

CHAPTER 2

ANSWERS

1. The level of authority implied by the position held by the person issuing a directions or orders; e.g., Project Manager, Chief Engineer, Architect, Resident Project Representative, City Engineer, Director of Public Works, etc.
2. The authority given the Resident Project Representative by the Project Manager, or the authority allowed a construction manager by the Owner
3. Two dangers; (1) exposure to tort liability, and (2) acceptance of responsibility by the Owner for the success or failure of the affected construction.
4. Promptly after delivery to the project site or other location under the Owner's control
5. No. (Recommend use of federal guidelines. Under the Code of Federal Regulations, a Contracting Officer is permitted to delegate almost all contract administration functions to the field with but two exceptions. By law he or she may not delegate authority to act on matters affecting either contract time or cost. (48 CFR 43.102). On non-federal work, the Contracting Officer position can be equated to that of the Project manager.
6. No. All orders and instructions MUST be issued through the General or Prime Contractor's representative.
7. The Owner. While the Engineer may be given the authority to stop the work at the specific direction of the owner on a case-by-case basis, that right should not be given to the Engineer to stop the work on his or her own authority. This is to avoid the dangers of exposure to tort liability by the Engineer. (c.f. EJCDC 1910-8 (1996) General Conditions of the Construction Contract, Article 13.05 entitled "OWNER May Stop the Work")
8. None of the practices listed are acceptable.
9. False. To do so is tantamount to directing the means and methods of performing the work.
10. False: (The inspector should notify the general contractor and instruct him or her to notify the subcontractor that correction must be made.)
11. Contractual; delegated; and legal
12. Reject the method as being incapable of meeting the project specifications and require the contractor to submit a proposed alternative method that will meet the specifications. If the contractor challenges the decision to reject, a demonstration of the rejected method may be considered for evaluation.