

Lesson 1

Introduction and Document Types



LEARNING OBJECTIVE

DOCUMENT
RETENTION GOAL

DOCUMENT DEFINITION

DOCUMENT
TYPES

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Learning Objective

This lesson will provide you with the different document types, offer you useful tips, best practices and help you define "document".



DOCUMENT
RETENTION GOAL

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DOCUMENT
RETENTION GOAL

Document Retention Goal

The goal of document retention is to ensure that files that should be kept for legal, financial or historical purposes are saved and stored in an orderly way and in an accessible format so that they can be retrieved easily, quickly and with a minimum of expense.

A document retention plan also provides a method of discarding or destroying documents when they are no longer needed.



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DOCUMENT
RETENTION GOAL

Document Definition

All documentation related to the Project, including but not limited to project contracts, correspondence, memos, plans, requests for information, change orders, diaries, journals, invoices, construction change directives, manufacturers' warranties, manufacturers' materials, meeting notes, photographs, field observations, submittals, schedules, permits and calculations.

It also includes information stored in any electronic medium including emails, digitally retained voice mails, text messages, electronically saved documents, computer assisted designs, building information modeling information and spreadsheets.



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DOCUMENT
RETENTION GOAL



Electronic Documents



Physical Models



Digital Photographs



Website Documents



Sub-Consultant Documents

Document Types

Lesson 2

Developing a Document Retention Policy



LEARNING OBJECTIVES

WHY HAVE A
DOCUMENT
RETENTION POLICY?

WHAT SHOULD BE
IN YOUR POLICY?

PROBLEMS OF NOT
FOLLOWING YOUR
POLICY

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Learning Objectives

- Explain the importance of formulating a consistent company-wide document retention policy.
- Describe why documents should be kept on any given project and identify potential problems caused by not having a document retention policy.



WHY HAVE A
DOCUMENT
RETENTION POLICY?

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Why Have a Document Retention Policy?

1. Uniform method to store and destroy documents
2. Preserves historical record
3. Establishes one source for answering post-project questions or claims
4. Minimize business interruptions
 - ✓ Retirement, illness and departure of employees
5. Defend against claims



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WHY HAVE A
DOCUMENT
RETENTION POLICY?

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- ✓ Retirement, illness and departure of employees
5. Defend against claims
 - ✓ Proof of owner directed changes
 - ✓ Evidence of manufacturer defects / poor instructions
 - ✓ Advice not followed
 6. Avoid sanctions (monetary or legal)

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WHY HAVE A
DOCUMENT
RETENTION POLICY?

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WHY HAVE A
DOCUMENT
RETENTION POLICY?

What Should be in Your Policy?

All executed contracts; final, stamped plans; change orders
RFIs and responses; final shop drawings; manufacturer's
literature; project correspondence; and job site/observation
notes.

All documentation that shows significant changes in the
design, the budget or the schedule.

In short, you and your attorney need to weigh all the issues
and develop a record management policy that reflects the
requirements of your business, your projects, your jurisdiction
and your risks.



Sample
Policy

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WHY HAVE A
DOCUMENT
RETENTION POLICY?

Problems of not Following Your Policy?

Zubulake vs. UBS Warburg
Company destroyed documents and the jury received
an adverse inference instruction.

Apple vs. Samsung
\$1B judgement was partially related to document
practices.



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Lesson 3

Document Retention Best Practices



EXAMPLES OF GOOD DOCUMENTS

HOW MANY & HOW LONG TO KEEP DOCUMENTS FOR?

STAFF TRAINING

PROJECT CLOSE-OUT



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Good Documents = Good Defense

- ✓ Final, executed contracts & amendments
- ✓ Final, stamped set of plans
- ✓ Change orders
- ✓ Correspondence from owners or contractors
- ✓ Manufacturer's installation instructions
- ✓ RFIs, responses to RFIs, submittals, work scope variances, etc.
- ✓ Final copies of budgets and schedules, and any documents that evidence change in cost/critical path



Best practice tip



HOW MANY & LONG
TO KEEP
DOCUMENTS FOR?

CLOSE

Project Close-out

Do you have contractual requirements to keep documents?

Notify client of intent to return or destroy documents in accordance with your document retention policy.



Best practice tip



HOW MANY & LONG
TO KEEP
DOCUMENTS FOR?

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How Many Documents Do I Keep?

- Consult with legal counsel
 - ✓ Understands your business
 - ✓ Done this before
 - ✓ Litigated these issues
- Some attorneys want *all* kept, some want *none* kept
- Must be the same for all projects and all employees must follow the same policy



How Long Should I Keep Them?

- Check with your attorney for the laws of the jurisdiction in

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- Must be the same for all projects and all employees must follow the same policy

How Long Should I Keep Them?

- Check with your attorney for the laws of the jurisdiction in which you are working; each jurisdiction differs – statutes of limitation, statutes of repose, etc.
- Check your contract for every project to see if there are specific document retention requirements
- Be consistent
- Be reasonable



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Train your Staff

- ✓ Send emails that are short, simple and to the point
- ✓ Keep emails and communications related to only one project
- ✓ Always think about the viewpoint of the recipient
- ✓ Review your message before sending it
- ✓ If it is clear that someone has misunderstood a communication, clarify it in writing. Even go so far as to write: "This will clarify my communication of ____ {date}."



Avoid Admitting Fault and Train Your Staff:

Best practice tip



CLOSE

Avoid Admitting Fault and Train Your Staff:

- ✓ Don't ever admit you've made a mistake without first talking to your insurance broker and carrier. In many cases, even if you made a mistake, it's not entirely your fault
- ✓ Review all communications prior to sending and consider who really needs to receive it (avoid "reply all" when possible)
- ✓ Minimize the impact of miscommunications by sending a follow up to clarify or correct
- ✓ Avoid posting anything on social media sites that would embarrass the firm.

Best practice tip



CLOSE

HOW MANY & LONG
TO KEEP
DOCUMENTS FOR?

Project Close-out

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Notify client of intent to return or destroy documents in accordance with your document retention policy.



Best practice tip 

