

■ **Mandatory Graded Assignment**



Directions: Be sure to make a copy of your answer before submitting it to Ashworth College for grading. Unless otherwise stated, answer in complete sentences, and be sure to use correct English spelling and grammar. Sources must be cited in APA format. Your response should be a minimum of one (1) single spaced page to a maximum of two (2) pages in length.

To increase your knowledge of the field, write an essay concerning two actual lawsuits where the architect/engineer had knowledge of the unsafe condition that fatally injured a worker. The first case is *Carvalho v. Toll Brothers and Developers* (NJ 1996). Here, the architect/engineer was found liable. The second case is *Herczeg v. Hampton Township Municipal Authority and Bankson Engineers* (PA 2001). In this case, the architect/engineer was not found liable. You should begin your essay by describing the event causing the fatality in each case. Next, describe the defense of each of the architect/engineers. Employ the knowledge you learned from your reading to explain why the architect/engineer went with this defense. Next, your essay should point out the key differences between these cases, and how the key differences likely produced the different outcomes. You can type these two case names into www.Google.com to retrieve multiple hits and articles about them. However, the two links below also contain all of the information needed to write this essay.

www.powelltrachtman.com/news_bull0501.htm

www.constructionrisk.com/newsletter/articles/newsletter02-05.htm

This assignment must be a neat, professional presentation on this subject. Proper punctuation, spelling, and usage of grammar are imperative.

IMPORTANT: This project is required. You must complete this project. Send this project to the school for grading. Complete and attach a *Submission and Evaluation Form* provided with this Learning Guide. If you fail to attach the form to your assignment, your work will not be accepted.

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To increase your knowledge of the field, write a two-page essay on project closeout. In addition to your textbook, use the same document found in the *Suggested Real-World Project* as your main references. Most of what you need is located in Section 2: Identification and Analysis of Problems and the project closeout steps shown on pages 592-597 in the textbook.

As a whole, your essay should describe project closeout. At a minimum, be sure your essay answers the following questions.

- Why is it important on public projects for the contract to achieve that crucial and final step of construction contract closeout?
- How does execution of the Certificate of Completion or Substantial Completion affect what retainage may be held?
- What can become hot spots of dispute between the contractor and owner after the owner begins beneficial use of the project due to the parties not understanding their responsibilities?
- How is the owner's ability to collect liquidated damages affected by issuance of a Certificate of Substantial Completion?
- What certificates should be executed by the contractor and surety prior to the owner releasing final retainage funds?

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