

INSPECTOR'S CORNER

Commercial Flooring: Risk/Reward

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With all of the bad news around the country in the housing sector, the thought of branching into commercial work has certainly occurred to more than one beleaguered residential flooring dealer. The idea of large jobs, wide open spaces and no "Mrs. Homeowner" to deal with must seem pretty good when walk-ins are few and far between. However, for those that have stepped behind the curtain, the reality of commercial work is something that for the uninitiated might best be termed a rude awakening. If you think "Mrs. Pink Pillow-shams" is bad news, wait until you find out how long the days can be with just one ill-tempered superintendent from one really difficult jobsite in your life!

Most of my time is spent dealing with commercial-flooring concerns, and I realize commercial work is commonplace to many. If you asked me to choose off of the top of my head the most prevalent complaint in commercial flooring, I would generally characterize the type as "this isn't sticking to that." Simply put, the majority of problems are on the back-side rather than the face side of commercial flooring. In the commercial world we are almost always trying to adhere some type of flooring to some type of substrate, and more than 90% of that is concrete slabs, most of which could be characterized somewhere between the good (very few), the bad (most) and the *truly ugly*. Glue-direct flooring might seem like a pretty good thing to someone looking over the fence, especially if they are coming from the residential world of "seam-peaking" and "restretch-it-it-is"; that is, until they can find out just how many problems can come when you try to stick something to concrete in today's fast-track construction world.

You have heard what I believe to be the primary complaint. Why has this complaint type seemed to grow so rapidly, especially in recent years? Besides the fact that we simply are gluing down more flooring than ever (very little commercial carpet is stretched-in these days), the speed of the construction process would be near the top of that list. But two concerns I want to mention don't seem to get much press. I believe they are extremely important, especially for those wondering whether to get their feet wet in commercial work. They are: *Evaluation* and *Documentation*. These are two of the most important pieces of the puzzle when it comes to "sticking this to that". They are also the details most often lacking in the vast majority of commercial-flooring claims that I inspect or read about being inspected by others. Savvy construction management teams and owners are well aware of the implication of this reality, and they use it to their advantage time and again.

The construction world has an understood principle: Covering denotes acceptance. Translation: **At the point one trade covers the work of some other trade (i.e. floor-covering installer glues flooring to concrete placed by others), the prior work and product is deemed to have been reviewed and accepted as correct and sufficient for the finish covering it.** This principle has been upheld in courts of law again and again. This means if you begin installing over a concrete slab you have deemed it dry enough, uncontaminated enough, carbonated enough, compressively strong enough, smooth enough, and stable enough to receive flooring the minute you drop that first run into the adhesive. Most know this;

however, what type of substrate review/testing/evaluation do we typically see taking place prior to installation? I am afraid the answer is little to none and that with very poor consistency and/or methodology; most still go by intuition. Regardless of what you have heard, evaluating concrete is far from intuitive, and the penalties for errors in judgment are severe. Several large litigations are currently in process here in the northwest regarding this very issue.

Worse yet, if any evaluation or testing was performed prior to installation, often little or no documentation is kept to show that the "flooring professionals" performed their due diligence. "But we talked about the moisture problem prior to installation, and they forced us to proceed". If it is not in writing and transmitted between the parties, it never happened; that's what your attorney will tell you. "I just tell them it is not my responsibility, and send them a copy of the WFCFA White-Paper on Moisture." Good luck with that one. I am not aware of any project failure from around the country where the flooring contractor was protected by "head in the sand" strategy. If you choose the above or similar courses of actions, you have just given the general contractor or owner a "get out of jail free" card and a simple way to lay a very large and expensive flooring failure right in your lap should it ever occur; sooner or later, everyone has a problem job.

So how can the dealer or installation team looking to expand avoid this pitfall? The full answer can take some time, so let's start with this. First of all, "stay out of the kitchen if you can't take the heat". That one should need no explanation. Second, stop wringing the hands and commiserating with the "woe is me" group about how unfair it all is; arm yourself with information, utilize your resources and know your contractual rights. If you don't know what these are, consult with someone who does. What little this will cost you could save you \$\$\$\$\$\$\$\$'s in the long run, and you will likely find that you begin to enhance your margins with consistent and more professional work practices. Third and last for now: Commercial flooring in the year 2008 is a paper-work (more appropriately computer-work) heavy environment, and this does not just refer to ordering products and paying invoices. DOCUMENTATION IS NOT OPTIONAL, IT IS MANDATORY FOR YOUR PROFESSIONAL SURVIVAL. I do know good documentation can resolve a claim long before the attorneys get involved. If the terms RFP, RFI, assumptions and clarifications, 096519.3.03.C1, submittal, inclusion, exclusion, indemnification, hold harmless, contractual obligation, field work authorization, direction to proceed, proceeding under protest, appeal process, etc., are unfamiliar, then you definitely need to do some additional research before jumping into the commercial-flooring sector.

There is great opportunity in commercial flooring for those willing to step up to the challenge; there is also great risk. Evaluation and documentation are good work practices, even if you never have any intention of competing in the commercial-flooring market; you will greatly reduce your risk and resulting liability by being a proactive professional whatever your market. Anything less is just excuse-making; the reality is excuse makers are often left holding the bill.