



## CONSTRUCTION LAW ALERT

September 2008

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# The Use of Shop Drawings on Construction Projects

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The use of shop drawings on construction projects is common and impacts the liabilities of owners, architects, engineers, general contractors, subcontractors, specialty subcontractors and material suppliers. Understanding what shop drawings are, how they are reviewed and approved, and the types of legal claims that arise from the shop drawing and review procedure is essential to minimizing potential liability and facilitating the construction process.

### What are “Shop Drawings”?

The term “shop drawings” refers to the drawings, diagrams, illustrations, schedules, catalog cutouts (cut sheets), manufacturer’s installation pamphlets, and other data or information which are specifically prepared or assembled by or for a contractor and submitted by a contractor to illustrate some portion of the work on a project.

Shop drawings are usually prepared by specialty subcontractors or fabricators and are typically required for pre-fabricated components, such as elevators, trusses, pre-cast, windows, appliances, cabinets, and air handling units. Shop

drawings are created to explain the fabrication or the installation of the items to the production or installation crews.

As one court explained, shop drawings are the final word as to how the work should proceed and supersedes the architectural plans. That is why shop drawings are reviewed and approved by the architect, who examines them for conformance with the design concept of the project and for compliance with the specifications of the contract documents. Thus, approved shop drawings will always carry out the original intent of the plans.

Shop drawings are used on construction projects because it is not feasible for the design professional (architect or engineer) to prepare a description of every detail of a large and complicated building or other improvement. In addition, architectural drawings and specifications typically only specify the performance requirements to be met by the contractor; not the specific design of the project. Under the contract documents published by the American Institute of Architects (AIA), shop drawings are not part of the contract documents.

### Review and Approval of Shop Drawings

The owner, contractor and design professional all have certain responsibilities and liabilities with respect to shop drawings. Undiscovered errors in shop drawings often lead to unexpected or undesired construction results, and significant legal claims against architects, engineers and contractors.

The owner of a project rarely assumes direct responsibility for shop drawings. The owner, however, can be responsible because of the acts of the architect or engineer acting as the agent for the owner.

The contractor has the responsibility to review and approve the shop drawings before submitting them to the design professional for further review and approval. The purpose of a contractor’s review of shop drawings is to coordinate the trades and confirm that a project can be built as required by the contract documents. The contractor verifies the dimensions of the shop drawings in connection with other shop drawing and the plans. The

contractor makes special note of revisions other than those requested by the design professional. Shop drawings are not supposed to be a means for proposing changes from the architectural plans. If changes or deviations from the plans are needed, a written change order should be executed.

The design professional's responsibilities are to review and approve the shop drawings for the purpose of checking for conformance with the information given and the design concept expressed in the contract documents, and not for determining the accuracy and completeness of details, such as dimensions and quantities, or substantiating instructions for installation.

### Construction Claims Arising from Shop Drawings

Construction claims involving shop drawings against contractors, suppliers and design professionals arise in a variety of situations. There are, however, few judicial rulings which interpret the liability of the various construction participants from a shop drawing review.

Contractors have been held liable for incorrect dimensions of the material supplier where shop

drawings have been prepared from the plans supplied by the contractor and the supplier has specifically requested verification of the dimensions. However, if the contract between the contractor and material supplier provides that the supplier is required to verify field measurements, the supplier cannot claim that it relied upon the contractor's review of the shop drawings.

Another situation in which an architect may be liable is if he or she fails to promptly act on submittals from the general contractor. The architect can be liable for any resulting delays.

An architect can also be liable if he or she approves a submittal proposed by the contractor which does not comport with the projects specifications, e.g., if the contract requires that certain construction materials be used on the project.

In addition, an architect could be liable if shop drawings of a certain trade have been specified, but not submitted and therefore not reviewed. The architect could be found negligent if mistakes occur with construction which could have been prevented had the shop drawings been reviewed.

Further, an architect can become liable if he or she acts beyond

his or her contractual duties. For example, although an architect generally is not contractually responsible for the means and methods of construction, if an architect reviews and approves the means and methods and damages result, legal liability may be imposed.

### Conclusion

The shop drawing process presents risks that must be carefully managed because problems during submittal review can lead to incorrect installations and delays. Contractors and design professionals can minimize liability by having clear and unambiguous contract language that describes the exact purpose and limitations on the review and approval of shop drawings. Proper scheduling of shop drawing review is important to assure timely turnaround and to avoid claims for delay. Compliance with contractual duties provides the best protection against legal liability from the use, review or approval of shop drawings. ■

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