



Berkley
Design Professional
| a Berkley Company

Better By Design®

Risk Management Workshops

January 2025



Your specialist professional liability insurance broker offers a variety of Berkley Design Professional workshops to help your firm improve its risk management and business practices, earn learning units, and qualify for a 15% risk management education rating credit on your next renewal.*



Berkley DP Risk Management Program Overview

Berkley DP's comprehensive risk management program focuses on fundamental areas that impact professional liability, project delivery, and practice management with materials that have been developed by leading architectural and engineering practitioners, insurance specialists, and legal professionals.

Through our partnership with your specialist insurance broker, we are pleased to offer you a variety of risk and practice management workshops that are designed to help you avoid professional liability claims, improve management practices, enhance business performance, and qualify for a 15% risk management education rating credit.*

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AIA and RCEP Special Notice

Berkley Design Professional offers a variety of education programs to help firms improve their risk management and business practices. We are a registered provider with the AIA's Continuing Education System (CES). We are also a registered provider with the Registered Continuing Education Program (RCEP), which is a nationwide portal for professional development education and record-keeping for engineers, surveyors and related industry professionals. Our workshops qualify for AIA CES Learning Units (LUs) and RCEP Professional Development Hours (PDHs).

We do not register programs with any individual states. It is the design professional's responsibility to determine whether this activity meets the requirements set forth by his/her state licensing board.

WORKSHOPS



**Claim Case Study Workshop:
Doc Outside the Box**
page 2



**Claim Case Study Workshop:
Subterranean Substitution Blues**
page 3



**Could This Happen to You? A Compendium
of Claim Tales and Lessons Learned**
page 3



**Could This Happen to You? A Compendium of
Claim Tales and Lessons Learned: Season 2**
page 4



**Developing a Risk Management Plan
for Your Firm**
page 4



From Scope Creep to Profitability
page 5



**Managing Risk through Effective
Communication and Documentation**
page 5



Managing Risk through Effective Contracts
page 6



**Proactive Construction Administration:
Strategies, Solutions, and Success**
page 6



**The Go/No-Go Process: Promoting Effective
Marketing and Risk Management**
page 7



**The Go/No Go Process: Risk Analysis of
Client, Project, and Team**
page 7



**Understanding Your Contract:
The Foundation for Successful Projects**
page 8



Claim Case Study Workshop: Doc Outside the Box

This case study workshop centers on a hospital project for the design and construction of a new patient tower, renovation of the emergency room, kitchen, and dining area, and seismic upgrades. Participants will read an extensive case study scenario and work interactively to determine what went wrong and what could have been done differently to reduce liability and deliver a project that met code—as well as the client's expectations.



Learning Objectives

1. Learn the importance of properly evaluating a project's risk, including the design firm's experience to take on and sufficiently manage a large, complex design and construction project
2. Understand clauses in a client-generated agreement that can make a project "contractually hazardous" and how they can elevate professional liability risk
3. Examine how breakdowns in communication and project management can create schedule delays and cost overruns
4. Acquire tools and strategies to evaluate projects and the design team's capabilities, negotiate fair and balanced contracts with clients and subconsultants, and manage projects

Target Audience

Firm principals, project managers, branch managers, and technical leaders who are involved with developing, implementing, or maintaining standards and procedures

Learning Units: 1.5 AIA CES LUs / 1.5 RCEP PDHs

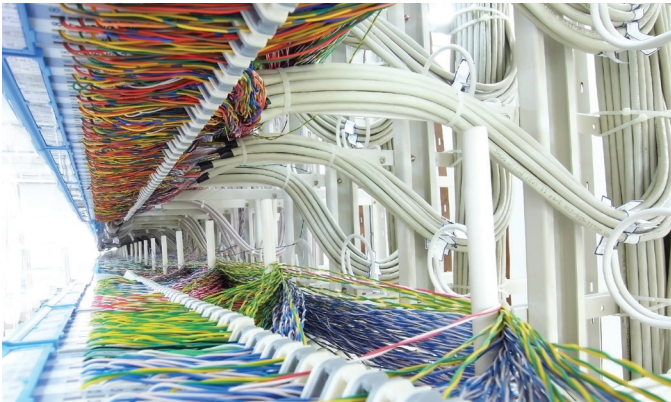


Claim Case Study Workshop: Subterranean Substitution Blues

This case study workshop follows the design and construction of an enormous data center for a multinational financial services firm.

At full capacity, these systems would generate a substantial amount of heat, so temperature control was a crucial design factor. The project owner (the financial services company) limited or excluded construction observation in an attempt to lower costs. The cost-saving mindset was pervasive, and a subcontractor devised and implemented a material substitution without notifying the owner or the design professional.

The owner discovers the unauthorized substitution and realizes the potential impact—that the data center systems could overheat and fail—and files a claim against the design professionals and contractors.



Learning Objectives

1. Understand the risk of providing design services without construction phase responsibilities
2. Grasp the impact of the failure to report field observations—whether or not your professional services agreement includes construction phase responsibilities
3. Explore the perils of substitutions in the construction process and the importance of fully vetting proposed substitutions
4. Examine the importance of performing due diligence on all project parties—not just the prime consultant and owner—such as other design professionals, the general contractor, and the trade contractors

Target Audience

Firm principals, project managers, branch managers, and technical leaders who are involved with developing, implementing, or maintaining standards and procedures

Learning Units: 1.5 AIA CES LUs / 1.5 RCEP PDHs



Could This Happen to You? A Compendium of Claim Tales and Lessons Learned

This program tells the tale of four claims. For each claim, the workshop leader will set the stage by describing the project type, delivery method, and parties involved, followed by the problems that arose and technical factors that led to the claim. The resolution and lessons learned of each case will be revealed, including the impact of the design professionals' errors and omissions on the project and its owners/users. These valuable insights will help participants examine and improve their business practices and project controls to avoid similar situations.



Learning Objectives

1. **Case 1:** Examine how failure to comply with codes and zoning requirements can result in the inability for a client to obtain construction permits and damage the client's ability to complete a project
2. **Case 2:** Understand the importance of change documentation and managing client expectations
3. **Case 3:** Review how design errors, inadequate construction observation, and misrepresentations in the approval of pay applications can impact the client financially, as well as their use of the project
4. **Case 4:** Learn the importance of validating outdated plans before design and performing adequate construction observation can result in damages to city infrastructure

Target Audience

Principals, Project Managers, Project Leaders, Construction Administrators, Project Engineers, Technical/QA/Specifications/Risk Management, Senior and Mid-level Professional Staff

Learning Units: 1.5 AIA CES LUs / 1.5 RCEP PDHs
HEALTH, SAFETY, AND WELFARE QUALIFIED



Could This Happen to You? A Compendium of Claim Tales and Lessons Learned: Season 2

This program tells the tale of four claims. The speakers will set the stage by describing the project type, delivery method, and parties involved, followed by the problems that arose and led to the claim. The final resolution, lessons learned, and health-safety-welfare takeaways of each case will also be revealed. Highlights of the claims include poor business practices, building code noncompliance, lack of communication and documentation, and QA/QC issues. Participants will learn how to avoid or mitigate similar situations.



Learning Objectives

- Case 1:** Examines how the failure to comply with building codes in design and construction can result in significant risks to occupants. In this case, equipment failed due to improperly sized gas lines, and required repair work impacted building occupants as fire-watch safety inspectors had to be onsite during the rework
- Case 2:** Uncovers the risks of inadequate construction contract administration, which can result in structural and integrity issues of buildings during and after construction. Factors in this case included the failure to detect numerous construction defects, including lack of rebar in the building walls, and improper certification of pay applications
- Case 3:** Explores how deficient bridge design elements, such as improper decking thickness and vertical clearance, as well as seismic code compliance—if left uncorrected—can lead to structural failure and bridge collapse
- Case 4:** Reveals the importance of proper documentation regarding site visits and reporting issues/inconsistencies between the construction observed and the project's plans and specifications. In this case, failure to identify discrepancies led to water intrusion and property damage

Target Audience

Principals, Project Managers, Project Leaders, Construction Administrators, Technical/QA/Specifications/Risk Management, Senior and Mid-level Professional Staff

Learning Units: 1.25 AIA CES LUs / 1.25 RCEP PDHs
HEALTH, SAFETY, AND WELFARE QUALIFIED



Developing a Risk Management Plan for Your Firm

Design firms face risk every day. At times, the practice of architecture or engineering can feel like a minefield. The purpose of this workshop is to help guide design professionals through the process without getting blown up by risk. A proactive Risk Management Plan is an essential element of loss prevention and a key ingredient of a design firm's financial success. When a Risk Management plan is integrated into a firm's culture and embraced by its leadership, it makes a significant positive impact on business performance and longevity. Participants will gain strategies and tools to help them develop an effective plan that contemplates the entire project cycle: from client selection to project inception and through project close-out.



Learning Objectives

- Recognize the importance of having a Risk Management Plan
- Distinguish between two broad types of risk for design professionals and identify the four parts of the risk management model
- Understand the purpose and composition of a Risk Management Team
- Learn the seven components of an effective Risk Management Plan:
 - Strategic planning
 - Risk analysis of client, project, team
 - Contract review and negotiation
 - Contract education for the design team
 - Communication and documentation
 - Project and quality management
 - Staff training and development

Target Audience

Firm principals, market/segment leaders, branch managers, and technical leaders who are involved with developing, implementing, or maintaining standards and procedures

Learning Units: 1.5 AIA CES LUs / 1.5 RCEP PDHs



From Scope Creep to Profitability

Change is a key challenge to a basic premise of project management: the control of resources to meet a certain objective by a specific date within a finite budget. Scope creep happens when there is an expansion of services provided without a corresponding increase in the design professional's fees.

Change is inevitable, but scope creep is not. This workshop will help you learn the triggers for change and how to manage the change process to maintain your client relationships—and your firm's profitability.



Learning Objectives

1. Recognize the causes and consequences of scope creep
2. Gain strategies to prevent scope creep
3. Be able to identify the components of a change management policy
4. Learn how to control change through proactive communication and documentation

Target Audience

Firm principals, market/segment leaders, branch managers, and technical leaders who are involved with developing, implementing, or maintaining standards and procedures

Learning Units: 1.5 AIA CES LUs / 1.5 RCEP PDHs



Managing Risk through Effective Communication and Documentation

Communication is the life-blood of a project. Good communication can help ensure a project's success, while poor communication can lead to disputes and claims. Documentation is the narrative of the project process. It begins with contract formation and negotiation, flows through kick-off meetings, project initiation, and design, and becomes very formal during the construction phase. Through real-world examples, this program reveals pitfalls and best practices in communication and documentation throughout a project. Participants learn how proactive communication and consistent documentation can help them manage risk and deliver successful projects.



Learning Objectives

1. Discover how poor documentation and breakdowns in communication can lead to disputes and claims and find out how to establish a proactive communication plan that can be tailored for varying projects
2. Identify documentation triggers and examine best practices in key areas throughout the lifecycle of projects, including contracts, records retention, meetings, email, project performance goals, design technologies, and the construction phase
3. Examine the impact of change on project delivery and learn the key elements of a change management model
4. Be able to create a library of project management templates to establish a consistent documentation management program within their practices

Target Audience

Firm principals, project managers, and other senior and mid-level professional staff involved in project leadership

Learning Units: 1.5 AIA CES LUs / 1.5 RCEP PDHs



Managing Risk through Effective Contracts

Your professional services agreement is an essential tool in managing your exposure to risk. An equitable contract fairly apportions risk, while an onerous contract can shift inordinate—and sometimes uninsurable—liability to you. The terms and conditions of the agreement establish the roles and responsibilities of the parties, and the negotiation process provides an opportunity to set reasonable expectations with your client.

This workshop reviews the risk management fundamentals that underlie the development of effective contracts, the contract review process, and key clauses that impact your risk exposure.



Learning Objectives

1. Learn risk management fundamentals that underscore the importance of a carefully drafted, fair, and equitable professional services agreement
2. Walk through the contract lifecycle from client/project selection through project inception and delivery
3. Explore the top ten areas of a contract that are critical to managing the risk of claims
4. Gain strategies and a checklist that help manage the contract review process

Target Audience

Firm principals, contract officers/managers, project managers, and other senior and mid-level professional staff involved in project leadership

Learning Units: 1.0 AIA CES LUs / 1.0 RCEP PDHs



Proactive Construction Administration: Strategies, Solutions, and Success

The construction phase is where a project comes to “life,” and the design professional’s role in construction contract administration (CCA) is critical to the success of the project. Simply put: the purpose of CCA is to determine, in general, whether the project is being built in conformance with the design intent.

Using the A201™-2017 as a framework, participants will explore the roles of the client, design professional, contractor, and subcontractors. They will also acquire techniques and strategies to help foster a collaborative environment, identify problems early, lessen project risks, and effectively deliver the project.



Learning Objectives

1. Recognize that the greatest risks surface during the construction phase of a project, and that proactive CCA can support the continuity, quality, and intent of the design
2. Learn to navigate the roles, responsibilities, authority, and expectations of the project participants and promote a collaborative approach among the project team
3. Understand the importance of facilitating project communications, maintaining clear project records, and identifying/addressing problems in a timely manner
4. Acquire strategies, tools, and techniques to more effectively administer the contract for construction, including the performance of field observation duties and managing client expectations

Target Audience

Firm principals, market/segment leaders, project managers, and those who are involved with construction administration and site observation

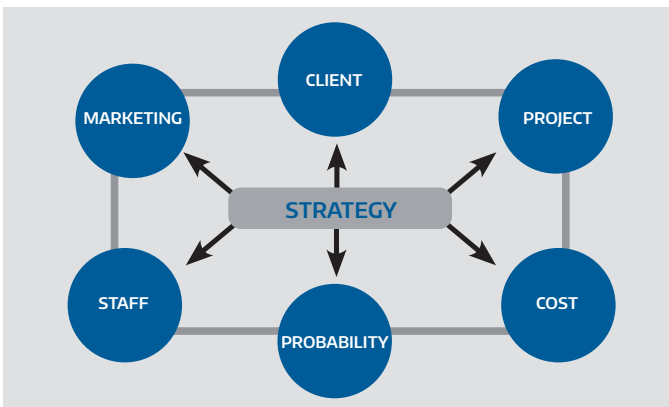
Learning Units: 1.5 AIA CES LUs / 1.5 RCEP PDHs



The Go/No-Go Process: Promoting Effective Marketing and Risk Management

You'll frequently hear insurance companies talk about the Go/No-Go process simply as a means to avoid risk. That's certainly an important part of the decision-making process, but this practice-focused workshop recognizes that projects are the lifeblood of your business and that your marketing efforts are investments—ones that have significant impact on the bottom line.

Because a structured and systematic Go/No-Go process can help you make decisions more objectively and better manage the cost of marketing new business, we've developed a flexible yet strategic approach that encourages active thought and discussion to reach a reasonable conclusion. This workshop addresses the identification of key factors in making the Go/No-Go decision.



Learning Objectives

1. Learn how to make Go/No-Go decisions with greater objectivity
2. Recognize how marketing decisions must work in concert with strategic goals, revenue objectives, and operational realities
3. Identify the criteria that factor into an objective Go/No-Go decision
4. Understand how to develop a win strategy based on the information that has been gathered

Target Audience

Firm principals, senior project managers, and any staff involved in the acquisition of clients or projects

Learning Units: 1.0 AIA CES LUs / 1.0 RCEP PDHs



The Go/No-Go Process: Risk Analysis of Client, Project, and Team

The Go/No-Go process is an important component of risk management. Analyzing and understanding the qualifications and capabilities of the client, project, and team are critical to making informed decisions in the pursuit and implementation of A/E projects. A structured and systematic Go/No-Go process can also help you better manage the cost of marketing new business through more objective decision-making. We have developed a flexible yet strategic approach that encourages active thought and discussion to reach a reasonable conclusion. This practice-focused workshop addresses the identification of key factors in making the Go/No-Go decision.



Learning Objectives

1. Learn how client qualifications impact an architect or engineer's ability to design quality projects
2. Recognize how marketing investments and decisions must work in concert with strategic goals, revenue objectives, and operational realities
3. Identify practice criteria that factor into an objective Go/No-Go decision including contracting, quality management, and construction administration
4. Understand how composition of the project team impacts efficiency of the design team and timeliness and quality of the project delivery process

Target Audience

Firm principals, market/segment leaders, branch managers, and technical leaders who are involved with developing, implementing, or maintaining standards and procedures

Learning Units: 1.5 AIA CES LUs / 1.5 RCEP PDHs



Understanding Your Contract: The Foundation for Successful Projects

Understanding the purpose and content of a professional services agreement is an essential skill in project management. The contract establishes the intent and parameters of the project and confirms the roles, responsibilities, and expectations of the parties. A fair and balanced agreement sets the stage for a productive relationship between you and your client and fosters a positive experience throughout the project.

This comprehensive program provides an overview of risk management fundamentals, the contract review process, and the typical organization of the owner-design professional agreement. You will examine key contract elements: initial project information, scope of services, client responsibilities, cost of the Work, general terms and conditions, compensation, contractor responsibilities, and specific disclaimers and exclusions.



Learning Objectives

1. Review risk management fundamentals that underscore the importance of a carefully drafted contract
2. Understand the organization and main components of a professional services agreement
3. Examine five key contract clauses that impact your professional liability risk
4. Review four disclaimers and exclusions that can help define your role and responsibilities—and limit your exposure

Target Audience

Firm principals, contract officers/managers, project managers, and other senior and mid-level professional staff involved in project leadership

Learning Units: 1.5 AIA CES LUs / 1.5 RCEP PDHs



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About Berkley Design Professional

At Berkley Design Professional, we are Better by Design®. We transform uncertainty into opportunity so our clients can confidently build a better tomorrow. We provide design firms with innovative and comprehensive Architects & Engineers Professional Liability Insurance. We offer state-of-the-art, award-winning risk and practice management guidance and resources that help our policyholders manage their exposures and improve their businesses. Our in-house claims professionals provide fair, results-oriented claims management. Our mission is to relentlessly protect our clients' work, reputation and dreams. Berkley Design Professional is a division of Berkley Alliance Managers, which is a member company of W. R. Berkley Corporation whose rated insurance company members are assigned an A+ (Superior) rating by A.M. Best. berkleydp.com

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Practice management recommendations should be carefully reviewed and adapted for the particular project requirements, firm standards, and protocols established by the design professional.

Products and services are provided by one or more of insurance company subsidiaries of W. R. Berkley Corporation. Not all products and services are available in every jurisdiction, and the precise coverage afforded by any insurer is subject to the actual terms and conditions of the policies as issued.

** Each policy year, firms that participate in one or more Berkley DP education programs qualify for a single 15% risk management education credit that will be included in rating and reflected in the firm's next policy quotation. Please note that the education credit opportunity applies only to primary policies; excess policies are not eligible.*

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