



Edmonton Chapter
#102, 13025 – St. Albert Trail
Edmonton, Alberta T5L 5G2

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the edmonton Specifier

Construction Specifications Canada is an organization representing diverse interests in the construction industry and related professions. It is dedicated to improving the quality and flow of information between these interests, whether in the form of specifications, contract administration or marketing.

2013

2013 INFONET

April 10
Infonet
Speaker: The Honorable Joe Clark
Chateau Louis

The April Joint Meeting in Red Deer has been postponed until 2014

May TBD
AGM

June 4
Golf Tournament
Legends Golf & Country Club,
Sherwood Park, AB

Date: Wednesday, April 10, 2013
Location: Chateau Louis Conference Centre
11727– Kingsway Avenue; Edmonton, Alberta

Speaker: The Honorable Joe Clark

Time: 3:00-6:00pm Cocktails/Networking/Tradeshow Viewing
6:00pm Dinner Commences
6:15-6:45pm Mayor Stephen Mandel does quick speech and introduces Guest Speaker
6:45-7:45pm Guest Speaker - Honorable Joe Clark
7:45-9:00pm More Cocktail/More Networking!



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VISIT YOUR WEBSITE AT

<http://edmonton.csc-dcc.ca/>

Help us develop a website that meets your needs. Log into the "Want More Info" link online and let us know.

INFONET 2013

April 10, 2013

The Honorable Joe Clark
Chateau Louis Conference
Centre

We are now accepting advertising reservations for advertising in the 2013-2014 edition of the CSC Directory of Members. We offer full color advertisements, great exposure, great rates all connected to one high quality publication.

You know that great Member's Directory you receive as part of your CSC membership each year. Well, you have the opportunity to showcase your company, product, service, or even yourself by placing an advertisement in the 2013-2014! Your advertisement will be seen by industry professionals across Canada and beyond.

The digital version is also available to be viewed by both CSC and non-CSC members anytime on our website (www.csc-dcc.ca), making your ads exposure ever greater!

Our advertising rates have not changed in five years. You have a choice of business card, ½ page or full page advertisements. You can request special placement of your ½ page or full page ads at no additional fee. The digital version of the CSC Directory has direct links to your company website and email address. This makes it easy for potential clients & customers to learn about your company and the products & services offered. They can also contact you with ease by email with the click of their mouse.

So don't delay any longer!

If you have already taken advantage of this opportunity please accept our thanks in helping to make the annual CSC Directory of Members a sought after "Go To" industry publication..

Edmonton Chapter Executive

Elected Members

Chairman	Darlene Helfrich	780 903-0595
Director	Cam Munro	780 395-3335
Vice-Chairman	Skip Helfrich	780 466-3101
Secretary	Richard Lucid	780 485-7612
Treasurer	Shaune Smith	780 482-4813

Officers

Architect	Linda Lipinski-Olson	780 497-3975
Association Liaison	Jozef Urban	780 408-7149
BIM & Sustainability	David Watson	780 758-4147
Education	Mike Ewaskiw	780 237-7844
Engineer	(Position Available)	[000-0000]
General Contractor	(Position Available)	[000-0000]
Interior Design	(Position Available)	[000-0000]
Manufacturer/Supplier	Mike Lafontaine	780 447-2122
Marketing, Promotion and Infonet	Kevin Osborne	780 441-4258
Membership	Donna DeVloot	780 984-5612
Newsletter	Tracey Stawnichy Neil Cochrane	780 994-3699 780 691-6713
Program	Steve Londry	780 429-1580
Specifications	David Watson	780 758-4147
Web Site Administrator	David Watson	780 758-4147
Trade Contractor	Frank Dudley	780 803-2658
Landscape	Rachel Curry	780 901-5353
At Large	See Executive Listing	Pg. 13 - 14

Advertising Rates

SPECIFIER

Footer Business Card: \$50/issue
 Business Card: \$50/yr, random location
 Full Page: \$500 All Issues; \$100 per issue
 ½ Page \$250 All Issues; \$50 per issue
 1/4 Page \$125 All Issues; \$25 per issue

WEBSITE

Rates covers your ad on our website 24 hours per day, 7 days per week. Business card on-line: Annual \$100
 Add \$50 to have a link to your company Web Site from the CSC Edmonton Chapter web page.

Chapter Sponsor

Includes Business Card On-Line, 2 Tickets to 6 Dinner Meetings
 Annual \$400 if received by May 1;
 \$300 if received by August 1;
 \$200 if received by November 1;
 \$100 if received by February 1

Student Sponsor

CSC Student Sponsorship pays for 1 ticket to 6 Dinner Meetings for a NAIT or University student.
 Annual \$175

Meeting Sponsor

\$50 for Individual (Personal) Sponsor
 \$100 for Corporate Sponsor

FOR FURTHER INFORMATION

Contact any member of the Executive Committee, attend one of our chapter meetings or send your name and address to CSC Edmonton Chapter c/o #102, 13025 – St. Albert Trail, Edmonton, Alberta T5L 5G2.

GOALS OF CSC

Construction Specifications Canada is a multi-disciplinary non-profit association dedicated to the improvement of communication, contract documentation, and technical information in the Construction Industry. CSC is a National association with chapters in most major Canadian cities.

To this end, CSC pursues the study of systems and procedures that will improve the coordination and dissemination of information relevant to the construction process.

We seek to enhance the quality of the design and management aspects of the construction activity through programs of publication, education and professional development, believing that by so doing, we can contribute best to the efficiency and effectiveness of the construction industry as a whole.

OBJECTIVES OF CSC

To foster the interest of those who are engaged in or who are affected by the compilation, or use any form of specifications for the construction industry.

To publish literature pertaining to the construction industry.

To engage in activities to improve procedures and techniques related to the construction industry.

The opinions and comments expressed by the authors do not necessarily reflect the official views of Construction Specifications Canada. Also, appearance of advertisements and new product or service information does not constitute an endorsement of those featured products or services.

ABOUT CSC

Our Mission

CSC (Construction Specifications Canada) is a national multi-disciplinary, non-profit association with chapters across Canada. CSC is committed to ongoing development and delivery of quality education programs, publications and services for the betterment of the construction community.

To this end, CSC pursues the study of systems and procedures which will improve the coordination and dissemination of documentation relevant to the construction process.

CSC seeks to enhance the quality of the design and management aspects of construction activity through programs of publication, education, professional development, and certification, believing that in so doing it can best contribute to the efficiency and effectiveness of the industry as a whole.

Our Vision

That Construction Specifications Canada is the construction community's first choice for quality documentation, education and networking.

Our Values & Core Beliefs

Quality, Professionalism, Teamwork, Integrity, Openness, & Innovation.

Objectives

To foster the interest of those who are engaged in or who are affected by the compilation or use any forms of specifications for the construction industry.

To publish literature pertaining to the construction industry.

To engage in activities to improve procedures and techniques related to the construction industry.

MEMBERSHIP IN CSC

In the construction industry's fast-paced environment, the need for and value of Construction Specifications Canada is greater than ever. CSC brings together individuals from all segments of the construction industry. All who have a vested interest in Canada's largest industry are invited to join CSC. When you join CSC you become part of the only association that brings together professionals from all aspects of the construction industry.

DESIGN TEAM

CSC offers members of the Design Team the opportunity to meet with other members and exchange information. It also affords you the chance to help improve technology and its management, and the means to improve ways in which your ideals are translated into clear, concise and complete documentation.

BUILDING TEAM

If you are a member of the Building Team, Construction Specifications Canada offers you the opportunity to become involved in formulating specifications. Your valuable input into the programs can help generate time and cost savings as well as improve performance.

SUPPLY TEAM

The multi-disciplinary composition of CSC allows members of the Supply Team to meet with other members of the construction team. CSC programs in data filing and information retrieval are geared to present convenient and concise information on your products for proper evaluation and specification.

THE STUDENT

If you are a student of architecture, engineering or construction technology, CSC will provide you with greater exposure to and a better understanding of the Construction Industry, giving you an excellent opportunity if you plan a career in the construction field.

Contact Donna DeVloo for membership information.

Officer Membership



Donna DeVloo
P: 780-984-5612
E: ddevloo@bibliotecainc.com



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CSC FACEBOOK

Visit CSC on Facebook.

Visit: <http://www.facebook.com/pages/CSC-Construction-Specifications-Canada>

Chair's Message:

Darlene Helfrich



April Showers bring May flowers... or in our case, April doesn't SNOW (most of the time)!

It has been a great few months for our chapter. Our presentation on the Evolution of Libraries was informative and well attended, thank you Biblioteca Inc.

Buildex was a great success and we plan to continue to grow our relationship with them. I would like to thank all our members that spent the time to man our booth and proudly don our CSC lanyards throughout the show! I was reminded just how much of a professional family CSC really is! Even more surprised by the comments made by non-members recognizing us!

I would like to thank our Infonet Committee, along with Mike Lafontaine (Committee Chair) for all the hard work they have put into this year's INFONET (April 10th) with our esteemed speaker Mr. Joe Clark.

The upcoming National Conference this year is in Calgary. The National Conference always proves to be a great time; hope to see you there!

Back in January, two of our chapter members were awarded the Lieutenant Governor's Award for Distinguished Achievement! Congratulations to Mr. Gino Ferri and Mr. John Chomiak. A congratulatory handshake or hug is the least we can offer to these two men, who have also gone over and above in the early development of our very own Edmonton CSC Chapter. Thank you John and Gino!

Darlene Helfrich, IDT, CTR
Chapter Chair
darlenehelfrich@gmail.com

MESSAGE FROM THE PRESIDENT



March, 2013
Claude Giguère, P.Eng., LEED AP

The Construction Resource Initiatives Council (CRI Council) and Construction Specifications Canada (CSC) signed a Memorandum of Understanding (MoU) for the purpose of improving communication and cooperation in areas of mutual interest related to finite natural, processed and wasted resources.

Your opportunity to get involved!!

CCDC is preparing to update the current CCDC 23- and is seeking your input relating to experiences that you may have had resulting from past use of the document CCDC 23 - A Guide to Calling Bids and Awarding Contracts.

CSC and CSI have released the MasterFormat 2012, available at www.spex.ca.

WINNERS ANNOUNCED IN CSC MEMBERSHIP DRIVE

Five CSC members who recruited new design/construction professionals to the association had had their names drawn as this year's winners of the Annual Membership Drive:

- Wyatt Eckert (Regina Chapter)
- James Mansfield (Toronto Chapter)
- Tony Yip (Vancouver Chapter)
- Kimberly J. Tompkins, CTR (Vancouver Chapter)
- David R. Wilson, FCSC, RSW (Toronto Chapter)

All five sponsored new members from November 1, 2012 to February 28, 2013.



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I AM CSC

Shaune Smith, CSC Edmonton Chapter Treasurer



Present Industry Position:

Contract Administration – Senior Associate

Company:

ONPA Architects

Why I Joined CSC:

I joined CSC to be part of an organization within the construction industry, and work towards the CSC Certification Programs.

CSC Experience:

Over the years I have attended many meetings and InfoNet presentations. I presently teach the Principles of Construction Documentation (PCD) course, and have recently become the Treasurer for the CSC Edmonton Chapter.

What CSC Has Done For Me:

CSC has given me the opportunity to meet new people within the construction industry and further my knowledge of contracts and specifications within the industry.

Industry Experience:

With 15 years experience in the construction industry, I have worked on many projects throughout Alberta as a technologist, a specification writer, and as a contract administrator. I have just completed contract administration for the new Edmonton Remand Centre project.

Contact Email:

scsmith@onpa.ca

Direct line: 780-395-3335

CSC EDUCATION

Officer Education



Mike Ewaskiw, CTR
Project Development
StonCor Group
P: 780.237.7844

E: mewaskiw@stoncor.com

[Principles of Construction Documentation](#)

The PCD course is an introductory course that will enable the student to have a better understanding of construction documentation (specifications, drawings and schedules), products, bidding procedures and contracts. **It is also a prerequisite to all the other CSC education courses.**

[Specifier 1](#)

The Specifier 1 course is an intermediate level course that will take the individual beyond the concepts previously introduced in the PCD Course. Although some of the same topics are included in this course, the depth of comprehension and explanation exceed that of the PCD course. The Specifier 1 course is a prerequisite for the [Certified Specification Practitioner \(CSP\)](#) designation from CSC. Successful completion of the course may be credited toward the experience component requirements for the Registered Specification Writer (RSW) designation.

[Technical Representative](#)

The TR course will provide a better understanding of contract documents and bidding procedures, product representation, professionalism, and ethics, and will provide a new depth of understanding and explanation of concepts beyond what was previously introduced in the PCD course. The course is designed for the individual involved in the supply section of the construction industry such as manufacturer representatives, agents or distributors of products. The student will have successfully completed the PCD course.

Contact Mike for all of your education needs.



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EDUCATION COURSES

Upcoming Classes: Fall Courses TBD

Upcoming Classes Online:

Principles of Construction Documentation
(PCD) – June 3, 2013

Specifier 1 – September, 2013

Technical Representative – January, 2014

CSC COURSE MAINTENANCE

After years of considering how to maintain its educational courses and with this initiative as a catalyst, CSC is pleased to announce that it has introduced a defined process for review and update of all educational course material. Recognizing both the importance and the urgency, the CSC Board of Directors has established the Education Maintenance Task Team (EMTT). The inaugural volunteer members of the EMTT are Mitch Brooks, FCSC; Brian Colgan, FCSC, RSW; Tom Dunbar FCSC, RSW (Committee – Chair) and David Wilson FCSC, RSW. An ongoing committee; these members will serve a 3 year term (of which 2 in this group will serve up to 4 to prevent total committee replacement in the same year) providing both consistency as well as strong foundation of knowledge and experience for us to draw upon. The EMTT has been tasked with making the course material more consistent, bringing all of the courses up to the same standard, ensuring consistency of language and terminology, and establishing a regular review, update and maintenance regime.

PEOPLE AND PLACES

Fresh Faces (New Members)

Ms. Darlene Strong

Project Procurement Specialist
Alberta Infrastructure
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Yes, We've Moved (Contact/Mailing Address Update)**Mr. Emme Kanji, CCCA**

Associate
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 300 – 10830 Jasper Avenue
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Mr. Matthew Chatters

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 Email: chatters.matthew@casika.com

Ms. Carri Fjell, Arch.Tech.

Specifier
 DIALOG
 10154 – 108 Street NW
 Edmonton, Alberta T5J 1L3
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Previous Members Re-Joining**Mr. Bob Pooley, CCS, RET**

Project Procurement Specialist
 Alberta Infrastructure
 2nd Floor, 6950 – 113 Street
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 Tel: 780-422-8611
 Fax: 780-422-9594
 Email: bob.pooley@gov.ab.ca
 (previous member from August 1981 to June 2010 –
 welcome back, Bob!)

Ms. Jutta Cyrynowski

Director, Operations
 Alberta Infrastructure
 2nd Floor, 6950 – 113 Street
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 Tel: 780-643-6372
 Fax: 780-422-9594
 Email: jutta.cyrynowski@gov.ab.ca
 (previous member from December 1991 to March 2006)

– welcome back, Jutta!)

INDUSTRY NEWS AND EVENTS**Dates To Remember****April 2 – 4, 2013**

Ontario Feed-In Tariff Forum 2013
 Canadian Clean Energy Conferences
 Metro Toronto Convention Centre, Toronto, ON

April 11 – 13, 2013

Spring Construction Symposium
 Ontario's General Contractors Association
 Blue Mountain Resort, Collingwood, ON

April 18 – 20, 2013

APEGA
 Annual General Meeting and Conference
 Calgary, AB
<http://www.apega.ca/Members/Publications/Magazines/ThePEG/2012/december/files/48.html>

April 19, 2013

AAA AGM and Member Forum
 Shaw Conference Centre, Edmonton, AB

April 23 – 24, 2013

ROOFTech 2013
 Canadian Roofing Contractors Association
 International Centre, Toronto, ON

May 5 – 11, 2013

North American Occupational Safety and Health Week
 (NAOSH)
 Organized by the Canadian Centre for Occupational
 Health & Safety and the Labour Program of Human
 Resources and Social Development Canada and
 American Society of Safety Engineers
 Various Locations, Canada

May 6 – 7, 2013

CFSEI Annual Expo and Meeting
 Cold-Formed Steel Engineers Institute
 Hilton Financial District Hotel, San Francisco, CA

May 7, 2013

16th Annual Alberta Sustainable Building Symposium
 Edmonton Expo Centre, Northlands, Edmonton, AB



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May 15 - 16, 2013

21st Provincial Skills Canada Competition
Edmonton Expo Centre, Northlands, Edmonton, AB

May 21 – 22, 2013

Grey to Green – Conference on Economics of Green
Infrastructure
Green Roofs for Healthy Cities
Evergreen Brickworks, Toronto, ON

May 22 – 26, 2013

CSC Conference
Calgary, AB

June 4 – 6, 2013

CaGBC National Conference and Expo
Vancouver, BC

June 12 - 16, 2013

Save The Date! CSI West by Northwest Region
Conference
Spokane, WA

June 15, 2013 (Deadline)

Call for Nominations –
Prairie Wood Design Awards
Alberta Wood WORKS!
Edmonton, AB

June 20 – 22, 2013

AIA 2013 National Convention and Design Expo
The American Institute of Architects
Colorado Convention Centre
Denver, CO

We Missed You at Breakfast**March 5th, 2013 – Evolution of Library Systems**

Donna Devloo and Darlene Helfrich, from BIBLIOTECA, gave us an informative presentation on the Evolution of library systems, moving from physical product library to the utilization of technology for the creation of virtual systems. In their informative, and entertaining, presentation a number key issues were discussed with current practices, and how a virtual solution could be a benefit, not only to Specifiers (as defined as Architects (all disciplines), Engineers, and Interior Designers), but to Constructors (General Contractors, Sub-contractors, Installers) and Providers (Manufacturers, Suppliers, and Distribution) as well.

In the past, physical product libraries were maintained at each branch of a Specifier. These libraries take up valuable office space (typically 100 to 300 ft²) and were typically being managed by either “in house” designated/volunteered employees, third party companies (like BIBLIOTECA), or some combination of the two. This system presented multiple problems for the Manager, as well as all interested parties (listed above) of the process. Just two examples of the issues are the cost, not just in terms of physical space cost and the cost to produce the binder, but the non-billable hours of the Manager’s time if being looked after internally, and the inaccuracies that appear in the library due to the physical material not being updated. This second point can lead to improper specification due to items being discontinued, or re-branded; and new products not being specified when they may be a better solution for the



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Specifier. This can lead to numerous alternate submittals on any project.

Currently, there is a movement away from physical product libraries in favour of electronic information via the internet, or the company's own internal computer systems. This next step is not without its own difficulties. While it does eliminate the physical costs (space and material) there is still the non-billable hours costs to maintain this information. In addition, there are additional problems of cumbersome searches, non-standardized formatting, and potential registration at each Providers website. On top of that, Specifiers have no way of managing the combination of CD's, USB sticks, website links, and still some paper copy catalogues.

An alternate to the self-managed electronic format is a third party virtual format. This is typically a website that contains all the information of the Providers product binder online. This format takes the costs away from the Specifiers, and can provide a cost effective alternate to the Providers in that there are no individual binder printing fees. Updates of information can be timely, as there is the need to only contact the third party, and not the individual Specifiers, and the information can be listed at one source in a format consistent with existing sources (like MasterFormat). As the format is online, it can be accessed by Specifiers, Constructors, or Providers alike and can help facilitate collaboration across a design team and all levels of a project.

If you would like to know more,

www.bibliotecainc.com

Before Design Begins



David Stutzman

April 1, 2013

(Sourced from <http://www.conspectusinc.com/blog>)

An idea is formed. A new product or service is required. A need for a building emerges. What is the next step - a napkin concept sketch of a building form?

Initial Considerations

The first steps should be to define the owner's requirements. What people, equipment, processes, and

performance must the building accommodate? All of these questions should be answered before the first line is drawn. The design must respond to and embrace the project requirements rather than forcing the project to fit the design.

Preliminary Project Descriptions (PPDs) provide a structured means for owners and design teams to communicate the overall project needs before design is started. PPDs are more than architectural programming that sets occupancy, equipment, finish, and environmental requirements for individual spaces. Overall project performance and design requirements for each building functional element can be documented to inform the resulting designed solution. With a fact-based description, the design can be measured and tested to ensure the project requirements and the owner's expectations are met.

Because PPDs are hierarchical, requirements can be written at the highest (overall) level at the start of a project. Later, as development decisions are made, data can be added as lower level detail to refine the high level requirements. When the owner's project requirements are defined, owner's project budgets will be meaningful and a useful way to measure the design team's response.

Budgeting

One of the most important aspects of the process is developing a realistic budget to meet the owner's expectations. Reliance on square foot building costs from the last project or a similar project may not suffice. Many considerations affect construction costs. Many of these are identifiable before design begins.

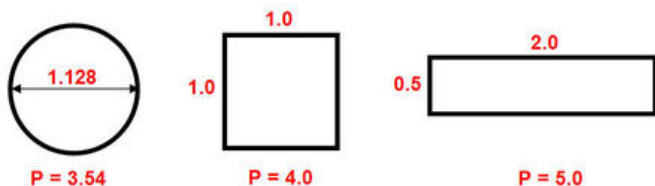
Bay spacing may be determined by the desire for flexibility to reconfigure interior spaces as the owner's needs change over time. Bay spacing may be set by the size of typical project spaces - hotel guest rooms, for instance. Nevertheless, bay spacing influences costs. The greater the bay spacing the deeper the floor structure to make the span. The deeper the floor structure the greater the floor-to-floor heights to accommodate the structure.

Floor-to-floor height can have a significant impact. When spaces requiring the greatest heights are stacked, the volume of the entire building grows. All the resulting volume may not be useable. Take a courthouse for example. Courtrooms require a greater clear height than the administrative offices that support the courtrooms. Stacking courtrooms on multiple floors will increase the

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overall building height. Grouping courtrooms on a single floor will make the most efficient use of the building volume.

Building shape impacts the ratio of exterior wall area to the floor area. The more exterior building enclosure that is required, the greater the building cost. A circle encloses the greatest area with the least perimeter. However, circular buildings are not typically conducive to efficient interior layouts. The next most efficient plan shape is a square.



These illustrations show the dimensions and perimeter length for the same unit area enclosed by basic geometric shapes. Squares require 13% greater perimeter than circles, and rectangles require even more. This is not to suggest that every building should be a circle or square. Simply, shape impacts cost.

Building shape is not the only cost factor. Articulation and glazing percentage will both have significant impacts. Articulation, the ins and outs and zigs and zags, of the building facade add complexity and enclosure area. Glazing systems are more expensive than opaque wall assemblies and are less energy efficient. It's a balancing act to achieve an optimum design meeting the owner's expectations. Trade envelope area and complexity for improved performance. Trade glazing percentage for natural lighting and occupant views.

So what is the point?

Well, all of these factors and more are identifiable and controllable. PPDs provide the means to document project constraints. The result is a quantifiable, measurable description of the owner's expectations.

Project budgets developed without defining the factors affecting costs can lead to disappointment. Without direction, the owner's cost consultant will make assumptions - assumptions based on past experience, but not necessarily the correct assumption for the project.

Without the benefit of documented requirements, the design team will proceed based on their own

assumptions and experience. When this happens, as it routinely does, there should be no surprise when the designed solution is determined to cost more than the budget.

Make good use of available tools

PPDs are a valuable asset to help define the owner's project requirements. PPDs provide the means to verify the resulting design meets the defined requirements. Then if a design exceeds the budget, avoid cost cutting. The entire team can evaluate the cost with factual value engineering weighing requirements against results. Adjust the requirements, if needed, and re-evaluate. And ultimately, deliver a design meeting the owner's expectations.

No Need to get Testy



Randal Reifsnider
February 25, 2013

(Sourced from <http://www.conspectusinc.com/blog/2013/02/no-need-to-get-testy.html>)

I was recently asked by a client, "How do the specifications address who pays for tests during construction?" I explained that it was typically the Owner who pays for testing, but that sometimes the Contractor will pay. Furthermore, this information can be found in Division 00 in the General Conditions and Supplementary Conditions.

He then asked, "What if it is the architect who pays for testing?" A bit surprised, I asked why and learned it was an Owner requirement our client need to address.

I have not run across a situation before where the Owner requires the architect to pay for testing services. AIA documents do not address this situation, but there is nothing to prevent an Owner from inserting such a requirement in the Owner/Architect Agreement. In doing some research on this issue I learned that the Pennsylvania Department of General Services, for instance, requires architects to hire a testing lab as part of the architectural fee.

Who Pays For Testing?

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Short Answer: Typically the Owner, but occasionally the Contractor. Which really boils down to: The Owner always pays for testing. The only difference is whether the Owner pays directly or indirectly with interest added. Of course, there are situations where some tests will be under the control of the Owner and some under the control of contractor. Each project is unique, and close attention needs to be paid by the architect to the specific testing requirements for each project.

To determine which case applies the architect needs to ask the Owner directly as soon as possible after the Owner/Architect agreement is signed.

Many Owners have never worked with an architect before. Therefore, they have no idea what is standard procedure or what to expect, and they will probably need help deciding. However, architects and engineers should strictly avoid the temptation of providing an opinion. The Owner should be told to seek advice from qualified legal and financial professionals on this issue.

For the A/E's information, though, here are the advantages for each situation.

Advantages of the Owner hiring the Testing Agency:

1. The Owner has more control over the costs of testing.
2. No interest or "handling charge" will be added to the cost of testing by the Contractor.
3. The Owner can be assured they are hiring the Testing Agency they feel will do the best job for their money.
4. The Owner can be assured there will be no collusion between the Contractor and the Testing Agency.

Advantages of the Contractor hiring the Testing Agency:

1. The Owner will not have to seek out a qualified Testing Agency.
2. The Owner will not have to negotiate a separate contract with the Testing Agency.
3. The cost of the tests and the construction will be rolled into a single sum (or into an Allowance) and paid to one entity out of one account.

Most Owners will opt for hiring and paying the testing agency directly. Occasionally, for financial, political, or legal reasons the Owner may determine they want the Contractor to pay for the testing and include the price in the Contract Amount.

It should be noted that if the Owner hires the testing agency directly and pays for the tests directly, the Owner is NOT required to have every test specified performed. The specifications only bind the contractor, not the Owner. The Owner could, therefore, control the costs of testing by being selective about which tests to perform. This requires that the Owner keep a very close eye on the tests and consult with the architect to see which tests are really necessary. Of course, the architect should not be specifying unnecessary tests in the first place.

Where in the Specs Does it Say Who Pays for Tests?

AIA® Document A201 General Conditions of the Contract for Construction addresses who pays for testing. The default set by this document is for the Contractor to pay for testing.

Section 13.5.1 states in part:

"Unless otherwise provided, the Contractor shall make arrangements for such tests, inspections and approvals with an independent testing laboratory or entity acceptable to the Owner, or with the appropriate public authority, and shall bear all related costs of tests, inspections and approvals."

The key phrase in this sentence, however, is "Unless otherwise provided." Typically, Supplementary Conditions modify this requirement of the General Conditions by stating that the Owner will hire the testing agency and pay them directly. Again, each project is unique, and close attention needs to be paid by the architect to the specific testing requirements for each project.

When Are Tests Needed?

Required Tests: Certain tests and inspections are required by building code. They are unavoidable regardless of what the Owner may want. Chapter 17 of the International Building Code (IBC) identifies which tests and inspections are required. Most guide specifications, such as MasterSpec, provide information in applicable sections identifying which tests are required by code. Local authorities having jurisdiction (AHJ) will also have required tests that must be performed. The architect must be sure these tests are addressed by the specifications.

Optional Tests: Tests other than the special tests and inspections called for in Chapter 17 of the IBC or required by the local AHJ are optional. Whether these

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optional tests are needed for any particular project is something the architect and Owner need to evaluate based on:

1. The importance of the test.
2. The probability of failure.
3. The cost to the Owner if there is a failure.
4. The cost to perform the test.

Obviously, it is vastly more important to test air and moisture penetration through the exterior envelope of an Art Museum than a sledgehammer warehouse. This is where the knowledge and experience of the architect comes into play. Based on the architect's expertise, those tests that:

- Are obviously unnecessary should be omitted from the specs.
- Are obviously needed should be included in the specifications.
- May or may not be needed should be discussed with the Owner.

Unanticipated Tests: Sometimes during construction, building code officials will order tests to be performed that were unanticipated by the Design Team. In these cases, the Owner will pay for the tests, since it obviously could not have been included in the Contractor's costs.

AIA® Document A201, in Section 13.5.1 states in part:

"The Owner shall bear costs of (1) tests, inspections or approvals that do not become requirements until after bids are received or negotiations concluded, ..."

Defective Work Tests: Occasionally, the architect has reason to suspect the quality of the work installed. In such cases, the architect can call for tests to be performed to substantiate the quality of the work. In such a case, if the tests show the work is faulty, the contractor pays for the testing. If the tests show the work is acceptable, the Owner pays for the testing. In all such cases, the architect should first talk to the Owner and obtain their agreement before ordering such a test.

AIA® Document A201, in Section 4.2.6 states in part:

"The Architect has authority to reject Work that does not conform to the Contract Documents. Whenever the Architect considers it necessary or advisable, the Architect will have authority to require inspection or

testing of the Work in accordance with Sections 13.5.2 and 13.5.3"

Section 12.2.1 states in part:

"Costs of correcting such rejected Work, including additional testing and inspections, the cost of uncovering and replacement, and compensation for the Architect's services and expenses made necessary thereby, shall be at the Contractor's expense."

In Section 13.5.3 states:

"If such procedures for testing, inspection or approval under Sections 13.5.1 and 13.5.2 reveal failure of the portions of the Work to comply with requirements established by the Contract Documents, all costs made necessary by such failure including those of repeated procedures and compensation for the Architect's services and expenses shall be at the Contractor's expense."

A contractor on one of my projects once failed to protect a portion of a roof that was unfinished. There was a heavy rain that night that poured into the building. The next morning there were huge, surrealistic, stalactites of water-filled vapor barriers drooping from the roof deck. The fiberglass batt insulation under the deck was completely soaked.

The contractor insisted the fiberglass would dry out on its own, and everything would be fine in a few days. I, of course, was skeptical.

The Owner, Contractor, and I agreed on a number of days to wait for the insulation to dry before being tested. When the results came back, I was absolutely amazed. The insulation from under the roof deck was actually dryer than the control sample used by the testing agency. The Owner paid for the test, but for his money received assurance that there would be no residual moisture trapped in the building to cause problems later.

The Final Exam

Tests and inspections are often overlooked during specification editing, but they can have a significant impact on the cost of a project. A/E's should carefully consider each potential test and its true value in assuring the quality of a project. This is a balancing act where the A/E needs to call upon his expertise and seek the consent of the Owner when necessary. Tests and



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inspections should never be included in a specification simply as a CYA for the A/E.

The Art of Biomimicry and Construction



Korky Koroluk
(Sourced from <http://www.dcnonl.com/article/id54711>)
March 28, 2013

The idea of biomimicry has been around for less than a decade. In fact, it's new enough that the word biomimicry isn't recognized by the spell-check in my word processor.

It's not an idea that's easy to explain. It's not really technology. It's not really biology. Instead, think of it as the technology of biology and it's finding its way into building designs and construction materials.

For example, researchers have evolved super-slippery material that copies the way the leaves of carnivorous plants work. A bug lands on the leaf, but finds it can't get a foothold. Before it can get airborne again, it's slipped down into the plant's throat, where digestive juices do their work.

So how does that apply in construction? Well, it has allowed manufacturers to develop coatings for self-cleaning surfaces, so they rarely have to be cleaned. Any grime that has managed to cling to a surface is simply washed away by the next rain. The materials can also be used to coat the interior of pipes, reducing clogs.

A robot has been developed that can climb walls, even walk across a ceiling, because its feet are coated with an adhesive developed after scientists studied the feet of the gecko, an agile little lizard common in tropical climates.

The robot can carry a payload, which means it can be loaded up with a camera, for example, along with a tiny transmitter. It's likely to be useful for inspecting hard-to-reach areas in buildings, on bridges, are anywhere else that needs to be inspected from time to time.

Spiders have a knack for getting into all sorts of small crevasses, which is why researchers have based a robot on the shape and movement of spiders. They say it can be used for searches in environments that are too dangerous or difficult for humans to enter, and send back a signal when they find someone. That would be a good tool to have when a building collapses, forming unstable piles of debris. Nice, too, for interior inspections in case of nuclear accidents.

I got to thinking about all these things after reading about the development, at Harvard University, of what they're calling RoboBees. Scientists there have built a robotic bee about the size of an ordinary honeybee, and now are working on a swarm of the devices in the hope they will be able to pollinate crops.

That's a concern, because the bee population - including honeybees - is in decline, and they're needed to pollinate many food crops. No bees, no pollination, no crop.

Scientists have built a few of the RoboBees. Now they're working on methods to make thousands of the tiny machines co-operate like real bees in a real hive. If they are successful at that, it means that a swarm of robots could be deployed to accomplish tasks faster, more reliably, and more efficiently than a single could. And it could go well beyond pollinating fruit trees.

Swarms could also be used for searches in collapsed buildings, or exploring strange but hazardous environments. They could even be used to monitor car traffic in cities.

There is another robot under development, this one at the Fraunhofer Institute for Material Flow and Logistics, in Germany.

Researchers there have built 50 autonomous vehicles they call Multishuttle Moves robots for warehouse work. The software that runs them mimics the behaviour of common garden ants in their search for food.

The vehicles are connected by a local area network. When an order is received, they communicate with one another via their network to decide which shuttle can take the job.

The payoff would be quicker and more accurate order filling.



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If you're interested in learning more about biomimicry, you might visit www.biomimicry.net, where you'll find, among other things, an informative (and brief) video.

LEGAL MATTERS



Bill Preston

PRACTICE AREAS

Over four decades, Bill has built a solid reputation as a skilled litigator and has amassed countless successful files in corporate-commercial law, with particular expertise in transportation law, construction law, matters of professional design, and business dispute resolution. In 2007 Bill was recognized by the National Post as one of the top construction law lawyers in Canada.

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DELAY AND/OR EXTRA CLAIMS GOTTA BE PERFECT

March 19, 2013

By Bill Preston

(Sourced from <http://www.rslaw.com/resources/articles-and-research/2013/03/delay-andor-extra-claims-gotta-be-perfect/>)

Too often, contractors have been sloppy about giving the Notice of Claim (whether for an extra or a delay) required by the contract language. Since the Supreme Court of Canada decision in 1977's *Corpex v. Canada*, some judges have been willing to blink this non-compliance. But now, the Ontario Court of Appeal has pretty much slammed the door shut on ignoring this non-compliance. In 1967, Corpex bid a river dam project based upon incorrect soils information provided by the Federal Government. Soon after it began performance, it discovered these soils errors. No problem: GC 12 of the Construction Contract provided for Corpex to, within

seven days of discovery of errors, give a written Notice to the Government, a Notice; but Corpex didn't. Rather, it made the necessary remediation to its work, completed the project, and then sued the Government for negligence in preparing the erroneous soils report. The trial judge blinked Corpex's want of giving the 30 day notice and ordered the Government to pay the Claim. But, the Supreme Court of Canada reversed the trial judge by rationalizing that Corpex's claim was within the words "compensation for additional costs" of GC 12, and by this contract term Corpex had agreed that it could only claim these additional costs if it complied with the 30 days' notice requirement. The Supremes went on to rationalize that these notice terms were usual in construction contracts and were also reasonable because they enabled both the owner and the contractor to review and rearrange their affairs to avoid, minimize, or monitor the prospective additional costs. Yet since 1997, all construction lawyers have sought to help a sloppy contractor who has defaulted the Notice requirements of its construction contract. In doing this, the lawyers usually investigate the below opportunities to weasel around their client's default.

1. The contractual Notice term is vague; it doesn't clearly say that the Claim can't be made in spite of non-compliance with the Notice requirements;
2. The Notice term does not apply where the Owner has suffered no prejudice because the circumstances of the project at the time permitted the Owner no reasonable opportunity to avoid, minimize, or monitor;
3. The Owner waived compliance with the Notice term by either its express language or conduct; and/or
4. The contractor did give imperfect but yet reasonably sufficient Notice.

Until recently, sometimes some of these excuses can permit a client to realize on its claim, though they defaulted the requisite Notice. But, in my opinion, the Ontario Court of Appeal in *Technicore Underground v. Toronto* has pretty much slammed the door on each of these weasels!

The City of Toronto project involved both excavation and tunneling for a 5.88 km water main through a densely-populated area. Clearway Construction was the prime contractor and it in turn had subbed to Underground Tunneling for the use of a tunneling boring machine. The prime contract prescribed the following claims procedure:

GC 3.14.03 Claims Procedure



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.01 The Contractor shall give oral notice "... immediately upon becoming aware of the situation and shall provide written notice to the Contract Administrator".

.03 The Contractor shall submit detailed claims "...no later than 30 days after completion of the work affected by the situation. On the evening of August 2nd - 3rd/06, Technicore's boring machine, while it was in the tunnel beneath Leslie Street, was flooded because a City of Toronto water main burst. As is often the case, there was no immediate resolution as to who caused the flood – Toronto, Clearway, or Technicore. Toronto retained forensic engineering services to investigate this issue, but no clear report on fault had been obtained by April/07. Yet, by December 22nd/06, Technicore had rescued and refurbished its boring machine, and completed the Leslie Street tunneling. On February 9th/07, Technicore made a claim for \$798,909.23 against Clearway, who on March 6th/07 passed this claim on to Toronto together with Clearway's delay/extra claim of \$397,234.80 for costs arising from the flood. It also mentioned that it may have further costs. Smartly, in response, Toronto simply, on April 4th/07, rejected Clearway's claim by written response. After this rejection, Clearway waited over three years before making an additional \$3-mil claim in a legal action among the parties for: delay claim for extended maintenance because of the Leslie Street flood; extra claim for water-service installation and clean-up work because of the Leslie Street flood; extra work not related to the Leslie Street flood; delay claim for overhead cost during an extension of the contract schedule; and legal costs required in responding to Technicore's lien action. Toronto applied to the Court for a summary judgment dismissing Clearway's \$3-mil additional claim on the basis that Clearway had defaulted giving the required 30 days' detailed Claim after completion of the Leslie Street work. In response, Clearway tried the four weasel excuses, but the trial judge didn't buy it. She concluded given the Notice was 3 years rather than 30 days, there was no genuine issue requiring this additional claim to be heard at trial and thus, she dismissed it. Clearway appealed.

The Court of Appeal dealt with each of Clearway's below four excuses and supported the trial judge.

Is the Claim Procedure Clear?

Certainly, the law requires that these terms be clear before a Claim can be rejected. Here, the contract term used the words: "the Contractor shall no later than 30

days after completion." This word "shall" clearly prescribes that the 30 day requirement is a condition precedent to Clearway making a valid claim for either delay or extras. Thus, it is not necessary that the clause also include the words "failing which, the claim shall be rejected." The additional words were not necessary in many earlier cases and were not needed in this contract.

Must the City Prove Prejudice to Reject?

No. It is true that there is no evidence that the City suffered any loss of a chance to modify, avoid, or monitor the delay and extras because Clearway took three years to make its \$3-mil additional claim. But, this evidence is not necessary. The parties, for good construction reasons, settled on 30 days after completion of affected work as the deadline, and that becomes a condition precedent by which Clearway has agreed to be bound. Did the City waive the 30 day requirement? The City only responded to Clearway's March 6th/07 Notice of Claim by simply writing a rejection letter. It may well be that this initial claim is also non-compliant with the 30 day requirement given the Leslie Street portion of the project was completed by December 22nd/06. But, for there to be "waiver," the law requires that the City both intentionally and clearly communicate to Clearway that it relinquished its right to require compliance with the 30 days' notice on all future occasions. Here, there is neither such communication nor conduct. The City simply sent a rejection letter. Nothing more.

Did Clearway Give Imperfect but Sufficient Notice of the \$3- Mil Dollar Additional Claim?

No. All of that portion of this additional claim which related to the Leslie Street flood was well- known to Clearway before March 7th/07 when it gave its initial Notice of Claim to the City. And, the City did not by its April 4th letter accept that Clearway could later provide further details claiming more money. The facts in this case are distinguishable from those cases where a contractor's Response to Price Request from an Owner, qualifies its response by providing that it will later make a claim for further impact costs because of the change; and, the Owner then directs/permits the contractor to perform the change of work rather than insisting that this work be done by a Change Directive or on a Force Account.

Conclusion



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Going forward, this Ontario case, which is not entirely unlike an earlier decision from the BC Court of Appeal, persuades:

1. Before each new project, the owner's contract manager and the contractor's project manager must indelibly write the Notice Terms of the Construction Contract into their mind, then
2. Timely and perfectly submit your Claims for delays and extras or get a written waiver of the Contract Notice Term from the other side, because
3. The old excuses are no longer going to be cost effective in the face of the hard-nosed position taken by the Courts of Appeal of Ontario and British Columbia.

Canadian Construction Association Reaction to the 2013 Federal Budget

March 26, 2013

(Sourced from <http://www.dcnonl.com/article/id54661/--canadian-construction-association-reaction-to-the-2013-federal-budget>)

The Canadian Construction Association says the 2013 federal budget held several wins for the Canadian construction industry, including \$70 billion over 10 years in new and current infrastructure funding and a new Canada Job Grant.

This infrastructure commitment includes a new \$14 billion Building Canada Fund to support major economic projects that have national, regional, and local significance, announced Finance Minister Jim Flaherty when he presented Economic Action Plan 2013 in the House of Commons on March 21.

This will replace the original seven-year Building Canada Plan, which expires in March 2014. It will also dedicate \$10 billion over 10 years to federal infrastructure assets. The Canada Job Grant will connect skills training with employers and promises reform for the Temporary Foreign Worker Program.

The government said it will continue working with stakeholders as it tackles outstanding parameters of the new Building Canada Plan and the Temporary Foreign Worker Program.

ASSOCIATION LINKS

Important URL Links

- **Alberta Construction Safety Association (ACSA)**
www.acsa-safety.org
- **Architecture 2030**
www.architecture2030.org
- **BuildingSMART Alliance** (North American chapter of BuildingSMART):
www.buildingsmartalliance.com
- **Building Information Modeling (BIM) Forum**
www.insightinfo.com/bimforum
- **BuildingSMART International (formerly IAI)**
www.buildingsmart.com
- **Biomimicry Institute**
www.biomimicryinstitute.org
- **Biomimicry Guild**
www.biomimicryguild.com
- **Canada BIM Council**
www.canbim.com
- **Canadian Green Building Council (CaGBC):**
www.cagbc.org
- **Canadian Green Building Council (CaGBC) – Alberta Chapter:**
www.cagbc/chapters/alberta
- **CCDC Documents:**
www.ccdc.org/home.html
- **Construction Specifications Canada (CSC)**
www.csc-dcc.ca
- **Construction Specifications Institute (CSI)**
www.csinet.org
- **IFD Library**
www.ifd-library.org
- **International Construction Information Society (ICIS)**
www.icis.org
- **MasterFormat 2012**
(Free downloadable PDF on Spex.ca Free page)



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- **OmniClass**
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www.omniclass.org
- **Spex.ca**
www.spex.ca
- **Uniformat:**
www.csinet.org/uniformat

russm@aset.ab.ca

American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)

<http://www.ashrae.org/> / ashrae@ashrae.org

Building Owners and Managers Association (BOMA)
<http://www.bomaedmonton.org/> / edmonton@boma.ca

Consulting Engineers of Alberta (CEA)
<http://www.cea.ca/>
info@cea.ca

The Canadian Wood Council (CWC)
<http://www.cwc.ca/>
info@cwc.ca

Edmonton Construction Association
Darlene La Trace
www.edmca.com
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Portland Cement Association
ConcreteTechnology@cement.org

Terrazzo, Tile & Marble Association of Canada (TTMAC)
<http://www.ttmac.com/>
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Interior Designers of Alberta
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<http://www.aaa.ab.ca/>
Alberta Painting Contractors Association (APCA)
www.apca.ca
Connie Pruden
pc@apca.ca

Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA)
<http://www.apegga.org/>
dward@apegga.org

Alberta Roofing Contractors Association (ARCA)
Web: <http://www.arcaonline.ca>
Email: info@arcaonline.ca

Association of Science and Engineering Technology Professionals of Alberta (ASET)
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