

## WHEN GOOD PROJECTS GO BAD

firm

In a troubled or failed project and in the dispute resolution and mediation that follow, it is remarkable that the architect's role in solving problems has drastically diminished in recent years—even though the architect is often in the best position to develop a solution mid-project.

Typically, nonbinding dispute resolution introduces to the project a neutral third party—someone, such as a retired judge or an industry leader, who commands enough respect that the parties will listen to and follow the mediator's recommendation. Too often though, the architect is supplanted by these independent adjudicators because:

- Construction managers and owner's representatives jockey for the owner's ear and push the architect out of the inner circle.
- Architects believe that a greater role in resolving disputes will mean greater liability.
- Standard-form contracts have diminished the architect's hands-on role.

If the architecture firm has the confidence of the owner, it can broker solutions to project issues as they arise, and adjustments can be made promptly and seamlessly (Mold is an excellent example of a recurring project issue for which the architect is in the best position to develop a solution: It relates to vapor

barriers, roofing, façade maintenance, and plumbing leaks.) Strategic solutions can also be realized by making adjustments to the project team, changing the schedule, and altering the project scope or its phasing when typical warning signs arise:

- The project team isn't appropriately skilled, can't work together, or can't communicate effectively
- The project is being delayed by budget constraints or the owner's failure to make prompt decisions.
- Unresolved issues remain, such as excessive changes, claims for unanticipated conditions, disputed design errors, or allegations of defective contractor work.
- Contractors are failing to provide adequate labor to meet the schedule.

The role of the architect as chief problem-solver who can get a troubled or failed project back on track must be clearly defined at the project outset in the contract. And the role must be reinforced by the owner when communicating with each of the project participants. Only then can the owner maximize the architect's effectiveness in a cost-conscious manner.

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