Design-Assist: What It Is, Why It’s Beneficial

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A new paper created by AISC and AIA clarifies newer approaches to project delivery, such as design-assist, that can result in more efficient steel projects.

WE LIVE IN A WORLD of ever-increasing complexity, and there is little prospect of that changing.

As such, adaptation, innovation, and collaboration are essential to producing more favorable outcomes in virtually every commercial activity.

In the construction industry, one of those efforts is the addition of design-assist to the list of contracting delivery formats. But as with many innovations, the initial roll-out of the design-assist concept did not come with a playbook or even a meaningful definition of the term. Instead, the industry had only a vague idea of what design-assist entailed and how it worked.

Collaborative Effort

My friend and predecessor as AISC’s general counsel, David Ratterman, Esquire, with Stites and Harbison, was early to recognize this gap and recommended to his counterpart at the American Institute of Architects (AIA) that they form a task group to develop written materials to delineate the concepts of design-assist and delegated design. The idea was to provide a better understanding of the duties and responsibilities of interested parties under these two important project delivery formats and how they differ in both application and expectation. It took a few years, but David’s leadership on this effort has now materialized into a comprehensive and important paper recently published jointly by AIA and AISC: Design Collaboration on Construction Projects Part I: Delegated Design, Design Assist, and Informal Involvement—what does it all mean? The paper not only provides clear descriptions of design-assist and delegated design (as well as informal involvement) but also identifies specific responsibilities between design professionals and collaborating constructors to minimize areas of contention that may later arise due to erroneous assumptions about who owns what responsibilities, or worse, who is liable for a loss or failure.

So what is design-assist, and what does it mean for a steel fabricator? Under Part 1 of the paper, design-assist is described as “a form of collaboration where a contractor provides information to assist a design professional’s design, typically before pricing for the work has been agreed upon or before the work has been awarded.”
The paper further states that while the design professional typically will have a separate written contract with the owner, the contractor still may incur contractual liability (whether to an owner or GC) for the information it provides. But the concept of design-assist also holds that the design professional is ultimately responsible for incorporating the contractor’s information into its design, and that it maintains professional responsibility for the overall design. So although there is a clear obligation to the contractor or steel fabricator to provide accurate information for the benefit of the project design, it also is true that if the information so provided is used by the design professional to inform its design, the design professional is still responsible for integrating the information into the design and resolving any design conflicts that may occur.

**Contractor Insight**

Now that the scary part of design-assist has been addressed, let’s consider its core benefit. A key underpinning is that contractors possess a wealth of experience planning and implementing the construction of systems, building materials, and other tangible forms of design on multiple types of projects. And design-assist allows you to take advantage of that experience in the pre-construction phase, where the design is still being developed and costs are not yet being incurred. While this makes good business sense and the paper acknowledges this benefit, it also recognizes that the collaborating contractor must be compensated for its design input under a written agreement, with the expressed recognition that design-assist is not a delegation of design responsibility.

The paper also identifies the types of services that might be included in such a written agreement. For example, a collaborating contractor may:

- evaluate alternative design solutions and constructability
- collaborate with the design team to suggest improvement to design elements
- suggest modifications to the specification
- prepare cost estimates for a specified scope of work
- prepare scheduling requirements
- validate the proposed design from a construction standpoint
- assist the design professional in developing a design that brings the highest value

While these services are somewhat general given the nature of the paper, there is currently one form document written by the Consensus Docs Coalition (541 Design-Assist Addendum) to coordinate efforts of design professionals, construction managers, and trade consultants in the design development phase. Other project-specific templates have been written by practitioners to identify the services sought in the pre-construction design phase. But a careful review of such documents is always required to ensure that they reflect the expectations of the parties as clearly and expressly stated.

Currently, a committee within AISC is preparing a draft of Part 2 of the design-assist publication, which will specifically address circumstances involving the work of structural steel fabricators. But until that effort is completed, Part 1 will ably serve our industry’s interest by providing guidance and advice on the evolving concept of design-assist, determining whether it’s right for an upcoming project, and, if so, how to effectively implement it.

If you want to learn more about design-assist and its benefits, you can access Design Collaboration on Construction Projects Part I: Delegated Design, Design Assist, and Informal Involvement—what does it all mean? for free at aisc.org/design-collaboration-aia. And if you have any questions about it, email me!