivery system to share risk and get a better end solution.
- There were similar feelings about what items should be delegated for the contractor to design.
- There are many ways to approach design.
- Delegated design carries many pros and cons.
- Delegated Design has its place in many areas of construction and should be looked at for specialized areas.

Audience Polling: Key Takeaways

- General consensus on the strategy and considerations needed for what should/can be delegated design, and how that consideration differed between project delivery methods.
- Many variables affect the decision to go delegated design.
- Successful delegated design projects bring all key parties together early and keep communication lines clear/open.
- Delegated design can be helpful and sometimes needed but requires clear parameters and communication.
- Having industry reps present gives more diverse perspectives. Learned the mindset of the owners which is invaluable to design.
- Understanding delivery systems and owner's expectations.
- Communication is #1.

Save-the-Dates!

August 13: Project Tour & Social, MedPace

September 15-16: Cogence Town Hall, Cleveland
"FORWARD, TOGETHER: The Cogence Way"

October 8: 2nd Annual SWO Chapter Clay Shoot, Middletown Sportsmen's Club

November 12: Roundtable (topic TBD)