

# For Publication

Date: February 8, 2012 Number: Pub-12-01

Contact: Jeffrey Plant e-Mail: jplant@plantgroup.com

# Re: EVIDENTIARY VALUE OF DATA RETRIEVED FROM A PROLOG DATABASE

PROLOG software is North America's leading construction project management solution, offering the most complete system of record for capturing and managing project information, from the field to the back office. PROLOG is for project managers accountable for construction costs, scope and schedules, and for project teams contributing to the successful delivery of projects. Built by construction professionals, for construction professionals, PROLOG is designed to match today's industry processes, while being adaptable to meet individual project requirements.

Of the over 6,000 companies using PROLOG, most have been or will be involved in a claim that will potentially lead to a formal dispute resolution process or litigation. Many wonder about the evidentiary value of information retrieved from a PROLOG database.

The admissibility and persuasiveness of evidence derived from a PROLOG database will depend to a large degree on how PROLOG was being used on the project. Meridian Systems claims in its marketing materials that PROLOG provides "complete transparency to project stakeholders, becoming the industry standard for construction project control and transparency." The word "transparency" is the key to ensuring that information from a PROLOG database will not only be admissible but persuasive.

PROLOG may be set-up and used in many different ways on a construction project. Some of the most powerful features of PROLOG have to do with document control and field administration. When used to its full potential, all communications (including requests for information, submittals, correspondence, conversation records and e-Mails) between project team members will be tracked and recorded in the database. Even if not all members of the project team are using PROLOG, PROLOG can keep a digital copy of a communication with a non-PROLOG user and track the responses. PROLOG will be able to retrieve all communications with any party (provided they were entered into the database or issued using PROLOG) and provide a linked list of documents in the communications thread. Even if a paper copy was never generated, PROLOG has been relied upon to produce records showing what was communicated to whom and when.

One of the most important evidentiary documents generated during a construction project is the Daily Journal that should be prepared by, or on behalf of, the Construction





PLANNING. PROCESS. PERFORMANCE.



Superintendent or Construction Manager. Daily Journals can be set-up so that they include the digital signature of the individual responsible for preparing and issuing the report. This method may not have the same persuasiveness as a system where the form is printed and signed in ink and the document scanned back into the system. Both options are possible within the PROLOG environment.

PROLOG also tracks when reports are received and automatically generates reminder notices to the responsible party (usually the Superintendent) and to the Project Manager that the report is late. A number of interface options exist including excel templates and tablet computers (iPAD or Android-driven) that greatly simplify the field reporting process. PROLOG makes it very easy to attach scanned documents (like delivery slips) and construction photographs. The advantage of using PROLOG to prepare Daily Journals is that they are more likely to be prepared on a daily basis, with meaningful information included, than if they were prepared by hand. On many job sites, keeping hand-written Daily Journals up-to-date and with sufficient detail included is a burden for Superintendents and field personnel.

The first challenge is in getting good Daily reports from a job site - this requires a formal procedure and due diligence by the company (through the Project Manager usually) to ensure that the procedure is being followed. The second is ensuring that those reports will have evidentiary value in the event that a dispute arises. The most effective way to ensure evidentiary value is to share the Daily Journal with the client and key project team members on a timely basis. Once the document is issued outside of the immediate organization, it becomes virtually impossible to alter and can usually be relied upon in evidence.

Our experience with construction disputes has been that every time there has been a good electronic document management system in place, our clients have always settled. Preparing evidence when a powerful document management system such as PROLOG® is in place is a whole lot easier, more efficient and effective than when one needs to sift through thousands of paper documents.

In summary, using PROLOG to help manage your projects can be made as "bullet-proof" as you wish to ensure that the information has strong evidentiary value and an audit trail that can be legally verified.



## **About Plant Group**

For over fifteen years, Plant Group has been providing project management and engineering services related to transportation and environmental infrastructure, buildings and industry. Based in Markham, Ontario the firm has worked on projects in North America, South America, Europe, Africa, Asia and the Caribbean. Operating with a core group of full time staff, the firm collaborates with an extensive network of independent professionals, established consulting firms and general contractors to meet diverse Client needs. Further information is available at www.plantgroup.com.

Plant Group is delighted to have been selected by Meridian Systems as the Value-added PROLOG Reseller for Eastern Canada. As project management professionals Plant Group appreciates Meridian's proven track record of delivering robust management tools to the A/E/C market. As Value-added Resellers, Plant Group offers its clients a streamlined migration path to seamlessly integrate a best-in-class project management system into their daily operations.

Plant Group cautions readers to seek independent legal advice regarding construction claims and admissibility of evidence. Admissibility may depend upon other factors or circumstances to which this article may not apply.

# **Plant Group Contact**

Julian Plant, Account Manager 905-482-4990; julianplant@plantgroup.com

#### **About Meridian Systems**

Meridian Systems, a Trimble Company (NASDAQ: TRMB), is the Plan-Build-Operate technology solutions leader for project-based organizations. Building owners, construction and engineering firms, and public agencies use Meridian software to effectively manage capital building programs and facility assets. Meridian offers construction project management and infrastructure lifecycle management solutions that reduce project costs and schedules across the Plan-Build-Operate project lifecycle.

### **Meridian Contact**

Martin Moran, Channel Manager 708-710-5447, mmoran@meridiansystems.com