

**Engineering Errors:  
Engineers Evaluating Engineers  
By Kenneth C. Smith, P.E.**

The development team of a major “big box” department store had plans to open a new store, and retained an engineering consultant to perform a preliminary evaluation of potential sites for suitability of development. A site was selected and presented to the engineer for evaluation. The developer specifically requested that the engineer evaluate a waterline easement along the frontage of the site where primary access to the proposed shopping center was needed.

The engineer performed an evaluation and prepared a report finding no negative impacts to the proposed development. The site was purchased and the engineer was retained to prepare the construction drawings. During final design, the easement of concern to the developer was found to contain a large high-pressure waterline that was a critical cooling line for a major industrial facility. Because access drives crossing the easement were required by the land plan and configuration of the proposed development, the pipeline along the entire frontage had to be relocated at a cost in excess of \$1.5 million, causing a major impact to the feasibility of the development.

The developer sued, and we were retained by his attorney as an engineering expert to evaluate the actions of the consulting engineer. We prepared a Certificate of Merit, evaluated several expert reports prepared by experts for the consultant, and prepared our expert report demonstrating that during the pre-purchase evaluation, the engineer had a duty to identify conditions that would impact the development, such as the need to protect and/or relocate the high-pressure waterline, and that by failing to identify this requirement prior to purchase, the engineer did not meet the generally accepted standard of care for this type of engineering work. Based on our report and assistance to the attorney for the developer, the case was settled favorably for the developer prior to trial.

*Kenneth Smith, P.E., of ProNet Group, Inc. has over 35 years of experience conducting forensic engineering evaluations, engineering design, public and private bidding of projects, construction management, feasibility studies, cost estimating, agency approvals and hearings, boundary surveys, platting and subdivision of property and topographic surveys. For more information call 800.216.7268. For further information on ProNet Group, visit their website at*

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