Accountability, Liability & Lawsuits:
HOW OWNERS CAN BE PROACTIVE DURING A CONSTRUCTION PROJECT

April 3, 2018: In the wake of the horrific event at Florida International University's (FIU's) pedestrian bridge collapse, multiple lawsuits have been filed against FIU, the Florida Department of Transportation, the City of Sweetwater, and the eight construction and design firms responsible for the project. Rightfully so, the grieving families of the six victims want answers. They want to hold someone accountable for the structural failure that led to their loss and unimaginable grief. As each of the defendants start to gather their evidence, they will surely be advised on strategies to show examples of negligence by the others named in the suit.   This is an all-too-real example of the importance of an owner having access and control over the necessary documentation during a construction project.

When a lawsuit gets filed, every party involved in the project will find a way to show how they are not responsible for the damage that was caused. The owner may feel as though they have a great working relationship with their construction team members, but the moment a lawsuit is filed, many things can change about this dynamic. The legal and executive team may take over the project, effectively ending that positive working relationship. If the architects and contractors are using their software system to show field reports and jobsite safety documents, they hold the exclusive rights to these records. The owner is left with no control over the means by which they can prove their innocence.

Owner Insite (OI) provides the entire team access but it is owner-driven. This means that the owner not only has access to the current documents, but own the rights to those records. The reason many owners default to using the contractor or architect's system is the associated cost. OI doesn't charge for a license fee, but rather provides an option for a one-time fee for unlimited users on unlimited projects. This gives the owner an option to purchase their own system rather than relinquishing that control to the consultant team.

Another recent headline is an example of an issue that owners face years after construction is completed. On March 12, a large piece of ventilation shaft fell approximately 20 feet from the ceiling into the pools at Kalahari Indoor Water Park in Sandusky, OH. Multiple people were injured and several of them went to the hospital for treatment.   The water park was opened in 2005, and on the day of the accident it was fully operational. The cause of the event is still being investigated. Should a lawsuit come to fruition, the owners will have the burden of not only proving what occurred during construction 13 years ago, but also the maintenance that has occurred over that time.

Since OI gives the propriety rights to the owner, they have access to the complete history of the project. They keep the information during construction, years after the construction has been completed, and even throughout the maintenance of the building. Every record of the HVAC system would be at the fingertips of the owner to see how an accident like the one at Kalahari could have been prevented and how they can make the necessary changes to ensure that it doesn't occur at any of their other locations (there are four Kalahari resorts across the nation, including the new location in Round Rock, Texas). OI gives the long-term responsibility and accountability rights to the party that needs it most: the owner.

For more on the stories cited in this article, please visit:
FIU Pedestrian Bridge Collapse Lawsuits
Kalahari Water Park Air Duct Vent Falls Into Pool

Owner Insite is headquartered in Austin, TX and provides industry leading construction project management and collaboration software for owners, owner's representatives, architects, and general contractors. Owner Insite is used on a variety of new construction and renovation projects for K-12 school districts and universities to healthcare facilities and municipal infrastructure.

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