

THE WINNER'S CIRCLE



"Nobody roots for Goliath"

DEEP
THOUGHTS

- Wilt Chamberlain

Welcome to the new and improved CSI Indy newsletter!

As we embark on our adventure of providing YOU with the most up-to-date (and relevant) information in the construction industry, we encourage you to provide us with any and all feedback. Good, bad, and even the ugly is welcome. What type of articles would you like to read? What type of events are you interested in? Anything you think the chapter should be aware of is welcome.

Your Humble Narrator,

Mike Halstead
Indianapolis CSI Newsletter Co-Editor
mikeh@halstead-architects.com

Mild Mannered Reporter,

Ryan Muzzillo
Indianapolis CSI Newsletter Co-Editor
ryanm@halstead-architects.com

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THE INSIDER

Wasn't our 44th Annual CSI Indy Trade Show a success? Attendance increased enough that our exhibitors noticed, the booths were full and the craft beer vanished. Not too shabby. Even The Hat showed up and hung out with Joltin' Joe McGuire. Great job again to Brian Detty and the band - and Amy Herbertz for sending out constant e-mail blasts and reminders. We had 100 who reserved online but didn't attend - shame, shame, shame. Guilty? Until proven innocent. We need to send Guido out to take out their kneecaps - or fit them with concrete shoes - because we need everyone to attend our most vital fundraiser of the year. Once again thanks to our exhibitors and industry members - they make our chapter all that it is with their generous financial support of the trade show.

Did you know we only have one professional who is a chapter sponsor? I'm preaching to the choir but it's time for others (architects / engineers / contractors / specification writers) to step up - our industry members have been carrying our chapter far too long. Come on kids - professional members should be a vital part of our sustainability - so get off your wallets and contribute. It's not like you don't have enough work or cash flow right now.

Thanks to Ivette Bruns for her work on Membership. We are starting to see a momentum shift - Ken Schmidt has threatened to come to every architect's office in the state and force at least two people to join. So if you don't want Ken in your office then sign up fast! Thanks to Bill McGuire for

keeping the books straight - or at least just a little crooked. Thanks to DJ Fryman for being our chapter "glue" - you can always find him in the kitchen at parties. Strategic planning - oh come all ye faithful - Randy Vogt needs you. We included a few photos of Jack Morgan receiving his fellowship - congrats El Capitan!

Speaking of Captain - I vaguely remember as a teenager staying up past my bed time on a school night watching Johnny Carson and Lee Marvin was his guest. Apparently Lee Marvin served in the Pacific in World War II and said he was shot in the arse on the beaches of Saipan in 1944. Marvin wasn't able to run and another guy on the beach picked him up under fire and carried him to safety. That man was Bob Keeshan - the future Kaptain Kangaroo. I did some research on Wikipedia - the most reliable source of information ever - and apparently Bob Keeshan received the Navy Cross and Purple Heart and is buried at Arlington National Cemetery. So maybe I didn't dream this after all - can anyone verify or refute this account?

Football is back, Hockey is back, NBA pre-season started last week - life is good. Notre Dame has a shot at the playoffs - thank you touchdown Jesus. It won't be long and college basketball will be back - can't wait to see IU with Romeo - I hear Pete "The Microwave" Baker will be coming off the bench for instant offense. The Blackhawks won their first two games in OT - Kane and Toews each got a winning goal. We need to get Corey Crawford back in net. And Da Bears are back with the Khalil Mack Attack! Monsters of the Midway. Lord help our Colts - are there any other new and creative ways they can find to lose?

- Your Humble Narrator

[Visit Our Website](#)

UPCOMING EVENTS



The Indianapolis CSI Chapter wants **YOU** to attend the CSI Chapter Meeting on October 18th from 5:30 - 8:30 pm!

Penrose on Mass

The Mass Ave. cultural district in downtown Indianapolis continues to grow rapidly and thrive. To continue the excitement in the eclectic neighborhood, Penrose on Mass was planned to provide

retail space and apartments to compliment the community. Schmidt Associates designed the space to have a modern feel while being sympathetic to the historic neighborhood; all while contributing to the neighborhood's economy. With 40,000 sq. ft. of retail space and 235 apartment units, Penrose on Mass delivers on the neighborhood's needs for a growing economy.

About the Presenters:

Steve Schaecher, AIA LEED AP, CDT
Associate, Senior Project Architect, and Architectural Quality Manager

Growing up in Columbus, Indiana, Steve developed a love for architecture by constructing some of the great buildings of his hometown- in Lego block. Today, as Senior Project Architect and Architectural Quality Manager he's responsible for creating real, amazing spaces for client/project owners at Schmidt Associates. Steve understands that creativity coexists with consensus and compliance, because creativity is just the beginning of a lot of hard work. Enjoying the creative aspects of architecture and working with others to get all the pieces to work together, he ensures that only the best design earns the ultimate approval of each Schmidt Associates client.

Location:
Willows on Westfield
6729 E Westfield Blvd.
Indianapolis, IN 46220

Click [HERE](#) to Register

Not a member? Don't worry - contact Amy Herbertz at aherbertz@mattisoncorp.com to become a member today!

TABLETOPS

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 - morwalsoplad1@gmail.com , if you would like to target a particular meeting, be sure to make your reservation 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 after dinner before the speaker 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 Chapter. Payment is due at the time of setup.

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:

Kent A. Hughes RA CDT - American Structurepoint
khughes@structurepoint.com - 317.690.5820

Be sure to put 'Table Top Request in the subject line

CSI INDY FUEL OUTING

INDY FUEL

CSI INDIANAPOLIS OUTING



ALL YOU CAN EAT NIGHT:

Drinks Not Included



HOTDOGS



HAMBURGERS



POPCORN



NACHOS

WHEN:

- THURSDAY, NOVEMBER 1ST, 2018 @ 7:05PM
- INDY FUEL VS. UTAH GRIZZLIES

WHERE:

- INDIANA FARMERS COLISEUM
 - 1202 E 38TH ST INDIANAPOLIS IN, 46205

For more information contact:
Larry Podojil - (574) 350-0885



VIEW FROM THE TOWER



It is officially Fall! Hard to believe. It's also the quarter pole of my Presidency, and for myself, that's just as hard to believe. Many past Presidents told me it would fly by and wow were they right!

As a Chapter we've just completed one of our busiest months of the year. The 44th Annual CSI Indianapolis Trade Show has now come and gone. What a great show, it was very well attended, a full house of booths from the Industries finest manufacturers' representatives and material suppliers and our first ever Craft Beer Garden.

A very special thank you to Brian Detty and his Trade Show Committee. Without their efforts the Trade Show would be nonexistent. The Chapter and I would also like to thank you a true CSI Warrior, Mike Halstead for another outstanding year of filling the trade show floor with an outstanding collection of booths. There we're also many others who invested their time and resources to make our CSI's Trade Show one of the best in the Construction Industry.

Construct 2018 has also concluded. Unfortunately, I was not able to attend but our Chapter was very well represented. CSI Indianapolis Chapter was also the recipient of the Outstanding Chapter

Commendation Well done. I am very proud to announce our very own, Jack Morgan, was elevated to Fellow. Congratulations Jack, you are very deserving!

The October CSI-Indianapolis Chapter Meeting is about Penrose on Mass. The Mass Ave cultural district continues to grow and thrive, and this project will only continue this momentum for our city. Come and listen to our presenter, Steve Schaecher, guide us through this very exciting project.

Randy Vogt, CSI

President
Indianapolis Chapter of the Construction Specifications Institute, Inc.

NEW MEMBERS

Kristen Own

Aaron Owens, Allegion

Eric Prester, Momentive

Harry Sheridan, HC Systems

CSI INDY MEMBERSHIP ANNIVERSARIES

Every month we will acknowledge members of the CSI Indianapolis Chapter on their Membership Anniversary. For those that joined the CSI Indianapolis Chapter in the month of September, we recognize the following anniversaries:

Andrew C. Churchill - 33 years

Mark Walsh - 24 years

Gary T. Tilford - 16 years

Pete Kerfoot - 15 years

Arlen J. Packard - 8 years

Eric R. Spohn - 7 years

David J. Fryman - 5 years

Adam Boswell - 2 years

Amy Baker - 2 years

Gordon W. Keller - 2 years

Kathryn Gainey - 1 year

Alan Broderick - 1 year

Dorothy Neff - 1 year

So glad to have as a part of our Indianapolis Design/Construction Community!

WALKER PROFESSIONAL NEWS



THE NEVER-ENDING CHALLENGE OF JOBSITE SAFETY

For decades, a/e specialist advisors have instructed design professionals to eliminate the word "supervise" from the owner/prime design consultant agreement, and to make it clear that safety on the jobsite is the sole responsibility of the general contractor. The idea being that these instructions prevent anyone from making the argument that architects and engineers somehow share a duty to keep construction workers free from harm. This approach has served us well over

the years, but times have changed. Personal injury attorneys have become more aggressive and design professionals are generally unaware of the legal traps jobsite observation has created for them.

Thank you for reading!

We hope you enjoy this topic! If you have any questions about this article, please e-mail us at the addresses above.

About the authors:

Bruce N. Furukawa, Esq.

Bruce N. Furukawa is a Founding Partner in the Design Professionals Defense & Counseling Group at Furukawa Buccieri LLP, primarily representing and counseling architects and engineers. He has represented design professionals in a wide range of projects. As an experienced trial attorney, Mr. Furukawa has litigated complex construction delay and cost claims, as well as construction defect, land use and personal injury lawsuits.

Phone: (415) 510-2222

bruce@dfubulaw.com

David W. Lakamp (1943-1999)

David W. Lakamp was one of four founding members of a/e ProNet back in 1987. David was a pioneer in the development of design firm risk management. He worked closely with the AIA and NSPE as well as insurance carriers and the legal community to assess risk and responsibility and helped to promote the benefits of full a/e services for the design professional and project owners. David was instrumental in the growth of risk management and pre-claims services which, today, are provided by most a/e professional liability carriers. Dave Lakamp was president of his own specialist insurance brokerage, Professional Practice Insurance Brokers (PPIB) from 1982 until 1999.

The past solutions worked reasonably well. What had become a deluge of claims by the late 1970s was reduced to a trickle in the 80's and 90's. Adverse judgments were few and far between. But barriers to recovery notwithstanding, an undaunted plaintiffs' bar has continued to press the argument that duties to injured workers are found in obligations to "monitor," "oversee," and "inspect." Moreover, despite contractual language to the contrary, the actions of design professionals in the field contradict their responsibilities in the agreement. Fortunately, the efforts to have this language modified in the AIA contracts and owner/prime design consultant agreements have been very helpful in limiting the design professional's duties in regard to job site safety.



But, when you plug one hole in a leaky roof, water always tries to find another path. The battle against the specter of responsibility for construction safety requires constant vigilance and a concerted effort.

SHOW ME THE MONEY

Disasters have a way of focusing public attention. The cable news and online media requires "breaking news" reports every hour to keep the public's attention. When a bridge collapses or a building falls, the public is notified in a heartbeat with live video feeds from cameras capturing everything in real time. The attention has brought aggressive

plaintiff's attorneys to the scene, and they are prepared to bring in any party that has any role in the design and construction process if they can find an insurance policy or a solvent company. When attorneys look for big dollars for their client, the workers compensation exclusive remedy has often times limited injured workers' legal options against their employers. That said, workers compensation may not cover all the medical costs and lost wages sustained by the worker or their estate. As well, attorney's fees are also not fully covered in most states. The shortfall inspires attorneys to search for "deep pockets", and to do so they must impose responsibility on a source other than the contractor's employer. So why not the design professional?

Let's take an example of a typical situation. You have an owner/prime design consultant agreement, which requires you to send a project architect or engineer to the site once a month to walk the job and observe the general progress of the work. While doing your rounds, there is an open trench, which has no shoring and is more than 5' deep. This failure to protect against the risk of injury or even death of the workers, should the trench collapse, clearly falls under the purview of the general contractor or the sub-contractor. Still, a design professional may even be accused of interfering with the contractor's means and methods if they say something, so what does the project architect or engineer do in this situation?

Unfortunately, the answer may vary from state to state and county to county depending on how a judge or jury interprets design professionals' responsibilities. We have often promoted the concept that where there is a situation that poses an imminent danger to the worker, the design professional has an obligation to warn the contractor. But, is this standard changing?

In a court decision on the east coast, a design professional was found to have no obligation to take affirmative steps to protect the worker in a trench collapse case, since it did not pose a risk of imminent harm. However, in the mid-west, under very similar circumstances, the court took a different approach and found that because the engineering firm in question had prepared sewer construction requirements that referenced safety precautions for trench operations and also referenced OSHA standards regarding use of shoring in the same specifications, the court found that the engineer was obligated to take affirmative steps to warn the contractor. Some of the more pertinent facts considered in that decision were that the engineer was on site on the day of the accident. Also, when on site, the engineer acknowledged seeing the trench, and it was decided that he knew it lacked proper shoring based on the depth of the trench and due to his understanding of OSHA standards. The engineer was asked why he did not say anything to the supervisor being that he was aware of the OSHA requirements referenced in the specifications. The engineer responded that he was not responsible for how the contractor does his work and it was not his job to do site safety.

Some courts are not inclined to allow design professionals to stand idly by on the jobsite with actual knowledge of unsafe practices. These courts see a problem with not acting to advise or warn the owner or contractor of the risks at hand. It appears that these courts are shifting their approach away from whether or not a design professional observes a situation involving imminent harm. Rather, they are focusing on the actual knowledge of the design professional and whether they took some kind of affirmative action to advise or warn.

The standard is eroded further at the initial pleading stage of a case where design professionals have had to defend themselves against trumped up allegations of culpability regardless of whether jobsite safety falls within their scope of services.

Recently, a worker was electrocuted when performing his work on the roof of a building. The project had involved new construction in a commercial retail area adjacent to power poles. It is important to note that OSHA had sent notification to the contractor saying that no one was allowed to work in the area of the roof, specifically due to the proximity of the power lines, until the powerlines were moved. The general contractor was responsible for relocating the power lines and for jobsite safety. All of this considered, the court allowed the injured worker to add an architect as a party in that case after a year of litigation.

The architect was not relocating the power lines, nor was the architect responsible for jobsite safety. Notwithstanding these details, the court allowed the addition of the new party, because the architect had shown the relocation of the poles on their drawings. The court saw some value in the obscure connection to the power lines that

were the subject of the litigation. In the pleadings stage of a case, the court often times has to assume that all the allegations are true, even if they are later found to be not true. So, in this case, the court allowed the addition of a new party, and a design professional had to spend the next year defending itself against allegations despite clear contractual language standing counter to the allegation.

REINFORCING THE BATTLEMENTS

What does this all mean to you? We cannot simply rely on contracts, and we cannot simply say to everyone we do not do job safety. The solution is not simple. It is fluid and requires thoughtfulness in the application of vigilance. Here are some thoughts for us to consider.

Stay the course in your efforts to negotiate agreements which accurately reflect the responsibilities you intend to assume. Make it clear that you are not responsible for the means and methods of construction, nor for safety on the jobsite, and that these responsibilities are intended to be and to remain solely those of the general contractor. Be particularly cautious with owner-drafted forms, for this is not a contractual issue of great concern to most owners and their attorneys. It is to you. You might also seek to avoid descriptors of your role in the field which (arguably) imply control over the performance of the contractor.



We need to talk to the design professionals who go out in the field about not modifying the contract by their actions. By going beyond the limits of the established roles and responsibilities regarding jobsite safety in the contract, they may cause the company to assume liability and exposure to claims that were never intended. At the same time, with aggressive personal injury lawyers, changes in the public's perception of the design professional's role, and the courts tendencies toward expansion of duty, design professionals must use common sense when out on a jobsite. If you are in a jurisdiction where the court believes design professionals are not obligated to take some affirmative steps to protect a worker when there is a dangerous condition, which is not imminent, then you may avoid liability. However, if the court finds liability where there is actual knowledge and a duty to warn and advise, then the design professional does have an obligation.

In this era of finding blame, we can ill afford to ignore obviously dangerous conditions on the site. Under most circumstances, your obligation to respond with reasonable prudence will be met if you bring clear safety violations to the attention of the supervisor on the job. Follow through in writing and in the field once you set this process in motion, and you will have done all you can reasonably be expected to do.

David W. Lokamp, originally published in 1996 by Professional Practice Insurance Brokers, Inc., and updated in August, 2018 by Bruce N. Furukawa, Esq., Furukawa Buccierie LLP

Kristen Walker, CIC
Kristen@WalkerAgency.com

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LESSONS LEARNED

LESSONS LEARNED 2018-09

As a general matter, given that we bear full professional liability for the mechanical, electrical, and plumbing portion of our projects, it is important-essential really-for us to know about any changes that may occur during construction, whether such changes come from trade contractors, the general contractor, a construction manager, the architect, the Owner, or anyone else. This doesn't mean that we'll stand in the way of changes; we just have to know to maintain compliance with State law. We also need to know key construction dates: start, milestones, and finish. And we need to see structural models when working in Revit as early as feasible.

Mechanical

M1.0 As early in design as feasible, verify the extent and location of ALL fire-rated assemblies (this may be applicable to Electrical and Plumbing also).

Electrical

E1.0 When "large equipment" rules may apply, verify that the equipment in question contains 1,200 a. or larger devices AND that the equipment is more than 6'-0" wide. (These rules are often misunderstood by local officials.)

Plumbing

P1.0 Using only fully concealed sprinklers in sensitive historic spaces, noting the limitations of finish options.

Very truly yours,
THE ENGINEERING COLLABORATIVE

Samuel L. Hurt, P.E., R.A., R.I.D.
LC, LEED AP, HFDP
Principal

John T. Lowe, CxA
Principal

CERTIFICATION QUIZ

Jack P. Morgan
Indianapolis Chapter Quizmaster

1. It is important for the long-term success of the facility's operations and maintenance that project closeout activities include all of the following EXCEPT?
 - a. Start-up and load testing
 - b. Receipt of final punch list
 - c. Demonstration for new operators
 - d. Operational training if necessary
 - e. Commissioning
2. Under AIA A201, who has the responsibility to pay sales, consumer, use, and similar taxes for the Work provided?
 - a. A/E
 - b. Owner
 - c. Contractor
 - d. Installing sub-contractor
 - e. None of the above
3. Substitution requirements and procedures during bidding:
 - a. Are not allowed under most public bidding statutes
 - b. Are modified by the Supplementary Conditions
 - c. Are governed by the Instruction To Bidders
 - d. Provide for requests by telephone
4. Marked up or corrected Contract Drawings that indicate changes incorporated in the Work, are known as:
 - a. Contract Forms
 - b. Closeout Submittals
 - c. Record Drawings
 - d. As-Builts
 - e. Not required for private work
5. All of the following are Articles in PART 3 - EXECUTION except:
 - a. Examination
 - b. Application
 - c. Fabrication
 - d. System Startup
6. How long did it take to build the Cologne Cathedral - the largest Gothic cathedral in northern Europe? ?

CHAPTER PHOTOS





Jack Morgan Fellowship



Jack Morgan Fellowship



The hat on 'Joltin' Joe McGuire

INDY CSI SPONSORSHIPS

Sponsorship Benefits	Platinum (\$1,500)	Gold (\$750)	Silver (\$500)	Partner (\$250)
Custom CSI sponsor logo on CSI Indy marketing materials.	Yes	-	-	-
CSI Indy award plaque presented at award banquet.	Yes	-	-	-
Company logo and website link in CSI Indy e-newsletter.	Yes	Yes	Yes	Yes
Company profile, or article (provided by Sponsor), featured in one (1) CSI Indy Newsletter. Platinum level Sponsor receives two (2).	Yes	Yes	-	-
Custom banner and website link to sponsoring company on CSI website.	Yes	Yes	-	-
Verbal recognition at monthly CSI Indy Chapter meeting.	Yes	Yes	Yes	-
Company logo and sponsorship level on Sponsor banner at CSI Indy meetings and events.	Yes	Yes	Yes	-
Event promotion in CSI Indy e-newsletter.	2 Events	2 Events	1 Event	-

First choice of Tradeshow booth (free tradeshow booth).	1 Tradeshow Booth	-	-	-
Free tabletop at CSI Indy Chapter Meeting to showcase your company and a 5-minute presentation to members.	3 Tabletops	3 Tabletops	1 Tabletop	10-15 Minute presentation at Indy Chapter Meeting
Special Event Sponsorships (Awards, Seminars, Golf, Holiday)	Contact individual event for sponsorship opportunities.			
*Sponsorships are valid for one calendar year from date of Renewal or Application				

MINUTES

Minutes of the Indianapolis Chapter CSI Board of Directors can be read [HERE](#). Please contact the president with any comments or questions.

MONTHLY CARTOON



"I reckon everybody knows about this company's poor safety record by now !"

SPEC THAT!



11 68 13 – Playground Equipment

QUIZ ANSWERS

1. - b (PDPG 14.1.2)
2. - c PDPG 11.3.19)
3. - c (PDPG 12.7.1.7)
4. c (PDPG 11.2.3.5)
5. - c (PDPG 11.13)
6. It took 632 years to build - construction started in 1248 and was completed 1880.

The Indianapolis Chapter, CSI was founded in 1961 and continues serving the local construction community. The Chapter is currently the largest chapter in the Great Lakes Region. Our membership is made up of architects, engineers, interior designers, facilities managers, contractors, product manufactures and representatives, and others involved in the construction industry.

8909 Purdue Road Suite 150
Indianapolis, Indiana 46268

317-854-6804

STAY CONNECTED:

