

the predicator

portland chapter



vol. 17, no. 1 construction specifications institute Jan. 1977



B.S.

by K.S.

There has been much discussion by myself and other members of our architectural and construction personnel in this area regarding change orders or contract modifications. As you know, many of us use A.I.A. Document G701, "Change Order", which has a considerable time lapse from the time of first change request to an official signed document.

A normal procedure is to write general contractor what is required, attaching drawings if necessary. Contractor then prepares cost quotation which may or may not involve subcontractors (usually does), and then quotation is forwarded by mail to architect who then, if quotation is accepted, prepares change order and sends it to contractor for signature, who in turn returns it to architect for owner's signature. Now all this takes time and even if mail delivery is prompt, which often it isn't (ha), many extra days are spent and if any items are involved in change requiring delivery from New Jersey or Timbuctoo, you can see what this can mean.

One of our leading general contractors in this area has prepared a form entitled "Contract Modification" (Request • Proposal • Acceptance) which is in five copies and is supplied to architect so that when a change or revision is required architect fills out upper portion of form attaching any drawings if needed

continued pg. 2



**Best Wishes for 1977
To All Portland Chapter CSI-ers
From Your Board of Directors**

CS who? I?

I for one am more aware of our identity and the very important and absolutely necessary part we have in the construction industry and design profession. Why then are we overlooked?

1) The mid-August issue of ARCHITECTURAL RECORD reported that a ROUND TABLE discussion on *The Technical Backup for Architecture — Where is the Expertise, How Do We Get It Out and How Does It Get Paid For* was attended (at the invite of A R) by the most thoughtful architects, engineers, specialists consultants, officials of government research and standards making bodies, top officials of manufacturing companies, owner representatives, an attorney, U S Chamber of Commerce, head of the newly organized National Institute of Building Science (NIBS), plus 45 (auditing) marketing and engineering executives from leading manufactures" (A fairly direct quote)

CSI was, apparently, not invited — nor was CSI referred to in the discussion that reportedly took place "specifications", "technical date banks", "closer relationships between architects (design Professionals) and manufacturers", etc, etc. — all of the things that CSI stands for — was discussed, & recommended solutions sounded like our reasons for BEING

2) The October '76 issue of WESTERN BUILDING DESIGN printed a "taking leave" type of letter from the outgoing president of the California Council (AIA)

continued pg. 2

UPCOMING EVENTS CSI CALENDAR

January 11 — CSI
Portland Chapter Meeting
Hi Hat Restaurant
5 30 — No Host Social Hour
6 30 — **Sharp!** Dinner
7 30 — **Sharp** Meeting Discussion
"CLAUSES THAT RAISE COSTS!!!"
You are welcome to the meeting only
If the girls don't reach you by
Monday — call
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for dinner reservations

January 13 — CSI
Portland Chapter Board Meeting
Noon — CSI Office

January 27 — CSI
Willamette Chapter Meeting
Economic Outlook
5 30 — Bev's Steak House

February 8 — CSI/Producers' Council
"Metrification"
5 30 — Red Lion Inn — (Ramada)


March — CSI/Plaster Bureau
Hi Hat

March 25 — Products Fair
Thunderbird/Jantzen Beach



"As long as you're running it over to this do-lunny, why not continue it on to these thingamajigs?"



22 concepts
in word design



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Margie cont.

that, rightfully took great pride in close relationships with "other groups and organizations" and he listed them. He did not mention CSI.

3) Closer to home — our local AGC asked me to appoint several CSI members to the joint committee — AIA-AGC I did, but to date none of them have been notified of a meeting.

Are we ignored because of our genealogy? Color? Sex? If we were *recognized* and *accepted* by our professional and industrial peers we, CSI, could perhaps do the job that the NIBS organization will be attempting. I doubt that accreditation will gain us any prestige. Hans, nobody knows who we are anyway!

Margie

B.S. cont.


and sends it to contractor. Contractor then types in their quotation involving any subcontractors, signs in space provided, forwards it to architect and if acceptable, architect signs acceptance, obtains owner's signature and now we have a change order complete, sending back one copy with all signatures to owner and contractor. Now it seems to me that this method is superior to what we have been doing in the past. I understand the Federal GSA uses a method similar to the above. What I would like to see is a standard form along these lines developed and used in our area. How about it out there, what are your views? Let me know if you feel we should get a local CSI committee going to develop this revision.

Ken L. Searl

Permits — City Of Portland

Doug Seely, Administrative Manager, Bureau of Buildings, City of Portland was kind enough to call our attention to an important fact. A recent survey indicates the majority of customers arrive at the permit counter between 10 am and 3:30 pm. This is also the main time the total staff is not available due to lunch, appointments and other commitments. Doug says that they open at 8 am and are there until 5 pm. We know you guys are going to be smart and schedule your time to do business with the Permit Section before 10 am and after 3:30 pm. Appointments with the Permit Personnel are encouraged during these periods on projects which require a more detailed preliminary review.

Thanks Doug



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Due to the increasing cost of printing and mailing the Predictor we ask that you please advise us (1) if you no longer wish to receive the Predictor, (2) if you move, or (3) if you start receiving your mail at a Post Office box.

We have tried to pare our costs to the bone, but one of the third class mail stipulations is that if the addressee has moved or if he has a P.O. box and it's not addressed there, it's returned to us for 25¢ minimum. By the use of some involved formula — apparently devised by some retired, deranged mailman with corns, and now known only to the Heavenly Father and one beady-eyed clerk in the catacombs of the Portland Main Post Office — the cost for us to get our own newsletter back sometimes ranges as high as 40¢!!! *And we've already read it.*

We don't want to lose you as a reader, so please thwart the attempts of the radical extremists of the U.S. Postal Service and keep us in mind when your address status changes.

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Intensified Effort On Division One Documents Announced

AIA and three allied organizations have announced an intensified cooperative effort to develop unified specifications systems

Representatives of AIA, the Construction Specifications Institute (CSI), the Construction Sciences Research Foundation Inc (CSRFI), and Production Systems for Architects and Engineers, Inc (PSAE) agreed on the principles of the cooperative effort at a May 26 joint meeting in Washington, D C

The effort focuses on Division One documents, which set forth the general requirements of construction specifications. The task of the intensified joint effort will be to develop an approach to Division One documentation compatible with the specifications-related publications already existing for each group and responsive to the needs of all elements of the construction industry

The cooperative effort developed from an early March specifications meeting between representatives of AIA, CSI, CSRFI (founded by CSI in 1967), and PSAE (founded by AIA in 1969). As a result of that meeting, CSI President Larry Dean, FCSI, accepted an invitation to join the PSAE Board of Directors as an observer, joining Charles T. Healy of ACEC and J. Donald Butcher of NSPE/PEPP, who serve on the Board in the same capacity.

The above agreement, described in a recent AIA Memo, has resulted in the creation of a Division 1 Master specification by the Construction Sciences Research Foundation.

The Division 1 Master, announced at the recent CSI Convention in Philadelphia, is written in accordance with the CSI Manual of Practice, and is available through COMSPEC.



"The chief engineers' night school should be quite helpful... they've got some good refresher courses in 'ridicule' and 'belligerence'."

Architect not state agent but employer under OSHA Act

A firm serving as architect and manager for a state construction project is not automatically exempt from OSHA construction regulations. Such was the Review Commission's ruling in *Bertrand Goldberg Associates*. The decision rested largely on interpretation of Goldberg's contract with New York State.

For a construction project at State University in Stony Brook, Long Island, Goldberg had responsibility for the design and for overseeing the actual work to assure proper execution of the plans. To this end, Goldberg hired inspectors empowered to stop work should they discover improprieties. The inspectors' authority over worksite conditions included control of safety hazards. Inspectors were placed on Goldberg's payroll, but contractually the state had final approval of any personnel hiring or firing done by the firm. Additionally, Goldberg was completely reimbursed for the inspectors' salaries by the state.

Goldberg claimed exemption from OSHA provisions, contending that, while on the Stony Brook project, it was a representative of the State University Construction Fund and, therefore, an instrumentality of the state.

Rejecting this claim, the commission majority found Goldberg a separate and distinct entity "because nothing in the contract suggests anything but an 'arms-length' transaction between separate entities." This being the case, Goldberg was judged an employer within the meaning of OSHA Act, subject to the Act's construction standards (Goldberg's second line of defense — that OSHA construction standards did not apply because its contract predated the standards' effective date, and because it was not physically doing construction work — was rejected in accordance with previous commission rulings.)

Commissioner Moran dissented.

Citing Goldberg's good faith and the small number of its employees exposed to the hazards (an unguarded stairway and unguarded light bulbs), the commission reduced the proposed penalties, totalling \$645, to \$225.

Have you moved, changed positions, received an honor or an award? Your friends would like to know. An informed editor can better inform your friends. Just drop me a note at 109 SE Alder, Portland, Oregon 97214.

Jim

Telephone Committee

Members of CSI are fortunate in that we have a small but dedicated group of men and women who are willing to get on the phone each month and try to contact every one of you. Only through their efforts are we able to be accurate predicting meeting size and thereby keeping costs down and offering a choice of menu.

This group keeps in touch with the members and so can relate changes in jobs and can convey the members expressed feelings about CSI.

Presently members of this committee are:

- Lona Brown
- Mary Alice Hutchens
- Perky Kilbourn
- Maura Lundy
- Elaine Poindexter
- Marty Hosten
- Lavora Jones
- Mary Anne Klas
- John Madrozen
- Linda Wright

We are grateful to you for taking an active part in helping CSI better serve its membership.

This group is presently in need of 3 more committee members. Anyone out there interested?

If you are not being contacted by this group, please let me know so I can make arrangements for you to be added to the calling list.

Tod Lundy

Second Chance

If you didn't get real good notes at the December meeting (if you missed it, you really missed a winner), Ken Searl has offered to provide an outline of the presentation to those requesting. Give your order when the Telephone Committee calls you regarding the January Meeting. A few extras will be available at the meeting. Our sincere thanks to Ken Searl.



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What Guarantee — 'er Warranty — was that?

It's no secret in the construction industry that warranties and guarantees are a growing problem. This could probably have been said at any time during the past 25 years, of course, but it is doubtful if it could have been quite as serious as it is now. With new construction costs reaching levels where owners are hesitating to enter into new projects greater assurance of the durability of building components is required. Building budgets in most cases cannot be stretched to cover the cost of correcting early failures as they might have been in more affluent times.

There are two sides to construction: the actual work of fastening building materials together to suit a particular design and the associated mounds of paper before, during and after. Beginning with invitations to bid and ending with extended guarantees, preparation and processing of the software is usually as important as the assembly of the structure itself, because the quality of the latter generally depends almost entirely on the former. If those invited to bid are not fully capable, poor construction will likely ensue. If materials specified are not right for the job, repair or replacement will probably soon be required. And if proper warranties or guarantees are not in full effect, the owner may find himself paying more than twice for parts of the project (The second time usually costs more than the first).

From day one, when specifiers begin taking peeks over designers' shoulders in order to get a head start on putting the specifications together, the problem is to spell out respective responsibilities, not only for the duration of construction but also for the duration of extended guarantees. As everyone who works in a design office knows, time is not usually on their side and, because of this, all of the software cannot always be given equal attention. In cases where newly developed products are to be used, tendency is to overload the spec with currently acquired details, but with familiar materials, inclination often is to assume that old office standards are still

suitable and do not require revision. Many are, of course, in spite of the changes which have taken place in design and construction procedures, but, unfortunately, the same cannot be said of calls for warranties and guarantees.

From current reports it is quite evident that the subject is a touchy one, probably because most aren't sure what can be done about it. Traditional assumption that demand for an extended guarantee is all that can be expected of a specifier and that its supply, in written form to be included in the sheaf of paper handed over to the owner, is all that is necessary on the part of the trade contractor, can be a serious mistake. Too many cases are appearing in which owners are being left to pay for the errors of others — victims of prolonged arguments on where the actual blame of job failure can be laid. Sometimes it is a trade contractor accusing a manufacturer of improper quality of a product. At other times it is a manufacturer blaming a trade contractor for improper handling of a specified material.

In other times, the desire of all parties to come up with a better job was much more common. A trade's willingness to make its work completely satisfactory to the owner made a request for an extended guarantee much simpler, and its effect far more desirable. Conditions have changed, however, and a great deal more attention must now be given to making as certain as possible that responsibility for guarantee periods is properly placed, and that those whose responsibility it will be to honor the pledge are capable of it.

From the Willamette Valley
Documentor

Bumper Stickers

- Architect's "I found it!"
- General Contractor's "I lost it!"
- Sub Contractor's "I threw it out."

Courtesy Don Walton

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January Meeting

Now's your chance to save examples and join in the open discussion. We are all constantly hearing talk about those clauses that find their way into specifications which either cause higher bids, increased anxiety or greater confusion without improving the quality of the project or helping the processes of construction. The discussion will be led by 3 or 4 industry members but they will need your help. Bring as many examples as you can find and let's help the professional members improve their specifications. They are looking for industry's feedback. Tod Lundy is strongly requesting that you call him (232-4344) or write with the text of your pet problem clauses. If you don't call or write, he threatens to convey the message to the professional members that they are writing perfect specifications. Don't let your industry division down.

Tips for the Spec Writer

Chief Spec Writer to new apprentice
I have given you a bag of marbles on this your first day with this firm. Everytime you make an error, I will take one of your marbles. When you have lost all your marbles you will be a bonifide specification writer.

Dues increase

From President Philip J. Todisco, FCSI
Subject: Dues Increase Bylaws Amendment

I am very disappointed to inform you that the proposed amendment to the Bylaws to increase dues for Professional and Industry members from \$50.00 to \$60.00 per year, to have been effective July 1, 1977, was *not* adopted by the membership.

The Tellers Committee counted the ballots last evening and report that of the 8,790 ballots mailed, 4,364 (49.6%) were returned with 2,796 (65.3%) voting for the amendment, 1,482 (34.6%) against and 86 were invalid. A two-thirds affirmative vote is required for adoption.

Last fiscal year dues accounted for just 29.9% of our total income. Unfortunately, failure of the proposed dues increase presents the probability that the Institute will continue to experience exceptionally difficult financial circumstances that have prevailed in recent years.

Secretary Donald D. Meisel, FCSI, will officially record the ballot results in his report to the February 12-13, 1977 meeting of the Board.

Another Great One

Your Editor got caught in the Valley and had to phone to cancel my dinner reservations. Boy am I sorry I missed December's Meeting with the requests for outlines of the presentations and the sobs heard when we realized we failed to tape record the Ken & John Show, that has to have been a great presentation. Our sincere thanks to Ken Searl and John Crook for putting on one whale of a good discussion relative to our new AIA General Conditions. 45 members were in attendance. Let's hope the rest of us learned our lesson. January's meeting sounds like it will be another of the "Don't Miss" variety. See you there.

This Issue could have had YOUR contribution, YOUR idea, or YOUR dissertation on YOUR area of expertise. How about it? Aren't you even a LITTLE more knowledgeable in one area of construction than most of the rest of us?

Complete List of AAMA Publications Available in New Catalog

A new Publications Catalog, now available from the Architectural Aluminum Manufacturers Association (AAMA), lists and briefly describes 39 resource publications developed by the Association for industry, consumer and government use.

Architects, specifiers, manufacturers, consumers and government agencies will find this catalog a thorough reference index to AAMA materials.

Publications in the 12-page folder are categorized by subject matter, allowing users to instantly determine what information is available in a specific area. Categories include Directories, Market, Consumer or Technical Information Reports, Curtain Wall Manuals, and Voluntary AAMA specifications.

AAMA currently has 24 voluntary specifications in print. They cover varied aspects of architectural aluminum building products and are arranged in the catalog by product classification.

The consumer folders detail the energy-conserving benefits of aluminum products including insulated aluminum siding, thermalized aluminum windows, and combination aluminum storm windows. Single copies of consumer brochures are provided free as a service to homeowners. Bulk orders to groups are available at discount prices.

For a free copy of AAMA's Publications Catalog, write the Association, 35 East Wacker Drive, Chicago, Illinois 60601.

Estimator's Group Is Now Certifying Its Members

The American Society of Professional Estimators (ASPE) has begun certifying its members as professional construction estimators.

At the society's mid-September national board meeting in Denver, an eight member peer-group committee processed 300 applications and conferred certified professional estimator (CPE) classifications on 243 of ASPE's 840 members. The new CPEs were given in 11 of the 17 construction disciplines defined by the Construction Specifications Institute, with about half of them in the general construction classification.

ASPE will continue to certify its current membership through this "grandfathering" process until January, 1978, explains certification committee chairman Howard Prout. After that date, however, a testing program will be used to certify new applicants. ASPE hopes that this program will lay the groundwork for eventual state registration of estimators.

During the past two years, ASPE's membership has nearly doubled, and the society has chartered nine new chapters, bringing its total number of chapters up to 19.

Region Conference

Jesse Wilkins says "it is time to gather items to be discussed at the Spring Region Conference." Please get them to Margie so she can get them to Jesse before the end of January.

Accreditation

Rush the overdue questionnaires to Jesse!!! Speak up to forever hold your peace.

Pet Peeve

From a Professional Member: "Manufacturers that send out product up-date literature in some cutesy way that doesn't fit their hard-cover loose-leaf binder. I've seen data shaped like a key, some that opens like an accordion door, and some that's sized about 11 by 14 (when the rep's binder is sized 8½ by 11). Worse are manufacturers that flood you with one- and two-page product data sheets (erroneously called "specs" by some reps), but don't have a binder to put them in. What can you do with these items except read 'em (maybe) and file 'em in the round file?"

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the predictor

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B.S.

by K.S.

Sure seemed like a short summer but that's the way it goes when you are either having fun or are busy and I've been both this year. Our chapter president, Larry Arnold, has set a goal of approximately 35 additional members this year or to bring our membership up to at least two hundred. All right, you rascals out there who read the *Predictor* but don't belong, how about dropping a tiny clue that you are interested in joining and we will shoot out an application blank complete with a brass band and dancing girls. (Offer limited to our budget — this is known as the fine print.)

As you know, I have always been a proponent to keep things as simple as possible, always trying to shorten specifications and at the same time make them perfectly clear (I don't mean like Nixon clear), and over the years have snorted and snarled at such things as CPMS, CMS, Value Engineering, or anything that duplicates services and usually at the same time increases paperwork. Well, now a new one has reared its head, referred to as a QA/QC Program which means Quality Assurance/Quality Control, and to top it all off, a new identity is to be established called the "Quality Control Officer". Now if I can stop sputtering long enough, I will tell you where I obtained my information. Please refer to the July 1977 issue of the *Specifier*, page 16. Manley A. Rose,

continued pg. 2



PRESIDENT'S COLUMN

Committee assignments for the coming year are in the process of being made. Several weeks ago Chapter Members were sent a brief outline of various committee activities and a return post card to indicate the areas in which you would like to help. If you have not replied to our questionnaire, please do so as soon as possible.

Major projects for the coming year will be the products fair, an educational seminar and our Chapter hosting the CSI Regional Conference in the spring of 1978.

The Board of Directors has been discussing the Products Fair. We are looking for a new location, a date which does not conflict with other activities and, most important, a committee to put it all together.

Past President Margie Largent is chairing the planning committee for the Regional Conference. Initial plans are to hold the Conference at Timberline Lodge. Margie is already talking to potential speakers and making other arrangements. She is going to be needing help from the rest of us pretty soon.

continued pg. 2

UPCOMING EVENTS CSI CALENDAR

SEPTEMBER 13, 1977

5:30 No Host Social

6:30 Dinner

7:30 Program

PANEL DISCUSSION HOW SPECIFICATIONS ARE PRODUCED IN OFFICE OF VARIOUS SIZE AND DISCIPLINE

PANEL

LEE KILBORN
CARL URBEN
ROD MOORMAN
DICK EHMANN
TOD LUNDY

OCTOBER 11, 1977

USERS VIEW OF SPECIFICATIONS CONTINUING SEPTEMBER DISCUSSION

BUMPER STICKERS

Architect	"I found it"
Engineer	"I calculated it"
Plans Examiner	"I missed it"
Board of Appeals	"We allowed it"
Sub-contractor	"I ordered it"
Supplier	"I back-ordered it"
Wholesaler	"I substituted it"
Contractor	"I back-charged it"
Superintendent	"I forgot it"
Journeyman	"I dropped it"
Apprentice	"I installed it"
Inspector	"I disapproved it"
Owner	"I loved it"
Tenant	"I removed it"

PORTLAND

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THOMAS J. BRADEN

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B.S. cont.

CST, who is a professional member of the Birmingham Chapter, is the author of an article entitled "Quality Control and Specs". Please read this article. You may not agree with it, but it is a very interesting article. One paragraph in the article sums up what the Sam Hill is going on and is quoted as follows:

"Simply stated, the QA/QC program really amounts to placing more emphasis and giving notice that the procurement and construction will be monitored for proof of performance in a systematic manner. The program's purpose is to ensure that materials and equipment used and installed conform to specifications; that jobsite handling, storage, and construction methods are carried out in good practice; that inspections and start-ups conform to prescribed procedures; and that full and complete records of inspections, certifications, test reports, drawings, specifications, and manufacturer's data and manuals are assembled."

After reading the paragraph you may ask as I did, haven't we been doing this for years already? On smaller jobs the architect does it and on larger jobs we have an inspector or clerk-of-the-works as we sometimes call them in Oregon. All of these new terms, including QA/QC we have heard of in the last few years remind me of going to a restaurant and ordering halibut which is normally brought to you with tarter sauce. Well, tarter sauce is sort of like all the fancy titles mentioned above. If the halibut is any good it doesn't need the tarter sauce and if the halibut isn't any good all the tarter sauce you can heap on it isn't going to help it very much, only confuse the issue, and in my opinion certain factions are doing their best to confuse owners and architects. It seems to me a backlash effort should be in order.

Larry cont.

The goal of the Membership Committee is to build the Chapter to 200 strong. Chairman Hunt Jones will assist you in recruiting your friends and associates in the construction industry. So, try to think of several good candidates and ask Hunt to help you sign them up.

Vice President Tom Shea is chairing the Technical Committee. The major thrust in this area will be the preparation of Technical Aid Series Documents. Most TAS drafts take about four or five evenings work over a two month period. Our Chapter should be able to handle at least a half dozen topics. Participating Member of the Institute Technical Documents Committee Lee Kilbourn has all of the information we need to get started.

Each member of the Chapter will be assigned to a committee this year. The concept is not only to share the workload, but to receive as many peoples ideas as possible concerning the operation of the Chapter. I encourage you to get involved in CSI.

Larry Arnold
President



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The Construction Specifications Institute's President's Plaque

Presented
At Denver, Colorado
June 22, 1977
to
Alan Larry Brown, CSI

In appreciation of your candor and exceptional efforts as Section Director, for contributing to a new spirit of informed cooperation which has assisted in the attainment of the goals of the Institute

The above words are embossed on a sheet of bronze which was mounted on walnut and handed to Larry at the President's banquet concluding the convention in Denver. Just what do they mean?

Appreciation = true or adequate estimation or recognition

Candor = freedom from mental reservation or prejudice — openness, frankness, impartiality, fairness

Exceptional = unusual or uncommon — superior

Efforts = a voluntary exertion of power, strenuous endeavor, attempt. A result or display of consciously directed power, an achievement

Contributing = to give or furnish in common with others, give for a common purpose

Spirit = an entity conceived of as that part of a human being that is incorporeal and invisible and is characterized by intelligence, personality, self-consciousness, and will

Informed = having a high degree of knowledge, information or education.

Cooperation = joint action, profit sharing, a union of laborers for the purpose of pursuing other modes of mutual benefit

Assisted = to give succor or support to, render help or service to, relieve

Attainment = the act of achieving, accomplishing or gaining as a desired purpose or state

Goals = a point toward which effort or movement is directed; the objective point or terminus that one is striving to reach, the end aimed at, the goal of one's ambition

Institute = an established organization or society pledged to some special purpose and work

Even without these definitions, the meaning of the Award is obvious. Larry Brown is a credit to CSI, he cares, he has intelligently influenced the CSI Executive Committee and Board of Directors and has helped accomplish the Institute's goals.

CONGRATULATIONS LARRY!

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Lee Kilbourn, Portland Chapter member, receiving CSI Specifications Competition awards from Institute President Todisco in Denver, June 20, 1977. Lee, spec writer for Zimmer Gunsul Frasca Partnership, received three Honorable Mentions, for Specs in Category C, Commercial Buildings — Tribal Administrative Center, Warm Springs, Oregon, Category D, Institutional Buildings — Mercy Medical Center, Roseburg, Oregon, and Category G, Industrial Buildings — Metals Building Addition, Tektronix Industrial Park, Beaverton, Oregon. Lee was the only Spec Competition Award winner from Northwest Region of CSI this year.

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Speaking Out

Three learned gentlemen of the U.S. Senate, Messrs. James Abourezk (D-S.D.K.), Birch Bayh (D-IN), and Hubert Humphrey (D-MN) have in their infinite wisdom introduced in Committee a bill numbered S 825 to foster competition and consumer protection policies in the development of product standards, the testing and certification of products and for other purposes.

Known as the Voluntary Standards and Accreditation Act of 1977, its successful passage could be the knell of doom for all voluntary standards organizations and systems (American National Standards Institute, American Society of Testing and Materials, Underwriters Laboratories, Inc., etc., et al., and ad infinitum).

The bill proposes the creation of a Federal National Standards Management Board to manage and coordinate the development of U.S. National Standards.

The American National Standards Institute through which our Industry has promulgated under voluntary procedures, the important A115 and A156 Standard Series is, as is the Door and Hardware Institute justifiably concerned that this bill may pass.

ANSI, in written testimony submitted to the Antitrust and Monopoly Sub-Committee, pointed out some of the more onerous aspects of the bill and its impact, if negotiated successfully through the Federal System.

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For example, S825 proposes a very expensive and unwarranted extension of Federal Government regulation of present U S voluntary standards system and would effectively destroy the present organization and operation of voluntary federated standards systems.

The proposed National Standards Management Board would replace in totality voluntary functions of managing and coordinating the development of National Standards and effective participation in international nontreaty programs.

In addition, the bill will replace the present free flexible and diverse system which permits and encourages many voluntary standards — developing organizations with a costly and cumbersome new federal bureaucracy, supplementing private enterprise national consensus judgments with the judgments of government officials.

It would certainly discourage, if not abolish, the standard developing activities of volunteer groups by making standards development a "privilege" granted by the mechanism of federal control and regulation.

The voluntary standards system in operation today provides small business with the knowledge and results of national standardization without the cost of actual participation. Small business is regularly consulted on standards to insure that their provisions do not provide unwarranted and unnecessary burdens.

There is no need to change this.

Concerning the point of accreditation and industry self-certification under the provisions of S825, all current and foreseeable certification and testing programs would be required to be accredited to remain in business. Detailed regulations will apply to all forms of certification self-administered organizationally-administered and independent third party. All testing laboratories would be swept into the same federalized systems regardless of their individual performance records.

The ultimate cost of the proposed bureaucracy will be the consuming public. Additional cost of federal accreditation record keeping, complaint and adjudication and redress of grievance of the judicial system do not come cheap.

These mandated costs are unwarranted and highly questionable as add-ons to the private enterprise system and consumers will have no choice but to pay for increased government interference in what until now has been a successful voluntary system of industry self-regulation.

A telling point made in the ANSI testimony is that certification and testing programs in the United States are currently conducted under the dynamic disciplines of the market place, public opinion and consumer freedom of choice. They are relatively free from political influence and pressure.

Hidden in the text of the Bill, as one of the reasons for its necessity, is the following "fact" as established by the Bill's sponsors:

The lack of list of standards that are recognized by Federal, State and local Governments, as National Standards, has impeded the efficient use of existing standards by Government Agencies in their regulatory, procurement and public information activities, which has resulted in unnecessary waste and confusion.

and the key word here may well be "procurement."

continued pg. 5

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SPEAKING OUT

The basic tenet appears to be that government at the Federal level, because of its own inability to efficiently coordinate activities among its own regulatory and purchasing agencies with the private sector, feels that additional big-brother control and the penalization of private enterprise which is working together fairly efficiently, is the answer.

The case for voluntary standards has been made over a period of almost 100 years. Thousands of individuals and organizations, through their individual contributions and subject to the laws of the land, the scrutiny of their representative memberships and the acceptance of their peers, have made the case over and over again.

Government should look to fair enforcement of existing laws which are adequate to provide an oversight of voluntary activity.

By the time this article goes to press further developments in the saga of S825 may have taken place. However, this is an Industry-wide threat.

We urge every member of the Industry, unless actions move quicker than we anticipate, to write your individual Senators and Congressmen in strong opposition to proposed Bill S825, the "Voluntary Standards and Accreditation Act of 1977".

Richard M. Hornaday, CAE
Executive Vice-President
Door & Hardware Institute

REGION DIRECTOR'S NEWSLETTER

The Board meeting at the Denver Convention was the shortest that I have attended. Those who have been on the BOD longer than I remarked that it was also the smoothest they had experienced.

That is not the reason that this Newsletter was not written as soon as I returned from Denver. I plead guilty of too many other things to do — business and using my boat during this fabulous weather we have been having.

So that the Chapter Editors can get the information contained herein into the first issues of their Chapter Newsletters the following will bring you up-to-date.

The recent By-laws ballot was voted upon by 40% of the membership. The first five items — identification of regions geographically, changing the number of members of the Inst. Nominating Committee to five, assuring that two vice-presidents will be professional members and one vice-president will be an industry member, defining sponsors of new members and establishing an anniversary dues invoicing system — passed easily. The sixth item — to transfer the dues setting authority to the Board of Directors — received 56.11% affirmative vote, but failed to gain the two-thirds vote required to pass.

The most notable action of the BOD was the approval to implement the certification (accreditation) program. The vote was not close, about 2 to 1 in favor. Members should be receiving further information from the Board of Examiners in early fall.

Peter Mirabella resigned as SW Region Director. The BOD appointed Rulon W. Edwards to fill the unexpired term as recommended by the Chapter Presidents of Region 8, now SW Region.

The FY 77-78 Budget, as presented by the Finance Committee, was ratified by the BOD. The budget includes \$55,000 for an Underwriting Reserve Fund, an amount equal to about one-half the recent \$10 dues increase. The purpose of the URF is to have something for emergency funding. It is my opinion that research and development programs should — and will — be developed using a good portion of that URF.

The BOD approved revision of the Long Range Planning Committee organizational structure. This to allow for the appointment of one additional member needed to accomplish their work load. That additional member will be Robert W. Fritsch, a member of the Willamette Valley Chapter.

The BOD ratified appointments made to the standing committees as made by the Executive Committee.

The BOD approved hard copy publication, as CSI documents, of Division 1 master specification sections developed by Ben Greenwood, FCSI, for the Construction Sciences Research Foundation. This new publication replaces existing CSI Div. 1 documents and was developed to agree with the new A-201 General Conditions document. Using the CSRF version will be less expensive than it would be to develop our own revised version.

Few members realize the monumental task of the Institute Teller's Committee. This past year they have counted five ballots. 23 members of the District of Columbia Metropolitan Chapter have served on this committee, putting in over 125 man-hours this year. The BOD directed the Institute Secretary to prepare a special award for that Chapter for their outstanding service. It is to be presented to the Chapter at their 25th anniversary celebration.

Joe Gascoigne reported that 357 exhibit booths had been reserved for the Denver Convention. As of June 77, 52 exhibit booths had been reserved for the 1978 convention in San Antonio.

As of the 18th of July only 48 chapters have requested the FREE Audio Visual Awareness program on CSI. In our region, only Cook Inlet and Puget Sound Chapters have requested a copy. How about Portland, Willamette Valley and Spokane? All you have to do is request a copy from the Institute office.

(Portland ordered their's) Ed Note

Copies of the new Administrative Guide will be sent to all officers of each chapter that are listed in the roster published in the Specifier. That should be a help in administering.

The "News Digest" presently published in the Specifier will once again be mailed as a separate item. Starting in the near future.

A record 3,408 attended the Denver Convention. NW Region (Region 9) had 19 professional and 7 Industry delegates. Tuesday morning, 21 June, we held a 7:30 AM breakfast caucus. 28 members attended (though one arrived kind of late). I think such attendance at such a time after the party the night before speaks very well of the dedication of your delegates! I don't think there were too many more than 28 relatively sober CSI people in Denver that morning.

The next BOD meeting is 16 — 18 September. I'll report as quickly as possible after that one.

Jesse T. Wilkins, Jr.
Director, NW Region

Insurance Fees Wreck Architects

NEW YORK—Architects are suggesting fundamental changes in their relationships with clients to check skyrocketing costs of malpractice insurance.

Since January, about 9,000 architectural firms have been notified by the Continental Casualty Company of Chicago, which underwrites more than 90% of architects' "errors and omissions" policies, of increases in premiums that range from 50 to 500%. Only doctors have faced greater increases in recent years.

"The whole contracting business in architecture is wrong," says David Eggers of the Eggers Partnership. "The contracts with clients should be written and signed by all major parties, including the engineers."

What Eggers and other architects are proposing is that each client assume a greater burden, signing contracts with all of the professionals involved in a project and dealing directly with the ones responsible when complaints develop.

Architects are now responsible under their contracts with clients for all design aspects of a project, including the work of consulting engineers.

"If the losses are down, the premiums would come down proportionately," says Paul L. Genecki, vice president of Victor O. Schinnerer & Co., Inc., the Washington insurance consultants to the American Institute of Architects and underwriters of Continental's liability program.

Genecki says that since 1962 claims have more than doubled, as well as increasing in severity. Claims have jumped from 12.5 to 25.6 for every 100 concerns insured and increased from an average of \$1,700 to \$9,440.

One architect here, Edgar Tafel, discovered recently that grounds for legal actions often have nothing to do with design. This awareness came when he submitted final drawings to his client, a Florida condominium builder, who insisted on three changes in the drawing he would submit to prospective condominium owners.

"We had to remove the fountain in the courtyard just in case it wasn't installed in time," Tafel says. "We had to lower the trees because we were told nothing grows 15 feet in Florida and we had to take the birds out of the sky because we can't guarantee birds and they could sue for that."



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construction specifications institute

October, 1977



B.S.

by K.S.

I am addressing this month's column primarily to the specification writer but also to all persons who have either a direct or indirect interest in the preparation and use of construction specifications.

In the past there has been a lot of noise and smoke suggesting that specification writers be accredited. Now as the smoke is clearing and we are no longer viewing the situation with burning eyeballs, it becomes apparent that the accreditation formula has died a natural death and is now replaced with what I personally feel is a much better solution; i.e., the CSI Certification Program wherein upon either passing a written examination or a waiver for sufficient experience one can become a certified construction specifier. Up until now I have been sort of on the fence with the thought it wouldn't take much to push me in either direction but somehow sort of resisting at the same time. Maybe some of us like fence straddling but it's sort of like being a registered independent voter in Oregon, you can't really join the battle unless you get off the fence and join the Democrats or the Republicans.

It seems to me that the certification program is the way to go and if one doesn't want to participate I doubt if any bans or harm will be placed upon that person. Please read an article regarding certification on Page 64 of the August 1977 issue of *The Construction Specifier*. This article will explain in detail just what the certification program is all about.



PRESIDENT'S COLUMN OCTOBER PREDICATOR

The membership of any organization is its life blood. That certainly is a trite statement but it is the essence of matters which I wish to explore in this month's column. Our most recent tally of Portland Chapter membership standings indicate 144 current members and 34 who did not renew.

Some members do not renew because they have moved, changed jobs, retired and such as that. However, there are always a certain number who have apparently lost interest. I am concerned about them. Are our programs not responsive to them? Do we not provide them with services and associations which they consider valuable? If we are missing the target, please inform your officers, directors and committee chairmen of what you want Portland Chapter, CSI to be.

continued pg. 2

UPCOMING EVENTS CSI CALENDAR

PROGRAM OUTLINE
MEETING OCTOBER 11, 1977
Topic **USE OF SPECIFICATIONS**

PANEL MEMBERS

Hunt Jones - Stagecraft Industries
Milt Kingsland - Grand Metal Products
Jane Sampier - Builders Exchange Cooperative
Les Seeley - Manufacturers Representative
Gordon Todd - Todd Building Co

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Topics to be discussed

PRINCIPALS

What are the objectives of Specifications?

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Certainly our prime concern is that our members regard their association with CSI as a viable part of their professional development. One of the reasons for having every member serve on a Chapter Committee is to hear what our members want from the Chapter. But there was only a 13% response to our appeal for members to choose a committee of interest to them. Yet there was a 95% response to our request for information to be contained in our Classified Directory. Both formats were similar, that is return postage was provided urgency indicated etc. It is remarkable to see (and to paraphrase here) how many more people like to have the chapter do something for them, but are not willing to do their own little something for the Chapter.

Interest in the Chapter can take many forms. Some simply pay dues and never attend a chapter meeting. This represents a certain level of support, but I often wonder why they don't pick out at least a few meeting topics which interest them and plan ahead to attend. Some attend occasionally, probably subject to other commitments, but trying to participate as much as possible. Still other members are almost always at Chapter meetings. Apparently CSI is something special to the latter group.

Among the constructive criticism which I have recently received concerning CSI and believe me the criticism has been constructive, is a reference to the "current power structure". My observation of the fabric of organizations such as ours is that it constitutes those who are willing to serve. What seems to happen is that people who become involved in Chapter activities emerge as nominees and are subsequently elected to the Board of Directors and soon become Chapter officers. The current proposal for change of our Chapter bylaws which allows for Industry Members to hold the office of President does, in my personal opinion, recognize the dynamics of this natural process.

There are many things to be considered in the health of a CSI Chapter, one is that we must get something going in terms of long range planning. Institute

Vice-President Larry Brown has suggested to me that we should consider this. I think that it is a good idea — what do you think? Where do the members of Portland Chapter CSI want to see our organization headed? The construction industry is changing very rapidly and we must respond, in fact it has been the tradition of CSI to lead. We can in many ways control our destiny by continuing to be those who create the future.

CODE OF ETHICS

1 ALL MEMBERS

- A Hold high standards to inspire confidence and respect
- B Freely interchange information and experience with fellow CSI members
- C Serve best interests of client/employer by specifying materials, products, and methods providing required service and performance
- D Write specifications wherever possible to encourage equitable competition
- E Write specifications clear, concise and complete. Do not use ambiguous or unenforceable terminology

2 PROFESSIONAL MEMBERS

- A Do not disclose unauthorized business affairs of clients/employers
- B Uphold principle of appropriate and adequate compensation for specification writing and refuse to compete on basis of compensation

3 INDUSTRY MEMBERS

- A Do not knowingly misrepresent a product, material or service

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REGION DIRECTOR'S NEWSLETTER

The February Board Meeting didn't hold any surprises. The items of discussion were few and most of them predictable. I'll list the major items and the decisions.

- 1 The BOD adopted the revised Regulations for Annual Meetings as the delegates in Denver voted. Delegates, non-delegated and Delegates-at-large will be able to sit together at the Annual Meeting. This might create a bit of confusion, but it can also create a more cohesive feeling among the delegations.
- 2 The BOD adopted a proposed By-laws amendment empowering the BOD to set annual dues, provided that changes be approved by at least a three-fourths majority of the BOD at a Board meeting.

A similar By-laws amendment calling for approval of a 2/3rds majority received a 56.11% vote when the latest By-laws amendments were voted upon last Spring. Both of your Region Directors felt that with the 3/4 majority AND with a provision for ratification of any dues change by a majority of the *Boards of all Chapters*, another transfer of dues-setting authority amendment would be acceptable to the membership.

We were not successful in getting other Board members to consider the ratification portion.

Even without the ratification, it is necessary, in my opinion, to transfer the dues-setting authority to the BOD. I think that the 3/4 majority insures that any changes will have to have the support of the majority of the membership — acting through their Directors. If the members trust a person enough to elect them to the post of Region Director, they must trust them enough to find out how they wish him to vote on a dues change.

- 3 The BOD adopted a recommendation to establish designated times and places for Region Caucuses at Conventions. Now we won't have to have expensive breakfast meetings the morning after the night before.
- 4 The BOD adopted a recommendation to eliminate membership application sponsorship requirements. Applicants will no longer need the signatures of two members on their applications. Big deal!

- 5 Perhaps the most emphasis was put on the problem of funding the travel expenses for participating members of the Education and Technical Documents Committees. A number of discussions, motions, amendments and quite a few arguments evolved on this subject.


Ultimately, the BOD adopted a motion directing the President to appoint an Ad Hoc committee to study the problem and to present a recommendation to the BOD at its February meeting. Vice-Pres. Bob Schmidt, Terry Strong (Dir. S.W. Region) and Terry Wadsworth (Dir. S. Central Region) were appointed to the Ad Hoc committee. These people understand the problems we are having and should come up with a good solution.

There were a number of items discussed without decisions being made.

One such item is of particular interest to me — especially after having the 1977 Convention moved from Seattle to Denver. What kind of conventions do the members want? Do they like conventions as they are now structured? Would they rather have the opportunity to see the city they are in? Is there too much technical? Not enough technical? Could the exhibits be viewed at a different time? More social activities? Fewer social activities? Longer conventions or shorter?

All Region Directors were requested to discuss this matter with the members and gather comments. I would appreciate those that go to Institute Conventions or will be going to Institute Conventions giving some thought to the above. Write down your thoughts and send them to me. I would like to show the rest of the BOD that we in this Region care what kind of a convention we go to.

Jesse Wilkins
NW Region Director



W. N. "NICK" MERRIMAN

MASONS SUPPLY COMPANY 2637 S.E. 12th
234-4321 Portland, Oregon 97202

Speaking Out

As Long as There Are Jobs to Bid

With minor exceptions, the role of subcontractors in the building industry is very close to what it was fifty years ago. Although many other things have changed, subs are still expected to provide free advice during the design period, free take-off and bid, when the call comes, labor and material to suit any and every work schedule, financing that will carry them over long periods of waiting to get paid, and a willingness to repair or replace at no extra cost work damaged by others.

Let me cite an example which shows not only the effort that can be expended in answering a request for design and spec assistance, but the frustration of afterwards being accused of misleading the design office. According to the trade contractor in question, more than a little time was spent in visits to a professional office where the solution to a complex application was worked out and the specification section written. When it came time to bid, the trade contractor felt that his familiarity with the job would allow him to price it very competitively. Unfortunately, he was mistaken. Another bidder was considerably lower, and got the contract. But that wasn't the end of it. A year later, after serious failure had taken place in the work of the other trade contractor, the first received a call from the design office informing him that what he knew about prescribing solutions to complex application problems could be stuffed in his eye without any loss of sight. The fact that the low bidder who got the job was relatively new to the trade, and had either misinterpreted or ignored the specification, wasn't even considered.



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Although this is probably an isolated case, there are certainly others that call attention to the position of subcontractors in today's industry. Bidding, for instance, has become more precarious than before. Not only have specifications grown more voluminous, making content more difficult to absorb in the time ordinarily given to bidding, but the description of new materials or methods may not be as clear to readers as specification writers think it is. In these cases, subs are expected to raise questions in enough time to permit issuance of clarifying addenda, however, given the number of jobs that have to be bid to get a working share, time required for the purpose is often overrun. The net result of such haste is a certain amount of guesswork, with the final hope that everything has been included. Any omission which may occur will eventually show up in the price, where some kind general may, or may not, draw it to the attention of the bidder. If the general doesn't point it out, a serious loss can ensue.

Subs on the better scheduled jobs are able to arrange for material ahead of time and plan labor requirements. Still, complications and interruptions destroy efficient planning on more than a few modern projects, and subcontractors find themselves looking at products that cannot be installed, field forces with nothing to do. This wouldn't be so bad, of course, if suppliers didn't insist on being paid for products shipped, and labor could easily be replaced if laid off. But suppliers can extend credit only so far, and trade journeymen cannot be expected to stand down if there's employment somewhere else.

Putting all of this together, along with slow pay for work accomplished, it's a wonder that most sub firms don't just pack it all in and turn elsewhere for a living. But they don't, and that raises a question: How long can you guys hang in there?

And one replied, "As long as there are jobs to bid."

- He failed in business '31
- Defeated for legislature '32
- Again failed in business '33
- Elected to legislature '34
- Sweetheart died '35
- Had nervous breakdown '36
- Defeated for Speaker '37
- Defeated for Elector '40
- Defeated for Congress '43
- Elected for Congress '46
- Defeated for Congress '48
- Defeated for Senate '55
- Defeated for Vice-President '56
- Defeated for Senate '58
- Elected President '60
- He never admitted defeat
- His name: Abraham Lincoln.

The retail business outlook is for fewer gift returns after Christmas. Folks will need the stuff to stock their spring garage sales.

Today's kids are so savvy. We noticed several on Santa's knee with cassette recorders switched on.


Taxes are higher. Mortgages are higher. Fuel prices are higher. Verily, in these times a man's home is his hassle.

Our frugal Uncle Fred has found one more way to save. He's writing on all his Christmas cards, "and a Happy Birthday in '77!"

At least one member of the family is getting a set of furs this Christmas. The cat is having kittens.

This year, make it an old-fashioned Christmas. Give your loved ones gold.

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ARE YOUR ORDERS UNDERSTOOD

(Adapted from a speech by DAN BELLUS of Dan Bellus and Associates)

A fire chief issued the following directive to his assistant chiefs. Tomorrow evening at approximately 2000 hours Haley's Comet will be visible in this area, an event which occurs only once every seventy-five years. I will present a brief lecture on this rare phenomenon to all those who wish to assemble on the training grounds at the Training Center. Those attending should be in the dress of the day. In case of rain, we will not be able to see anything, so assemble the men in the Training Center auditorium and I will show them films of it.

Assistant Chief to Battalion Chief. By order of the Chief at 2000 hours tomorrow evening the phenomenal Haley's Comet will appear in the theatre. In case of rain in the Training Center area, the Chief will give another order, something which occurs once every seventy-five years.

The Battalion Chief to the Captain. "By order of the Chief at 2000 hours tomorrow evening the phenomenal Haley's Comet will appear in the theatre. In case of rain in the Training Center area, the Chief will give another order, something which occurs once every seventy-five years."

Captain to Lieutenant. "Tomorrow at 2000 hours the Chief will appear in the theatre with Haley's Comet, something which happens every seventy-five years. If it rains, the Chief will order the Comet into the Training Center area."

Lieutenant to Crew. "When it rains tomorrow at 2000 hours the phenomenal seventy-five-year-old Chief Haley will drive his Comet through the Training Center area."

Thanks to BOB FORD, Editor
Between the Sheets

THE PERILS OF COST ESTIMATES

Probably no function of the architect is less understood and less appreciated by the client than the estimate provided on the cost of a project being designed.

April 1978

Su.	Tue	Wed	Thu	Fri	Sat
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2			6	7	8
9	Timberline. Where man, mind and mountain meet.			14	15
16				21	22
23	2			28	29
30	3				

An easy way to clear up much misunderstanding that can arise is to carefully spell out in the owner-architect contract what role the estimate is to play and what responsibility the designer has when he estimates construction costs.

We have two examples of recent court cases that show what can happen to an architect when costs overrun his estimates. In neither case was there a clear understanding of the role of the cost estimate.

In *Kurz vs. Quincy Post* 37, American Legion, 283 N.E. 2d 8 (1972), the architect had entered into a design job with the legion post to design a meeting hall. A standard American Institute of Architects contract form was used. The client did not spell out a maximum cost for the project and none was included in the contract.

When the architect submitted preliminary plans, he included a cost estimate of \$100,000. The plans were subsequently revised to include rental space and to meet requirements of the prospective tenant. There was a second cost estimate from the architect of \$122,000.

Subsequently, subsoil problems were discovered, requiring further revisions of the plan. A third cost estimate was provided of \$150,000 to \$160,000. When the construction bids were let, the lowest received was \$205,000,

which was reduced by negotiation to \$182,000.

At this point the legionnaires abandoned the project and refused to pay the balance of the architect's fee. He sued to recover the difference between payments received and the full amount of his fee, which in the contract required that he be paid 80 percent of his 7 percent of the project cost when bids were let. The legion post countersued to recover the money it had already paid.

The legion's attorneys argued that an implied obligation existed within the contract that cost estimates provided by the architect would approximate the real cost of the job.

ARCHITECT WINS — What saved the architect in this case was a provision in the contract that stated, "Since the architect has no control over the cost of labor and materials or competitive bidding, he does not guarantee the accuracy of any statement or estimates of probably construction costs."

In *Kostohrys vs. McGuire*, 212 N.W. 2d 850 (1973) the owners hired the architect using the standard AIA contract form to design a home. The contract specified that the architect was to provide a design and submit a "statement of probable construction costs based on current area volume and other unit costs." The owners informed the designer they wanted to spend no more than \$30,000.

The architect turned in a design with cost estimate of \$39,973 that was accepted by the owners. The owners acted as their own contractor and during the construction actually spent \$63,863 before halting work on the partially completed project. They submitted expert testimony later to the court that it would take another \$20,000 to finish the house.






ARCHITECT LOSES — The owners filed a malpractice suit against the architect for negligently underestimating the building costs. In the trial court, the jury found for the owners and awarded them \$7,000 for their troubles. On appeal, which ultimately reached the Supreme Court, the award was upheld.

The architect's lawyers had based their case on two arguments. One was that expert testimony was required before the jury could find that he actually had been negligent in underestimating the costs.

The Supreme Court ruled: "The fact that the costs exceeded the estimate substantially was sufficient, without aid of an expert, to prove a breach of the architect's duty to render the owners a reasonably accurate statement of probable construction costs." The architect's attorney then argued that even if the costs were too low, he was under no contractual requirement to make his estimates come out on the dime. He cited a clause in the AIA contract form that reads remarkably like the one in *Kurz vs Quincy Post 37*: "Statements or probably construction cost and detailed cost estimates prepared by the architect represent his best judgement as a design professional familiar with the construction industry. The architect cannot and does not guarantee that bids will not vary from any statement or probable construction costs or other cost estimates provided by him." How did the court, in this case, react to that clause which helped architect Kurz?

"We prefer to hold that an architect or engineer may breach his contract for architectural services by underestimating the construction costs of a proposed structure," it said. "The rule to be applied is that the cost of construction must reasonably approach that stated in the estimate unless the owner orders changes which increase the cost of construction. It is ordinarily for a jury to say whether the actual cost is within a reasonable range of the estimated cost, unless, as here, the excess is so great that the court can deal with it as a matter of law."

Thanks — Columbia Chapter

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vol. 16, no. 13 construction specifications institute November, 1977



B.S.

by K S

Some of us in CSI sometimes get the feeling that everyone has heard about us, but alas, this isn't quite true. We still need to promote what CSI is all about, what our goals are and which way are we heading. Some people have heard about our organization but have about as much of an idea of what we do as an English lady we met in England, who when hearing we were from Oregon asked "is that near Brooklyn?" Of course I could have asked where is Brooklyn but we explained where Oregon is located and a little bit of information about our state. Now it seems to me with all the possible prospects for new members floating around out there, more effort on our part should be taken to encourage interested people to join our ranks and inform them that it will be worth their while even without the dancing girls I often promise.

Now to get down to brass tacks (Will someone please explain where this saying came from. It must have been earlier days because who can afford brass tacks these days.)

In recent months I have read some interesting articles entitled Specifications Versus Drawings. It appears there are two different schools of thought on the subject. One group advocates that specifications and drawings have equal billing. Article 1.2.3 of the AIA document A201 General Conditions states the following: "The contract documents are complementary and what is required by one shall be as binding as if required by all." Well this does give them equal billing but in words that seem a bit hazy. Now the other group

continued pg. 2



PRESIDENT'S COLUMN

Continuing Education is another of the prime concerns for the Chapter's activities this year. Last year we conducted a very successful seminar. The topic was of broad interest and appeal to the many participants. We plan to present another seminar this year. Potential subjects need a lot of thought and evaluation. Chapter Education Chairman is Dennis Obert. He welcomes suggestions for our current seminar plans.

Several state architectural registration boards have adopted requirements for a specific amount of continuing education before recertification (renewal of license). California has done this. It looks like this concept is soon to become prevalent in other states and to apply to all disciplines of design professionals. It seems important to me that CSI work together with other professional organizations such as AIA and NCARB to establish our own criteria for continuing education, rather than allow a group of uninformed legislators create "unreasonable" requirements for us. In other words the professions must police themselves. The newly formed CSI Certification process for Specifiers looks like a step in the right direction.


continued pg. 2

UPCOMING EVENTS CSI CALENDAR

PROGRAM OUTLINE
MEETING NOVEMBER 8, 1977


Topic Getting Specified
Hans
W
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FCSI

5:30 No Host Social
6:30 Dinner
7:30 Speaker


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B. S. cont.

feels that the specifications take precedence over the drawings and those of us who feel this way add and clarify this under supplementary conditions. In my case I word it as follows

"In general it is intended that, in the event of conflicts between drawings and specifications, specifications take precedence, and in the event of conflicts between small scale and large scale drawings, large scale drawings take precedence." It is noted that many other specification authors (how does the word author grab you?) Also add a similar supplement to their specifications.


The point I want to get across is that a large majority of suits filed in the courts are directly related to specifications, not drawings, so therefore I feel and I'm sure many others do that the specifications can get one into trouble more quickly than the drawings, and therefore should take precedence over the drawings. Let me hear it from you out there both pro and con.

"PRAYER BREAKS" are staged by construction workers instead of strikes.

An Erie, Pa., ironworkers' local recently held 15-minute "prayer breaks" every hour at a hospital-construction site to protest allegedly unsafe conditions. The union claims a number of serious injuries had occurred on the job and said the 150 workers prayed "to thank the good Lord that they had got through the hour without a serious accident" and to ask that the next hour be safe.

The tactic worked though one subcontractor locked out some of the "worshippers" a settlement was reached the next day at a meeting to which each union business agent brought a Bible. Contractors didn't dock the workers' pay for time spent praying, and one union official praised "Hindu philosophy" for spawning the idea.

The union adopted the prayer strategy to avoid breaking federal laws that limit hospital-site picketing and ban individual construction unions from striking to close down an entire building site.



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Larry cont.

The continuing education concept is prevalent in all phases of the construction industry. In talking with several Industry Members of our Chapter, I find that what used to be the sales meeting is now in many cases an intensive and sophisticated technical training session. A conscientious manufacturer's representative then transmits this information not only to the architect, engineer and contractor, but to the workman on the job site.

Another aspect of continuing education is programs presented at CSI Chapter meetings, articles in THE SPECIFIER and technical commentary presented by our members in THE PREDICATOR. I have found CSI to be a major resource in professional development. I'm sure many others have as well.

LARRY ARNOLD
 CHAPTER PRESIDENT

AN ODE TO THE SPECIFICATION WRITER

A man knocked at the heavenly gate
 His face was scarred and old
 He stood before the man of fate
 For admission to the fold
 "What have you done?" St. Peter asked
 "To gain admission here?"
 "I've been a specification writer,
 Sir, for many and many a year."
 The pearly gates swung open wide
 St. Peter touched the bell,
 "Come in and choose your harp," he said,
 "You've had your share of hell."
 Author Unknown

Reprinted from "Specifics" San Francisco

WHAT WOULD YOU DO?

SITUATION: A job has gone out for bid and at the Owner's request a non-union contractor is included in the bidders list. In the specification it was not stipulated union or non-union. All of the other contractors who accept the bid invitation are union.

When the union contractors find out a non-union contractor is bidding, they contact the architect with threats, claim this is unfair to them and want the architect to exclude this contractor.

QUESTION: What should the architect do when put in this situation?

1978 CONSTRUCTION CONTRACTS TO TOTAL \$147 BILLION, WITH STRONGEST GAINS EXPECTED IN NONRESIDENTIAL AREA

Construction contracts in 1978 will total \$147 billion, eight per cent more than this year's anticipated level of \$136 billion, it was announced by McGraw-Hill Information Systems Company at a major conference for business executives in Washington, D.C.

The forecast of the 1978 construction market was presented to approximately 600 executives attending the annual Building Products Executives Conference at the Capital Hilton here, by George A. Christie, the Company's vice president and chief economist. He told the special audience that while all three major construction markets will be showing advances over 1977, the most significant progress will be made in nonresidential building next year. He said that 1978 would be "A year of higher construction volume, slower growth, and a year when nonresidential building takes over as the dynamic part of the market."

The economist expects nonresidential building contracts in 1978 to total \$38.5 billion, a 15 per cent gain over this year. Residential construction will come to \$61.6 billion, a three per cent increase, and nonbuilding construction will total \$46.9 billion, a nine per cent gain.

Focusing on residential building, Christie observed that after two and a half years of expansion, the housing cycle reached maturity in 1977 and there is "little potential left for further expansion." He sees more of a change next year in composition than in total volume, with dwelling units totaling 1.9 million in 1978 and "virtually unchanged from the estimated 1977 volume."

He pointed out two key differences in next year's housing market: the direction "will be downward and the composition will shift to about 100,000 fewer one-family homes and that many more apartment units," said Christie.

Evaluating nonresidential construction, Christie said that "after seven quarters of recovery which started in 1976, nonresidential building is still in its adolescence — unlike the mature housing cycle." In 1978 he believes commercial and industrial building will provide the thrust that's been lacking in nonresidential building up to now.

"With the long-awaited expansion of business capital spending finally taking hold," he said, "contracting for commercial and industrial building could jump as much as 20 per cent — providing that the economy itself remains reasonably buoyant." The economist hinted at the hope of a possible "modest reversal" next year of the long decline of institutional building but warned that it shouldn't be depended upon.

Calling nonbuilding construction a "volatile category," Christie said that Round Two of the Public Works Employment Act, which involves some \$4 billion, virtually assures an even higher level in contracting for highways and local sewer and water facilities in 1978 than this year. This must be balanced by the new Administration's firm stand on budgetary restraint on the funding of Federal water resource programs and urban mass transit projects, he pointed out. "Most of the growth of nonbuilding construction next year hinges on the growth of multi-billion dollar electric utility projects," Christie added.

Concluding his talk, the economist cautioned that the audience should be "aware of some of the vulnerabilities of the 1978 construction market," and he singled out these "contingencies" in his forecast: "excessive credit restraint could precipitate a collapse of the housing market, a serious economic slowdown would lead business to delay or even cancel plans for commercial and industrial building, many factors could lead to the postponement of several billion dollars worth of huge electric generating projects."

We hear tell a local architect found his secretary and a young draftsman smooching in the supply room during a coffee break. "What's the meaning of this?" growled the architect.

"Well," the girl explained, "neither one of us likes coffee."

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Speaking Out

EDITOR NOTE

This column is for you the members to speak out on issues both large and small. We all have problems in our professions that need and should be aired.

The construction industry is not perfect and you the members of C S I are in the position to help improve it. The ideas that you foster can and does make a difference to the rest of the members, both professional and non professional.

The Predictor needs and deserves your support both by advertising and input of articles.

We have tried to make this paper a professional journal to foster ideas and to pass on information that can improve our industry.

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GET THE MOST FROM BELONGING

There are four things every member of an association can do to insure a maximum return of his dues investment

1 PUT A PROPER VALUE ON IT

Never underestimate the value of your association. The dues you pay are small compared with the time and effort members contribute to keep it a going concern

2 WEIGH WHAT YOU ARE RECEIVING

Take a new look at the association's activities, every now and then, to see what can be done to make its services more helpful to you and to the other members. Your Officers and Directors are eager for suggestions

3. ACCEPT A SHARE OF RESPONSIBILITY

for Association programs, by serving willingly and effectively on committees. The Association staff has an important job of administration and coordination, but should not be expected to plan and execute all projects

4 HELP STRENGTHEN YOUR ASSOCIATION

Do your part to increase membership. Members are important, and so are the ideas and fresh viewpoints that "new blood" brings in. Don't condemn non-members as hold-outs or free riders, they'd belong now if they really understood how much membership would help them. Nobody can tell them better than you.

*taken from the Sacramento Chapter Newsletter "THE COLUMN"

"TO ALL OF YOU DIE-HARDS!!!"

The only countries in the world that still haven't embraced the metric system are Burma, Yemen, Liberia, Brunei and you've guessed it, the U.S. of A. However, don't despair, a bill committing the U.S. to conversion is now in the Congress and may pass this year???

CONSTRUCTION COSTS UP 10.4% IN 12-MONTH PERIOD, DODGE SURVEY REVEALS

The cost of construction materials and labor across the nation increased an average of 10.4 per cent during a twelve-month period, significantly more than the 6.2 per cent rise registered a year earlier, it was reported by the Dodge Building Costs Services Department of McGraw-Hill Information Systems Company

The information released by Dodge Building Cost Services, for the twelve-month period ended September 1977, is based on a semi-annual survey of building trades unions, contractors and materials suppliers in 183 cities in the continental United States

The jump in costs was attributed in large measure to the rapidly rising costs of building materials. A weighted average of building materials and labor costs is used in preparation of the Dodge Building Cost Services index. The greatest cost increases were posted by lumber and plaster, followed by brick and cement. Wage rates, however, appeared to be increasing at a slower rate in 1977 than in 1976

During the latest twelve-month period, costs hikes were highest in the region covering the Pacific Coast and Rocky Mountain States, up 12.6 per cent. The smallest hike, 9.4 per cent, was posted by the Southeastern and South Central States.

Exhilaration is that feeling you get just after a great idea hits you, and before you realize what's wrong with it.



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PROFESSIONAL NIT-PICKING

by
Andrew B. Olson, C.S.I.

Over the past year or so I've had the opportunity to review specifications written by a number of architectural firms in Portland. It has been an enlightening experience. The varieties in style and format presented in these various specifications was truly unbelievable. To some firms, it seems, CSI hardly exists.

One firm divided its specifications into 16 divisions all right but that was as close to the CSI format as they came. Everything under each division was written in sequential order, one after the other, paragraph after paragraph, no sections and no three part format. On top of that, none of the paragraphs were numbered. Absolutely no identification whatsoever!

One thing that has been a personal taboo for many years is the apparent necessity by some spec writers to hold the hand of every subcontractor, applicator, supplier, installer, fabricator and, seemingly, everyone connected with the project. All references to such people is inappropriate and totally against CSI principles. (Read CSI Manual of Practice Document MP-5A, Specification Language.)

A typical example of this hand-holding technique is illustrated in the following paragraph quoted exactly from a specification I recently reviewed:

INSPECTION

Applicator must examine the areas under which painting work is to be applied and notify the Contractor in writing of conditions detrimental to the proper and timely completion of the work. Do not proceed with the work until unsatisfactory conditions have been corrected in a manner acceptable to the applicator.

The Contractor has been bypassed in this example in the interest of and concern per a subcontractor, or possibly one of his applicators somewhere down the project's chain of command. The recommendations presented by CSI in MP-5A is safest (legally) and the most logical way for any spec writer to approach this problem.

PET PEEVES:

1. Catalogs without dates or with dates that are not discernible make reference files difficult to maintain properly. An old date on a catalog would alert the spec writer to verify and make sure that data is current.

April 1978

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Region 9 C.S.I. convention.

The above quoted paragraph was, unfortunately, not an isolated case. A similar paragraph almost identical to the above appeared in many of the technical sections in the specifications I reviewed. This coincidence was a bit puzzling at first. Then I learned that in each case the specifier used "Master Spec" as a guide in writing his specification. Does "Master Spec" actually use such improper language? I really don't know.

The above paragraph from a painting section was specifically selected for comparative purposes. The CSI Specification Series Document 09900 on Painting was developed from AIA Document K-0990, Specification Worksheets For The Painting Section of Division 9 (sic). What a cumbersome title. This AIA document had to be modified to comply with the CSI doctrine, the 3 Part Section Format, and other CSI recommendations. The above paragraph on "Inspection" came out reading as follows in the CSI publication 09900, Specifying Painting:

3 01 INSPECTION

- A. Examine surfaces scheduled to receive paint and finishes for conditions that will adversely affect execution, permanence or quality of work and which cannot be put into an acceptable condition through preparatory work as included in Article 3 02. PREPARATION
- B. Do not proceed with surface preparation or coating application until conditions are suitable.

Note the direct statement of facts or direction, without actual reference to the applicator or contractor. I believe a further improvement would be to change the last part of paragraph "A" to read "preparatory work normally performed by painters." And paragraph "B" should be changed to read, "Do not proceed with surface preparation or coating application unless conditions are suitable. Application of prime coat on any surface shall constitute acceptance of that surface."

I have used the last sentence in the above paragraph in various forms for many years with great success. It puts responsibility for the finished work, whoever applies it, upon the contractor, and only indirectly upon one of the contractor's subs, without actually pointing fingers or naming names.

The Nit-Picker

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- "WE WILL LOOK INTO IT" — (By the time the wheel makes a full turn, we assume you have forgotten it)
- "A PROGRAM" — (Any assignment that can't be completed by one telephone call)

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Thanksgiving

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portland chapter

vol. 16, no. 14 construction specifications institute December, 1977



bs

by ks/December 1977

Several BS's ago (April 1977) I asked the question, how come the fire marshals and the building officials didn't see eye to eye and suggested that it would be nice if we had a more universal code interpretation throughout the state. One letter received regarding this situation came from Wilburn Dodge of Washington County Fire District No. 1. Mr. Dodge stated that he more or less agreed with my views and gave his views as to just why this occurs. He felt that most fire marshals were originally firemen or with fire department background whereas the building officials and building inspectors were more construction and structurally oriented. With this explanation it becomes quite obvious why we find different enforcement at various locations. I also believe in my previous column mention was made regarding these two governing bodies that they should do more talking to each other. It is my opinion that an effort is being made by both to do more talking to each other which in turn will be a great assistance to all of us in the construction industry.

Recently I received from Mr. Dodge a copy of a transcription of an address delivered to the National Conference of States on Building Codes and States held on September 19, 1977 at Bozeman, Montana, by David A. Lucht, Deputy Administrator, National Fire Prevention And Control Administration, U. S. Department of Commerce. This address

continued pg. 2

CODE ENFORCEMENT

Do we really want code enforcement? This is a question that has been bandied back and forth for many centuries. The sides seem to be taken between the knowledgeable and the unknowledgeable. The protected and the unprotected, the man with money and the underprivileged. Then, there is the group who sees some footholds for more power over his fellow man — a chance for profit, if you will. It seems to be a question in today's society — do we want more government or less? Can private firms do a better job of enforcement or shall it be left up to the all-knowing federal government? Do you know the answer? Believe me, I do not.

I do know this world is full of individuals who will always do what is expected of them in this day's society. There are also two sides to this coin of individuals — some not so believable in accepting or performing as society expects. In my experience, some time ago a hand shake was as binding as any legal contract document this day, but we are many and times have changed. The age majority is changing, the educational opportunities are changing, the incentives have been disrepaired. So you see in fifty years the outlook, the expected, the alternatives and opportunities are not the same. Private firm's goals are profit, satisfaction from a product to a client, to stay in business for many years, to be respected in his community and where he can feel a sense of pride. Many times individuals in that community have a very different goal and they sometimes clash. This may take many forms, but it is present in every community. Pride in one's own community and a sense of belonging to something other than ourselves elevates a sense of well being and a sense of satisfaction that moves mountains. That kind of a community needs less enforcement. In the large metropolitan cities, this can happen, but usually doesn't. It has been accomplished in times of emergencies in a community, but when the emergency is past, the old groove is large enough to still cause problems. On the other hand, Government's goal is supposed to be representative of people's needs, that they themselves cannot finance. We have observed plenty of this kind of representation, but the non-representation is also present.

Today there are more attorneys and judges than any other profession on earth. So many in fact that they hire one another to represent them in problem areas. Attorneys write laws. Legislatures consist mostly of attorneys, and it goes without saying that the others are represented by attorneys. There are attorneys who are conscientious, religious, family men that would not intentionally cause anyone a problem, but often, the buck speaks, and there is always a listener. It is true that any legislation goes through a screening process, is reviewed over and over, is edited before it is turned over to another attorney, goes to the Attorney General, and then on to the Governor for ratification. At that point a decision is made — when will enforcement begin? What is the criteria for an inspector? Specifications are prepared stating the qualifications of that individual. He must take an examination prepared usually by a nonprofessional who isn't really acquainted with what is really required to become an inspector in the enforcement program. Here of late, there has appeared on the horizon a group of people who are beginning to do something about the inade-

quacies in examinations for inspectors. One day that result of today's beginning will shed a new light on the meaning of enforcement and why it is needed. When communities realize they stand alone unless there are well trained, knowledgeable and sympathetic individuals ready to move that wheel that has bogged down, they will get no representation.

In a socio-economic society such as we find ourselves this day, wherever we turn we find complexities, so the trend is specialties. This can be found readily in the construction industry. Look at the list if you haven't lately. When you compare this industry to the needs yet to be attained, you can see many holes in the shield of total construction, as long as there are individuals who are after a fast buck and the public is the group that pays that buck. Why not give that group something for their money? To close a hole sometimes requires many years, even centuries, but it will never be closed until a craftsman shows up with the proper tools and the knowledge to use those tools. We have a long way to go in enforcement, and many obstacles to overcome, but together we can create a new horizon where acceptance is automatic because we trust our fellowman in his endeavors to do the enforcement correctly. Yes, enforcement is needed.

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PORT-24

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is entitled "Is Our Fire Safety Regulation System Really Working?" In this address Mr Lucht states that in the United States we do not have uniform codes and in some places hardly any codes at all or the local unique type of code which may or may not do much agreeing with national model codes. Note there are at least ten national model codes in existence including an AIA National Building Code and an AIA Fire Prevention Code. How many of you out there are aware of that? How come the CSI doesn't also have one? (Pay no attention to that last sentence - ha!) Now as you can see we have a lack of communication at our local level and on the national level we have available too much communication. This sort of sounds like politics, doesn't it?

Well to sum it up Mr Lucht feels that more uniformity throughout the country is in order and that our designers, builders and tradesmen need more training in fire safety. He also mentions just what some of us have said all along that often there are two or more public officials who have separate authority for fire safety.

If any of you would like a copy of this address please let me know and I will Xerox you a copy and send it to you at once.

In closing I want to thank Wilburn Dodge for his mutual concerns and assistance.



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Confidence in Product Is Principle Factor in Selection, Meier Says

Were I to isolate the principle factor which influences my own selection of construction products, it would be that I must have confidence in the product's ability to meet the performance requirements. Hans W. Bill Meier, FCSI, chief of specifications for Daniel Mann, Johnson & Mendenhall, Los Angeles, told a Construction Specifications Institute convention session on "Getting Specified."

"When I am lucky I am able to rely on previous good experience with the product or rely on the recommendation of a responsible industry member of CSI who specialized in the particular field and whose expertise is far greater than my own. When I am lucky — well, that's another matter.

To help this luck along, he would like very much to have right now a tool which would enable him to list the required attributes of some product. I needed for a current project, to punch those attributes onto a card and feed the card to the computer — then let the computer print out for me a list of all of the available products which meet those requirements, give me their name and model number, tell me where the product information is stored, tell me how much the product will cost installed and alert me to what substatra I must provide to properly receive the product."

Cut Research Time

Meier doesn't think such a tool would "replace" him, but he says it would cut my product selection research time by 95 per cent and would furnish both the manufacturer and me a tremendous increase in productivity.

This tool may be on the way. CONCOM or Construction Communications is in development, with some portions such as SPEC-DATA and COMSPEC already in use. "What can you and I do to help CONCOM along and what can you and I do in a more scientific approach to construction product selection until CONCOM becomes a reality?"

"It seems to me," Meier said, "that our first step is to recognize that we do have a problem. I believe that more and more manufacturers and more and more design professionals have come to agree there is a problem. The continually increasing complexity of construction design, the growing number of constraints being placed on the design professional, and the rapidly changing vocabulary of construction materials and methods — all of these have overtaxed our ability to manage by conventional means. We are gradually achieving a consensus among us that this problem exists and that we must nourish the developments of viable solutions. We can all help by joining in the effort to make those solutions a reality."

Rededication to MP

For practicing specifiers, Meier said, this means no more than a re-dedication to continued use of the CSI Manual of Practice as a working tool. For the practicing design professional, it means no more than achieving a good understanding of today's principles of construction contract documentation, as described in that same CSI Manual of Practice, and implementing those principles in the drafting room.

And for the manufacturer, it means no more than taking advantage of the means already offered through CSI to format information on construction products into an arrangement which contains the material we must have in order to properly prepare our written construction documents.

He doesn't think these are big assignments and he says he preaches his message constantly to manufacturers' reps. Some, he reports, appear disinclined to accept this advice from "an old spec writer." His reply:

Let me tell you something. Don't tangle with an old spec writer. The older he gets, the less he has to lose. And the less he has to lose, the more apt he is to tell it like it is. And, by God, I'm telling it like it is. I've had hemorrhoids I liked better than some of the so-called manufacturer's specifications you've handed me!

Rep Comes Equipped

He made haste to say that he knows knowledgeable reps, who come equipped with the information he badly needs. One rep left a catalog with him. "The first thing I found was an excellent dissertation on problems and solutions in selection and application of industrial paints. If you removed the trademark, it would be hard to tell this from a CSI Monograph. This was followed by extremely well worked out charts for selection of industrial paints based on the service they needed to provide. And right after this, believe it or not, was a series of specs written in today's three-part section Format — written so well you could almost fill in a few blank lines and hand them to Sally to type up for a project spec. And at the back of the catalog was more technical data than any of us ever dreamed of having at our finger tips."

The reps all do have their problems, too, he concedes. "Probably the most common complaint of manufacturers is when they have gone to a lot of trouble and sometimes quite a bit of expense, to help the design professional work out particular details of a project in the design stage and then, for any number of reasons, watch a competitor walk away with the actual job in the construction stage. Recent surveys show that 75 to 85 per cent of the products we specify by brand name end up making it to

the finish line. It's the 15 to 25 percent that fall out of bed along the way that we hear the complaints about and well we should.

"I'll say to you that specifiers are also concerned about that 15 to 25 percent. The reason for 75 to 85 percent of the specified products getting into actual construction is because tighter specs are being written, more consideration is being given to listing the required attributes.

'Or Equal' Problem

"Of course, we still have not licked the ancient problem of the 'or equal.' We know that all products are equal. It's just that some are more equal than others. In most public work, we are still locked into a requirement for allowing the broadest possible competition. When we are confronted with such a requirement, our problem in product selection is compounded because we must not only select the actual product but we must select the best.



Point: Architect's Responsibility? The court questions if there is another product that would have been safer relative to the injury.

Counterpoint: Have Contractor/Supplier of major products certify that the installation of product was as per manufacturer's specifications.

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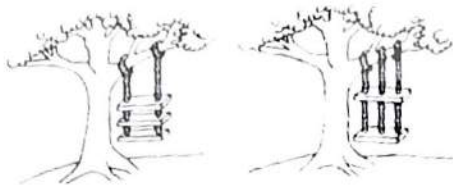
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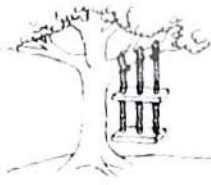
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PROGRESS

We think we have trouble getting something built today. Here is a first-hand report semi-straight out of the Scripture of a proposed construction project some 4000 years ago. Things haven't changed much, have they?



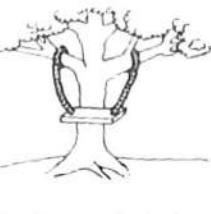
1. As the specialist proposed it



2. As marketing requested it



3. As engineering designed it



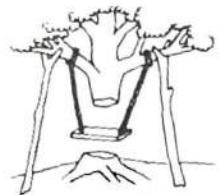
4. As manufacturing built it



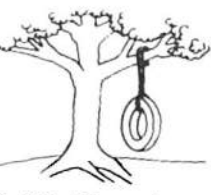
5. As supply delivered it



6. As advertising sold it



7. As plant installed it



8. What the customer wanted

And the Lord said unto Noah: "Where is the ark which I have commanded thee to build?"

And Noah said unto the Lord: "Verily, I have had three carpenters off ill. The gopher-wood supplier hath let me down — yea, even though the gopher wood hath been on order for nigh upon 12 months. What can I do, O Lord?"

And God said unto Noah: "I want that ark finished even after seven days and seven nights."

And Noah said: "It will be so."

And it was not so. And the Lord said unto Noah: "What seemeth to be the trouble this time?"

And Noah said unto the Lord: "Mine subcontractor hath gone bankrupt. The pitch which Thou commandest me to put on the outside and on the inside of the ark hath not arrived. The plumber hath gone on strike. Shem, my son who helpeth me on the ark side of the business, hath formed a pop group with his brothers Ham and Japheth. Lord, I am undone."

And the Lord grew angry and said: "And what about the animals, the male and the female of every sort that I ordered to come unto thee to keep their seed alive upon the face of the earth?"

And Noah said: "They have been delivered unto the wrong address but should arriveth on Friday."

And the Lord said: "How about the unicorns, and the fowls of the air by sevens?"


And Noah wrung his hands and wept, saying: "Lord, unicorns are a discontinued line, thou canst not get them for love nor money. And fowls of the air are sold only in half-dozens. Lord, Lord, Thou knowest how it is."

And the Lord in His wisdom said: "Noah, my son, I knowest. Why else dost thou think I have caused a flood to descend upon the earth?"

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NOON LUNCHEON SAT., JAN. 28th!***

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"CONSULTANT" or "EXPERT" — (Any ordinary guy more than 50 miles from home — must have briefcase)

"TO ACTIVATE" — (To make carbons and add more names to the memo)

"TO IMPLEMENT A PROGRAM" — (Hire more people and expand the program)

"UNDER CONSIDERATION" — (We are looking in the files for it)

"A MEETING" — (A mass mulling by master-minds)

"A CONFERENCE" — (A place where conversation is substituted for the dreariness of labor and the loneliness of thought)

"TO NEGOTIATE" — (To seek a meeting of minds without a knocking together of heads)

"RE-ORINATION" — (Getting used to working again)

"RELIABLE SOURCE" — (The guy you just met)

"IMPROVED SOURCE" — (The guy who told the guy you just met)

"UNIMPEACHABLE SOURCE" — (The guy who started the rumor originally)

"A CLARIFICATION" — (To fill the background with so many details that the foreground goes underground)

"WE ARE MAKING A SURVEY" — (We need more time to think of an answer)

"NOTE AND INITIAL" — (Let's spread the responsibility for this)


"SEE ME OR LET'S DISCUSS" — (Come down to my office. I'm lonesome)

"LET'S GET TOGETHER ON THIS" — (I'm assuming you're as confused as I am)

"GIVE US THE BENEFIT OF YOUR PRESENT THINKING" — (We'll listen to what you have to say as long as it doesn't interfere with what we have already decided to do)

"WILL ADVISE YOU IN DUE COURSE" — (if we figure it out, we'll let you know)

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CALENDAR OF EVENTS

January 10th Meeting
"The Behavior of Fire"
Ron Meliot
Fire Protection Engineer

February 14th Meeting
"Wood Preservation Technology"
Bob Graham
Oregon State University
Forest Products Research Laboratory
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Board of Directors Meeting
Thursday, February 16th
Noon at the Chapter Office
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open to all members

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June 18-21, 1978
San Antonio, Texas



PRESIDENT'S COLUMN

Editorship of The Predicator has been augmented by a committee of Chapter members. We believe that this will help assure that our newsletter will be published in a timely manner in the future. The Board of Directors and I apologize to the Chapter membership and to our readers for the sporadic performance of the last several months. Happy New Year!

Larry Arnold, AIA-CSI
Chapter President

B. S.

by K. S.

Another New Year has arrived and I hope you have followed Ken's advice regarding making New Year's resolutions, and that is, make only one resolution, resolving not to make any resolutions. Believe me, this keeps you out of trouble because 99.44% of New Year's resolutions are never kept anyway.

Some time back, in the 1977 May-June issue of "The Oregon Industrialist" magazine, I remember reading an article entitled "Products Liability Insurance — Today's Out Of Control Operating Expense". Several statements made in this article are real grabbers. Examples: "Costs Rise Hundreds Thousands Per Cent For Oregon Companies", "Surveys Show Dramatic Premium Increases", "Costs Having Negative Effects On Businesses And Jobs", "Strict Liability Doctrine Adopted By Many States", etc.

The last item may not sound unreasonable but listen to an example quoted that took place in the East. Two men were to cut grass and trim a hedge. They did not have a hedge trimmer, so picked up the power lawnmower and attempted to trim the hedge with it. As a result, one man lost a hand. He sued the manufacturer of the lawnmower and won. In reality, strict liability can mean the manufacturer is responsible for any product-related injury.

Another example lists the manufacturer of a wooden ladder left outside in the weather for twenty years was held responsible when a rung broke on the ladder and an injury resulted.

Well, after reading this entire article some months ago I have been sputtering ever since without really making too much vociferous vocal utterings. Just recently, though, I read in the local papers that a local truck manufacturer was sued for something over two million dollars for an accident involving loss of life due to fire and the award was for around ten million. I did not realize you can sue someone for a certain amount of money and get awarded four to five times as much as you asked for. The suit involved a fuel tank (diesel) rupturing when truck was overturned and fire broke out. This tank in question was not

continued on page 2

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**NORTHWEST REGION CSI
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500 Topics are now assigned or available among the 10169 members of CSI or one for each 20 members. The Northwest Region has 624 members (11-30-77) or 6.2%. Our "Share" would be 31 assignments

CHAPTER	ACTIVE MEMBERS 11-30-77	% of REGION	SHARE	ACCEPTED ASSIGNMENT		COMPLETED ASSIGNMENT	
				#	% of Share	#	% of Share
Cook Inlet	50	8%	3	5	167%	1	33%
Portland	164	26%	8	10	125%	4	50%
Puget Sound	222	35%	11	2	18%	2	18%
Spokane	60	10%	3	—	—	—	—
Willamette Valley	87	14%	4	4	100%	3	75%
Yakima Valley	4	1%	(0.3?)	—	—	—	—
No Chapter Affiliation	37	6%	2	—	—	—	—
TOTAL	624	100%	31	21	68%	10	32%

Portland's record is now 6 completed for 75% of their share — but look out for Cook Inlet!

B.S. by k.s. (cont.)

installed by the manufacturer or their dealer. It was installed by the truck owner.

I no longer sputter. I am getting just plain mad. It is high time we do all we can to stop this kind of damn foolishness. If this continues it will bankrupt all of us. Some judges and juries evidently feel that award money only comes from the manufacturers, never having heard old Pogo's statement.

We have met the enemy and them is us. Anybody out there that agrees with me, please do what you can to help correct this terrible situation. Believe me, this monster is entirely out of control.

P.S. to B.S. Just heard today that some coed in Rhode Island was apparently using a hair dryer in a closet to dry her clothes and it caught fire, resulting in the death of seven other coeds. No doubt the manufacturer of the hair dryer will get sued for millions.

Ken Searl, CSI
Past President
Portland Chapter, CSI

FROM THE EDITOR

I decided to move on to a new challenge in the construction industry.

January 1, 1978, found me on job sites reading and trying to interpret specs written by fellow CSI members. I have joined the firm of Zeida Painting Co.

I hope fellow members will continue to feel free to call on me as in the past to help in any way I can.

I can be reached at:

ZEIDA PAINTING CO
2001 S.E. 50th
Portland, Oregon 97215

phone, 281-6126

Sincerely,

Bob Isles, CSI
Editor



Have a beef on specifications — put it in writing and we will print it.

TO THE EDITOR

In the March 1973 issue of THE PREDICATOR, there appeared an article "You have the words but not the tune". It defined "A Construction Manager" as "The General Contractor's replacement or The Architect's replacement or someone who helps the Owner meet his budget and schedule and is someone who helps the Owner communicate with the Architect and Subcontractors in getting the building the Owner thinks he wants."

Four plus years later the question of "What is Construction Management?" again came before the Portland Chapter of the Construction Specifications Institute. Pat Loukes, AIA (Simpson Construction) was assisted this time by Terry Rommel, AIA (WE/Group Architects) and Doug Winn (Todd Building Co.). Doug Winn diagrammed the conventional path between when the Owner first thinks he wants a building and when the Owner has a finished building. Doug then showed the same process using a Construction Manager. The differences are not really very significant and some firms, such as Todd Building Co., are able to perform both as Construction Managers and as a "Conventional" General Contractor.

The conclusion which I would make, which is essentially cribbed from the concluding statement of Robert Wilmsen, FAIA (WE/Group Architects) is that Construction Management came into being as an answer to the Owner's needs. The Owner wants a well designed, cost efficient building which is built as rapidly as possible. The Owner wants to control both the quality of construction and the construction costs through an individual in whom he can place his trust. The Architect, Construction Manager and/or General Contractor should be a team that works together for the Owner and provide the Owner with the building the Owner thinks he wants.

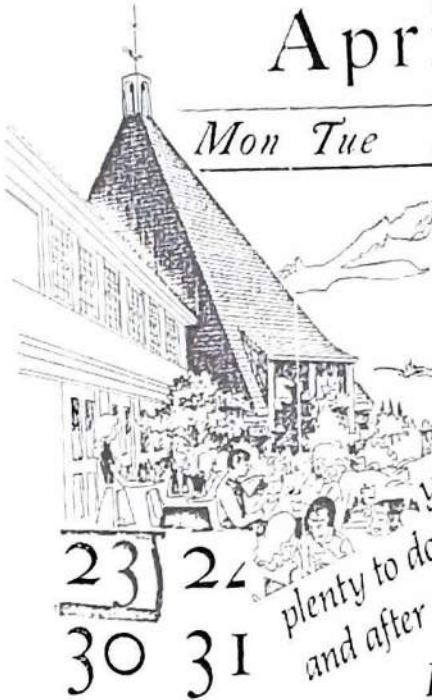
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Sincerely,
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