

Building Industry Association of Lancaster County (BIA)



Contractor Quality Commitment Program **OVERVIEW**

BUILDING INDUSTRY ASSOCIATION'S ETHICS COMMITTEE

The Contractor Quality Commitment Program is a program administered by the Building Industry Association of Lancaster County's Ethics Committee to provide a fair and balanced resolution of customer disputes with BIA members. The Ethics Committee is a group of BIA members who are appointed by BIA to oversee and issue recommendations of the program. Ethics Committee members are experienced in construction industry standards. The program is non-binding unless there is a written agreement between the customer and the member. The BIA and the Ethics Committee do not represent any customer or member in a legal capacity and, in administering this program, the Ethics Committee is solely acting as a neutral third party. The program is a first step in the dispute resolution process. It is designed to allow members and customers to avoid having to go through further dispute escalation and to instead work toward a resolution of their disputes in an efficient and cost-sensitive manner. The program is only available to members and customers who have not engaged an attorney or filed any complaint or other legal action to resolve the dispute. This program is not available for dispute resolution involving any non-BIA member or for dispute resolution between BIA members.

PROCEDURE FOR CUSTOMER COMPLAINTS

The following procedure applies to participants in the program:

1. Customers who wish to utilize the program should submit a formal, written complaint to the BIA. Complaint forms are available upon request.
2. When submitting a complaint, the customer should consider the following questions:
 - a. What was the nature of the project?
 - b. When was the project completed or supposed to be completed?
 - c. What is the complaint?
 - d. What is the expected solution?
 - e. What was the BIA member's response to the complaint?
 - f. Have you met all of your obligations with the BIA member?
 - g. Are you willing to have the member correct any alleged problems?
 - h. What is your number and the best time to reach you?
3. When the complaint is received, BIA will determine whether the complaint meets the criteria for the program. If the complaint is incomplete or information in the complaint indicates that the complaint has already been escalated beyond a point of resolution (i.e., legal counsel has been obtained or a formal complaint has been filed in court or with another alternative dispute resolution administrator), then the complaint will be rejected. BIA reserves the right to reject any complaint in its reasonable discretion.
4. If the complaint is complete and determined to meet the criteria for the program, a copy will be sent to the BIA member for response and suggested correction of the problem.
5. The BIA member is expected to respond within one (1) week of receiving the complaint and to indicate whether the BIA member is willing to resolve the complaint.
6. If the BIA member does not respond, or indicates that it is not willing to resolve the complaint as requested by the customer, the complaint will be referred to the BIA Ethics Committee for resolution.
7. The Ethics Committee will meet within 20 business days following referral of the complaint to the Ethics Committee.
8. The Ethics Committee will render a recommended resolution in writing to both the BIA member and the customer within 45 days after the Ethics Committee's final meeting regarding the complaint.
9. In determining a recommended resolution, the Ethics Committee will consider the complaint and all supporting documentation submitted with the complaint, as well as all applicable standards of the industry or trade involved.
10. The recommended resolution is non-binding unless both parties agree in writing.

OTHER DISPUTE RESOLUTION PROCEDURES

If this program does not result in a resolution of the dispute, customers may ask BIA for a list of local mediators to facilitate an agreement between the parties. Mediation can be a cost-effective alternative to litigation, but requires both parties to agree to the resolution. The list of mediators does not constitute a recommendation by BIA of the mediators, and customers are encouraged to research and review each mediator to determine which one is the best mediator to handle their complaint.

CLAUSES IN SALES CONTRACT

Prior to initiating any dispute, Customers and BIA members are encouraged to review their contract(s) to confirm what, if any, dispute resolution procedures are outlined in the contract. You may have agreed to participate in this program pursuant to the contract, or agreed to resolve disputes in another manner which would preclude the use of this program.

DISCLAIMER

PARTICIPATION IN THIS PROGRAM IS VOLUNTARY UNLESS REQUIRED BY THE SALES CONTRACT BETWEEN THE CUSTOMER AND THE BIA MEMBER. IN PARTICIPATING IN THIS PROGRAM, THE CUSTOMER UNDERSTANDS THAT THE CUSTOMER IS NOT ENTITLED TO RELY ON ANY DETERMINATIONS MADE BY BIA OR THE ETHICS COMMITTEE IN REVIEWING THE COMPLAINT OR ISSUING A RECOMMENDED RESOLUTION. CUSTOMER MUST MAKE CUSTOMER'S OWN DECISION ABOUT WHETHER CUSTOMER WILL PARTICIPATE IN THE PROGRAM AND AGREE TO ANY RECOMMENDED RESOLUTION ISSUED BY THE ETHICS COMMITTEE. CUSTOMER UNDERSTANDS THAT CUSTOMER MUST HIRE AN ATTORNEY TO PROVIDE LEGAL ADVICE REGARDING CUSTOMER'S RIGHTS AND OBLIGATIONS RELATED TO THE COMPLAINT. IF CUSTOMER HIRES AN ATTORNEY, CUSTOMER IS NOT ELIGIBLE TO PARTICIPATE IN THE PROGRAM. CUSTOMER'S PARTICIPATION IN THE PROGRAM MEANS THAT CUSTOMER IS ACCEPTING THE RISKS INVOLVED IN NOT CONSULTING AN ATTORNEY. CUSTOMER MAY HIRE AN ATTORNEY AT ANY TIME, AND MAY CHOOSE TO ESCALATE THE COMPLAINT AT ANY TIME. IF CUSTOMER DOES SO, CUSTOMER SHOULD NOTIFY BIA IMMEDIATELY, AND THE COMPLAINT WILL BE DEEMED WITHDRAWN.

QUESTIONS

General questions regarding the program and the procedures outlined above should be directed to:

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