Letters – Keep them Simple & Discrete

Executive Summary: Written communication is a skill every good project manager must have. Knowing how to write a letter is critical during the project, and afterward in the case of a claim. Basic pointers for writing good construction letters are presented here. You can listen to my presentation here: [QR].

Letter beats email. Letters are becoming an endangered species. They're being killed by an invasive weed growing everywhere known as *email*, and also its cousin you may have heard of called *text*. Both letters and email legally bind a company, so it's important that both are done well; however, the letter remains a preferred method of communicating.

Why a letter is better. It's simple and it's discrete.

Letters represent one moment in time. It is one document which should discuss one subject – either presenting a subject, responding to a matter, or providing for-the-record comment.

It has one date and one "to" party and one "from" party. Although letters often have a "cc" line, the distribution to a "cc" party is much cleaner than that of email. And anyone responding to a letter their "cc'd" on, has to write a letter!

Finally, a letter is better because it provides a great reference for you in a claim situation. Have you ever tried to put together a claim based on a collection of emails and the strings or chains of responses attached to them? It's a nightmare.

Basics of a letter. Each letter you write should contain these components:

- Date – the date the letter was written
- Letter number – have a serial and "to party" / "from party" letter number [for example, Serial Letter No. 006 and Letter No. ABC/XYZ-002 (these two letter numbers *on the same letter* indicate it was the 6th letter written on the job and the 2nd letter on the project from party ABC to party XYZ)]
- To/from party – who the letter is to and from (include titles of each person)
- Subject – put a subject or reference line summarizing the letter in a few words
- Project name – put the project's name and project/contract number
- Greeting – each letter should start with "Dear Richard,", "Gentlemen,", "Mr. Smith:", or some other acceptable greeting
- Body – the paragraph(s) which communicate your message
- Closing – end your letter with "Respectfully,", "Sincerely,", "Regards,", "Very truly yours,", or some other acceptable closing
- cc and Encl. lines – a listing of who is also receiving a copy of this letter and what enclosures were attached to this letter

Letter writing tips. After the job has started and all of the typical startup letters are written (like notices to proceed, subcontract awards, et cetera), the fun starts with nastygrams. Because, really, we're usually not writing letters about good things.

If you're writing nastygrams, or letters to potential adverse parties, consider or be advised of the following:

- <u>Shall</u> vs. <u>May</u> – these are huge words with only a few letters. *Shall* is imperative while *may* is optional. Make sure you understand them when reading a contract and make sure you use them intelligently when writing.
- <u>Verbose vs. Brief</u> – if you don't know what verbose means, look it up. It means you have diarrhea of the mouth. A letter should be brief and to the point. A letter can be one sentence. Try to keep all letters to one page.
- <u>No loose ends</u> – your letter, to the extent possible, should close the matter. Instead of ending a letter with "…and this is the reason we should pour tomorrow at 9:00 am.", your letter should state "…it is our understanding that the subgrade is accepted and we will be pouring the slab on grade tomorrow morning at 9:00 am. Please advise the undersigned immediately should our understanding be incorrect." The use of *it is our understanding* puts the ball back in the opposing party's court and they know they must stop you because you have been unambiguous in your intended action.
- <u>Reserving your rights</u> – letters which may impact your project's time or cost should end with language similar to "We reserve the right to assess the impacts of this change on the project schedule and/or cost at a later time when the effects can be fully evaluated."
- <u>Quote the contract</u> – when possible reference applicable parts of the contract by section (§) or paragraph number (¶) – each of these symbols is found in Microsoft Word™ under *Insert | Symbols | Symbol | More Symbols | Special Characters*.
- <u>Contract is your friend</u> – a lot of project managers are afraid of the contract. No. Use it to your advantage. It defines your minimum obligations. Sometimes an owner needs to reminded of that.

My story. I've written hundreds of letters and been involved in too many claims. Sticking to letters and using contract references is a clear way of communicating and, in the case of a claim, it will mitigate the attorney's cost of support.

Be clear in your communication and always keep in mind that in a deposition you'll have your letter read back to you. So spend the time to create a quality letter in both grammar, technical accuracy, and contract reference!