

INSTRUCTIONS FOR DAILY LOG (General Contractor)

Introduction: The importance of filling out daily reports cannot be overemphasized. There is no better way to prove your position, resolve disputes, and keep track of progress. More significantly, these reports are “gold” if you end up in court or arbitration. Most court proceedings involve the scenario of : “He said A , She said B” --with no definitive documentation to prove either side’s position. A simple example will bring home this point. Assume that a veterinary hospital originally specified acoustical ceiling tile to be glued on the vaulted ceilings throughout. However, this became impractical because of the HVAC ducting that would be exposed. This was brought to the attention of the owner and the architect. Both sides did quick calculations, and it was verbally agreed it would be a “wash” with the use of a dropped ceiling. Later, both the architect and owner relented, claiming there was no such agreement and there should be a large deductive change order against the contractor. Recording the initial agreement in the Job Log would have definitively “shut the door” to that argument at trial.

Should I report errors caused by my own crew?: This is an often-asked question that has a relatively simple answer: Just like in the classic Dragnet series, just “report the facts, ma’am” and nothing else. It would folly, as suggested by some, to have a separate confidential report that points the finger (especially to your own crew), because if it was ever discovered by subpoena in a lawsuit, it would show concealment and bad faith. On the other hand, reporting nothing would be equally suspicious. Simply report the neutral facts. As an example, assume that the excavation, footings, rebar, and actual concrete pour turned out to be 22 feet further east than depicted in the plans. It is discovered after a couple courses of CMU block is erected. It eventually is detected by the architect and must be redone. Simply state what happened as follows: *“This a.m. Bruce measured back storeroom wall and found it to be 22 feet farther east than the plans. Masonry crew was on the second course and was told to stop. Demolition scheduled for Wednesday”*. What you do not want to do is either editorialize or place the blame on any specific person. Such a decision is to be done internally by your own staff which is no one else’s business. Therefore, you would not want to state: *“Bruce originally laid out the dimensions for the back storeroom wall, but it was hard to read the markings. Super told Frank to hold off on the excavation until it could be re-measured, but went ahead blindly without checking with me. This is the second time this has happened and it appears Frank is having family problems.”*

Guide to Filling Out this Form

Printing: The form will be printed out with blank lines. Unlike Wills and similar documents, filling in the blanks in handwriting or typing is legally sufficient. There is no need to initial unless you make a change after filling it out. Make sure everyone's copy has the identical information.

Who signs and fills it out?: The job foreman, superintendent, or project manager who is at the site on a regular basis and also has personal knowledge of what is going on at the project.

Record Keeping: Collect these once a week from the field personnel, 3-hole punch them, and put in a 3-ring binder at the office.

HOW TO FILL IN THE BLANKS

Most of this form is self-explanatory. As to items you might need help with, they are as follows:

Site Conditions: Be descriptive of the effects of weather, example: *"Too muddy to grade or excavate utility trenches."*

Subcontractors, Architect, and Engineers Personnel: No need to state names but simply classifications such as laborers, journeyman carpenter, architect, etc. with the number of such personnel. Example: *"Acme Co./HVAC"*. The "No." is the largest number of their personnel, with supervisors, on site at any time. Alternatively, write the lowest to the highest number that occurs during the day, example: *"1-5"*.

Prime Contractor Activities: Write in abbreviated, incomplete sentences, due to space limitations. This is a description of the work by the general contractor's crew. Give a general description only, with no reference to plans or specifications. Example: *"M. Calhoun + Gene unload Sheetrock. Block roof for air duct supports. Charles labeled equip. for storage/removal. Upon exam. of floor joists, 60% require removal due to dry rot."*

Subcontractor Activities: Example: *"Empire Door installation, 3'6" doors & frame (4) locks, hinges, weathstrips, 3 remain for tomorrow"*.

Remarks: Example: *"10 am proj. mtg. All concerned about sched. Everything hanging on sprinkler inspection."* This is a very crucial part of the log. In this section, you would record the following as examples:

- ☐ Visitors
- ☐ Accidents
- ☐ Changed, unforeseen, or unsafe site conditions
- ☐ **Extras.** This is very important. If the owner tells you to do something but you have not agreed on a price, make sure you document it. If they later deny the agreement or do not pay a fair price, you have recorded the original direction which is significant for purposes of proof in a lawsuit.
- ☐ Plans and specs as to clarification/substitution/non-conformance
- ☐ Issues as to design, subs, delay, and scheduling
- ☐ Major deliveries
- ☐ Visits and discussions with design professionals
- ☐ Sequencing
- ☐ **Unsuccessful attempts to contact.** It is very important to document your attempts to get ahold of subcontractors, material suppliers, architects, etc. since delay is a common issue of dispute. This shows that you diligently attempted to get their attention.

Tests/Inspections: Applies to building inspectors, engineers, testing labs, taking samples, subcontractor inspections, site visit walk-thrus, etc.

Memo of Meeting/Discussion: Formal and informal meetings as well as telephone conversations are frequent on a job. But, oddly enough, they are rarely documented. This allows you to do so even though you are out of the office and only have the Daily Log available.

Owner or representative-caused delay or problems. This is extremely crucial. If an owner is causing problems through changing their mind, interfering with sequencing, insisting you work with ambiguous plans, having an architect who is not available for comment, or the like, it must be documented. This will be a great aid if there is a future dispute and will help you prove impact or other consequential damages.

To demonstrate the importance of records in this area, consider this example: The construction of a two-story office suite required extensive interior stucco and paint due to a stairwell area leading to the second floor. Everything was in and okayed by the owner at the first go-round, including the texturing and final application of paint. The hand railings were in and at the right height per Code, but the owner changed her mind and wanted a different style. This required removal, sheetrock patching, retexturing, and repainting in the affected area. The owner had seen a new style of handrail at an acquaintance's office complex which was completely different from the original depiction. After this was done, the owner further changed her mind as to the location of two of the light fixtures. This required re-patching, texturing, and painting again. The owner had been warned that it may not be possible to match exactly the texture and color. In fact, the owner was unhappy with how it looked after the second change, and the contractor agreed to re-patch and repaint for the third time. The owner, verbally, on two separate occasions, agreed to pay for a change order. At trial, the owner denied the change order conversation completely and complained that it looked like multiple and mis-matched patching/painting in the same area. Can you guess what the result was? Whatever the result, it would have been different if there had been documentation through a Job Log.

Here is an even more dramatic example. In the middle of winter and with the roof scheduled to be demo'ed, raised, and modified, the contractor had warned, on several occasions, to wait until after the rains. Because of an impending move-in date, the owner insisted on going forward. On a Friday evening, expecting a big storm that weekend, two layers of Visquene were placed on the roof openings and were actually nailed down at each corner with two by fours. At 3:00 a.m. on Sunday morning, the contractor was given a call by the owner, who just happened to be at the site, and complained there was a hole blown open by the storm with severe leaking. The contractor got his superintendent out of bed, along with two workers, and went to the site to further secure the opening. They went there as well the next morning when it was light and were able to take a picture of a corner of the Visquene that had been exposed but appeared, because of the rip marks, to be literally torn by someone and ripped from the two by fours. The owner was able to claim and receive almost \$35,000 in insurance proceeds, including outfitting the office with new computers. The contractor, to this day, suspects he was set up by the owner due to the tear marks. The

owner denied having been warned about the weather and the contractor never documented anything in writing as far as the conversations or observations. Guess who won as to claims for delay and other interior damage?

Material/Equipment Delivered: This accomplishes a number of purposes. Here are some examples: 1) resolving the question as to when the equipment or material was actually delivered, 2) substantiating your claim for a delay due to circumstances outside your control, for example, the tardy delivery of needed materials, 3) keeping track of your suppliers and whether they are fulfilling their end of the bargain by meeting the delivery dates, 4) keeping tabs on your employees to make sure they are diligently prosecuting the work as long as materials were available, 5) substantiating the start or completion dates on the project, the latter of which is very important as far as the time for filing a mechanic's lien.

Drawing: To be used for a number of purposes, including your own private sketching, recording directions from the engineer or architect, mapping out the parameters of a change order, identifying an ambiguity or deviation in the plans, etc.

Photos: In a construction dispute, a picture does not just tell a thousand words but more like ten thousand. It is always best to use a digital camera because it can be loaded onto your computer and printed with e-mail attachments. Or, you can simply buy a disposable camera at a drugstore. Take pictures at least once a week of the progress and especially any problem or trouble areas.

Material/Equipment Ordered: Many times material and equipment are ordered "on the run" out of the office. This section of the Log is for orders either at the site, calling in from the road to supply houses, etc. This gives a record of what has transpired.

Maintenance and Repair: If you conduct regular maintenance, this could be a terrific defense and or justified excuse for bringing a warranty claim against defective equipment that is not operating due to circumstances beyond your control. It can also be used as a legal excuse if a complaint is brought against you by someone else claiming there have been delays due to your not moving forward with your portion of the work.

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GENERAL CONTRACTOR DAILY LOG

Company: _____
Project: _____
Project Address: _____
No. of Work Days into Project: _____

Date: _____ M, Tu, W, Th, F, Sa, Sn
Weather: _____ Temp: _____
Site Conditions: _____

[illegible]

Tests/Inspections: _____

Visitors:

Date: _____

(Signature and Title)

DAILY LOG CONTINUED (Date: _____)

Our Activities - continued: _____

Subcontractor/Others Activities - continued: _____

Remarks (weather, site conditions)--Changes (extras directed, by whom, title, how much, terms):

Memo of Meeting/Discussion

On _____ at _____ am/pm, located at _____
a (*circle one*) meeting/discussion/telephone conversation took place between these persons:

concerning:

Results/Action to be Taken/Next Meeting: _____

Owner or Representative Caused Delays/Problems: _____

| Material/Equipment Delivered | | Drawing depicting: |
|------------------------------|-------------------|--------------------|
| Qty. | Description/Model | |
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Material/Equipment Ordered: _____

Maintenance and Repairs: _____