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Best Practices

Top Gun: Targeting and Resolving Problematic Issues

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Summary: Anyone established in project management has at some time encountered a problem that seemingly would not go away. After multiple meetings, discussions and attempted resolutions, the problem crept back into the project meeting and back onto the action items list, consuming valuable time and causing uncomfortable feelings to linger. This problem apparently had not been “closed” in the initial resolution attempt.

A vital accomplishment of project management is solving a problem only one time. The ability to pursue and close out a problem so that it does not arise again allows the project manager to move on to the next issue with reliance that past resolutions will not be revisited. Like the fighter pilot, who must hone skills for neutralizing enemy aggressors in dogfights to allow the primary mission to succeed, the project manager must learn to identify, lock on, and resolve problem issues on the first pass so that the business of project management and contract administration can continue with efficiency and effectiveness.

Solving problems is a skill that is not always easily achieved, but when it is mastered, the manager moves to a higher level. The importance of this celebrated skill of project management is appropriate for our lead article of the New Year. In this article, we will explore the challenges of problem resolution and the tendency for issues to reappear when they have been inadequately processed. Suggestions



will be offered for identifying problems early, taking effective steps for achieving resolution, closing out the conflict once and for all, and moving on to the next challenge.

The movie, *Top Gun*, is an excellent example of the importance of neutralizing problems on the first attempt. As Tom Cruise's character, Lt. Pete Mitchell, struggles with the challenges of overcoming the enemy in a dogfight, we are reminded that the same parameters can determine our success and survival on a project. A manager who can perfect skills at problem resolution can increase productivity and effectiveness and become a “Top Gun” in their project management and construction administration efforts.

“Roger, that’s your bogey”
—Ship’s Radio Officer

Zeroing in on problems

To solve a problem, you must first be able to identify it. Like a fighter pilot with an RIO, or Radio Intercept Officer, who looks ahead with electronics to

detect bogeys, or threatening aircraft, the project manager can also look ahead to detect problems at the time they first arise.

Effective job monitoring requires proactive involvement. Conducting and/or attending project meetings, remaining in the communications flow, and remaining in touch with project issues can be effective in staying on top of the action. It is time consuming to be in the e-mail path of project communications, but it will give you a “heads up” on problematic issues as they arise.

Frequent contact with the owner and contractor is also advisable for staying on top of the issues. When an owner is troubled or unhappy, or a contractor is faced with a problem they cannot or will not resolve, you should be the first one to know it so that you can take appropriate action.

For example:

- Attend construction meetings and

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pay careful attention to the contractor's expressed concerns about cost, schedule, or your construction documents.

- Read construction meeting minutes carefully if you are not preparing them. Follow up on any problem areas reported.
- In concert with the construction meetings, ask the contractor if he or she has any areas of concern.
- Call the owner regularly, no less frequently than every two weeks during construction. Ask explicitly if the owner has any concerns.

Know your bogeys

Issues we consider "problems" can take many forms. Likewise, problems can be caused by any of the parties involved in the design and construction of a project. A problem usually affects cost or time, and resolution often requires the input of more than one party. Examples of "bogies," or problems requiring resolution, include the following.

Bogey 1: The contractor has submitted RFI no. 123 as follows: The window frames for the floor-to-floor penthouse windows have arrived on site and are 4" too short to fit in the floor-to-floor opening. The windows were fabricated to the architect's dimension markups on the returned and approved shop drawings. Please advise how to resolve this conflict.

Bogey 2: The area of the warehouse roof north of building expansion joint no. 3 has no roof drains or overflow drains. The roof expansion joint cover prevents drainage to the roof drains south of the joint. Please advise how to resolve this conflict.

Bogey 3: The foundation subcontractor has located all of the piers in the classroom wing 1'4" too far to the north. Is it acceptable for the columns

bearing on these piers to be installed off-center?

With these examples, some of which may require complex answers and corresponding research, as a context, we will look at ways to target and intercept problems while a project is under construction.

"Ice, that bogey is behind you, I'm maneuvering for a shot!"
—Fighter Pilot "Maverick"
(Tom Cruise)

Engage your targets

When a problem arises, it usually will not resolve itself and just go away. For a project manager to become an effective leader in problem solving, the tendency to ignore problems when they first arise must be overcome. We've written many times that "Bad news does not get better with age." The project manager or construction administrator must therefore learn to treat emerging problem issues with a sense of neutrality, harboring no fear about how the problem may affect

him or her, or the firm. Like the fighter pilot, reluctance in engaging problems is not a viable option for the project manager. The primary objective is to move in and understand the problem in all respects to help facilitate a solution.

Who is the target?

A tendency fundamental to the human experience is to ponder who is at fault before buying into the process of solving a problem. Consequently, many managers adopt a wait-and-see attitude about problems, looking to find fault before getting involved, lest some other party mistake active involvement as an expression of responsibility. Indeed, in the construction business today, it seems that any issue that arises on a job site tends to be automatically logged as the fault of the architect. Causes listed in open items logs and Change Order Requests are often noted as "Drawing Error," "Non-constructible Design," or "Lack of Coordination." Regardless of whose fault a problem issue may be, a rapid and fearless response by the architect



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will not lessen one's position if a fight subsequently ensues. Moreover, it will demonstrate that the architect is not only service oriented, but has the owner's interests at heart.

"Ten minutes? ... This thing will be over in two minutes; get on it!"
—Flight Operations Officer, "Stinger"

Act quickly

When a problem arises, the efficiency of resolution is directly proportionate to the speed of your reaction. Usually, the faster you respond to the issue, the more easily it can be resolved. To respond quickly, you and your attitude must be ready and you must know the day-to-day issues as stated above. Like the dogfight maneuvers taught at the Navy's Fighter Weapons School, *Top Gun*, it may be helpful to have a plan of action established with your project team to take the necessary steps for mitigation and resolution.

It is common for owners to be confused and not understand conflicting issues as they arise. Quick action to assist in understanding the scope and impact of a problem can put clients at



ease and facilitate a less complicated resolution. Be aware, however, that you should have your research well advanced and have as much relevant information as possible at hand when you report on the status. Misinformation and misunderstanding can do more harm than good and make a small problem into a larger one.

"If I reversed on a hard cross, I could immediately go to guns on him"
—Maverick

Have a "go-to" plan of action

A quick response plan should contain complete information for problem resolution. Typical steps in the problem resolution process could include:

- Advising your project team that a problem issue has arisen
- Contacting the contractor and requesting all available information
- Gathering data (visit the site if appropriate)
- Notifying the owner with an update as quickly as you have evaluated the problem
- Documenting conditions present at the site, requesting electronic images
- Making a preliminary estimate of project impact (design, cost, schedule)
- Performing appropriate research
- Making a preliminary determination of resolution options
- Obtaining pricing from GC, if appropriate
- Convening a conference call or meeting to review and decide actions
- Obtaining appropriate owner decisions
- Documenting decisions
- Helping facilitate implementation of the desired action (drawings, specs, site visits).

As the fighter pilot makes a "hop" into potentially threatening territory while tracking on their computer screens and heads-up displays, likewise the project manager must be attuned to project problems and be ready to respond with a plan of action capable of neutralizing the problems.

"It takes a lot more than just fancy flying"
—Russian MiG Expert, "Charlie"
(Kelly McGillis)

Make your actions count

When problems arise, they are seldom anticipated, especially in the contractor's schedule. Many problems can cause more damage in delay than in cost of replacement or remediation. Accordingly, it is important that all

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actions taken be as appropriate and efficient as possible to minimize time and effort.

For example, when a problem arises, identify all of the relevant parties and include them in communications. The omission of a critical team member can cause delay and the need to repeat actions or resend information. Also, make sure that you have as much information as possible to begin your review of potential remedial actions. An erroneous assumption or incomplete data can stall out well intended efforts.

Resolutions discussed among the parties typically involve conference calls or meetings, and you should be certain that your research and information gathering is as complete as time and circumstances allow before the assembly is convened. Unanswered questions and incomplete data can end the discussions without conclusion and require subsequent discussions to be scheduled.

"There are no points for second place"

—Instructor Pilot, "Viper"
(Tom Skerritt)

Knock it out the first time

As in a dogfight at 10,000 feet with limited rockets and response measures, for the project manager the essence of success is the ability to knock out the bogey on the first pass. In order to accomplish this, there

are several conditions that must be in place. These conditions include:

- All relevant parties must be involved
- All participants must desire resolution
- Each representative must have decision-making authority
- Unified team action must be taken.

Anything less can result in another visit to the meeting table and a protracted dispute interval. If an involved party is not a part of the resolution, all damages may not be recovered, or worse, the issue could be challenged in a separate dispute or claim later on.

"I'm moving in, I've got the shot"
—Maverick

Take decisive action

There may be occasions when involved parties do not elect to act on a resolution. This is more likely to occur when a participant fears they may have to bear some or all of the cost. In these instances it may be necessary to force a resolution by taking decisive action. If the issue involves nonconforming work, it may be necessary to withhold certification of payment

for the affected work or even reject it as allowed in AIA Document A201, General Conditions of the Contract for Construction. If the contractor refuses to correct or complete the work, it may be appropriate to recommend that the owner pursue correction of the work with other forces. Nonetheless, the old adage that "a good solution today is better than a perfect solution tomorrow" generally applies when construction is in full swing, significant money is being spent on construction operations each day, and general conditions expenses are accumulating.

Frequently an owner will refuse to acknowledge responsibility for betterment costs involved in resolving problem issues. Betterment, although a fairly simple concept, is broadly misunderstood in the industry. Many owners do not understand that they are not entitled to free work or materials, although an error or omission may have been committed. (We addressed errors and omissions and betterment in our July 2004 *AIArchitect* article, "A Loss Cause: An Architect's Assessment of Errors and Omissions," [www.aia.org/risk_losscause] and in our

November 2006 "A Loss Cause Too: Betterment." [www.aia.org/aiarchitect/thisweek06/1103/1103p_bp.cfm]
These articles may be helpful in explaining these realities to your client.)

An overall strategy should be to take the necessary action to minimize negative impact on the project. Ideally, all parties will rec-



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ognize the value of a quick resolution, and they should be willing to participate in timely mitigation activities.

If it appears that progress may be stalling because of some participant's fear of costs or fault, it may be time to start asking what it will take to get the resolution in motion. For the owner, it may require asking the question, "What will it take to make you comfortable with the solution—or, to make you feel whole?" For the contractor, it may involve discussions on the merits of avoiding protracted disputes that instill lingering negative memories.

"Son, your ego is writing checks that your body can't cash."

—Stinger

Don't let your mouth overload your assets

It is important to remember that problems often involve every player in some way. One should be cautious not to assume that everyone is wrong except you, or conversely to assume, as some architects feel compelled, that everyone is right except you. A part of your research should include introspection and a critical review of your own involvement. It is bet-

ter to know your vulnerabilities and your strengths up front rather than to gain awareness after the missile has passed through your fuselage. Unlike the movie, there is no ejection seat to extract you from the fray and parachute you safely to the ground.

Though you must not automatically make such an assumption, should you turn out to be the bogey in the fight, you must evaluate your position and take appropriate remedial action. You must decide what the value of the encounter is worth. A repeat client can have greater influence on your decision to fight or give in. But as we have cautioned in the past, don't forget that an admission of wrongdoing can negatively affect your insurance coverage. All problem resolution actions must conform to the requirements of your professional liability insurance policy.

This may be a good time to call in support from your wing man (your insurance agent) and an approved panel counsel. They can guide you appropriately in actions involving settlement and damage contribution.

The above notwithstanding, there is always the overriding issue of the future client relationship being more valuable than the immediate penalty, whether the penalty is fair or not. Right, wrong, or noble, conciliation may be the logical path. Conversely, if the premium is too great, staying with the dogfight to the finish may be your only viable option.

"You need to be doing it better and cleaner than the other guy"

—Stinger

Document the resolution

Problem resolution cannot be effectively substantiated without adequate documentation, and it is better to

have too much than too little. We noted in our April 2005 *AIArchitect* article entitled, "To Document or Not to Document" [www.aia.org/aiarchitect/thisweek05/tw0408/0408bp_risk-management.htm] that we know of no record of a claim being caused by too much documentation.

Should you contribute money or services to the resolution of the problem, there is a good chance that your insurance provider will request a release and indemnity for the portion of the work that has been corrected. Even if the magnitude of the issue is relatively minor, a release signed by the owner instills a greater level of respect in them for your actions taken in resolving the issue. Your insurance agent and/or attorney can assist you in creating a release and indemnity document.

"It's just a walk in the park"

—Maverick

Close, and move on

The desired bottom line for problem resolution is to close out the issue once and for all on the first pass. Unless the fighter pilot sees black smoke and parachutes or the red engine glow of the bogey "bugging out", he or she is a candidate for a return encounter. A Top Gun is a project manager or a construction administrator who gathers the information, does the research, brings the concerned parties together, makes an informed decision, and effects a decisive resolution to the issue once and for all.

The problem/resolution process is an integral part of the construction phase, and although a manager may solve one issue, it is reasonable to expect that another may soon follow. Problems that linger take away valuable time for resolving subsequent challenges, and, accordingly, the

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ability to close on problems and move on to future challenges cannot be overemphasized.

Resolution requires affirmation

A necessary ingredient for resolution is that all participants must desire that the issue be finalized and put away. Should you approach an issue where one or more of the opposing participants do not wish to reach a resolution, efforts for settlement will likely be futile. Accordingly, it is necessary to be sure that all participants are empowered to make approved decisions for settlement when pursuing resolution.

The bottom line is that if one or more of your opposing parties do not wish to resolve the issue at hand, the chance of resolution is diminished. In fact, if only one of the participating parties refuses to pursue a solution, the effort is condemned to failure. All engaged players must exhibit a desire to put the issue away, once and for all.

Absent total buy-in from all involved, you may be destined to take your dogfight to a greater battle at the mediation table or in the courtroom.



"Mustang, this is Voodoo 3, remaining MiGs are bugging out"
—Radio Intercept Officer, "Merlin"
(Tim Robbins)

Be humble; be aware

The ability to effectively target, zero in, and close on a problem is a management proficiency that places the manager in an elite position. It is a skill set that is necessary for becoming the best of the best in proactive project management, a *Top Gun*. However, to achieve success, you must cultivate a neutral but fearless attitude, develop a plan of action, and make your actions count. You must be cautioned, however, that egotism and feelings of perfection have no place in the process. Humility and self-awareness can be beneficial in helping others to relate and be aware of your position. The primary objective is to identify the issue, take decisive action, and resolve it on the first pass.

The final resolution should be well documented so that the record will be clear and memories consistent. When priorities differ, memories can deviate as well. When all has been resolved and recorded, the manager is free to move ahead and engage the next challenge. There is no more effective skill in project management than that of the proficient problem solver.

So as you check your e-mail and note the urgent message from the contractor advising you of the beam/duct-work conflict, and the owner's e-mail expressing concern over lighting costs exceeding allowances, while you are notifying your project team and initiating your quick response plan, remember, as we start the new year ... be careful out there.

Reference:

This series will continue next month in *AIArchitect* when the subject will be "Through a Glass Darkly: The Payment Certification Paradox," in which the authors will examine the architect's issuance of Certificates for Payment, connotations associated with the act of certifying, and the reality that "verification" of all information, as is typically expected from the architect, is neither feasible nor possible.

If you would like to ask Jim and Grant a risk or project management question or request them to address a particular topic, contact legalcoordinator@aia.org.

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