wambeti legal



Superintendent vs project manager in construction or infrastructure projects

Date: Monday May 13, 2024

This blog discusses the role that a superintendent will usually take in a construction or infrastructure project. To aid this understanding, this blog provides a list of 4 differences between the role of a superintendent and a project manager, which are:

1. site presence;
2. scheduling of activities;
3. responsibility for quality in construction works; and
4. contractual obligations.

Role of a superintendent on construction projects

The superintendent is like the third wheel who is not a party to the construction or infrastructure contract, but is appointed via the contract. A popular description is that a superintendent is typically responsible for the direct supervision of the activities on the construction site on a daily basis.

On a single project, there could be several superintendents allocated to different disciplines; for example, a single project can have a mechanical superintendent, a construction superintendent, and an electrical superintendent.

Typically, the superintendent is appointed by the principal to:

- administer the contract; and
- facilitate communications between the principal and the contractor.

Administering the contract involves:

- certifying functions; and
- acting as an agent for the principal.

The key takeaway to consider is that the principal must ensure that there is a superintendent on the project at all times.

Role of a project manager on construction projects

The role of a project manager or PM is generally to oversee all aspects of the project for the business. They have the overall responsibility for planning, monitoring, and reporting to management on all matters concerning a project.

This role is not typically prescribed in a construction contract, even though it is critical to the project's success. Often, a project manager's role is defined within an employee's job description and as such, the job description may vary from one company to another.

For some companies, the project manager can be assigned the task of being a superintendent within a contract for a specific project.

Superintendent vs project manager role

The superintendent and project manager may have different responsibilities, shared responsibilities, and even different levels of authority. Once again, this all depends on the size and complexity of the project, and it may differ from project to project.

Contrary to some popular misconceptions, both roles are highly professional management roles, and each requires well-developed people skills and technical knowledge.

The responsibilities and levels of authority between a project manager versus a superintendent can often be compared and contrasted in the following ways:

Site presence

It is possible to boil responsibilities down to who is present at the construction site. This is one of the biggest differences between a superintendent and a project manager.

In general, the superintendent will work on the ground and is responsible for the execution of the work, while the project manager will typically work in the project office with part-time presence on site.

Scheduling of activities

This can be said to be a shared role between a superintendent and a project manager and perhaps it is more of a similarity than a difference between the two roles.

Successful scheduling or sequencing of different disciplines of work is one of the measures of a successful project. It is one of the keys to achieving a project ‘on time’. In most cases, the superintendent is responsible for ensuring the sequence of activities that has been set for the project (under the contract) is met on the ground, at the site.

The project manager may be someone that focuses on any scheduling complications on the overall project; for example, where there may be several superintendents looking after different disciplines, as noted earlier. In terms of ‘soft skills’, both roles require time management skills for successful scheduling.

Responsibility for the quality of construction works

Once again, due to the day-to-day supervision requirements of a superintendent, they can directly influence the quality of the workmanship and materials used in the project or construction. A project manager is not necessarily attending the site on a daily basis. A superintendent therefore is generally responsible for understanding the construction materials with a greater level of detail than a project manager.

Also, generally, within a contract, there is a requirement that the work completed must be to the satisfaction of the superintendent rather than the project manager. This demonstrates that the ability to achieve completion of a section of work may, in fact, rest on the decision of the superintendent.

Contractual obligations

A construction contract will typically have terms that describe the role of the superintendent, and there is generally no similar provision for a project manager.

Generally, the construction contract will require the superintendent to be an independent decision-maker for the project. On the other hand, a project manager is not required to make decisions independently, since they have obligations towards their employer.

Examples of typical superintendent duties on a construction project

Issuing instructions and directions

This requires attributes such as good oral communication skills, ability to work with different kinds of people and generally being able to build trust on the construction site.

Making decisions required under the contract

The decision of the superintendent is required in certain circumstances, such as when determining whether the work has reached a certain stage of construction, or whether the quality requirements have been met by the contractor.

Another example is when the superintendent makes the decision on whether appropriate documentation has been provided by a contractor. A typical construction contract may also require the principal to ensure that the superintendent acts reasonably and fairly in performing their functions.

Issuing and reviewing contractual letters and communications

This obligation is closely linked to the above examples. Generally, there are certain communications that are better done in writing. One of these is a direction to vary the quantities in a contract, which would require a written notice from the superintendent.

Similarly, a superintendent’s decision on whether to grant an extension of time to a contractor would typically require formal contractual notification from the superintendent. This is similar to the certifying of payment claims from the contractor, which need to be done in writing.

Certain communications from the contractor would, therefore, need to be addressed to the superintendent, or sometimes the contract may state that the communication is to be addressed to both the superintendent and the principal. One example is typically a request from the contractor to grant an extension of time.

Examples of typical project manager duties on a construction project

Building the project team

This may involve determining whether the project requires dedicated resources such as schedulers, contract administrators, engineers, and so on. Such resourcing decisions depend on the budget allocated to the project or the size or complexity of the project.

Negotiating with external subcontractors, vendors, and suppliers

It is critical for the project manager to play a key role in assessing bids from external suppliers who want to participate in the project. A good analytical and documented process is required to ensure that costs are kept under control during the course of the tender process.

Responsible for the project finances and tracking the budget

This is related to ensuring that the project is completed within the budget. This responsibility is often supported by accounting professionals and relevant software tools to help ensure that the project's profitability can be tracked against the budget.

Creating construction schedules

To deliver a project 'on time' requires a project manager to create an organised work breakdown structure and implement a schedule that is achievable for all the project team members. Typically, a complex project will require both a scheduler and an appropriate software tool. As an overseer, the project manager can manage any schedule slippage or delay that would threaten the project.

Get help from a construction law lawyer

Wambeti Legal can assist you with ensuring that your contracts are properly drafted to ensure that the obligations intended for the superintendent or the principal will actually match what is intended to occur on the ground by:

- providing advice on the appropriate terms to use in your construction project;
- assisting with contract negotiations and drafting;
- providing advice when contractual letters need to be provided under the contract
- assisting in resolving disputes involving defects.

If you found this article interesting and useful, you may also like to read "The transition to practical completion in construction projects".

Contacting Wambeti Legal

0423 825 235

hello@wambetilegal.com.au

This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.