

## Project Documentation Part Two: The “Hows” and “Whys” of Daily Construction Reports

by Bryan L. Jeffries

*This is the second of a three part series addressing project documentation. [Click here to view part one.](#)*

### All Daily Reports Must Contain the Basics

The daily report should record what happened on the project for future use, which should include at a minimum:

- A record of important conversations regarding key facts, e.g., disputes, extra work etc.;
- Daily progress of the Project and productivity by you and those working for you;
- Change orders discussed, issued and/or approved;
- Events impacting the schedule;
- Daily weather conditions;
- Hidden/differing site conditions;
- Discrepancies in plans/specs;
- Delays, acceleration, interference;
- Stacking of trades;
- Lack of coordination by the owner/other trades;
- Tests and their results;
- Inspections with pass/fail information;
- Major material deliveries (complete, damage, correct, etc.);
- Jobsite visitations and reasons (arrive/leave info);
- Shared equipment usage; and
- Any “people” issues.

### Daily Reports Are Often the Best Evidence to Prove Certain Claims

Claims that daily reports are best used to support are:

- Time and material costs under change order clauses;
- Constructive changes;
- Acceleration (formal and constructive);
- Suspension of work;
- Schedule Impacts;
- Delays;
- Interference;
- Lost Productivity;
- Sequence Changes;
- Disruptions;
- Force Majeure; and
- Wrongful Terminations



## Offices

### Toledo Office:

One Seagate, 24th Floor  
P.O. Box 10032  
Toledo, Ohio 43699  
Phone: 419-241-6000  
Fax: 419-247-1777

### Columbus Office:

100 East Broad St.  
Ste. 2100  
Columbus, Ohio 43215  
Phone: 614-564-1445  
Fax: 614-280-1777

### Findlay Office:

510 South Main St.  
Findlay, Ohio 45840  
Phone: 419-424-5847  
Fax: 419-424-9860

### Detroit Office:

615 Griswold, Ste. 1305  
Detroit, Michigan 48226  
Phone: 313-818-3040  
Fax: 313-285-9282

Constructive changes involve disagreements over interpretation of contractual provisions and specifications. Daily reports will help with means and methods, over-inspection, contract interpretation based on action, and much more. You can strengthen and reduce interpretation of the content of the daily report by:

- Tracking additional work activities and impacted activities in support of the schedule;
- Referencing specific drawings, sections, details;
- Tracking by specific cost codes and issues;
- Activity-centric reporting;
- Relating impact documents to field activities;
- Crew movements/reassignments;
- Work effects from the environment; and
- Changes in means and methods.

## **A Daily Report Can Provide Direct Support of Schedule Claims**

Be sure to get answers to the following items recorded in the daily report:

- Actual start of an activity. If it is delayed, why?
- Were all items needed to start on-hand/ready?
- Were any activities stopped /postponed for any reason?
- The completion of an activity.

Rest assured, each and every item set forth above is valid, and a crucial aspect of daily reporting. Whether it be in the field, at lay down yards, in the job trailer or at any one of a dozen other places where work is being accomplished, recordable items are ongoing and must be recorded for a full and complete storyline. If maintained correctly, the daily reports will tell the story better.

## **Contractors Need to Make It Easy to Do the Daily Report Each Day**

There is no excuse for not compiling a daily report if you look at all the benefits to having one. Every person compiling the daily report should arrive at the project with the following items in hand:

- A hard-backed pad or clipboard and a pen;
- A laptop, or other portable computing device, if possible;
- A small durable tape or digital voice recorder;
- A digital camera with date and time stamp;
- Ability to record video; and
- A flashlight and tape measure.

## **How to Use the Daily Reports**

You must make sure that you accomplish the “must” topics. After someone has read your daily report, he or she must have an accurate sense of the daily accomplishments, which are easily shown by a simple list of those items accomplished under your watch. You must also let him or her know what you planned to do and why it did not happen. You must make sure to show where the list requires amplification —follow-up with adequate detail — without being wordy. Be sure that you tag the items with the necessary identifying items. Do not make people guess. Remember, most people who read your diary do not know your project or specific work. Spelling and superb grammar are not critical unless they lead to misreading.

Check for consistencies. You want to be sure the updated schedule and your daily report agree on dates and relative status. Referencing the schedule supports the fact that the schedule is being used by the field.

List the manpower on your project. More importantly, indicate where they were assigned/working, especially if you are spread out over the job site.

Likewise, list the equipment by type and identifying number, and like manpower, indicate if it was active and where it was used. If it is down for maintenance, say so.

If an impact occurs, tie it into the schedule and concentrate on the contemporaneous aspects, which include the following:

- When was the first indication and who discovered it?
- On which schedule activity did the impact originate?
- Get and list names.
- Note time of day.
- Be specific about location.
- Separate fact from opinion.
- Think cause-and-effect.
- Include lots of photos and video.
- Think safety!

## Always Avoid “Dangling Facts” in Daily Reports

Eventually, daily reports will be used by non-project parties. All that we have said thus far aims at making daily report as strong as they can be. Why? So people like attorneys (yours and opposing), forensic experts, witnesses, judges, arbitrators and other relevant players can agree on what the report says and to remove basic identifying arguments. Remember this simple question: *what can be read on your report by others?*

The answer is simple — *exactly what you have written*. If your writing is not clear and facts are incomplete or missing, what happens next? Your daily report is either discarded as useless or others, using their related or similar experience, will interpret what you said, and may even use it against you. Either way, your daily report did not serve the purpose intended by contemporaneous documentation. It may even have become a “loose cannon.”

## Do Not Express Your Emotions in Daily Reports

Do not use your daily report to vent your feelings. Attitude does not belong in a daily report. Just report the facts. Everything you write will be read and subject to interpretation. This can lead to disaster. Do not use foul language — it only degrades the author.

## Write for Your “Audience”

The people who read and use your daily reports certainly will not know the field work to the level of the contractor. Most post-project reviews rely on your daily reports to learn about the project. Essentially, you, the author, are the instructor and the job historian. You are writing for the reader, whoever that might be. You must remember that your report is at best, only your side of the story. But, if facts are recorded honestly and accurately, they belong to the actual story no matter who tells it. You want the reader to comprehend your side best of all. Stay away from any jargon not familiar to the general public. If you must use acronyms or mnemonic words/phrases, be sure you define them before or when you use them.

Be specific. A statement, made at the time you wrote, may have seemed to be quite descriptive. But after several years later, it may be without value.

For example, consider this entry: “We were installing that pump and the anchor bolts were too short.” For facts related to the pump and anchor bolts, you need to record:

- What specific pump and anchor bolts were referenced?
- What was the specific activity?
- Was it on the schedule?
- What drawing detail was defining the projection?
- Where are they located?
- What did this discovery mean?
- What is the follow-up and when is it expected?
- What are the possible fixes?
- How much is too short?
- What successor work will be caused by this delay?

## Always be Truthful and Factual

If you know the facts, report them as best you know them. If you are unsure of some or all of the facts, say so. If the facts are obtained by you for another person, include it and provide names. Do not get caught in an outright lie — this can discredit all that you have recorded. When getting the names, verify spellings.

## **Weather, and Its Effect on the Project, Needs to be Accurate and Verifiable**

You are not the local TV weather announcer! Weather is important only if it affects your current work. Although it is interesting to know that a particular day was cloudy, that fact alone has no significance to your daily report. Facts that should be recorded include:

- What were the specific effects on your work?
- Did the weather affect safety conditions for ongoing work?
- Was certain work or work as a whole stopped? If so, was it all day, part of a day, or multiple days (left over from weather days before)?
- Were critical material/equipment deliveries affected?
- Were tests or inspections conducted?

## **All Referenced Attachments Must Actually be Attached to the Daily Reports**

When you have referred to or used an attachment such as a picture or exhibit to complete or amplify your statements, do not lose it. And, keep a copy with the report. Without the attachment, your document may fail to communicate and will lose credibility.

## **Consider Having a Third Party Maintain Copies of the Daily Reports**

Good business practice is to have a third party maintain a hard or soft copy of the signed daily report. This party can later testify that these reports are the original unchanged documents. This helps get past the electronic concerns allowing documents to undergo change.

## **Never Change the Daily Reports After They Are Issued**

Once a daily report is signed, it should **never** be changed. If a mistake is found or the daily report needs editing, make the notations on the next daily report — DO NOT edit contemporaneously maintained history. This is a golden rule!

*For questions related to project documentation, or advice on other construction issues, please contact [Bryan L. Jeffries](#), chair, Construction Law Practice Group, at 614-564-1449, or [bljeffries@eastmansmith.com](mailto:bljeffries@eastmansmith.com).*

---

### **Disclaimer**

The article in this publication has been prepared by Eastman & Smith Ltd. for informational purposes only and should not be considered legal advice. This information is not intended to create, and receipt of it does not constitute, an attorney/client relationship.