

Quality Control: A Project Record Retention Checklist

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SUMMARY

Record retention is a valuable part of a firm's quality control efforts. Contracts for commissioned projects generally specify the types of records that a firm should keep. A list of records that a firm should have on hand for each project is listed below.

CONSULT YOUR ATTORNEY

Document retention policies and procedures may have important legal consequences. The information herein should not be regarded as a substitute for legal advice. Readers are strongly advised to consult an attorney for advice regarding any matter related to record retention.

THE VALUE OF WRITTEN RECORDS

A formal system of record keeping for each project may help architects in legal proceedings arising from contractual disputes, claims of errors and omissions, or statutory liability for professional acts. It is advisable, at a minimum, to retain project records until the period of the architect's statutory liability for professional acts has expired. Records of warranties should be retained at least until the expiration of the warranty period.

A document retention policy that is applied consistently to the records of all projects in a firm may help a firm retain only those documents that reflect the considered judgment, formal decisions, or official acts of the firm and to dispose of draft or informal documents that could be misconstrued later. Consistent application of a document retention policy may also help protect a firm against allegations of arbitrarily destroying documents to evade discovery.

APPLICABLE LAW

For each project, the law of the state in which the project is constructed typically (although not always) applies, rather than the law of the state in which the architect's business may be located. Check the statutes of limitations and statutes of repose that apply to licensed architects in the respective states.

Statutes of repose generally bar actions against architects after a defined period of time following the completion of services or the substantial completion of construction. Statutes of limitation typically bar actions against architects after a defined period of time following the date of an injury or discovery of a deficiency. Because an injury may occur or a deficiency may be discovered at any time, the limitation may run indefinitely.

All 50 states and the District of Columbia have a statute of repose. The statutes vary in terms of the types of action precluded; the class of persons protected; the class of persons excluded; the time after which actions are barred; and the date upon which the statutory period commences. Check with your attorney on the application of these statutes to your activities, and on any other legal requirements related to record retention.

CHECK THE CONTRACT

When beginning a new project, check the contract to see what documentation is required *by the contract*. Prepare a checklist of all contract notice and record retention requirements. At a minimum, project records should include the following material:

- A copy of every memo sent to other parties involved in constructing the project
- Literature from manufacturers of materials and systems incorporated into the project, especially new materials or systems, and any correspondence with the manufacturer about those materials or systems
- All documentation related to change orders and claims for delays or extras
- Copies of all manufacturers' warranties
- A summary of every job site meeting, including the key points discussed
- Documentation of all oral advice given to the client and contractor, including summary notes of all telephone conversations

- Accurate records of all professional opinions given by the architect to the contractor or client or both, which should include the architect's opinion of any inherent risk.
- Written confirmation by the other party of acceptance or rejection of the architect's professional opinions
- All correspondence addressed to and received from the contractor
- Complete reports on all site visits
- Copies of all other correspondence addressed to the client and contractor related to field observations (reports, letters, or memos)
- A list of all deficiencies discovered by the architect's field personnel and the steps taken to correct them
- A description of the circumstances surrounding all substitutions of materials approved by the architect and client, including any written warnings of possible problems or risks arising from such substitutions
- Copies of all correspondence that notifies the client of the architect's inability to assess certain aspects of the construction that should have been observed but were covered by subsequent construction or otherwise not visible at the time of the visit
- Written documentation of all circumstances surrounding lack of cooperation on the part of any other party
- Submittal logs
- Closeout documentation
- Updated and revised plans and specifications, including a running account of all known revisions and changes made to the original plans and specifications
- A complete set of all submitted shop drawings and other pertinent correspondence and data
- A complete set of progress schedules and updates
- A daily job site log which includes
 - a. The date and time
 - b. The author's name
 - c. Relative stage of completion
 - d. Employees on the job and their responsibilities
 - e. Weather conditions
 - f. Equipment on the job
 - g. Material delivered to the site and its condition
 - h. Any unusual visitors or observers
 - i. Any problems encountered during the reporting period
 - j. Photographs to document progress or failures and deficiencies
 - k. Documentation of any changes to your contract, such as scope or time extensions, including any impact on fees.

Lessons Learned

It is best to hold on to any correspondence between the owners, contractors and architects that could potentially answer any future questions.

RESOURCES

More Best Practices

The following AIA Best Practices provide additional information related to this topic:

- 10.01.02 The Paperless Office
- 10.01.03 Project File Organization
- 10.01.06 Fundamentals of Record Retention

For More Information on This Topic

See also "Staff Development" by Laurie Dreyer-Hadley and Kathleen C. Maurel, *The Architect's Handbook of Professional Practice*, 13th edition, Chapter 9, page 242.

See also the 14th edition of the *Handbook*, which can be ordered from the AIA Bookstore by calling 800-242-3837 (option 4) or by email at bookstore@aia.org.



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