



REALITY CHECK



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Delaware Chapter ASPE

DECEMBER 2000

Bruce Gollicker, Editor, Pyro-Tech Fire Protection

ASPE Mission Statement

The American Society of Professional Estimators serves construction estimators by providing education, fellowship, and opportunity for professional development.

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President	Ed Alexander, CPE	Planning
1st V P	Mike Gioffre, CPE	Publicity
2 nd V P	Jim Connell, CPE	Membership
3rd V P	Bruce Gollicker	Newsletter
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4 th Director	Rich Murphy	Education
5 th Director	Anne Jacobi	Awards

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President's Message

Computers and software have changed the way we used to estimate. First they automated the extension process. Then they automated the lookup of pricing. Then came creation and pricing of piece parts based on input of assembly data. Computers and software are continuing to change estimating.

It appears that estimating software may be splitting into two distinct types: Lump Sum Bidding and Conceptual Estimating,

Lump Sum Bidding: Looking at the computer programs that are coming out and talking to the designers, it appears that one trend is for estimating programs, which can read computer aided design CAD drawing files and count the various symbols by given areas. If this type of software becomes prevalent, the estimator will be relieved of a major amount of repetitive grunt work of identifying and counting individual symbols. In exchange the estimator will have to very carefully define the areas of an estimate in reference not only to alternates but also changes in labor efficiency, material handling and equipment usage. The estimator will also have to make links between his assembly database and the drawing symbols for each project. The estimator already does this, but doing it correctly in the beginning becomes more critical. In theory the estimator will gain more time to analyze the output and refine the numbers. Based on past reality, the time saved will probably be eaten up by tighter schedules and more work.

Conceptual Estimating is an entirely different beast. There are no bid drawings. The estimator must convert an undocumented or marginally documented concept into a full design. He must then create the estimate while defining scope and exclusions. The estimator has to create enough detail so that the concept can be defined and further refined. Because of the lack of documentation, the software that is needed for this type of estimating included improved assemblies and ability to mix and match pieces and parts of prior estimates and incorporate them into the new estimate. Due to the amount of design work that the estimator has to do in conceptual estimating, the programming improvements may improve the ability to refine design but will probably not create significant time savings.

As with most technology improvements, the companies and individuals who cannot or do not adapt will be at an increasing disadvantage. This explains why 47 ASPE and 25 CSI members turned out at our November joint meeting to hear Mr. Keith Jurnigan, of Buildpoint.com, discuss the future of estimating, bidding and obtaining subcontractor bids through e-commerce networks. We all need to keep current with the technology of our field.

Ed Alexander, President
ASPE Delaware Chapter #75

PROFESSIONAL PRACTICES

Shop Drawings “APPROVAL” Liability

By Mark c. Friedlander, *Consulting Specifying Engineer*-November 2000

One of the most common questions that engineers- and architects- ask is whether to mark shop drawings and other submittals “approved”, or whether to take some lesser action. This is an area in which legal advice has changed over the years.

Going back 15 to 20 years, it was common for lawyers to recommend that A/E's avoid the use of the word “approved” when they reviewed and accepted a shop drawing. The fear was that a judge or jury and to a lesser extent, an arbitrator-might assume that the design professional had reviewed the shop drawing for all purposes, including field dimensions, safety issues and other matters outside the proper scope of an engineer’s or architect’s concern. Claimants and their lawyers focused on the word “approved” and tried to hold the design professional liable, at least in part for issues outside the scope of its usual duties.

NO EXCEPTIONS TAKEN

A common “solution” was to recommend that synonymous language be used. Often an engineer would be told to stamp the drawings with a phrase like “no exceptions taken”. This and similar ambiguous phrases were intended to convey the notion that the engineer was not objecting to any aspect of the shop drawing, but had not reviewed and approved all of its various aspects.

But this tactic did not work for long. Judges, juries and especially arbitrators quickly decided that “ no exceptions taken” meant approved, and interpreted the two phrases to have identical meanings. For example, in a recent lawsuit, an architect was put on the witness stand and asked what “ no exceptions” means. He responded that it means, “approved”. Consequently, it became clear that a better approach needed to be developed to prevent claimants from

misconstruing the limited nature of a design professional’s approval of shop drawings.

Shop Drawing Review	
<u>Engineers Review</u>	<u>Required Response</u>
<input type="checkbox"/> Approved	<input type="checkbox"/> Confirm
<input type="checkbox"/> Note Marking	<input type="checkbox"/> Revise
<input type="checkbox"/> Rejected	<input type="checkbox"/> Resubmit
<input type="checkbox"/> Requires review and approval by general contractor	
Engineer’s review is for general conformance with the design concept of the project and the information given in the contract documents. The contractor is solely responsible for, and this review does not include: confirming and correlating all quantities and dimensions; selecting fabrication processes and techniques of construction; coordinating the work with the other trades and performing all work in a safe and satisfactory manner. Corrections or comments made on this submittal during this review do no relieve the contractor from compliance with the requirements of the contract documents or with its responsibilities listed above.	
Name of engineering Firm: _____	
By: _____ Date: _____	

The solution has been to explicitly limit the scope of the engineer’s or architect’s review both in the contract and on the shop-drawing stamp itself. Although most shop drawing stamps now include an “approved” option, this approach uses language that strictly limits the scope of the submittal review to “conformance with information given and the intent of the construction documents”.

The graphic on this page depicts a typical shop-drawing stamp that explicitly explains the purposes for which the design professional is not reviewing the submittal. It is important for the stamp to exclude review for the purposes of verifying dimensions, safety analysis and the like, because these are solely the contractor’s obligations. By putting this limitation in the shop-drawing stamp, no argument can be made that anyone was relying on the A/E’s review and approval for those explicit purposes.

Contractor Considerations

Two other issues often arise with regard to review shop drawings and similar submittals. A common question is whether the design professional should reject the submittal if the general contractor has not reviewed it first. Usually, it is a drain on the A/E firm’s resources when the

general contractor does not perform its function of submittal review prior to forwarding, or having subcontractors forward the submittals directly to the engineer or architect.

For liability as well as financial reasons, it is a good general practice for design professionals to require the general contractor to have reviewed and approved the shop drawings before the A/E reviewed them. For construction-worker injury claims, judges and juries are hesitant to rely on exculpatory clauses in contracts and on shop drawing stamps that exclude any specific issues from scope of the design professional's review.

However, if the engineer or architect is always careful to require the general contractor's review and approval before reviewing the shop drawings, then the court is usually more comfortable with the A/E's limited role because there is an awareness that safety reviews and similar reviews are being performed by the contractor.

Handle Stress, Before It Handles You!

Reprinted from, "Access in Depth"
Security Lock Distributors

Some form of stress is present in any job. How you approach and handle that stress can make a difference in how much it impacts your life. Consider these suggestions to help you deal with stress in your workplace.

Realize it is Impossible to get everything done.

A trap many people fall into is thinking they can do it all. This attitude kills lots of people. Decide on what is important and let the rest wait.

Remember that you have a life outside the job.

Working late or on the weekend occasionally can be productive. You can work without the usual interruptions, and the feeling of being "caught up" can be very positive. However, the stress of working every night or weekend without time off to relax can easily become a negative stress.

Take care of your body. A poor physical condition can make it harder to cope with a stressful work situation. Regular exercise can help release tension, as well as tone your muscles. At the office, take a few minutes several times a day to let your body relax. Try a relaxation exercise-concentrate on relaxing one area of the body at a time until the entire body is

relaxed. This only takes a few minutes, is good for your health, and can help you be more productive.

Stagger your tasks. Perform some routine task as a break from more demanding project. Also, schedule the more demanding projects for the time of day when you feel at your best mentally and physically.

Take time to be efficient. The old adage "Haste makes waste," may be truer than we like to admit. Hurry can produce tension and may not necessarily result in the completion of a job more quickly. In addition hurry can result in errors and the additional time and energy needed to correct they increase your stress.

Take a day off. When you feel you have reached the end of your rope and the knot is slipping from your hands, take a day off. An occasional personal day to relax and do nothing, or do some special personal project that you have put off, can help you return to work the next day rested and energized.

Know how to work. Do you work best when your office and desk are organized? An acquaintance knows that she needs an organized desk and work area to be at her most productive, so she spends a few minutes each day in "maintenance" of her work area. Do you work best in silence or do you like to have music from the radio in the background? Discover what helps you work with the least stress.

ASPE Code of Ethics

Canon #8: Professional Estimators and those in training to be estimators shall not enter into any agreement that may be considered acts of collusion or conspiracy (bid rigging) with the implied or express purpose of defrauding clients. Acts of this type are in direct violation of the Code of Ethics of the American Society of Professional Estimators.

1. Bid rigging, collusion and conspiracy, as defined by the American Society of Professional Estimators, may occur between two (2) or more contractors or two (2) or more subcontractors. Agreements are reached by companies or individuals in the act of conspiring to pre-set the price of a particular project (private or governmental) with the express purpose of predetermining the

intended recipient of a contract to be awarded at a fixed price.

2. Professional estimators and those in training to be estimators shall not be associated with firms which are known to participate in the practice of bid rigging.
3. There are no conditions or social conversation that will allow a professional estimator to enter into such fraudulent acts as those of bid rigging, knowing that they are held to be lawful, immoral, unethical and unacceptable to this society.

MEETING MINUTES

ASPE NOVEMBER BOARD MEETING

The November meeting of the Board of Directors of the American Society of Professional Estimators, Delaware Chapter 75, was called to order at 6 p.m. on Wednesday, November 8, 2000

Meeting Attendees:

Ed Alexander	Jim Connell
Buzz Kingsley	Jerry Doherty
Jeff Coopersmith	

Other Attendance: Fred Gschweng, Wilson Davis

Chair: Ed Alexander

Location: Bancroft Construction Office,
Wilmington, Delaware

1 Review Of Previous Minutes

- a. Previous Meeting minutes were accepted without exception.

2 New Business

- a. Ed Alexander distributed copies of the newly formatted monthly newsletter and asked for all to review and forward any comments.
- b. The following dates have been established for future board meetings: Dec 18th, Jan 15th, Feb 19th, March 19th, April 16th, May 21st, June 18th, and July 16th.
- c. Ed Alexander proposed a motion to make Mr. Lawrence Lewis an honorary Chapter member. Mr. Lewis has donated his time on several occasions to speak to the membership and has offered to continue this in the future. The motion was seconded by Buzz Kingsley, and approved by all

attending Board members. Before completing the membership, Ed will confirm that Mr. Lawrence can accept the membership and insure no conflict of interest or the appearance of impropriety.

- d. Planning for an Internet home page was discussed in detail. Fred Gschweng, Internet planning Committee member presented a review of other organizations home page and some of the various options available. After reviewing the presentation and discussing a range of options to include in the home page, the board directed the internet planning committee to develop a proposal for the planned home page request time on the agenda of a future Board meeting to present their report. The board requested that the committee evaluate the possibility of including the following information: ASPE Delaware Mission Statement, participating member companies, posting of the newsletter, advertising possibilities, and job opportunities. In order to get started, the board voted unanimously to purchase the necessary software to build the home page. Jeff Coopersmith has purchased the web address.aspede.org for our Chapter home page.
- e. A general discussion regarding future programs was held. Suggestions included inviting other Chapters to give presentations; Approaching DCA for possible speakers or combining with some of their current programs; Utilizing the Kalmar Nykl or other venue for future meetings. To program committee for further action.
- f. Ed began a discussion regarding the possibility of establishing an Estimating Academy to train and educate the members of our chapter. Generally the idea has merit, but potential conflicts with other programs, including DCA, ABC, and of course ASPE, must be evaluated. To Education Committee.
- g. Developing other activities to further encourage member participation was discussed. It is too late to have a Christmas Party this year, but the membership should be polled to see if enough interest could be

generated to establish annual events like this. To Public Relations Committee

- h. Establishment of a Student Chapter was again discussed. Although everyone agrees that the proposal has merit, no action has been taken to formulate a plan. Ed suggests we table discussion until further information is received from committee. To Education Committee/ Student Chapter committee
- i. Ed Alexander requests that all members work to develop potential speakers for our monthly meetings. As experienced by our October meeting, when the topics are current and well prepared, the membership will attend the meetings. (October had 71 attendees) All Chapter members will be encouraged to help in this effort.

Committee Reports

- 1. **Planning Committee:** With regards to the strategic plan for our Chapter, Mike Gioffre requested that each committee chair complete a "To Do" list and prepare a plan on how each committee can help reach our goals. The lists should be a follow up to the plan presented at the October meeting.
- 2. **Archives Committee:** No report
- 3. **Awards Committee:** No report
- 4. **By-Laws Committee:** No report
- 5. **Certification/Recertification Committee:** Ed Lupinek submitted the following report (condensed): The status of all candidates has been received from national (Darnell). All candidates requiring submission of technical papers (due in December) and final testing (set for November 30th) have been contacted. Ed will contact national with regard to Anne Jacobi's status. There has only been one candidate for the 2001 certification cycle. Ed will make announcements at future general meetings to generate interest.
- 6. **Education Committee:** no report
- 7. **Ethics Committee:** no report
- 8. **Faxing Committee:** Tony Ricciardi) All is faxing well.

9. **Finance Committee:** Jeff Coopersmith reports that our current account has a balance of \$5066.75, including receipts of \$64.00 from October's raffle. A web site address name has been secured at a cost of \$120.00. The address will be **aspsde.org**. Jeff also requests that all members try to provide additional raffle prizes. Some suggestions for potential prizes are: tickets, shirts, hats, liquor, and discount certificates.

- 10. **Golfing Committee:** no report
 - 11. **Membership Committee:** no report
 - 12. **Newsletter Committee:** Fred Gschweng noted that a new newsletter format has been developed and is looking for any feedback. The committee continues to request submissions of articles, cartoons, and other pertinent items.
 - 13. **Nominations Committee:** no report
 - 14. **Planning Committee:** Mike Gioffre requests all committee chairs follow up to October's meeting regarding strategic planning.
 - 15. **Program Committee:** no report
 - 16. **Public relations Committee:** no report
 - 17. **Standards Committee:** no report
 - 18. **Student Chapter:** no report
- The Meeting was adjourned at 8:15.



**We know you're busy,
So as a reminder.....**

Unless otherwise noted, **Chapter meetings** are the **Second Wednesday** of each month. **Board Meetings** are the **Second Wednesday** of each month.

Deadline for submission to the Newsletter is the last **Friday** of each month.

Wanted: Additional raffle prizes. Wouldn't it be nice if we had 2nd, 3rd, etc. prizes for our monthly raffle? Some suggested items are sports tickets, shirts, and hats, booze, discount certificates, etc.



Newsletter Committee

Please contact Bruce Gollicker regarding advertising or articles for the newsletter. Bruce Gollicker, Pyro-Tech Fire Protection (410) 392-6609

ASPE Delaware Chapter Advertising Rates

Size	(1) Month	(3) Mths	(6) Mths	(9) Mths	(1) Yr
Business Card	\$7	\$20	\$38	\$54	\$70
(2) Bus. Card	\$13	\$38	\$68	\$95	\$120
1/3 Page	\$20	\$60	\$105	\$150	\$190
1/2 Page	\$26	\$80	\$140	\$195	\$240

Notes:

Copy must be submitted in Windows 95, Word 6.0 or earlier format, by e-mail, hand delivered on disk or is ready to scan.

All submissions must be received on or before the first of the month.

Got Something to Say? We want to hear your editorials, comments, and stories. If you run across an interesting article that would benefit the membership, please submit it to Bruce Gollicker, Pyro-Tech, fax (410) 392-8113. Deadline for submission is the last Friday of the month.

*Have a Safe Joyous Holiday,
and a Happy New Year*

Mailing Address:
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