

Fenestration Dangers

**What They Are
&
How To Stop
Them**



What are Fenestration Dangers?



When a Fenestration Contractor:

- Delays issuing submittals, ordering materials, and delays getting on the job
- Attempts to pressure changes in product specifications using delay tactics
- Furnishes unspecified materials (“Bait & Switch”)
- Omits traditional work
- Ignores the specified construction process & schedule

What are Fenestration Dangers?



- Installs improper, poor performing and unsafe work
- Fails to furnish O&M Manuals, Manufacturers and Workmanship warranties
- Fails to complete the job or do warranty work
- Takes bankruptcy or doesn't pay suppliers, leaving Owner open to Lien or Funds/Bond open to suit
- Leaves Owners, Architects, CM/GC's open to liability for mold, leakage and other problems

How Can Fenestration Dangers Be Stopped?



By:

- **Unifying**
- **Prequalifying**
- **Indemnifying**
- **Specifying**
- **Timing**

By:

- **Testing**
- **Verifying**
- **Enforcing**
- **Denying**
- **Memorizing**

Unifying



Coordinate all fenestration
(windows, doors,
skylights, curtainwall, etc)
within one Fenestration
Contract.

Why Unify Fenestration?



One Fenestration Contractor will:

- Coordinate responsibility for all fenestration especially where materials intersect for performance against leakage, condensation, mold, etc.
- Be the single-source responsibility to the Owner, Architect, CM/GC, tenants, using agencies, etc. for questions and maintenance.
- Its easier to do...The New CSI MasterSpec format now helps to keep spec sections together under one Division 8 “Openings” contract.

Why Prequalify?



Strict prequalification prior to bid ensures the financially sound, safe, and responsible Fenestration Contractors will be bidding...and assures they'll be there if a problem occurs.

How Do I Prequalify Fenestration Contractors?



Require:

- 3 years current financial statements prepared by CPA's
- Workers Compensation Experience Modification Rates (EMR) for the past 3 years
- Their Written Safety Program
- List of prior jobs similar to your project with A/E, CM/GC, contract amount, and date completed
- Maintenance referrals with proof of crews capable of performing warranty work and repairs after completion

Indemnifying



Require Fenestration Contractors
supply:

- Bid Bonds (15% of Contract Amount)
- Performance & Payment Bond
- Maintenance Bond (for 3+years)

Why Indemnify?



- **The financially sound and stable will be bidding**
- **If a surety will back them, then that's a good sign they've been around and they'll be around in the event of problems**
- **It adds a lot of security for the Owner while adding little or no cost to the project itself.**

Specifying



Precise specifications and procedures can assure the Owner of receiving a timely, quality project and reduce costs.

- On the Bid Form, Fenestration Contractors should be required to list proposed specified material suppliers and major subcontractors
- After bid, the Owner, Architect & CM/GC should hold a post-bid conference with 2 or 3 low bidding Fenestration Contractors to review they have bid the full scope of the project, used specified materials, and can meet the construction schedule
- After award, the Fenestration Contractor must follow a strict timeline including issuing a schedule of completion including submittals, order lead times, time on projects, duration of work, and expected completion dates.

Specify Procedures and Timing



Require the Fenestration Contractor:

- supply major suppliers contact information to the CM/GC and Architect by a specific number of days from award
- furnish on-site mockup for review and approval prior to installation of materials

Specify Product Performance



- Require Manufacturer's test data be submitted
- Require in-state Professional Engineer's stamp confirming review of product design, performance, and anchorage details be submitted
- Require field testing by Owner's selection of an independent engineer/consultant per AAMA criteria
- Require finish samples, glass samples, etc. with manufacturer's stamps with project name

Timing



The Architect and CM/GC should:

- Keep a calendar of dates to verify the Fenestration Contractor meets target dates for submittals, ordering materials, and getting on-site
- If dates are not met, its time to get suspicious.....

Testing & Verifying



- When installation begins, compare the mockup to materials going in
- Review installation techniques for proper anchorage, caulking, etc.
- Compare those manufacturers who are specified with the manufacturers' invoices and partial lien waiver requests being turned in with progress pay requests
- Have Engineers/Consultants test installed materials per AMAA criteria to verify performance and proper installation

Enforcing & Denying



- Be suspicious if submittals are not issued in timely fashion and/or if the Fenestration Contractor delays getting on the job
- Contact Manufacturers directly if Fenestration Contractor claims delays due to lead times
- If field testing shows non-compliance with specified performance criteria, have Fenestration Contractor pay for tests and any subsequent testing until performance is achieved.

Enforcing & Denying



- Be suspicious and expect proof if product substitutions are claimed as necessary. Expect a substantial Deduct from Contract if substitutions are allowed.
- If you become suspicious, contact a reputable Engineer, Consultant or competitive Fenestration Contractor to review the project

Enforcing & Denying



- Don't approve Final Payment or Retainage until all O&M Manuals are complete with specified manufacturers warranties printed with the project name on them.
- Be willing to withhold payments, retainage and be willing to sue Fenestration Contractors who use unspecified materials, cause significant project delays, don't meet performance criteria, and won't complete work.

Memorizing



When you know a Fenestration Contractor has caused problems on projects:

- Inform your staff
- Disqualify that Fenestration Contractor from your future work.

You CAN Stop Fenestration Dangers!



By:

- **Unifying**
- **Prequalifying**
- **Indemnifying**
- **Specifying**
- **Timing**

By:

- **Testing**
- **Verifying**
- **Enforcing**
- **Denying**
- **Memorizing**