Can you help? There are changes coming
Their support enables high-quality programs

How Have the Architect’s Responsibilities Changed?
Their support enables high-quality programs

Please welcome our new member!

From CSI Construction Specifier

Review of Be Seated, by Laurie Olin

Those volunteers who make a difference
From the President...

On top of the traditional craziness associated with the holiday season: deadlines, end of year bid dates, family gatherings and special events, we in the Minneapolis/St. Paul Chapter found ourselves with the additional prospect of having to find a volunteer to communicate our Chapter’s educational program information to AIA for CEU approval.

As of April 2018, our dear CSI friend, Murray Schomburg wrapped up this work for our Chapter and is moving forward into a much deserved “retirement”. As is so often the case, I am sure retirement will be anything but “retiring” for Murray. The Board of Directors along with the Membership Committee discussed possible candidates for this position. Susan Lee has accepted this position and is doing an excellent job in working with AIA on setting up the accreditation for each of our educational programs.

I would like to personally, and as Chapter President, thank Murray for his tenure as the AIA Accreditation Coordinator. Throughout our Chapter’s history, Murray always has been a person that was excellent at working with AIA and achieving the accreditation for our programs. Murray has also been an active participant in the day to day activities of the Chapter, regularly attending monthly meetings, numerous committee meetings and events, offering his expertise and views on issues that have broadened our scope as an organization and made our chapter members accreditation possible. He has done it all with a degree of caring and good will that has made him a pleasure to work with. He has been supportive and cooperative meeting deadlines to accommodate many of our program schedules. In my estimation, he exemplifies the best that CSI has to offer; a cooperative spirit, a high level of experience, and a willingness to get the job done. Thank you and best wishes Murray from the membership of the Minneapolis/St. Paul CSI Chapter.

Finally, I would like to invite all members, student members, and non-members to attend the February Chapter meeting “Bell Museum” on Monday, February 11, 2019, at the University of Minnesota campus. Due to the size of The Nucleus at the Bell Museum, we are only able to accommodate 60 attendees for this program, please consider registering early.

Sincerely,

Cynthia J. Long, CSI, CDT
President
FY 2018–2019
How have the architect’s responsibilities changed?

About a hundred years ago, when AIA produced the document that eventually would become the familiar A201, the architect was firmly in control of construction. The 1915 AIA general conditions state, in Article 9, “The Architect shall have general supervision and direction of the work….The Architect has authority to stop the work whenever, in his opinion, such stoppage may be necessary to insure the proper execution of the Contract.” Article 11 required the Contractor to “give efficient supervision to the work”, and Article 12 required the Contractor to “provide and pay for all materials, labor, water, tools, equipment, light and power necessary for the execution of the work.”

Those basic responsibilities remained essentially the same until the 1960s. Since then, a lot has changed.

In 1961, an architect was found liable for the death of a worker in Day v. National U.S. Radiator Corporation. It wasn’t the first time an architect had been sued and it won’t be the last, but this was a case that called into question the basic responsibilities of the architect, as defined by the general conditions.

Briefly, Wilson & Coleman, an architectural firm in Louisiana, designed a new hospital building for the Louisiana State Building Authority. The contractor hired a subcontractor for all work related to the central heating system and the hot water system, which included a boiler. The specifications required a thermostat and a pressure relief valve for the boiler, but the subcontractor installed them instead on a water storage
tank. The subcontractor did not inform the architect the system was ready for inspection, or request that an inspection be made. The subcontractor performed a preliminary test, the boiler exploded, and one of the subcontractor’s employees was killed.

It seems obvious that the subcontractor caused the explosion, first, by not installing the required safety equipment, and second, by not requesting inspection of the system before testing. However, a district court found the architects responsible, and relieved other defendants of liability. The architects appealed the decision. The court of appeals not only agreed with the lower court, but increased the amount of damages.

How could the courts come to this decision? The architects, by contract responsible for "supervision of the work", were found negligent for failing to inspect the installation of the hot water system, and for approving shop drawings that did not show a pressure relief valve. In other words, the architects should have been at the site all the time, and should have watched the entire construction process. Apparently, they should have known the boiler was being installed, and they should have inspected it continuously, even if the installer did not tell them about the installation.

In the end, the decision was overturned by the Supreme Court of Louisiana. That court determined that the architect's responsibility was not to continuously verify compliance with the contract documents, but to verify before final acceptance that the contractor had used the correct materials, and "generally that the owner secured the building it had contracted for."

In this case, the courts eventually came to the conclusion that the architect is not responsible for safety, provided the architect is not specifically assigned that responsibility. In other decisions, similar conclusions were made, except in cases when the architect assumed that responsibility by voluntarily becoming engaged in matters related to safety.

Even though the architects in this case eventually were absolved, the AIA quickly updated and reissued its A201 in 1963, only two years after the previous edition. In the 1963 general conditions, the architect’s responsibilities were reduced; the architect now was required only to "make periodic visits to the site" and was not required to "make exhaustive or continuous on-site inspections..."

In the 1966 A201, the definitions of responsibilities of both the architect and the contractor were expanded. The brief comments regarding the contractor’s supervision of the work and paying for "light and power" were supplemented by making the contractor “solely responsible for all construction means, methods, techniques, sequences and procedures and for coordinating all portions of the Work under the Contract.” And if that wasn’t clear enough, Article 2 – Architect, states the same thing, as a negative, for the architect: "The Architect will not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Work, and he will not be responsible for the Contractor's failure to carry out the Work..." (my emphasis).

Read again what is said about the responsibilities of the architect and of the contractor. In essence, the architect is responsible for showing what the building should look like, and what materials should be used where, and the contractor is responsible for pretty much everything else. Note there is nothing that requires the architect to tell the contractor, or the manufacturer, or the installer how to do their jobs. In fact, it states "The contractor shall be solely responsible for and have control over construction means, methods, techniques, sequences, and procedures and for coordinating all portions of the Work..."

In 1970, the last vestige of the architect’s former power was removed. The power to "stop the work" was taken from the architect and given to the owner. This was important, as architects continued to be found liable for worksite injuries, despite the exculpatory provisions of the general conditions. In effect, courts found the "stop the work" clause to mean the architect remained in control of the project, had a duty to
understand the hazards associated with all types of work, and should take appropriate action to prevent injuries. Since then, the requirement to "make periodic visits" was changed to "visit the site at intervals appropriate to the stage of construction" to further reduce liability.

Some may argue that none of this diminishes the architect's position as Master Builder, but AIA commentaries suggest otherwise. The commentary to the 2007 A201 states, regarding the means and methods clause in 4.2.2, "The last sentence [which ends with 'since these are solely the Contractor's rights and responsibilities'] underscores the statement of the contractor's responsibilities in 3.3.1 and reinforces the dividing line between the contractor's responsibilities and those of the architect" (my emphasis). Regarding 1.2.1, which states, "The intent of the Contract Documents is to include all items necessary...what is required by one shall be as binding as if required by all..." the comment is, "The contractor is expected to make reasonable inferences...[if] the documents show wall partitions covered by drywall...it may be inferred that some reasonable method will be used to attach the drywall to the underlying framework."

Clearly, those who write the general conditions no longer see the architect as responsible for much beyond a general description of the intended results, and now expect the contractor to play a more prominent role in execution of the contract.

Links to other articles in this series:
- What happened to the master builder?
- What is a Master Builder?
- What have architects given up?
- What happened to the architect?
- Are specifiers weak in faith?
- What lies ahead for architects?

Editor’s note: Sheldon Wolfe has been very busy enjoying his “retirement,” and therefore, we have posted Sheldon’s article originally published in his Specific Thoughts blog on September 28, 2012.

© 2012, Sheldon Wolfe, RA, FCSI, CCS, CCCA, CSC

GOLD PARTNERSHIPS

www.inspec.com
763.546.3434

www.architecturaltesting.com

SILVER PARTNERSHIPS

www.hirshfields.com
## UPCOMING EVENTS FROM LOCAL CONSTRUCTION ASSOCIATIONS

*Check websites for complete listings*

Information compiled by Joel Meyer, CSI, Member Emeritus, CCPR

<table>
<thead>
<tr>
<th>DATE</th>
<th>EVENT</th>
<th>ORGANIZATION</th>
<th>WEBSITE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/10/19</td>
<td>Committee on Design</td>
<td>AIA MN MN Chapter – American Institute of Architects</td>
<td>aia-mn.org</td>
</tr>
<tr>
<td>1/X/2019</td>
<td>No Events Listed – Contact Office</td>
<td>NAMC-UM – National Association of Minority Contractors – Upper Midwest</td>
<td>namc-um.org</td>
</tr>
<tr>
<td>1/13/19</td>
<td>Leadership Forum Committee</td>
<td>AIA MN MN Chapter – American Institute of Architects</td>
<td>aia-mn.org</td>
</tr>
<tr>
<td>1/ X/19</td>
<td>See website for link to newsletter</td>
<td>ASLA – Am. Soc. of Landscape Arch.</td>
<td>asla-mn.org</td>
</tr>
<tr>
<td>1/14/19</td>
<td>Government Affairs Committee</td>
<td>AIA MN MN Chapter – American Institute of Architects</td>
<td>aia-mn.org</td>
</tr>
<tr>
<td>1/14/19</td>
<td>Luncheon – General Membership</td>
<td>BOMA – Bldg Owners &amp; Managers</td>
<td>bomasaintpaul.org</td>
</tr>
<tr>
<td>1/14/19</td>
<td>Luncheon – Law &amp; Environment</td>
<td>MSP – Const. Specification Inst.</td>
<td>csimsp.org</td>
</tr>
<tr>
<td>1/X/19</td>
<td>Misc. Exam Prep courses– see website</td>
<td>MN Society of Prof. Engineers</td>
<td>mnspe.org</td>
</tr>
<tr>
<td>1/15/19</td>
<td>ICF Contractor Training Course</td>
<td>ARM – Aggregate Ready Mix of MN</td>
<td>armofmn.com</td>
</tr>
<tr>
<td>1/15/19</td>
<td>Open House 3PM – 7PM</td>
<td>Dunwoody Institute</td>
<td>dunwoody.edu</td>
</tr>
<tr>
<td>1/15/19</td>
<td>Annual Business Meeting</td>
<td>ASID – Am. Soc. of Interior Designers</td>
<td>mn.asid.org</td>
</tr>
<tr>
<td>1/16/19</td>
<td>Climate Change Seminar</td>
<td>ASHRAE – MN</td>
<td>mnashrae.org</td>
</tr>
<tr>
<td>1/17/19</td>
<td>Allianz Field Stadium Tour</td>
<td>American Public Works Association</td>
<td>apwa-mn.org</td>
</tr>
<tr>
<td>1/17/19</td>
<td>Luncheon – Market Outlook 2019</td>
<td>BOMA – Bldg Owners &amp; Managers</td>
<td>bomampls.org</td>
</tr>
<tr>
<td>1/17/19</td>
<td>B’fst Mtg. Extended Joint Spacing</td>
<td>Minnesota Concrete Council</td>
<td>mnconcretecouncil.com</td>
</tr>
<tr>
<td>1/22/19</td>
<td>MN Construction Summit with AWC</td>
<td>AGC of Minnesota</td>
<td><a href="https://www.agcmn.org">https://www.agcmn.org</a></td>
</tr>
<tr>
<td>1/22/19</td>
<td>Emerging Professionals Celebration</td>
<td>USGBC – U. S. Green Bldg. Council</td>
<td>usgbc.org</td>
</tr>
<tr>
<td>1/25/19</td>
<td>Engineering Excellence Awards</td>
<td>ACEC – American Council of Eng. Cos.</td>
<td>acecmn.org</td>
</tr>
<tr>
<td>1/30/19</td>
<td>Awards Gala – MPLS Marriott West</td>
<td>Minnesota Construction Assoc.</td>
<td>mnconstruction.org</td>
</tr>
<tr>
<td>1/31/19</td>
<td>35th Anniversary Celebration</td>
<td>IFMA – International Facility Mgmt.</td>
<td>msp-ifma.org</td>
</tr>
<tr>
<td>2/7/19</td>
<td>Transportation Day at MN Capitol</td>
<td>Concrete Paving Assoc. of Minnesota</td>
<td>concreteisbetter.com</td>
</tr>
<tr>
<td>3/21/19</td>
<td>Next Generation of Parks Lecture</td>
<td>U of MN – College of Design &amp; Arch</td>
<td>arch.design.umn.edu</td>
</tr>
<tr>
<td>3/3–9/19</td>
<td>Women In Construction Week</td>
<td>NAWIC – Nat’l Assoc. of Women Constr.</td>
<td>nawicmsp.org</td>
</tr>
</tbody>
</table>
Rick Froberg is the Building Technology Division Manager for American Engineering Testing (AET). Rick began working at AET this past June. He is responsible for managing the company’s building technology testing services and also for developing and expanding AET’s building envelope services. Expanded services will include building envelope design, consultation, and construction administration services. Before joining AET, he oversaw building envelope services at Miller Dunwiddie.

Rick received his Bachelor of Arts degree in Architecture from the University of Minnesota. He is a registered Architect in WI, SD, CO, and AZ. He is also a Registered Roof Consultant and LEED certified professional. Rick resides in Forest Lake, Minnesota with his wife and 2 Australian Shepherds. His 4 kids have all flown the coop and he is expecting his first grandchild in April.

Rick has 30 years of building envelope experience and has worked with a wide assortment of clients over those years including the University of Minnesota, Minnesota State, State of Minnesota, Hennepin County, IBM, and numerous Architecture Firms.

AET has approximately 300 employees and 18 offices throughout the Midwest and Florida. Services provided include Building Forensics, Building Envelope Design and Consulting, Construction Material Testing, Environmental, Geotechnical, Nondestructive Testing, Pavements, Petrography. Rick looks forward to being a CSI member and figures its overdue. He fondly remembers taking and passing the CDT test in the early 90’s.
As the fresh new year gears up, *The Construction Specifier* has revealed the site’s most popular news items from 2018. Reread a favorite or check out a piece you missed online the first time around.

1. "Construction Costs Spike Amid Rising Price of Building Materials" (March 16)
2. "Metals and Lumber Prices Hit Double-digit Increases" (June 15)
3. "DesignIntelligence Reveals Top Architecture Schools for 2019" (September 6)
4. "Architect Richard Meier Resigns in Light of Sexual Harassment Allegations" (October 12)
5. "Introducing the World’s Tallest Residential Building" (October 22)
6. "Harvard Design School Dean Resigns" (October 29)
7. "Rock on: Amplified Florida Project Reaches Halfway Point" (February 27)
8. "Historic Chicago Post Office Undergoes $600-million Transformation" (June 26)
9. "Five Teams Shortlisted to Design Chicago Airport Project" (November 12)
10. "AIANY Rescinds Awards After Harassment Allegations" (March 26)
Laurie Olin is one of America's premier architects. He and his landscape architecture firm, OLIN, are the winners of numerous design awards and in 2013 he was awarded the National Medal of the Arts by President Obama. On the firm's website it's possible to read much about him and his firm's approach to design. His new book, Be Seated, provides his in depth observations on a critical and often overlooked ingredient of any successful public space, seating.

Olin has had an interest in seating in public spaces since the 1960s. He began sketching people and chairs during his first trip to Europe in 1967. Most of the thoughts on effective public seating presented in the book originate from his observations of seating in the cafes, parks, and boulevards in Paris and Italian cities. The 1960s and '70s was a time in the US when site design was dominated by mostly rigid, orthogonal, not so user friendly layouts that were designed to move people from one place to another. Seating for sociability was not often an important consideration and, in many instances where it was, it was designed badly, very much unlike those spaces Olin was experiencing, and enjoying in Europe.

Olin cites evidence in historical paintings of outdoor seating for social interaction going back as far as ancient Rome. What historical evidence there is doesn't show much, if any outdoor seating between the fall of Rome and the mid-17th Century. Outdoor seating most likely didn't exist in cities in the middle ages due partially to climate in northern Europe and since these unpaved cities were dirty and dusty. By the middle of the 17th Century exterior seating became more prevalent, the result of a burst of new construction in Europe. New buildings as well as public fountains afforded opportunities for bench type seating to be incorporated at the base of these buildings. By the middle of the 19th Century public parks were an integral part of life in cities like Paris, London and New York. Parks allowed space for social interaction, strolling and sitting. In Paris between 1853 and 1870 Baron Haussmann's director of parks, Adolphe Alphand, created 20 public parks and 40 miles of boulevards all populated with mass produced two meter long, cast iron and wood benches. These were complimented by moveable chairs and, sometimes, small tables. Although the designs for the benches, tables and chairs has changed over the years, this seating formula has been repeated in many successful outdoor, urban social spaces around the world.

In the US, Fredrick Law Olmstead and Calvert Vaux employed a similar approach for seating in their parks in New York and Brooklyn. (For more on Olmstead, see BuchNotes #43, April 2012.)

More recently Jane Jacobs emphasized the importance of seating to create safe and social exterior spaces in her 1961 book, "Death and Life of Great Americana Cities". Olin cites the work of landscape architect Lawrence Halprin in Los Angeles where his design for the relatively small park adjacent to the Los Angeles Central Library, Maguire Gardens, is a great success. It's animated by the presence of Cafe Pinot and provides a variety of bench type seating along with a combination of hard surface paving and tree shaded green spaces. He contrasts this successful park with his own design for the landscape in Pershing Square, also in Los Angeles, that has been a failure for many reasons that he presents in detail.
The second half of the book is devoted to descriptions of several of OLIN's parks and public space projects illustrating how he applied the seating knowledge he gained from his much earlier visits to Europe. These projects include the redesigned Bryant Park and Robert F. Wagner Park in Battery Park City, both located in New York City. At Bryant Park he describes how the park's redesign incorporated new pedestrian circulation and a lot of seating to create successful social spaces where before it was not a safe place to walk through. He also describes how his redesign of the site at the Washington Monument in Washington, DC provided much needed, and carefully designed seating, in addition to improving security at the site.

The book is much more than a catalogue of details for successful seating. Although there are plenty of specifics included as he describes the different types of seating, the variety of material choices available, and critical dimensions for various types of seating, he also gives us plenty of insight to successful park design. Good public space designs can't enforce sociability but bad designs can certainly prevent it.

Laurie Olin was born in 1938 and received his architecture degree at the University of Washington. His first firm, Hanna/Olin, was established in 1976, and is known today as OLIN. In addition to leading his firm's practice he is also a professor of landscape architecture at the University of Pennsylvania. He is the author of four other books on architecture and landscape architecture. Be Seated was published in 2017 by Design + Research Publishing. The book has 213 pages and is packed with Olin's hand drawings, a few of his watercolors, and numerous project photographs.

Ed Buch, FCSI, CCS, AIA, LEED AP
Los Angeles, CA
December 20, 2018