January 26, 2022

MEMORANDUM 01262022

Subject: Delegated Designs

From: Michael J. Shumsky, P.E.

In recent years our office has seen an increase in construction conflicts that revolve around attempts to delegate a portion of the final design to the contractor, commonly referred to as “Delegated Design”.

The State contracts with the Designer of Record (DOR) to provide the construction documents for a final product and to oversee the construction of the product. The DOR is responsible and accountable to the State, and to their profession, for verifying that the final product is complete and complies with the approved construction documents. This system only works when the DOR provides complete design documents. This does not imply all designs must be accomplished in-house. The DOR may use consultants for specific aspects of the design that is out of his purview. However, the DOR is responsible for the entire design of the project. The contractor is responsible to implement the design into a constructed reality. The contractor is not responsible for design of the project.

The following preapproved delegated designs will be allowed on State Construction Projects. With prior written approval from the SCO, others delegated designs may be allowed with just cause:

- Precast Concrete
- Pre-engineered Metal / Wood Buildings
- Modular Block Retaining Walls
- Modular Buildings
- Seismic Restraints for Non-structural Bldg Components
- Shoring Systems
- Pre-engineered Pre-insulated Thermal Utility Piping
- Steel Stairs / Handrails / Guards (IN SHAFTS)
- Pre-engineered Roof Trusses
- Pre-engineered Pedestrian Bridges
- Curtain walls and Storefronts
- Shear & Bracing Connections for Structural Steel
- Pre-engineered Canopies
- Fire Sprinkler System
- Rammed-Aggregate Piers / Stone Columns
- Metal Bleachers

The delegated design engineering/architectural document shall comply with the written engineering/architectural requirements received from the DOR. They shall include criteria used as a basis for its preparation with the Delegated Design Engineer/Architect (DDE) contacting the DOR for resolution of issues within the requirements provided. The DDE shall forward the documents, calculations, and drawings for their proposed design, based upon the DOR requirements, with their seal and signature, to the DOR for review and approval. The DOR shall review the documents of the DDE to confirm that the documents conform to the intent of the DOR and meet the written requirements provided for the basis of design.

Delegated designs do not abdicate the responsibility of the DOR for the complete design on the project.