

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Capsule Development LLC

Serial No.: **88122343**

Applicant

## **RESPONSE TO OFFICE ACTION**

Applicant Capsule Development LLC (“Applicant”) timely presents this response to the Office action dated January 4, 2019.

### **I. Identification of Services.**

The examining attorney requests clarification of the services in Class 36 for “Real estate owner representation” and Class 37 for “Owner representation in building construction”. Applicant will provide real estate owner representation services as an owner’s representative in the commercial real estate industry. See First Declaration of Benjamin Jefferson-Dow ¶ 2 attached as Exhibit A. In the commercial real estate industry, an owner’s representative is an individual or company hired to act as the liaison between the real estate owner and the parties hired by the owner for construction projects. *Id.* ¶ 4. The owner’s representative protects the owner’s interests, assembles the required consultants, design firms, contractors, and vendors, and coordinates and communicates to the team’s members throughout a construction project’s life-cycle. *Id.* ¶ 5. The lack of experience within the commercial real estate industry for some owners can be problematic when trying to find the best team for their project, and an owner’s representative is hired to represent the owner’s interest and assist with the project. *Id.* ¶ 6. Before construction starts, owner representatives can help the real estate owner select an architect or a general contractor, define project scope, set up a project schedule, coordinate the permitting administration, provide overall budget management, and make sure key decisions

are made on time. *Id.* ¶ 7. During construction, owner representatives continue to facilitate communication between the team, review invoices and change orders as they come in, recognize and resolve problems and conflicts, and coordinate the project close-out. *Id.* ¶ 8. In addition, the owner's representative will be knowledgeable with new materials introduced to the marketplace, current technologies, and experienced with past projects that ultimately benefit the client. *Id.* ¶ 9. Applicant further submits third-party articles in Exhibit B that describe the services that Applicant will provide.

Applicant will not provide brokerage services or attorney services, and the examining attorney's suggested identifications therefore do not accurately describe the services. See First Declaration of Benjamin Jefferson-Dow ¶ 3. Instead, Applicant believes that its current identifications properly describe the services that Applicant will provide.

**2. Duplicate Application.**

U.S. Application Serial No. 87609220 has been abandoned.

**3. Conclusion.**

Applicant has demonstrated that the applied-for mark is entitled to registration on the Principal Register. Accordingly, Applicant requests that its application be approved for publication.

# **EXHIBIT A**

## **First Declaration of Benjamin Jefferson-Dow**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Capsule Development LLC

Serial No.: **88122343**

Applicant

**FIRST DECLARATION OF BENJAMIN JEFFERSON-DOW**

Pursuant to 37 C.F.R. § 2.20, I hereby declare as follows:

1. I am the principal of applicant Capsule Development LLC (“Capsule”) and the information set forth in this declaration is based on my personal knowledge.
2. My responsibilities at Capsule include overseeing the business and facilitating the business’s role as an owner’s representative in the commercial real estate industry.
3. Capsule does not provide brokerage or attorney services. An owner’s representative does not need to be a broker or attorney, but may help coordinate with such parties.
4. In the commercial real estate industry, an owner’s representative is an individual or company hired to act as the liaison between the real estate owner and the parties hired by the owner for construction projects.
5. The owner’s representative protects the owner’s interests, assembles the required consultants, design firms, contractors, and vendors, and coordinates and communicates to the team’s members throughout a construction project’s life-cycle.
6. The lack of experience within the commercial real estate industry for some owners can be problematic when trying to find the best team for their project, and an owner’s representative is hired to represent the owner’s interest and assist with the project.
7. Before construction starts, owner representatives can help the real estate owner select an architect or a general contractor, define project scope, set up a project schedule,

coordinate the permitting administration, provide overall budget management, and make sure key decisions are made on time.

8. During construction, owner representatives continue to facilitate communication between the team, review invoices and change orders as they come in, recognize and resolve problems and conflicts, and coordinate the project close-out.
9. In addition, the owner's representative will be knowledgeable with new materials introduced to the marketplace, current technologies, and experienced with past projects that ultimately benefit the client.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2/28/2019.



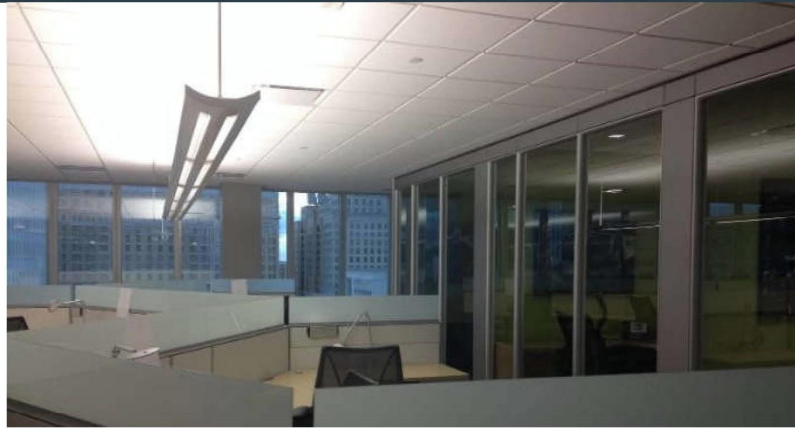
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Benjamin Jefferson-Dow

Principal, Capsule Development LLC

# **EXHIBIT B**

## **Third-Party Articles**



## The Importance & Expanding Role of an Owner's Representative

Published on January 6, 2015



Frank Gallagher [Follow](#)

President at The FGX Group, LLC (MBE) - Owner Representatives...



75



13



0

More often than not, an owner's first move after securing financing and some of the necessary approvals on their project is to hire design firms to continue the pre-construction process. After the documents are completed, the owner will then look to get them out to the general contractors, receive proposals, and then award a contract. Between the design and contracting firms, the owner is nearly complete with the hiring of the project team. In addition, these firms will be more than capable of managing the entire project on the owner's behalf.

Not so fast.

Let me introduce you to the Owner's Representative - an individual or company hired to act as an extension to the owner's staff, protect the client's interests, assemble all of the required consultants, design firms, contractors, and vendors, and coordinate and effectively communicate to the team's members throughout the project's life-cycle, from cradle to grave. All of this while paying close attention to budget and schedule.

### **As an owner, why do I need an Owner's Representative?**

Lack of time and experience.

Whether building out on the ground or moving into an existing space, there is proper planning required that is absolutely necessary for a successful project. And it doesn't matter if you're moving into a 3,000sf space or building a new 200,000sf facility, as an owner you have to devote the time to your project and team.

The most critical and time consuming phase of any project is prior to putting a shovel in the ground. The owner, in order to minimize financial and schedule risks, needs to hire **ALL** of the project team members as early in the process as possible. Thereafter, the members need to be provided with the appropriate information in order to carry out their required tasks. The owner also needs to consistently manage the team during this pre-construction phase to ensure the correct information is identified on the construction documents, and more importantly, is thorough and complete.

Does an owner have the sufficient amount of time to dedicate to a project, especially during this stage? Typically, no. Owners many times feel they can manage their project while running their full time business. An Owner's Representative can oversee and address all of the details so owners can focus on their company.

The lack of experience within the commercial real estate industry for some owners can be problematic when trying to find the best team for their project. Whether it's a new outpatient & rehabilitation hospital or a dormitory for a university, an owner should reach out to firms who compliment their vision. An owner's representative can assist with recommending design firms, contractors, and the balance of the project team that come with the market experience the client is looking for.

In addition to the selection of the right project team, the owner's representative will be knowledgeable with new materials introduced to the marketplace, current technologies, and experience with past projects which ultimately benefits the client.

***As an owner, I only have to hire the architect and contractor, and maybe a vendor or two, correct?***

Some owners are under the impression they are only responsible for the design firms and general contractor, but that is certainly not the case.

Depending on the building type, here are some examples of vendors/firms the owner typically hires direct and **do not** work for the design firms or contractors:

- Real Estate Attorney
- Testing & Inspections (soils, concrete, steel, roofing)



- Information Technology
- Low voltage (phone & data)
- Audio Visual
- Security
- Nurse Call
- Acoustical Consultants
- Lighting Consultants
- Kitchen Consultants
- Signage
- Moving

The above represents only a portion of the list, but the bottom line is the owner needs to identify the required firms early in the process, hire, and coordinate to ensure minimal schedule and cost overrun issues.

**OK, for the firms I have to hire direct as an owner, why should they be hired early on?**

The earlier in the design phase these firms are brought in as part of the project team, the better. That being said, there are some firms that can't be hired until some of the design information is identified, such as testing & inspections agencies and signage vendors.

Here are some examples of entities that should be considered to be brought in sooner than later:

- Furniture Vendors – we all know there are numerous manufacturers in the marketplace with various products. It is important for the owner to identify furniture types during design in order to ensure furniture dimensions fit with the overall architectural layout. There have been projects where furniture is one of the last things to be addressed, only to find out the client could not procure the furniture they wanted due to dimensional conflicts, lead times, and/or code compliance issues.
- Information Technology – one of the first items an owner should address to

onsider. If onsite, where in the new space will it be located? Are we going wireless?

Who is going to ensure when employees arrive after we move they are ready to work (phones activated, email working, etc)? Some of these questions affect design and need to be identified at that time.

- Security/Audio Visual/Low Voltage – these expert vendors should be brought in during design in order to identify items such as power outlet locations, card reader power requirements, and phone/data jack ports. If hired after the construction documents are completed, the electrical contractor will typically ask for additional funds and depending on timing, could affect other subcontractors as well.

### **What are some of the “myths” regarding Owner’s Representatives?**

Myth #1 – The Owner’s Representative is an additional, unnecessary expense to my project

The owner’s representative should not increase overall project costs. As on every project, budget management is paramount. The advantage of the owner’s representative’s presence early in the process is by managing the **entire** project team, from design through move-in, costs are reduced as a result of close coordination.

Therefore, the “additional” fee is typically not additional after all, as costs are redistributed with reduced project budgets resulting from a more focused and efficient process.

Myth #2 – The other project team members view the Owner’s Representative as a “roadblock”

The Owner’s Representative is hired for one reason – to assist the owner in delivering a project that is within budget and on schedule, while creating a harmonious experience for all of the project team members.

Many of the team members (architects, contractors, consultants, and vendors), have aggressive profit margins, especially in these challenging times. While assembling their proposals, they are also assuming a certain number of hours dedicated to each project. These team members rely on the owner to deliver information to them in a timely manner in order to keep pace with their own internal budgets. Part of the owner’s representative’s role is to assist all of the project team members by extracting this information from the owner, and communicating back to them. With the absence of an owner’s representative, many project team members can lose money if an owner is not on time with responses to inquiries. And at times, claims can be filed.

The beauty of an Owner's Representative is they are consultants, i.e. part time help. Depending on the firm, some Owner Representatives are flexible with the client's needs regarding the project team. Some clients have previous relationships with architects and contractors, have internal IT support, and/or already contracted with various firms prior to bringing in representation. An Owner's Representative can be hired to manage any number of firms and concentrate on specific areas, complimenting the client's requirements.

### **What are other advantages of an Owner's Representative?**

- Owner's Representatives are hired as part time support; that is, they are billing for the time required to manage the project, thus saving clients with overall company budgets and the hiring of full time employees
- With years of commercial real estate experience, they can recommend top notch design and construction firms to owners
- A dedicated, unbiased professional can ensure expensive mistakes are avoided
- Getting into the "weeds" of every project such as assembling bid packages, reviewing proposals, reference checks, design oversight, insurance requirements, issuing contracts, requesting lien waivers, and processing payment applications ensures all management tasks are covered
- The Owner's Representative can effectively translate the objectives of the creative process from the designers to the construction folks, and vice versa, due to their experience and background
- Re-occurring onsite presence on behalf of the owner ensures solutions to construction issues can be addressed quickly
- Submitted change orders from project team members can be reviewed accurately due to an in-depth understanding of the project
- Better "Quality of Life" for owners

### **Is the role of the Owner's Representative expanding?**

In the past 10-15 years the role has expanded greatly, more firms have been established from construction and design executives entering the field as a result of the economic downturn. This coupled with owners making tough decisions about layoffs has

Owners have been taking notice more recently due to ObamaCare, the number of firms in the market place, and quite frankly in speaking with other owners whom have experience using an Owner's Representative. The "quality of life" factor also helps owners to make the decision to hire part time support. After realizing that running project can be more time consuming than originally thought while trying to concentrate on their own business, usually is the point where an owner seeks help, if not sooner.

Design and contracting firms are beginning to see the value of an Owner's Representative as well. Having someone as the focal point of a project allows each of the team members to have a sense of security knowing the project will be closely monitored. This lends to quicker decisions for everyone which translate into higher profit margins.

### ***Final Thoughts...***

By no means is Owner Representation rocket science, but it is necessary. Clients need experts to work on their behalf to bring in-depth project knowledge to the table, be aware of current codes and technologies, and assemble the best project team possible. This will allow delivery of a successful project to the client from a budget and schedule standpoint while meeting expectations.

We can somewhat compare the role of an Owner's Representative to a CPA. If you're a business owner and it's time to file your taxes, do you try to do it yourself? Are you familiar with all of the rules and ever changing regulations of the IRS? I doubt it.

### ***Case Study #1***

A client hired The FGX Group to manage a fit-out for space in an existing medical office building.

During the design phase, the mechanical engineer proposed a certain number of heat pumps for the space. It was determined by The FGX Group that three (3) of the pumps could be eliminated due to proposed utilization. As a result, there was a savings of approximately \$10k in equipment, material, and construction costs.

This savings single handedly paid for the Owner's Representation fee, and construction hadn't even started.

### ***Case Study #2***

documents for office space in an existing building. The general contractor was also on board, and ready to begin demolition. They had been requesting information on office furniture already purchased from the client. The FGX Group quickly coordinated the furniture vendor, general contractor, and the balance of the required firms.

It was determined existing electrical/data floor boxes and wall outlets within the suite needed to be coordinated with new conference room furniture. After research The FGX Group found the new furniture would not work with the existing power layouts, and new furniture had to be quickly procured.

The FGX Group was able to obtain new furniture that complimented the space, met the client's expectations, and did not go over budget. The issue was found early enough in the process where the previously ordered furniture could be returned at no charge to the client.



**Frank Gallagher**

President at The FGX Group, LLC (MBE) - Owner Representatives for the Commercial Rea...  
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**Leighton Allenby**

Luxury Multiple Estates and Property Manager for UNHWI

... 1mo

Great article!

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**Jessica Lim**

Owner Representative | Project Manager | Contract Administrator | Business Developer | Finance...

... 8mo

Frank, you have nailed it.

Like Reply

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# Constructionplace.com

Saturday, December 15, 2012

## Owner's Representative not to be confused with Construction Manager or Project Manager

I believe many owners simply are not aware of how beneficial Owner Representation is and what it does. And in some instances confuse Owner Representation with Construction and/or Project Management:

**Project Management** is the coordination of Time, Equipment, Money, Tasks and People;

**Construction Management** is the process of organizing and directing men, materials and equipment to accomplish the purpose of the designer; and



**Owner Representation** is the effective third party hired by the owner in the absence of any or little experience and/or knowledge of the building construction process by the owner.

Usually Owner Representatives have experience and/or knowledge in planning, design, construction, construction management, project management, real estate

and the overall development process with the ability to anticipate and solve problems in a timely manner.

The following is a partial list of common tasks and activities appointed to Owner Representative by the Owner:

### Pre-Construction

Liaison between the project participants and the owner (sometimes the owner's management staff or team);

Advises and assists the owner in the need for a project team, who should be on the team, team selection, qualifying the team, and hiring the team;

Advises and assists the owner in the need for a project schedule and budget including the respective tasks and activities;

Attends and participates in municipal planning, design and review meetings on behalf of the owner;

Monitors the design and development process pursuant to the owner's best interests, desires, and expectations;

Oversees the overall design process to insure that the contract documents are prepared and completed on a timely basis and the final design complies with the owner's expectations; and

When given the authority executes documents and contracts on behalf of the owner

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### About Me



Gary

W. Gary Westernoff is the Founder and CEO, of Ponta, Inc. He has over forty years of national planning, design and construction experience as an executive, consultant, educator, owner's representative, and board member of Community Associations. Gary earned a bachelor of arts degree in Construction Management with an architectural background, pursued executive MBA studies and is a licensed General Building Contractor in California and Hawaii. He launched the first version of constructionplace.com in 1999 and propertyandprojects.com in 2013. His MISSION is to provide professional expert affordable help, assistance, advice and/or services from project concept through completion and beyond. His VISION is to be the most valued building construction industry internet service.

[View my complete profile](#)

### During Construction

Insures compliance with the contract/construction documents by recognizing, resolving and responding to issues and problems for the purpose of avoiding conflicts and delays;

Manages and responds to costs and payment requests from project resources such as the Construction Manager, Architect, Engineer, Contractor(s), and owner's vendors; and

Insures that the contract documents are being executed correctly.

### Post Construction

Assists the owner in occupying the property/project;

Monitors the project for defects and/or deficiencies as reported by the occupants of the project and prepares and transmits such information to the contractor and/or responsible parties;

and Organizes and attends the one year inspection if mandated by the contract documents and/or statutory requirements.

Perhaps others can comment on and/or offer addition benefits of Owner Representation or even services needed by owners when undertaking building construction projects.

Posted by Gary at 3:55 PM



22 comments:



**misu** February 24, 2013 at 2:29 AM

CPC Consulting specializes in [Construction Planning], [Project Controls Consulting, Construction Scheduling], [Construction Project Controls] providing clients with detailed quantity and pricing for all project phases.

[Reply](#)

▼ Replies



**Gary** February 24, 2013 at 9:23 AM

Misu, all of your links are broken making it difficult for anyone to see the services you are offering.

[Reply](#)



**Minoo Akbarian** April 26, 2013 at 1:40 PM

Hello. Thanks for the informative post. I was wondering what is the average cost to hire a home owner's representative for a construction cost of about one million dollars in Northern California. I appreciate your comment on this.

Thanks.

[Reply](#)

▼ Replies



**W Gary Westernoff** April 27, 2013 at 12:57 PM

Minoo,

Depending on the scope of work, duties assigned and complexity of your project will drive the cost of the Owner Representative services. However, using the Wage tables for the United States Bureau of Labor Statistics it appears that the mean average annual wage for Construction Managers (there are no statistics for Owner Representative) is between \$100,000.00 to \$110,000.00 or \$50.00 plus per hour for the Northern California area. However, it is not uncommon to see fees ranging from 1.5 to 10.0 (sometimes more) percent of the cost of construction plus reimbursable expenses. Negotiating a fee that is mutually beneficial for both parties and the project is the best rule of thumb. If you have further questions please post again. Or take a



look at our publications "Construction Management Made Easy" and "Construction Like Sushi" both of which can assist in screening and hiring professionals. Good Luck.

[Reply](#)



ad96344a-bda0-11e2-b72f-000bcdcb2996 May 15, 2013 at 1:48 PM

As a registered Architect in several states and nationally certified for decades, I find the whole Owner's Rep (O.R) business to be quite redundant. We, as licensed professionals, which most O.Rs are not, not only do all the tasks that O.Rs do and far more, but have always done so. When the market crashed and professional fees got cut, many Architects, not all, gave up many of those tasks. Hence the insurgence of O.Rs. Today, we find that O.Rs are more focused on "beating" the Architect's and Engineers fees down to below their cost, than they are on making all members of the "team", work seamlessly together, in harmony, assure the proper value from all consultants and contractors and to manage the entire process to meet the client's schedule and budget. To "beat" the professionals down to or below their costs is a foolish place to save money for surely, the "A" teams can no longer be part of the team, but rather the "C" teams and ultimately, the Client or Owner will suffer tremendously from unnecessary Change orders that will surely amount to several times the amount of money carved away from the professionals.

[Reply](#)

▼ Replies



ChristoHug February 4, 2014 at 12:51 PM

The role of the owner's rep is to be the knowledgeable person who is looking out for client when the client does not have the time or expertise to do it themselves. The O.R. helps define the project, write the RFP to select the architect, select a contractor, coordinate the needs assessment, and oversee the whole process from the point of view of owner. He is there to make sure everyone is doing their job to meet the needs of the client. The time and experience to oversee ones own construction often is not "in house". An owner's representative is not required for every organization, but is required when the "right" person is not available. If the OR's or the owner's beat the price down to below cost, it does not serve anyone, I agree.



W Gary Westernoff February 4, 2014 at 3:29 PM

ChristoHug,  
Very well written but I have one question. What do you mean when you say "If the OR's or the owner's beat the price down to below cost, it does not serve anyone"?



midlifeeritic February 21, 2014 at 7:26 AM

wow some sour comments above - as a construction professional for over 40 years and an OPM on many large projects throughout the world it would be foolish to think that this service could or should be conducted by the AE firm. The OPM is the only party in the typical Owner, CM, AE trio that has only the Owners interests in mind. Whilst the CM or GC and AE entities are all profit driven businesses the oversight of an OPM and an OPM that can manage a team is often worthy on projects of any magnitude. OPM services should be limited in a residential environment as this industry is not always driven by logic and more by personal connections that an Owner has with their home. My only bad project in the last 40 years is that of my own home.

We have a small OPM firm that services the healthcare world and have not advertised for ten years, Owners look to us to hire design teams, financing, CM's, FF&E, permitting and approvals, federal procurement procedures to name a few... I don't expect an Architect to cover every one of these items as I do not tell an Architect how to detail a window flashing, or a CM how to build such a detail. When a project falls behind schedule or exceeds the budget will your AE errors and omissions insurance pick up the check, No. So in summary, just because you have had a negative experience with someone managing a project don't reduce the profession and what it brings to an Owner in a sentence. If we work together our clients will end up with the product that they deserve.


[Reply](#)



ad96344a-bda0-11e2-b72f-000bcdcb2996 May 16, 2013 at 8:24 AM

As experience has taught many of us in the industry, the key to a successful project and one without too many unnecessary layers, is to select the right professional team of, but not limited to, Architects, Engineers and Code consultants. If that team is experienced and strong in their respective fields, there is not and never was, any need for an additional layer of redundant costs.

[Reply](#)

 **John Michie** July 6, 2013 at 10:56 PM  
Construction is very key to build up the good firms or organization to view and highlight the situations when they face the difficulty of being different in use, and the good leads to good use of a latest technology. Mention here are also helpful

[Hvac Service Management Software](#)

[Reply](#)

 **Angela West** August 16, 2013 at 9:59 PM  
Nice post. It's great that you are sharing your insights about construction management.

This information will be very useful and keeps our projects safe. Thanks for the post!

[Construction management software](#)

[Reply](#)

 **Os0-Pa** August 21, 2013 at 12:13 PM  
Great post that should also help increase [construction site safety](#) for project managers and team members alike.

-Jon

[Reply](#)

 **James G** January 12, 2014 at 2:26 PM  
Our firm believes this is an important service that is needed and vital especially in major cities like NYC.

[www.jamesgalta.com](http://www.jamesgalta.com)  
New York based Owner's Representative


[Reply](#)

 **Monica Kroos** February 5, 2014 at 10:47 AM  
*This comment has been removed by the author.*


[Reply](#)

 **Monica Kroos** February 5, 2014 at 10:51 AM  
I think you should have a [general contractor](#) to oversee the entire construction project and if you do then that's good enough!


[Reply](#)

 **James G** May 3, 2014 at 5:46 AM  
Unfortunately most general contractors are not looking out for the interest of the client. If the client is not educated in construction the GC can take advantage. An Owner's Representative is there to watch over the GC to be sure you are getting what you paid for. They are carefully seeing to it that all the work is being done as designed with no short cuts taken. A GC is not good enough, in fact it can be detrimental to your bottom line.

[Reply](#)

 **Kenley William** July 10, 2014 at 5:23 AM  
The [PMP Certification](#) establishes a common language among project managers and helps each other work within a common framework. Once you have the PMP, you need to consider how you're applying the processes, tools, and techniques to projects. I took a training course for my preparation in <http://www.pmstudy.com> and got ready for the exam on day 5!

[Reply](#)

 **Surelia Dev** November 21, 2014 at 1:20 PM  
Incredible Bali is a residential development by Incredible Lands and Farms. It has a thoughtful design and is well equipped with all the modern day amenities as well as basic facilities. The project offers various odd dimensional plots and villas.

[Farm Land in Hyderabad](#)

[Farm Land for Sale](#)

[Lands in Hyderabad](#)

[Investment in Land](#)

[Plots in Hyderabad](#)

[Reply](#)



**Davidjohn** July 15, 2016 at 11:57 PM

I am happy to find your distinguished way of writing the post. Now you make it easy for me to understand and implement the concept. Thank you for the post.  
<http://www.properlyinspected.com/>

[Reply](#)



**surbhi khan** February 10, 2017 at 3:20 AM

It provides Project Managers and Accountants with advanced management tools with integrated visibility.....

[Real estate construction management software](#)

[Reply](#)



**PMP** October 26, 2017 at 1:30 PM

I'm an Owner's Rep and I consider my job to be making everyone's job easier and the job go smoother. I am overseeing \$30M in projects currently. I help the GC get what they need from the architect, I help the Architect get decisions from the Owner, I manage a lot of details for the Owner where they don't have the time or expertise. I make sure everyone on the job gets paid. As the GC on my last job said, I do what most PMs don't - reduce everyone's suffering!


[Reply](#)



**TamilSelvam** March 2, 2018 at 9:05 PM

Your post is great to see for more check to our [pipe threading machine manufacturers](#) for your future support.

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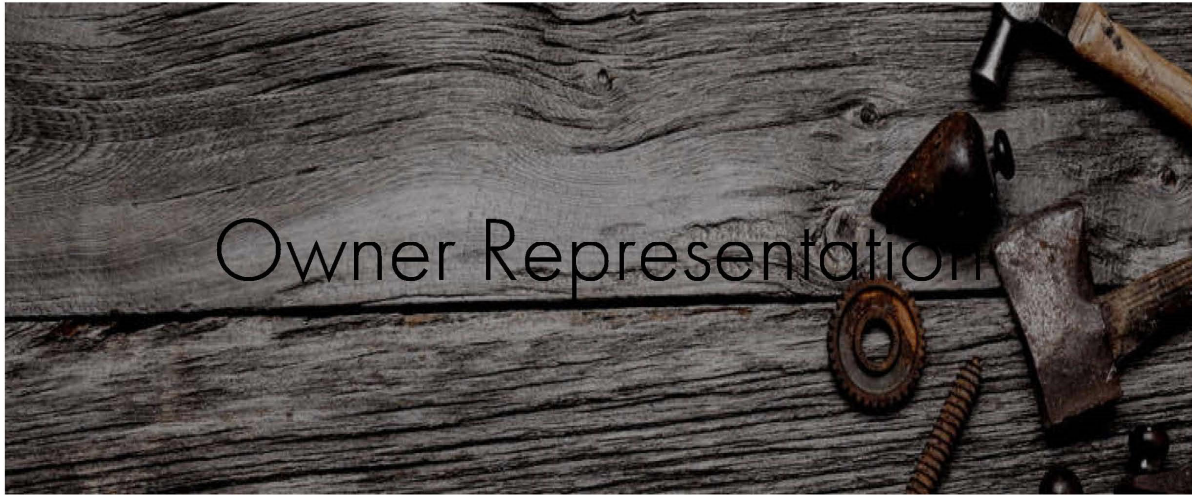
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## Services

Business Consulting  
(/business-consulting/)

Owner Representation  
(/owner-representation/)

Project Planning  
(/project-planning/)

QuickBooks Support  
(/bookkeeping/)

Marketing (/marketing/)

Whether you're building a new home, renovating a commercial property, or embarking on a facilities expansion for your non-profit institution, HELM is here to help guide you through the planning and construction process. We will act as your representative, and advise you (or your organization) through the process of selecting an integrated project team, which could include the architect, builder, engineers, and consultants. We'll keep your project organized so that everyone on the team knows what to expect in terms of schedule, budget, responsibilities, communications and meetings.

It's often said that there are at least 10,000 decisions that need to be made when you build, and we can help ensure that the client, builder, architect, consultants and subcontractors are all working together as a team towards a common goal. We'll coordinate and facilitate weekly or bi-weekly meetings with the team so that everyone has the information they need to keep the project moving forward on schedule and on budget. HELM can help you to navigate local and state permitting (including Act 250 in Vermont), offer assistance in fulfilling state energy efficiency requirements for cash incentives, and coordinate high performance third party building certifications like LEED, Passive House, Net Zero and Living Building Challenge.

As the owner's representative, our goal is to ensure that each member of your team collaborates in a manner that serves the owner's overall interest. We can also help to facilitate inclusive decision-making processes amongst the owners, whether you are a couple building your first home, or on a Board of Directors tasked with overseeing the capital expansion of a local non-profit organization.

Our proactive approach encourages designers, contractors and suppliers to work together to achieve your quality, cost and schedule objectives. We strive for positive working relationships among the project team members, facilitating timely resolution of the problems and conflicts that are common in the design and construction process.

During the Pre-Construction phase, we can help you select an architect and/or a general contractor, define project scope, set up a project schedule, coordinate the permitting administration, provide overall budget management, and make sure key decisions are made on time.

During the Construction phase, we will continue to facilitate communication amongst the team, review invoices and change orders as they come in, recognize and resolve problems and conflicts, and coordinate the punchlist and project close-out.

Through efficient management and coordination, we have a proven track record of helping our clients reduce costs without sacrificing construction quality. We will help you keep track of your overall project budget, review invoices from subcontractors, and make sure that contracts and deliverables are met. The scope and duties of Owner Representation is tailored to fit each individual project and your needs.

## Services offered as Owner's Representative

- Architect and Builder selection
- Coordination between Architect, Builder, Consultants and Owner
- Value engineering during design
- Constructability reviews
- Pre-construction planning
- Design and construction schedules
- Work scope development
- Bid and bidder evaluation
- Pre-construction coordination between trades

<https://www.buildhelm.com/owner-representation/>



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