



# DESIGN IS GOOD BUSINESS

*It doesn't just add value; it multiplies it.*



*Your building can do much more than keep the rain off your business; it can advance your business plan. To capture the full value of your capital program, you will do well to engage your architect in a discussion of your business goals, with your business leaders.*

## ***The Architect and the Contractor***

The architect designs the building; the contractor builds it. The architect's role can end with the completion of the plans, the contractor's role beginning thereafter, but such a simple handoff rarely produces the best outcome. Good buildings result from thoughtful collaboration between the architect and the contractor throughout the construction process and, when possible, the design process, as well. That makes sense, because the two bring complementary knowledge, insight, and skills to the endeavor. It's in the owner's interest to harness their collective wisdom for the benefit of the project. Yet we all know of projects in which the relationship between the architect and contractor has been anything but collaborative. Let's see what makes for a good relationship.

### ***Library***

- [Savings by Design](#)
- [The Business Case for Green Building](#)
- [Green Schools Investment Guide](#)
- [The Technical Feasibility of Zero Net Energy Buildings in California](#)
- [The Dollars and Sense of Green Retrofits](#)

## Complementary Expertise

While architects and contractors share a lot of knowledge, they have different strengths. Contractors know how to manage the construction process: the timely acquisition of materials, management of subcontractors, work site safety, and so on. They understand sequence, ordering the process of construction to make efficient use of each of the trades. And they are more up-to-date on labor and material costs. Compared with the architect, the contractor often has a more immediate understanding of how the *parts* of a building go together.

The architect, on the other hand, understands better how the goals of a building go together—why a room has a particular dimension, with a certain quality of light introduced in a particular way, for a particular purpose—how, in other words, the building will serve the owner's needs and aspirations.

When problems arise—as they inevitably do in so complex an enterprise—it takes both the architect's understanding of *why* and the contractor's understanding of *how* to tease out the best solution.

## Contractual Roles

Of course, the relationship between architect and contractor is not a casual one but a legal one. In traditional design-bid-build project delivery, there is no contract between the architect and contractor; rather, the owner contracts with the architect and the contractor independently. The owner-architect agreement defines the architect's roles; the owner-contractor agreement defines the contractor's. The contractor's role is straightforward: to build the building for an agreed upon sum. The architect's role is more nuanced; in fact, it encompasses three legally distinct but overlapping roles, and it is important for the owner to understand their differences. During the design phase, the architect is an *independent contractor*, performing a service—design of a building—for a fee. Once the owner and contractor enter into a contract for construction, the architect becomes an *agent* for the owner, observing the construction on the owner's behalf, with the authority to reject work that doesn't conform to the construction documents. However, as Arthur F. O'Leary, FAIA, notes in *A Guide to Successful Construction: Effective Contract Administration*, "The architect's duty to represent the owner in dealing with the contractor should not be confused with the vigorous partisan advocacy commonly practiced by lawyers, since this would

conflict with the third position of the architect." This third role is that of *quasi-judicial officer*, judging the performance of both owner and contractor under the terms of the construction contract. Thus, if the owner and contractor disagree, it is the architect's duty to decide the issue based on the construction documents, without favoring either party. As O'Leary observes, "Some have termed this position of the architect as being a 'friend of the contract.'"

It is important to understand, as well, that there is no such thing as a perfect set of construction documents. There will be errors and omissions, unexpected site conditions, changes in availability of materials—any number of things requiring decisions in the course of construction. Some of these decisions will increase the cost of construction, and who should bear that cost will depend on the specific circumstance. But, in every case, success will depend on clear, timely, thorough, dependable, and *inclusive* communication. Each party should make its queries and claims in writing and route them appropriately, not shortcutting the process or leaving anybody out—because, if you leave somebody out, you leave out their expertise and insight.

## **The Architect During Construction**

On site, the architect observes the construction process to help assure that the finished building conforms to the design intent—and thus to the owner's goals. Through periodic site visits, the architect can catch non-conforming work or unforeseen coordination issues early, so that they can be resolved quickly and at the least expense.

But the architect does not tell the builders how to do their jobs. The architect is concerned with the built outcome of the work, not with how the work is performed; the methods of construction and the safe and efficient management of the job site are responsibilities of the contractor.

## **The Contractor During Design**

In the traditional design-bid-build delivery method, the contractor only becomes involved after the construction documents are complete. Other delivery methods afford the opportunity for the contractor to be involved during the design phase, which can offer real advantages. The combined insight of designer and builder often yields better solutions, and the contractor's knowledge of current conditions in the

marketplace—for both materials and labor—can lead to significant cost and time savings. The estimate of final project cost is likely to be more dependable than that arrived at through competitive bidding of the general contract, with its temptation to underbid, hoping to make up the difference in subsequent change orders. And competitive bidding can still be employed for subcontracts. To learn about the pros and cons of various project delivery methods, see "[Project Delivery: Traditional Methods](#)" and "[An Emerging Model: Integrated Project Delivery](#)."

However you decide to structure your project, seek architects and contractors who respect one another's contributions, and keep in mind that both can bring knowledge and insight to every stage of the process.

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**2015 AIACC Merit Award for Architecture, The Row, Los Angeles, CA, Montalba Architects, Inc.** Inspired by quintessential California living, a clothing retailer's first flagship store embodies the essence of West Coast modernism, blending interior and exterior spaces in a rhythm of light and scale.

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