

PROFESSIONAL LIABILITY AGENTS NETWORK

NEWSLETTER

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RFIs: A Routine Project Tool That Can Create Significant Risk

Best Practices for Design Professionals

RFIs are so common that it's easy to treat them as routine project correspondence. On many jobs, teams process dozens or even hundreds without incident. When a construction claim develops, however, an ordinary response may reappear as evidence supporting allegations of design error, delay, change-order disputes, or unauthorized modifications to the work. Most responses are prepared to keep construction moving, but speed should not eclipse the need to protect the design professional's contractual role and preserve an accurate record. A disciplined RFI process serves both purposes and remains one of the simplest risk-management tools available to a design firm.

What an RFI Is - and What It Is Not

An RFI should clarify information in the construction documents or address a legitimate question arising during construction. It should not substitute for contractor coordination, submittal review, change management, or the contractor's responsibility for construction means and methods. If an architect or engineer routinely resolves matters assigned to the contractor, reviews construction procedures, selects means-and-methods alternatives, or informally redesigns work through RFI responses, those practices may later be cited as evidence that the design professional assumed duties beyond the professional services agreement. Sound risk management therefore depends on maintaining the line between clarifying the design and directing construction.

1. Establish the RFI Process at the Beginning of the Project

Effective RFI management begins before the first request arrives. At the outset, the parties should establish who may submit and receive RFIs, how they will be numbered and tracked, and how responses will be distributed. Communications should follow the contractual lines established for the project, and technical staff should avoid responding directly to subcontractors, suppliers, or field personnel when the agreement requires another route. Although direct contact may appear efficient, it can create conflicting instructions and leave decisions outside the formal record. A centralized log should identify the RFI number and subject, dates received and answered, responsible reviewer, required response date, and whether the answer may require further documentation or a formal change. The protocol should also identify the expected response period and the person responsible for deciding whether consultant coordination or owner input is needed. Establishing those expectations early reduces uncertainty when a time-sensitive question reaches the field.

2. Require a Real Question

Not every document labeled an RFI presents a proper request for information. Some ask the design professional to locate information already shown in the documents; others seek coordination or direction concerning means, methods, sequencing, safety, or temporary conditions that belong to the contractor. Before responding, the reviewer should identify the actual question and determine who is contractually

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responsible for it. If the answer is already documented, the response may simply cite the applicable drawing, specification section, or detail. When the issue belongs to the contractor, the reply should avoid taking ownership of that obligation. Repeatedly solving contractor coordination problems can blur the parties' roles when a dispute later arises.

3. Read the Entire RFI Before Responding

An RFI may embed an assumption in the question. For example: "Due to the conflict between the structural drawings and mechanical drawings, confirm that the duct may be relocated as shown." A quick "confirmed" could accept that a design conflict existed, approve the proposed solution, and imply responsibility for resulting cost or delay. The reviewer should first determine whether the premise is accurate and the proposed action has been adequately evaluated. A more careful answer might state: "Relocation as shown is acceptable with respect to design intent, subject to maintaining the clearances and requirements indicated in the Contract Documents." This addresses the technical issue without adopting the contractor's characterization of its cause.

4. Do Not Accept Responsibility for Cost or Delay Through an RFI

Technical clarification should remain separate from contractual entitlement. If an RFI states that a condition will create additional cost or a five-day delay, the design professional should not casually agree while answering the technical question. The contract's change, claims, and scheduling provisions ordinarily determine entitlement to compensation or time. The response may clarify the issue while stating that it does not determine entitlement and that any request for cost or time must follow the contract. Similar care is warranted before describing a matter as an "error," "omission," or "design defect." A clarification or revision may be necessary without establishing professional negligence. This separation protects the integrity of both processes: the design team can address the technical issue promptly while the parties preserve their contractual positions for later evaluation.

5. Keep Responses Clear, Concise, and Limited to the Question Asked

A good RFI response answers the question presented and stops there. Unnecessary explanation can create ambiguity, conflicting interpretations, and unintended commitments, particularly when the facts are incomplete. If further review or information from the owner, another consultant, a manufacturer, or another party is needed, the answer should say so rather than fill the gap with an assumption. Phrases such as "should work," "probably acceptable," or "we don't see a problem" also create uncertainty about what was reviewed. Use precise technical language to identify the decision and its limits. Responses need not anticipate litigation, but they should accurately record what was considered and decided.

6. Be Careful With Contractor-Proposed Solutions

Many RFIs propose a solution rather than merely ask a question. When a contractor suggests substituting one detail for another, the design professional should determine the review required by the agreement and whether the proposal affects matters outside its scope. Acceptance of a design-related solution should not

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imply approval of dimensions, field conditions, fabrication, installation procedures, sequencing, temporary supports, safety, or other means-and-methods issues. Where appropriate, the response can state that the proposal is acceptable with respect to design intent while preserving the contractor's responsibility for coordination, means and methods, safety, and other contractual obligations.

7. Recognize When an RFI Requires a Formal Change

An RFI response should not be used to make a significant change to the construction documents. If the answer alters scope, design, materials, dimensions, performance criteria, or another substantive requirement, the design professional should determine whether a formal change document is required. Use particular caution when the response may affect cost, schedule, code compliance, life safety, structural performance, building systems, owner operations, or another discipline's work. When broader consequences are possible, the team should identify the proper contractual mechanism before issuing what may seem like a simple answer.

8. Coordinate Responses Across Disciplines

Many serious RFI problems arise at discipline interfaces. An architectural response may affect structural framing; a structural response may alter mechanical routing; and a civil change may affect utilities, grading, landscape architecture, or accessibility. The reviewer should therefore consider who else must evaluate the issue before releasing the response. Coordination failures often occur not because one participant was plainly wrong, but because each discipline considered only its own portion of the problem. A final check for effects on structural, architectural, mechanical, electrical, civil, and other work can prevent a narrow clarification from creating a broader conflict.

9. Do Not Allow Urgency to Eliminate Professional Judgment

Contractors reasonably expect prompt responses because delay can disrupt construction, and design professionals should meet contractual response periods whenever possible. Urgency, however, does not permit answering without adequate review. If the requested turnaround is unrealistic, the design professional should promptly identify any remaining information or coordination needed and provide a reasonable response date. Field pressure does not reduce the professional judgment necessary to answer correctly. Firms should also monitor RFI volume because a sharp increase may signal poor contractor coordination, incomplete submittals, misuse of the process, accelerated construction, or weaknesses in the project documents. Early recognition allows management to address the cause before the design team is overwhelmed. When the available information is incomplete, a prompt request for what is missing is often more useful than a rushed answer that must later be revised.

10. Be Extremely Careful With Email, Text Messages, and Verbal Responses

Informal communication can quickly undermine the RFI process. A contractor may call an engineer, ask whether an item can move six inches, receive an informal "that should be fine," and proceed before a formal RFI is issued, if one is issued at all. The concern is not communication itself, but that a significant

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decision may be made without coordinated review, an understanding of its consequences, or an adequate project record. Document substantive verbal discussions promptly through the established system. Text messages require the same caution because they can become separated from the formal record and may not provide enough context to show what was reviewed or authorized.

11. Never Backdate or Rewrite the History of an RFI

Construction disputes are often reconstructed from records after memories have faded. Attorneys, claims consultants, experts, insurers, mediators, arbitrators, or jurors may eventually review RFI logs, emails, meeting minutes, drawings, photographs, and responses. Those records should show what actually happened. Responses should not be backdated, and earlier answers should not be altered without preserving the revision history. If new information changes a prior answer, the design professional should issue a clearly identified revision. A candid, orderly record is easier to explain than one that appears to have been recreated after the fact.

12. Watch for RFIs That Signal a Potential Claim

Some RFIs require immediate attention from project leadership. Warning signs include repeated allegations of design conflicts, assertions that information is missing, claims of delay or disruption, statements that work must be demolished or reconstructed, significant cost allegations, safety concerns, or express reservations of rights. An unusual number of RFIs may signal a contractor that is 'papering the file' to create claims down the road. Address this immediately with the client and the contractor. Project managers should know when to involve firm leadership, risk management, legal counsel, or the firm's professional liability broker or carrier, as appropriate. Early recognition may provide more options to investigate and resolve the issue before positions harden and costs escalate.

13. Avoid Defensive or Argumentative Responses

An RFI is rarely the place to debate fault. Statements such as "The contractor should have caught this earlier" or "This is clearly a coordination failure by the subcontractor" do little to advance the work and may later become troublesome exhibits. The stronger approach is to answer the technical question, preserve contractual rights where necessary, and record the facts objectively. If you must evaluate responsibility, do so through the appropriate contractual or claims process after you develop the facts. Professional, factual wording keeps the project record focused on the issue that must be resolved.

14. Learn From the RFI Log

The RFI log should not disappear into the project archive when construction ends. It can reveal recurring design, coordination, documentation, and project-management issues. After a significant project, the firm should review which disciplines generated the most RFIs, which details repeatedly required clarification, whether similar coordination problems recurred, whether specification provisions were often misunderstood, whether RFIs led to changes, and whether response times were reasonable. Those lessons can then be incorporated into future drawings, specifications, checklists, and quality-control procedures.

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Used this way, the RFI log becomes practical quality-management data rather than mere project correspondence.

The Bottom Line

The RFI process is often treated as administrative, but claims experience gives it greater significance. Responses may become part of the factual record used to evaluate project decisions years after construction is complete. Clear communication procedures, careful review of assumptions, coordination among affected disciplines, and accurate documentation reduce the chance that a routine question will become a dispute over responsibility, cost, or delay. Architects and engineers prepare RFI responses to keep work moving; attorneys, claims professionals, and experts may later examine the same words to understand the design team's decisions, contractual responsibilities, and scope of services. A well-managed process meets the immediate project need while preserving a reliable record. Consistency matters because an isolated response is rarely viewed alone; it is usually considered alongside the agreement, drawings, specifications, meeting records, and the parties' course of conduct.

Design Professionals cannot eliminate every construction dispute, but they can control how project questions are reviewed, coordinated, documented, and answered. An effective RFI process cannot guarantee a claim-free project, yet it can reduce the likelihood that routine correspondence becomes evidence supporting a professional liability claim years later.