



THE WINNER'S CIRCLE

A Publication of the Indianapolis Chapter of the Construction Specifications Institute

MEETING DATE:

Thursday October 14, 2010

TOUR/MEETING SCHEDULE:

5:00 Tours begin (Departing at intervals after)

6:30 Meeting

MEETING LOCATION:

Indiana Convention Center
Indianapolis, IN

FEES:

Free to Members

\$20 Guests

\$10 Students/Retired

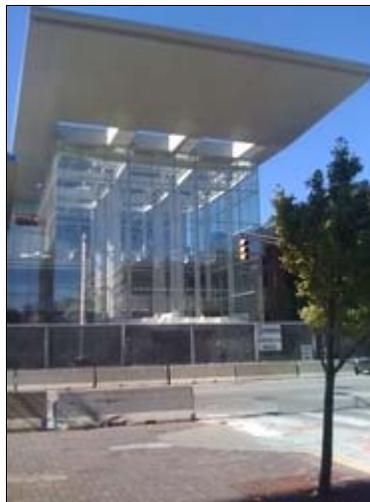
RESERVATIONS:

Please RSVP via the chapter website, or contact the Chapter Voice Mail, (317) 465-1491

INDIANA CONVENTION CENTER EXPANSION TOUR

October Program

Andy McIntyre, Programs Chair



Please join the CSI Indianapolis Chapter in an exciting tour of the Indiana Convention Center Expansion. The Indiana Convention Center is currently undergoing its fourth expansion since opening in 1972. After the demolition of the RCA Dome, the \$275 million project was begun and will be housed on the area that the RCA Dome occupied. The expansion is anticipated to be completed by late December 2010. The project will add 254,000 square feet of exhibit space, 63,000 square feet of meeting rooms and 100,000 square feet of pre-function space. An indoor, street level, climate controlled connector will link the convention center to Lucas Oil Stadium.

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OCTOBER 14, 2010

October: Tour Convention Center Expansion

DECEMBER 9, 2010

Annual Holiday Party

NOVEMBER 11, 2010

November: Veneer Factory Tour and AWI Program

NOVEMBER 11, 2010



VIEW FROM THE TOWER

October 2010

D. Blake Wagner, AIA, CSI, CCCA, LEED AP



CSI presented the 2011-15 strategic plan at Construct 2010 in Philadelphia this past summer. For the Indianapolis Chapter, it brought us a new mission, a value statement and a glimpse at the envisioned future of CSI.

The mission of CSI is to advance building management and education of project teams to improve facility performance.

What does this mean? It is the answer to the question "why does CSI exist?" This mission directs the efforts taken by our Board and each committee to bring the value to your CSI membership. We produce the many systems for organization building information (SectionFormat, PageFormat, MasterFormat, UniFormat, OmniFormat, GreenFormat,

PPD Format (Preliminary Project Descriptions), and others...) to advance building management. We have our certification programs, CSI University, Construction, Regional Conferences, and our chapter meetings and seminars to education our project teams. We do all of this to improve facility performance. Our goal isn't to advance the architects, contractors, or owners to a place they can dominate; we advance the "team" to improve performance.

As we work to fulfill this mission, the Indianapolis Chapter has had several exciting things taking place. The Trade Show seminar on BIM and Sustainability organized by Edmond Brown and the Education Committee presented how to utilize the tools of BIM to successfully create sustainable buildings. Another great Trade Show led by Glen Baines and the Trade Show Committee took place September 17th bringing together the leading manufacturers and trade organizations around Indiana into one room to share their latest information and allow all of us the chance to network. *(continued on page 3)*

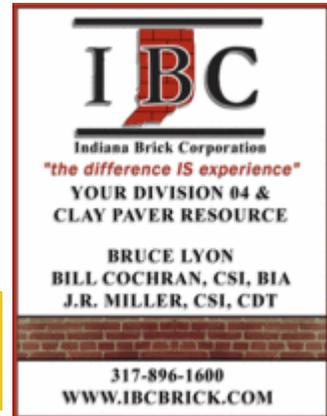
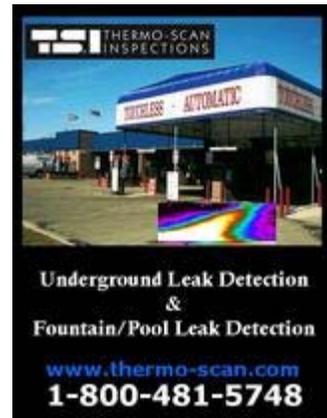
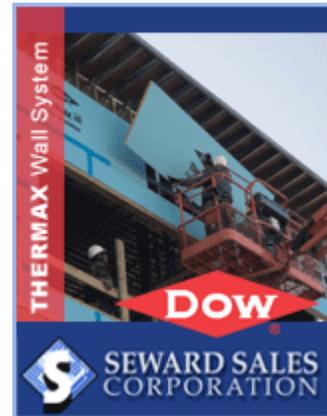


Along with the Trade Show, Pete Kerfoot along with the Academic Affairs Committee brought student education in the form of a competition in which students had to pair MasterFormat numbers to the correct components of a wall section using their short form specification. Lastly (as seen in my picture this month) the Indianapolis Chapter CSI Education Foundation held a raffle at the Trade Show bringing in over \$1,000 to support their mission of funding educational opportunities. As the Indianapolis Chapter, we are doing our part to advance building management and education of project teams to improve facility performance.

This month brings a tour of the next Indianapolis landmark, the addition to the Indianapolis Convention Center and a program by Novum on the glass system used in the "cubes" on October 14th. On this Saturday, October 9th, Ray Kirchoff and a few of the leading specifiers of the City will be presenting the Second Annual IDP Specification Writing Seminar for architectural interns. Be sure whether a young architect or seasoned architectural/industry professional to take the opportunities available to become that improved team member.

In addition to our program activity, Paul Sternberg and his Technical Committee are working with CSI Institute to update the CSI Wiki (<http://wiki.csinet.org>), a resource for everyone to find unbiased technical knowledge on all things related to the building industry. If you are interested in contributing to this invaluable tool, contact Paul Sternberg and get started.

I hope to see everyone next week for the convention center tour as we continue to learn ways to improve our performance and fulfill the mission of CSI. If you have any suggestions, criticisms or questions feel free to contact me at bwagner@interdesign.com, 317.263.9655 or by stop by my office downtown. See you on October 14th!



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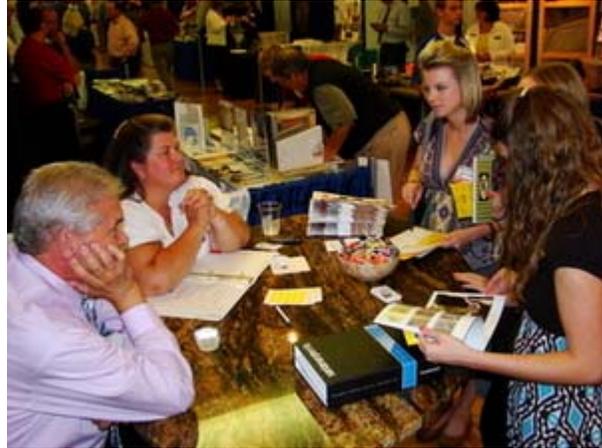
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MORE TRADE SHOW PHOTOS

Ralph R Pitman Jr CSI





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CONTRACT CONSIDERATIONS FOR DESIGN PROFESSIONALS ON DESIGN-BUILD PROJECTS

PART I

Christopher S. Drewry

On design-build projects, typically the design-builder is a general contractor who then contracts with an architect or engineer to perform the design related services for the project. This creates a single point responsibility on behalf of the design-builder, which requires an assumption of responsibility and control for the design and construction of the project. What this means for the architect on such design-build projects is that it acts as a subcontractor to the design-build contractor. This is a new role for an architect and presents a myriad of legal issues to consider in negotiating the terms of its subcontract. These contractual considerations for architects on design-build projects will be broken into two parts – Part I is below, with Part II to follow in the next newsletter edition – in order to address many of the concerns architects may have.

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To start, from a contractual standpoint, the architect is just one among many subcontractors. Typically, the design professional is used to being in direct contract with the owner. However, under this design-build scenario, the designer answers only to the design-builder and contractually acts in its interest and not necessarily in the interest of the Owner. To the extent that there are design components that the design-build team is providing but which are being designed by the specialty subcontract trades, the architect will not even have these trades under its design umbrella, as may otherwise be the case with traditional design where the architect would be contracting with engineering consultants. As such, in drafting the design-build subcontract terms, particular attention must be paid towards drafting the appropriate duties and obligations, and expectations, for the subcontract design components since it is the Design-Builder who will be ultimately responsible for their work upstream to the Owner.

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Additionally, by use of the design-build project delivery system, the role of the architect is somewhat diminished in conjunction with the importance of design to the project. In this scenario, the architect plays more of a secondary role to the contractor in a design-build (continued on page 6)

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project while the design-builder, by leading the design-build delivery process, controls the quality of design.

Another issue to address is in the area of permit applications and stamping the plans. Under §A.3.2.9 of the Exhibit A Terms and Conditions of the AIA A141 (2004) Owner and Design-Builder Agreement, a certification was created to be issued by each of the design-builder's professionals that states, to the best of their knowledge, the documents are consistent with the owner's criteria and comply with applicable standards, laws and regulations and that the owner's own consultants can rely upon the accuracy of the certifications. This provides the owner a level of assurance that the documents provided by the design-builder reflect the owner's criteria. However, this certification may create direct liability on the part of the design professional to the owner and other consultants that rely on it.

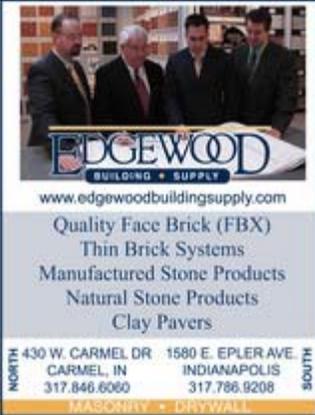
Also, with respect to code compliance, legal issues arise because the parties must determine which design professional will be ultimately responsible to the owner for such compliance, including those issues inherent in or created by the owner's criteria package. Since the architect will be the person to sign and seal the ultimate design by code authorities, the AIA

approach is to impose ultimate responsibility for code compliance on the architect. This makes imminent sense from both the owner's perspective and that of the design-builder. Therefore, the architect may bear the ultimate financial cost for code violations created by criteria provided by the owner or created by the owner's design criteria consultant.

Another area of concern is the ownership and use of the design documents and plans. The architect should make clear the confidential relationship and proprietary information with respect to the design documents or else risk an owner or design-builder subsequently distributing or using the architect's design documents. The AIA provides that the owner holds a non-exclusive license to reproduce the documents in connection with the project and the design-builder must obtain such a license from its architect and other professionals. If the owner terminates its design-builder, the owner is granted a license by all of the design professionals upon *(continued on page 7)*



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termination

of the design-builder to use the documents for completion of the project as long as the owner assures the design-builder's duties to the design professional and pays all amounts due to the design professional and its consultants. If the owner does not agree to assume these duties, then the owner still can use the documents to complete the project as long as the owner indemnifies and holds harmless the design professional from claims, expenses, and attorneys' fees incurred as a result.

For purposes of this discussion, one last legal concern to address is the contingent payment issue. Under the AIA A141, §A.9.6.2 of the Terms and Conditions, prompt payment of the architect by the design-builder "upon receipt of payment from the Owner" is required. The exact time for payment is set out in the B143 (2004) Design-Builder and Architect Agreement, §5.8, which ties payment to the date of the architect's invoice, not to the date the owner makes payment. Some have taken the position that the design-builder is often in a better position to assess the owner's financial condition, and therefore many parties agree that the design-builder, rather than the design professional, will assume the ultimate risk of nonpayment by the owner. With this, the design professional agrees that all payments to it, whether a progress payment or final payment, or for changes or delays, shall not be due until after the design-builder actually receives payment on account of same from owner. This provision is commonly referred to as a "pay when paid" clause and most courts interpret these provisions as creating a timing mechanism where the payments to the design professional will be postponed for a reasonable amount of time to allow the design-builder to obtain funds from the owner or another source. If payment is never received by the design-builder, and the design professional is not at fault, the design-builder will ultimately be responsible for paying the design professional for its work.

Given the inconsistency in the AIA documents, design-builders will want to coordinate these dates so that payment is not due before the date the owner is to make payment. The AIA design-build contracts do not contain an express "pay-when-paid" clause, and architects should be alert for clauses added on this subject. Additionally, if the parties choose to place the
(continued on page 8)



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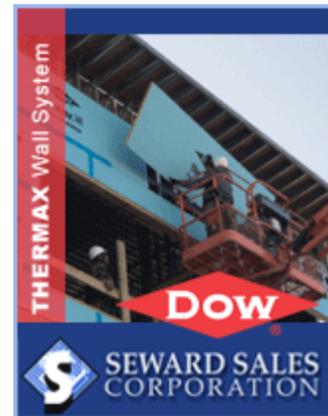
risk of owner nonpayment on the design professional, a "pay if paid" clause should be included that effectively transfers the risk of the owner's nonpayment to the design professionals.

Although there are many more legal concerns which may need to be addressed by architects acting as subcontractors on a design-build project, the aforementioned issues are a few of those which can be most concerning to architects who are not typically accustomed to the subcontractor role. For a continued, detailed analysis on other legal concerns in this regard, stay tuned for Part II of this series in the next newsletter edition.

Chris Drewry is an attorney with the construction law firm of Drewry Simmons Vornehm, LLP, Indianapolis, Indiana, and focuses his practice on construction law as well as labor and employment law. He is an active member of CSI. If you have questions, please contact Chris at 317-580-4848 or via email at cdrewry@drewrysimmons.com.

MCCOMB WINDOW AND DOOR CELEBRATES 80TH ANNIVERSARY

On July 14 McComb Window and Door of Indianapolis celebrated their 80th anniversary of being in business. McComb has represented window and door manufacturer, Pella Corporation, in central Indiana since 1930. McComb was founded by E.B. McComb and he operated the business until joined by his son Don in the 1940s. Together they ran the business until the 1970s when the current ownership, Rick and Bill McComb took over. To celebrate the anniversary, a luncheon was held at McComb's corporate office at 74th Street in Indianapolis and was attended by all McComb employees and Pella Corporation executives. The firm is well positioned to continue with fourth generation family members.





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CERTIFICATION QUIZ

Indianapolis Chapter CSI Quizmaster

Jack P. Morgan, CSI, CCS, CCCA, MAI, AIA

CERTIFICATION QUIZ

*Jack P. Morgan, CSI, CCS, CCCA, MAI, AIA
Indianapolis Chapter Quizmaster*

1. The Agreement:
 - a. Establishes how the Contract will be administered
 - b. Provides for requirements unique to a specific Project
 - c. Protects the labor force if the Contractor fails to meet his obligations
 - d. Defines relationships and obligations between the Owner and Contractor

2. The purpose of the Invitation to Bid is to:
 - a. Attract qualified bidders
 - b. Meet legal requirements on publically bid projects
 - c. To help prospective bidders decide whether to obtain the bidding documents

3. The Supplementary Conditions must be carefully coordinated with all of the following EXCEPT:
 - a. General Conditions
 - b. Bidding Requirements
 - c. Owner – Contractor Agreement
 - d. Owner – Architect Agreement

4. Instruction in the Specifications:
 - a. Divide the work logically among the subcontractors
 - b. Are addressed only to the

(continued on page 10)



Contractor c. Are stated in several locations to be sure they are read

5. Drawings prepared by the Contractor, subcontractor, or material/equipment supplier that show how a particular aspect of the Work is to be fabricated and installed, are called:

- a. Record Drawings
- b. Construction Documents
- c. Shop Drawings
- d. Details

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TABLE TOP PRICES
Indianapolis Chapter CSI

Ralph R Pitman, Jr., CSI, CDT

The Indianapolis Chapter of CSI is accepting reservations for Table Tops for upcoming Chapter meetings. The list of programs for upcoming Chapter meetings is published in this newsletter, the web site, or contact Program chairman Jack Morgan, so if you would like to target a particular meeting, make sure to get your reservation in early. We do have a limit of four spaces available for Table Tops in a standard meeting room and 10 if we have a double room.

Table Tops are an opportunity to promote your company, products, or services to all attendees of our regular chapter meeting during the social hour. There is a maximum of 20 minutes for Table Top presentation at a regular Chapter meeting. You have the floor for maximum of five minutes during the dinner to communicate to the entire group if there are four presenters. If there is a greater demand, the 20 minutes will be divided by the number of presenters and rounded down to the nearest 30 seconds.

The Table Top presentations are FREE, one time, to new members, and cost current Indianapolis Chapter members only \$75. Non-members get the same opportunity for \$125. A 30 by 60 table with a cover and skit will be included. All proceeds go to support the Chapters Education Fund. Another opportunity for a Table Top is during an Education Seminar. The cost is if you combine it with the Chapter meeting and Education Seminar the cost would be \$100 for current members and \$150 for non-members.

If you would like to schedule a Table Top for a future meeting or seminar, contact Ralph Pitman, Sebree Architects, Inc., via e-mail at rpitman@sebreearchitects.com (317) 272-7800 or Matt Maier at mmaier@edgewoodbuildingsupply.com (317) 846-6060 make sure to put 'Table Top Request' in the subject line.

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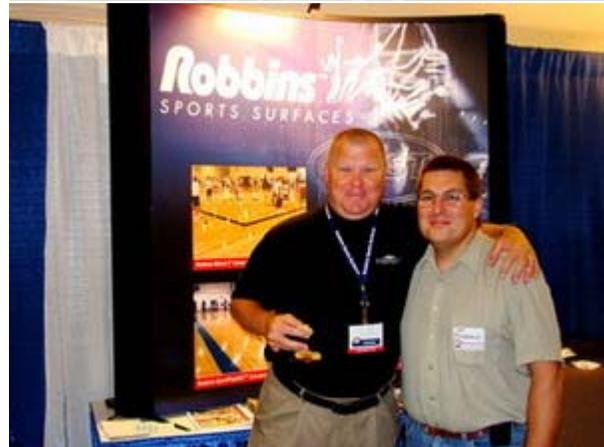
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CSI INDY 2010 TRADE SHOW

Ralph R Pitman, Jr. CSI





INTRODUCTION TO THE AWS: LEVERAGING YOUR SPECIFICATIONS

November Program Teaser

Edmund Brown, CSI, CCCA

AWS502 - AWS Introduction: Leveraging Your Specifications - 1 hour, 1 AIA/CES LU

Become familiar with the new format and content of the new Architectural Woodwork Standards – the joining of the Woodwork Institute's Manual of Millwork and the AWI/AWMAC's Architectural Woodwork Quality Standards Illustrated.

Learn how to create a specification for architectural woodwork, using a Guide Specification, properly referencing the new standards to embed the applicable sections of the new standards into their specification.

Understand and be able to utilize the power and details contained in the new Architectural Woodwork Standards with regards to specifications covering these sections.

Reduce the design and development timeline for woodwork elements, resulting in more effective billable hours in the office.

About the speaker:

Michael Bell is a President of Kentucky Millwork, and is responsible for oversight of the office and plant. He has

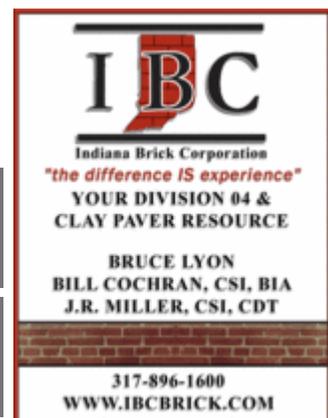
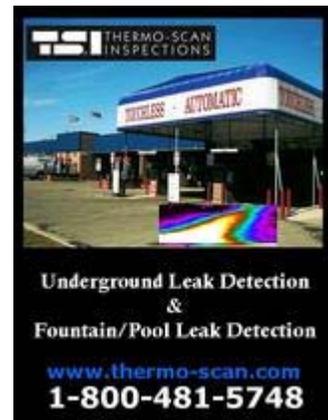
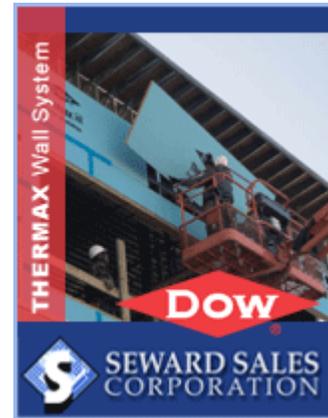
37 years experience in the woodworking industry and currently serves as a member of the AWI Board of Directors, an AWI representative on the Joint Standards Committee, is the Education Chairman for the

Architectural Woodwork Institute and serves as a Woodwork Inspector for the American Arbitration Association. He was deeply involved in the two-year project of melding the AWI/AWMAC Quality Standards

Illustrated with the WI Manual of Millwork which has resulted in the new Architectural Woodwork Standards. He studied Design at Southern Illinois University in the early 70's under the noted futurist R. Buckminster Fuller. He has conducted numerous seminars for national and regional CSI and AIA meetings on the subject of specifying architectural woodwork and on the new Architectural Woodwork Standards.

Along with being a Speaker for the Advanced Estimating Seminars, Michael has written and presented several programs on the subject of the new Architectural Woodwork Standards at the AWFS Las Vegas

Woodworking Show, the IWF Atlanta Woodworking Show, AWI National Convention, Georgia Wood Expo, AWI Chapter events and various architect's offices. In his role as Education Chairman he is working closely to develop the new AWI Speakers Bureau whose initial task is to pilot the roll-out initiative concerning the new standards.



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CHAPTER PHOTOS

Indianapolis Chapter CSI

Ralph R Pitman, Jr., CSI, CDT



The Indianapolis Chapter of CSI is fast approaching its 50th Anniversary in 2011. What I'd like to do is archive our history in picture for posterity. I have been taking pictures for the chapter for a short time now and need your help. What I'm looking for are any and all photos that have been taken since the beginning of the Chapter. It doesn't matter if they are old black & whites or new digitals, we need them all. All photos submitted to me will be scanned and returned or you could scan them and send me a disk. If anyone can help locate all the

pictures taken during the SpecSource days that would be a start.

A special thanks to everyone for allowing me to take your pictures and upload them this past year. I would like to thank Chuck Thompson for donating A LOT of pictures to the archives. Below is a NEW link to all the pictures I have collected so far, 110+ galleries. Stop by and leave a comment about who's in the picture or where it was taken.

Please see me at the monthly meetings or contact me at Sebree Architects, Inc., via e-mail at rpitman@sebreearchitects.com make sure to put 'Old Pics' in the subject line or at (317) 272-7800.

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INDIANAPOLIS CHAPTER CSI AUGUST BOARD MEETING MINUTES

August 12, 2010

Robin L. Leising, CCCA - Secretary

Indianapolis Chapter CSI August Board Meeting
InterDesign, 141 E. Ohio Street, Indianapolis

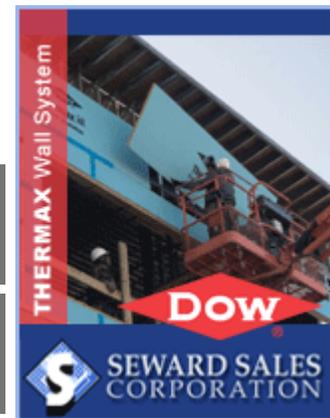
Attendance: Blake Wagner, Pete Kerfoot, Mark Smith, Cheri Longerbone, Ralph Pitman, Jami Spice, Andy McIntyre, Phil McMullan, Edmund Brown

Excused: Robin Leising, Andy Meiring, Scott Bays, Kent Hughes

Guest:

Indianapolis Chapter Board Meeting called to order 6:12 pm

- 1) Review Meeting Minutes of previous Meeting: Leising/Wagner
 - a) The Board approved the minutes. (McIntyre/McMullan) Motion Passed.
 - 2) Treasurer's Report:
 - a) Review bills and budget. Submit for audit. Meiring/Wagner
 - 3) Presidents Report Wagner
 - a) See attached report
 - 4) Committee Reports:
 - a) Growth:
 - i) Academic Affairs/Student Affiliate: Kerfoot
 - (1) Working out details for the Student Competition at the Trade Show.
 - (2) Will initiate conversation with local Universities prior to the Trade Show.
 - ii) Membership Outreach: Bays/Wagner
 - (1) See President's report
 - iii) Technical: Longerbone
 - (1) Wiki Editing Group should be put together by next month.
 - (2) Discussion on technical committee reimbursement line item.
 - b) Events:
 - i) Programs: McIntyre
 - (1) August 2010 program on daylighting and skylights that will be a joint with USGBC.
 - (2) September 2010 Tradeshow.
 - (3) October 2010 tour of the new Indiana Convention Center expansion. 150 people max.
- (continued on page 16)*





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- Open registration next week to monitor registration
- (4) November 2010 AWI seminar and program joint with DHI.
- (5) December 2010 Holiday Party.
- (6) January 2011 panel discussion concerning what happens two prior and after bidding. Will include GC, Sub, Spec Writer, Architect and supplier. Possibly a joint meeting with and Owner group.
- (7) February 2011 possible joint with IIDA on energy efficient lighting.
- (8) March 2011 joint meeting with USGBS on Green Schools.
- (9) April 2011 50th Anniversary
- (10) May 2011 program involving health care engineers.
- (11) Andy has created a Presenter Agreement that Programs will be using to elevate the quality of speakers.

- ii) Region Conference: McMullan
 - (1) 8 people attended.
 - (2) Columbus did a great job hosting.

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- iii) Golf Outing: Meiring/McMullan
 - (1) Around 52 golfers and 15 sponsors participated in the yearly golf outing.
 - (2) There was a \$1500 profit.
 - (3) Committee is looking for feedback on how to improve the golf outing next year. Discussion.

- iv) Education: Brown
 - (1) September Trade Show Seminar is set up
 - (2) October-10/09/10 IDP Seminar at BDMD
 - (3) November- 11/11/10 Miller Veneer Plant Tour and hands-on demonstrations
 - (4) January-Integrated Project Delivery 1/20/11
 - (5) Discussions about ASHRE future seminar

- v) Trade Show: Hughes
 - (1) 17 booths remaining as of Monday
 - (2) Exhibitor list is ready

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- vi) Special Events: Smith
 - (1) The committee is estimating around 40 people will be attending the family picnic this Saturday.
- (continued on page 17)*

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- vii) CSIINDY 50th Anniversary: McMullan
 - (1) Magnet has been created with a reminder date and will be mailed out to members.
 - (2) Kristin is working on budget for the program including cost per person. Discussion.
 - (3) Program has not been finalized. Discussion.
 - (4) Invitations will be sent out to all Great Lakes region members.
- c) Administration:
 - i) Advertising: Pitman
 - (1) No report
 - ii) Awards: Leising
 - (1) Committee is working on categories.
 - (2) Discussion about Fellow award and recognizing someone from our chapter.
 - iii) Certification: Spice
 - (1) Eastern Engineering contacted Chuck Thompson about possibly several employees taking the CDT classes and exam.
 - iv) Communications: Leising
 - (1) New advertising chair is going to be Jami Spice.
 - (2) Newsletter to go out soon.
 - (3) No new advertisers.
 - (4) Still searching to revamp the website.
 - v) Membership Retention: Bays
 - (1) No report
 - vi) Nominations: Kerfoot
 - (1) No report.
 - vii) Table Tops: Pitman
 - (1) 2 are registered for the August meeting
 - (2) 1 is registered for the January meeting
- 5) Old Business:
 - a) *(continued on page 18)*

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None

6) Tabled / In-Progress Business (No discussion Needed):

- a) By-Laws – In Process – Don Amt Chair.
- b) Policy Manual / Administrative Guide - Pete Kerfoot

7) New Business:

- a) Foundation requests:
 - i) Chapter has paid \$1824 of Foundations legal fees so far, committed to pay a total of \$2000. \$176 left of that commitment. Foundations total bill is \$2664.
 - ii) Motion to pay \$176 to the attorney out of the Memorial Trust checking account. (Pitman/Smith) Motion passed.
 - iii) Motion is to liquidate Memorial Trust Checking 5039 to the Foundation. (Smith/McIntyre) Motion passed.

b) Discussion concerning "Free Meals for First Time Guests" has been tabled to Membership Committee to create policy.

c) Ad-hock committee is being assembled to discuss location for monthly meetings and cost. Discussion.

8.) Next Meeting: September 9, 2010 InterDesign

Indianapolis Chapter Board Meeting was adjourned at 8:00 pm

Attachments: Board Meeting Agenda August 2010 Treasurer's Report August 2010

Minutes taken by Jami Spice, Board Member and Respectfully Submitted, Robin Leising, Secretary, Indianapolis Chapter CSI

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CERTIFICATION QUIZ ANSWERS

Indianapolis Chapter CSI Quizmaster

Jack P. Morgan, CSI, CCS, CCCA, MAI, AIA

ANSWERS: 1. -d; 2. -a; 3. -d; 4. -b; 5. -c
(October 2010, The Winners Circle-Electronic)

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Editorial content for future monthly communications, whatever form they may take, should be emailed to Scott Perez at sperez@fulcrum-studios.com or a disk mailed to: Indianapolis Chapter CSI; Box 20802; Indianapolis IN 46220

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