

ATTACHMENT TO THE OWNER/SUPERVISING CONSTRUCTION PROFESSIONAL AGREEMENT

GENERAL REQUIREMENTS

The Maryland Department of Housing and Community Development (the “Department”) requires that all new construction and renovation projects receiving funding from the Department be supervised by a construction professional licensed in the State of Maryland. This professional must be legally unaffiliated with the general contractor or developer. Such acceptable professionals are:

1. an architect
2. an engineer

The intent of this document is to establish minimum criteria regarding the duties, responsibilities, and expectations of the supervising construction professionals during the construction phase of the project. This document shall be attached to, and become a part of, the agreement between the owner of the project and the supervising professional (the “Supervising Professional Agreement”).

DUTIES AND RESPONSIBILITIES

During the construction phase, the supervising construction professional is responsible for monitoring construction to ensure all construction conforms to the contract documents. The supervising construction professional shall carry out all duties normally required under the most current AIA Handbook of Professional Practices’ chapter on “The Construction Contract Administration.” In addition to the terms and conditions of the Supervising Professional Agreement, the supervising construction professional shall:

1. Conduct on-site observations at least twice a month, or more frequently as construction problems or questions arise, to ensure conformance with the contract documents. If needed, relevant engineering consultants shall be requested to attend the field observations. Submit field reports to the owner and Department documenting work, materials and equipment observed on site.
2. Issue field instructions to the general contractor for correction of any work that does not conform to the approved contract documents and provide copies of such instructions to the owner and the Department.
3. Arrange and attend field progress meetings twice a month and promptly distribute written meeting minutes to the Department. During each bimonthly meeting, review the construction progress against the current construction schedule with the general contractor, evaluate contractor suggestions, and submit recommendations, if any, to the owner and the Department.

4. Each month, during one of the bimonthly meetings, review the payment requisitions presented by the general contractor and certify consistency with the construction progress;
5. Review documents from the general contractor, including but not limited to submittals, shop drawings, and RFIs. Advise the contractor, owner, and the Department if any significant changes are required.
6. Issue Architects Supplemental Instructions (ASI) on AIA Document G710 and Change Orders on AIA Document G701 when required and transmit a copy to the general contractor, owner, and the Department for review, discussion, and approval as required.
7. Review the project file maintained on the site by the general contractor to ensure that (1) copies of all necessary documents, such as, but not limited to, warranties, guarantees, test results, shop drawings, field instructions, reports, and change orders, minutes, etc. are filed and kept at a place accessible to all authorized personnel; (2) the necessary tests and/or inspections have been performed as required, (3) the test and/or inspection results were satisfactory, and (4) issue remedial instructions if the test results were found unsatisfactory and provide copies of the instructions to the owner and the Department
8. Inspect the material storage facilities on-site for their conformance with the contract requirements and general suitability and issue written recommendations, if necessary. Inspect off-site storage facilities to verify the location is appropriately bonded and insured.
9. On request from the general contractor, conduct an inspection, jointly with the Department's designated representative(s), for the development, or a portion of it, to confirm the project has been completed in accordance with the contract documents. Develop a punch-list of incomplete items, distribute copies of the punch-list to the owner, the Department and the general contractor. Issue a certificate of substantial completion on the AIA Document G704. Conduct an inspection to confirm punch-list items have been completed in accordance with the contract documents.

OTHER RESPONSIBILITIES

The construction professional shall review or prepare the following documents after the development has reached substantial completion and submit them to the Department:

1. A Certificate of Substantial Completion—AIA Document G704.
2. An executed copy of the HUD Form 2485—Permission to Occupy.
3. A final ALTA Survey with the Department-prescribed surveyor's certification.

4. Certification by the following professionals:
 - a) supervising architect's certification;
 - b) structural engineer's certification that the footings and the structural frame are constructed substantially in accordance with the contract documents; and
 - c) mechanical and electrical engineer's certifications that all HVAC, plumbing, and electrical systems are installed substantially in accordance with the contract documents; and
5. Two sets of record drawings from a set that has been marked up at the site during construction, one for the owner and one for the Department.

LATENT DEFECT INSPECTIONS

The supervising professional is required to perform a latent defect inspection, accompanied by the owner, general contractor, architect, and Department's field inspector, approximately 11 months after the substantial completion of a project. The purpose of this inspection is to determine if there are any defects and to ensure that any identified defects are rectified in accordance with the approved contract documents. Upon conclusion of the inspection, the supervising professional is responsible for generating a punch list that includes photographs of the items requiring repair and distributing it to the owner, general contractor, and the Department's field inspector. Once the punch list items have been repaired, the supervising professional must conduct a final inspection to validate the repairs and issue a certification affirming that all the warranty punch list items have been completed. This certification must be distributed to CDA through electronic mail.

APPROVAL

The undersigned hereby acknowledge they have read and agree to the requirements set forth herein.

Name of Owner:

Signature of Representative:

Name of Representative:

Title of Representative:

Name of Professional:

Signature of Representative:

Name of Representative:

Title of Representative: