



# mad - spec

March  
2011

Publication of the Madison, WI Chapter

Construction Specifications Institute, Inc.

Madison Chapter Website: [www.csimadison.org](http://www.csimadison.org)

**CSI MADISON & AIA SOUTHWEST CHAPTER PRESENT:**

## **Nano 101: Exploring the Nanoworld**

### **PRESENTER:**

Greta M. Zenner Petersen, Director of Education  
Materials Research Science and Engineering Centers  
(MRSEC) on Nanostructured Interfaces  
University of Wisconsin-Madison



### **DESCRIPTION:**

This talk will include a broad overview of and introduction to nanotechnology (as well as nanoscale science and engineering), including fundamentals, sample applications, and the tools for imaging and manipulating materials at the nanoscale. Highlighted throughout the talk will be examples of relevance for the construction field, including current nanotechnology-enhanced applications; research that may (or may not) lead to applications in the near future; and fantastical, long-term futures that are closer to hype than reality.

### **COST:**

Dinner \$20.00 (Students \$7.00)

**RSVP:** Please RSVP to a Board Member  
by Thursday March 3, 2011

**DATE:** March 8, 2011

### **MEETING SCHEDULE:**

**Social Hour:** 5:00 PM to 6:00 PM

**Dinner:** 6:00 PM to 6:45 PM

**Program:** 6:45 PM

### **LOCATION:**

Vintage Brewing Co., 674 S. Whitney  
Way, Madison (Formerly JT Whitneys)

### **DIRECTIONS:**

Exit north on Whitney Way from the  
Beltline (Hwy 12). It is on the left after  
the lights at Odana Road.



## About CSI:

The **CONSTRUCTION SPECIFICATIONS INSTITUTE** is a National technical Society embracing the entire construction industry, including research and development, manufacturers, material suppliers, subcontractors, prime building contractors, as well as design and specifying Professional Architects and Engineers.

The Society is dedicated to continuing education through free interchange of information and experience among its members throughout the entire construction industry.

Information about CSI and applications for membership are available at Chapter meetings from the Membership Committee. Those interested in membership are urged to attend Chapter meetings and get to know us.

## About mad-spec:

Mad-spec is the monthly newsletter of the Madison, Wisconsin Chapter and is distributed free of charge to all Chapter members and interested parties in the Construction Industry in the Southern Wisconsin area, other CSI Chapters in the North Central Region, and selected CSI Chapters nationwide.

Mad-spec does not approve, disapprove, sanction or guarantee the validity or accuracy of the data, claims, or opinions published in this newsletter.

Republication rights of any original article appearing in mad-spec is granted to other CSI-affiliated publications providing credit is given to the author and mad-spec.

Mad-spec advertising rates are based on 10 or 11 issues as follows:

1/9 page—\$75	2/9 page—\$110
1/3 page—\$165	2/3 page—\$285
Full page—\$375	

Rates are based on the advertiser providing electronic file compatible with Microsoft word processing software. The deadline for copy for the following month's issue is the third Wednesday of the month.

Mad-spec will publish personal ads, help wanted, positions desired, office equipment for sale, announcements of new appointments and assignments, and other notices of interest from Chapter members, advertisers and others (at the discretion of the Editor and space available) free of charge on a one-time basis. Contact the Publications Chairperson for extended time rates.

Another service provided is the option of the advertiser providing a 8-1/2 by 11 camera-ready advertisement in which it will be printed and mailed as an insert into the mad-spec at the rate of \$100 per month of publication.



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## About Madison Chapter:

### BOARD MEMBERS:

President.....	Kent Calloway
	Phone: 608-831-3752
	E-mail: calloway@chorus.net
First Vice President.....	Dan Maki
	Phone: 608-240-9110
	E-mail: dan@facilityengineeringinc.com
Second Vice President: .....	Todd Lewis
	Phone: 608-222-5219
	E-mail: toddalewis@earthlink.net
Third Vice President .....	Alan G. B. Kim, Jr.
	Phone 608-661-3964
	akim@vonbriesen.com
Secretary.....	Ross Mori
	Phone: 608-837-7899
	E-mail: rmori@trachte.com
Treasurer .....	George Keehn
	Phone: 608-273-0552
	E-mail: gkeehn@aol.com
Director .....	Karl Kraemer
	608-516-9300
	E-mail: 1775honeycreek@gmail.com
Director .....	Kelly Thompson
	Phone: 608-577-0094
	Email: Kelly@kontextarch.com
Immediate Past President.....	Curt Norton
	Phone: 608-576-7108
	E-mail: cnortoncsi@aol.com

### COMMITTEE HEADS:

Education .....	Richard Wandschneider
	608-246-6746
Academic Affairs .....	Curt Norton
	608-576-7108
Technical.....	Steven Schatz
	608-222-4991
Membership .....	Alan Kim
	608-661-3964
Certification.....	Sar Schnucker
	608-273-6380
Golf Outing.....	Ross Mori
	608-837-7899
Publications .....	Ross Mori
	608-837-7899
Advertising .....	George Keehn
	608-273-0552
Awards .....	George Keehn
	608-273-0552
Website.....	Steve Schatz
	608-222-4991

### PAST PRESIDENTS:

Roger E. McMullin.....	1958-1959
Ronald Starkweather (D) .....	1959-1960
Harold L. Olsen .....	1960-1961
Robert C. Cashin .....	1961-1962
Norman Kenny .....	1962-1964
Stanley Anacker (D) .....	1964-1966
Robert C. Kendall .....	1966-1968
Howard R. Steinmann.....	1968-1970
Harold R. Ames .....	1970-1972
Dwight D. Zeck .....	1972-1975
Anthony P. Pawlowsky.....	1975-1978
William T. Gray .....	1978-1982
Eileen K. Bey .....	1982-1986
James C. Gaskell.....	1986-1987
Larry W. Ryan.....	1987-1989
Al Martinson.....	1989-1992
H. Steven Schatz .....	1992-1996
Thomas E. Irvin.....	1996-2000
Noel Valdes .....	2000-2002
Ross Mori .....	2002-2006
Curtis Norton.....	2006-2010

### FELLOWS OF THE INSTITUTE:

Ronald S. Starkweather, FCSI
Harold L. Olsen, FCSI
William P. Vickers, FCSI
Howard R. Steinmann, FCSI

### NC REGION DIRECTORS:

J. Gerard Capell, AIA, CSI, CCS
Phone: (414) 962-4638
E-mail: jgcapell@wi.rr.com

## Meeting Schedule:

### 2010

Sept. 9 - Golf Outing  
Oct. 12 - Union South Tour  
Nov. 9 - Marketing & e-media  
Nov. 30 - Holiday Party

### 2010

Jan. 11 - Lighting Controls (w/ AIA)  
Feb. 8 - Firestopping  
Mar. 8 - Nanotechnology  
Apr. 12 - DSF Specification Format changes  
May 10 - Tour TBD  
Jun. 7 - Social event TBD

## CSI Dates to Remember

### North Central Region Conference

May 12—14, 2011, Branson, MO

### Construct 2011

Sep. 13—16, 2011, Chicago, IL

## MEMBER FORUM:

Mad-Spec is **YOUR** newsletter. Local news is always of interest to our members. If there is anything going on with you or your company, let me know. Articles on technical issues are needed also. Writing from local talent is what will make our newsletter shine.

Email: [cnortoncsi@aol.com](mailto:cnortoncsi@aol.com)

Thank you,  
Curt Norton, CSI, CCS, Editor

Deadline for next issue is  
March 23, 2011

## The Prez Sez....

February was a month of new beginnings. We ventured out to a new location for our chapter meeting. The Vintage Brewery was the location with Firestopping and Life Safety as the meeting topic. A special thank you is extended to Mr. Karl Kraemer for coordinating the speaker and Mr. Curt Norton for arranging to have the meeting at the Vintage Brewery. Mr. Chris Hanson, Fire Protection Specialist with Hilti North America presented an informative topic with nuts and bolts information members can use in working on their projects. We had a good turnout of members and guests, thank you all who attended this chapter meeting and who provided valuable comments and feedback on how the meeting went in this new location. Generally the comments we received were positive so we will consider having future meetings at Vintage Brewery.

Keep an eye out the Institute 2011 Election Ballot. Our very own Ross Mori is a candidate for, "Office of Institute Director from the North Central Region. Make sure to vote, this is one way you as a member have the opportunity to make a difference in voicing your desires through the voting process. Also as part of the ballot there is a Question relating to the Proposed Bylaws Amendment creating membership classifications as follows: 1. Professional Members; 2. Emerging Professionals Members; 3. Student Members. Take the time to review these membership classifications and let Institute know what you think by indicating on the ballot if you approve or not.

We also will be having elections for the Madison Chapter CSI. It is so important that members participate in these elections in the form of voting or entering your name for election to one of following positions up for elec-

tion: Second Vice President; Third Vice President; Treasurer; Director. If you are currently a Professional, Industry or Associate member and would like to offer your name as candidate for one of these positions feel free to contact any of the board members listed on page 2 of the mad-spec. Your board has discussed adding a student member to the board as a Student Representative. Let us know what you think about the board having a student member and if you are a student let us know if you would be interested in this position.

Your chapter needs you and your ideas on what we should be doing as far as meeting topics, meeting locations, speakers, etc.

I would like to thank you for everything you do for our chapter and look forward to seeing you at future meetings.

Kent Calloway, CSI, CCS, AIA  
Madison Chapter President

## CHAPTER ELECTIONS

Madison Chapter Elections will be held at our April 12 meeting.

The positions up for election are:

Second Vice President  
Third Vice President  
Treasurer  
Director

Be sure to attend our April meeting to cast your vote. If you are interested in running for an office, please contact Kent Calloway, President.

## CONSTRUCTION CONTRACTS AND DOING WHAT YOU AGREED TO DO AND NOT BEING RESPONSIBLE FOR THE REST:

A Design Professional's Perspective

Alan G. B. Kim, Jr.  
von Briesen & Roper, s.c.

It is fundamental that a written contract is central to risk management. Defining the scope of each party's obligations to the other is as important for a design professional providing professional services on a project as it is for a general contractor, subcontractor or supplier providing construction services, labor or material. But defining a design professional's scope of work and related legal "standard of care" can sometimes be much more difficult than simply specifying a completion date, particular material, piece of equipment, or building component. One difficulty in defining a design professional's applicable standard of care is that the legal standard is a fluid concept which varies upon the circumstance.

In Wisconsin, the standard of care to which a Designer is held under the law is that degree of skill and care ordinarily utilized by similar designers in similar circumstances. But what happens when the Designer's involvement is limited to a discrete component of the work but, while performing services within that scope, the Designer becomes or should become aware of a condition requiring attention but which is outside the Designer's contractual scope of services? If personal injury or property damage occurs because of that condition, an aggressive Plaintiff's attorney could argue that even though addressing the particular defect may not have been within the Designer's specific contractual obligations, the Designer is still liable because the applicable legal standard of care still required the De-

*(Continued on page 5)*



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### Attention AIA Members

CSI Madison Chapter is registered with the American Institute of Architect's Continuing Education System (AIA/CES) and is committed to developing quality learning activities in accordance with AIA/CES criteria.

Most programs Madison Chapter CSI conducts will meet the AIA/CES criteria for acquiring learning unit hour credits. The number of learning units received depends on the length of the program.

At each meeting, CSI will provide an AIA/CES Sign-Up Sheet for you to provide your name and AIA membership number—please print clearly! If you can't find it, please ask. CSI will send in the form to AIA within 2 weeks.

Kent A. Calloway, AIA, CCS



**George Keehn, CSI**  
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signer to attempt to mitigate its potential impact as part of their basic professional duties. In such an instance, the Designer could feel that they are unfairly being made to be responsible for risks and obligations for which they did not contractually agree.


Designers can use their contracts to corral and limit their risks. That is, as a way to keep the risks they are willing to take on (and, hopefully, be paid for) in and a way to try to keep all other risks out. There are cases involving a Designer's incorporation of provisions specifically defining the applicable standard of care in their contract with the Owner. In certain cases, the courts have limited the Designer's duties to that set forth in their contract, as opposed to using a much more expansive test of what a similarly situated designer would do in that particular circumstance absent that contract language.

The standard of care set forth in the AIA Owner-Architect form agreement provides a good, common starting point for many Designers. But, depending on the situation, that language can be revised to try and more accurately define and control the standard of care which will be applicable to the Designer for that project.


The upshot is that the applicable standard of care can be difficult to define and could be used to hold the Designer liable for more risks than they bargained for. When possible, using contract language to manage, control, and limit risks makes practical sense, especially when it could mean early extrication from a potentially long and expensive lawsuit.

Questions, comments, concerns, reactions, etc. are all invited. Contact me at von Briesen & Roper, s.c. at 608-661-3964 or by email, [akim@vonbriesen.com](mailto:akim@vonbriesen.com).

Henry J. Predolin Humanities Center – Edgewood College, Madison



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**Potential CSI Members:**

Want to know more about CSI?

Call **Alan Kim, CSI** (608) 246-8500 or any Board Member (See Page 2).

## Curmudgeon's Corner; A tale of two companies

by Sheldon Wolfe, RA, FCSI, CCS, CCCA, CSC

A few months ago, in "Go-to guys", I spoke of the many excellent product representatives I know, and how valuable they are to me in my job as specifier. This past month, I experienced something just a bit different. It wasn't that the product reps weren't helpful, but their corporate structure made it difficult for them to offer the help that specifiers need, which, in turn, makes it difficult for specifiers to properly serve their clients.

It all started with an e-mail from one of our construction administrators, about a substitution request. The subcontractor claimed that a substantial savings would result from using the proposed products, and went on to say that one of the proposed substitute products was, in fact, identical to one that had been specified.

I'm sure many specifiers are asking themselves, "If it wasn't specified, why didn't you just reject it?" That's a great question for a future discussion, but for the moment, accept as fact that there was more than one good reason to consider the request.

My research began with the supplier's claim that one of the proposed substitutions was the same as one that had been specified. As it turned out, this was *not* a simple claim that one product was very similar to the other, but that the two literally were the same. This was something of a surprise, as we had been using the specified products for more than a decade, while the supposed equal product was an unknown.

It didn't take long to determine that the manufacturers of the competing products were subsidiaries of a lar-

ger company. The fun began when I called the parent company's toll-free number. After identifying myself, the call went something like this.

"I'd like to talk with someone in your technical department, to find out if [specified] product A and [substitute] product B are the same."

"Where are you located?"

"St. Paul."

"Call your local representative at 555-555-0101."

"Does that representative deal with both A and B?"

"No. If you want the representative for B, call 555-555-0123."

"I'd like to speak with someone who is familiar with both products."

"You'll have to call your local rep."

"Do you mean to tell me that there is no one in your office who can answer the question?"

"That's what our field representatives are for."

It was clear that this wasn't going any further, so I said "thanks" and hung up. I called one of the numbers; the phone rang for so long that I gave up and tried the other. That rep was out of the office, so I left a callback message.

I then went to my secret source of information, the CSI member database. Ta-da! I found the name of a person who was a vice president of the parent company. I called and got a message saying that person was out of the office. Transferring to the operator, I again found myself talking to the person I had talked with a just a few minutes before. I'm sure she wasn't pleased that I was still trying to burrow into the company, but I wasn't pleased by the run-around.

A short time later, I got a call from the rep for product A. When I told him about the substitution request, and the claim that A and B were the same, he expressed frustration, and made comments to the effect that he had run into this problem before, that A and B were not the same, and that there was some confusion at the corporate level that led to the problem. He said he would look into it and get back to me.

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I then got another call, which I assumed would be from the VP of the parent company. However, instead of returning my call, the VP had passed my request off to a head of the product B company, so I was unable to talk with someone who could speak for both companies.

"Mr. B, I have been told that your product B is identical to product A. Is that true?"

"They're not really identical. They do use the same material, have the same properties, and use the same MSDS, but the pigment and the name are different."

"So they're really the same?" Although Mr. B never came right out and said so, everything he said indicated that A and B are the same. He then spent some time explaining the distribution systems used by the two companies. One is sold direct to installers, while the other is sold through distributors. Furthermore, an installer of A is not allowed to purchase B, and vice versa.

"What I'm concerned about is that we've been specifying A for many years, and now it appears that your company is selling the same thing under a different name at a lower price. In other words, our clients may have been paying more than they had to. Is there a difference in the quality of installers?"

"No. We do have factory training, but we do not certify installers."

Giving up the battle, I asked if we could get a list showing all of the products of both companies, indicating which are the same. I'm certain someone knows this information, but I was told such a list is not available.

When I got back to my computer, I discovered an e-mail from the product A rep. He told me the proposed substitution wasn't available any

longer, and had been replaced by another product. Mr. B said that was essentially correct - but the new product is really the same thing with a different name.

OK, maybe there is good reason to have two distribution systems for a single product, but why not just sell the same product and avoid the confusion? Is there a point to this shell game? Could it be nothing more than a way to get around public bidding requirements? Whatever the reason, it doesn't really matter. Apparently, we have two product representatives selling many of the same products under different names, competing with each other, and, understandably, not too interested in talking about the competing company's products.

Design professionals need straight answers, and episodes like this can quickly destroy a company's credibility.

*© 2011, Sheldon Wolfe, RA, FCSI, CCS, CCCA, CSC*

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### **BOARD OF DIRECTORS MEETING MADISON CHAPTER - CSI**

**DATE:** 2/4/2011

**PLACE:** Vintage Brewing Company

**CALL TO ORDER:** 12:20 PM

**ATTENDANCE:** Present: Kent Calloway, Karl Kraemer, Todd Lewis, Ross Mori, Curt Norton, Kelly Thompson Absent: George Keehn, Alan Kim Guest: Sar Schnucker, Steve Schatz

### **MINUTES OF LAST MEETING:**

Ross Mori presented the board minutes from January meeting, which were read and approved.

**TREASURER'S REPORT:** George Keehn presented a financial statement, which was read and approved. Current balance is \$8,514.86. January income was \$345.00. January expenses were \$114.56.

**CORRESPONDENCE:** National Election announcement. All members should have received their ballots via e-mail. Board members were asked to encourage the members on their call lists to vote. Curt will include information regarding the elections in the next MadSpec.

Kent received an e-mail from Bourbon Street Grill regarding the use of the meeting room. They have other groups interested in using the room on Tuesdays, but had been tenta-

### **PRODUCT REPRESENTATIVES**

Would you like the opportunity to do an inexpensive sales pitch to our professional members? If so, I would like to remind you, that we do offer tabletop presentations at our chapter meetings. The cost for doing a tabletop presentation is \$50.00 for chapter members, and \$75.00 for non-members. Your fee includes a table set up for you to display your products, and a chance to do a brief (10 minute max.) introduction for yourself and your products.

To reserve a space at one of our upcoming meetings, please contact:

Curtis Norton  
(608) 576-7108  
cnortoncsi@aol.com

tively keeping it open for CSI. Kent will contact them and tell them that we are not willing to make a commitment at this time to use the room, and they can release the room to other groups.

Dan received an e-mail that was forwarded to all the board members regarding the UW Construction Club Banquet. Additional discussion is under the Education/Academic Affairs Committee Report.

**COMMITTEE REPORTS:**

**CERTIFICATION:** None

**EDUCATION/ACADEMIC AFFAIRS:**

UW – The Construction Club banquet was discussed. The board decided to not sponsor a table this year. However, CSI members are encouraged to attend. The banquet will be held on March 25, 2011 at the Monona Terrace.

MATC – Ross contacted Rich Wand-schneider about doing a CSI presentation to his students. Ross and Rich agreed to not do one this school year. However, the chapter should schedule a presentation at the beginning of the 2011 fall semester.

**MEMBERSHIP:** Total membership is currently at 68. The chapter has one new member: Tim Strang, Certainteed Gypsum.

**PLANNING/MEETING TOPICS:**

**February 8, 2011:** Fire Stopping. Karl Kraemer to coordinate.

**March 8, 2011:** Nanotechnology. Dan Maki and Curt Norton to coordinate.

**April 12, 2011:** DSF Specification Format Changes. Curt Norton to coordinate.

**May 10, 2011:** Tour, Cardinal Solar Technologies. Ross Mori to coordinate.

**June 14, 2011:** Social Event T.B.D.

**Sept. 13, 2011:** Golf Outing.

**Other Potential Topics:**

Business: Building Relationships,

Financing Projects, etc...

Fire Protection

Sound Control

Sustainable Architecture

Waterproofing Systems

Specification Systems

Wood Veneer

Outdoor Sport Surfaces

Solar Roofing

**PUBLICATIONS:** Submission deadline: February 16, 2011 for March issue. Curt asked that all submissions be in on time. We want to send out the MadSpec before the voting closes for the Institute elections.

**NCR:** Presidents Teleconference: Scheduled for Jan. 11, 2010. Ross Mori will attend. Primary discussion at last teleconference was nominations for Region President and Region Treasurer. The elections for these positions will be held at the Region Conference in May. The other topic discussed was an update on the region conference. The arrangements are moving forward. The conference will be held in Branson, MO in May.

**WEB SITE:** Submission deadline: Last Wednesday of the month, February 23, 2011. Officer and committee chairperson listing on the website needs to be updated. Kent will coordinate updates with Steve Schatz.

**OLD BUSINESS:**

**Meeting venues:** We are trying Vintage Brewery for our February meeting. The Bourbon Street Grill and Great Dane will continue to be alternative locations. Dan investigated Capital Harley Davidson. However, this venue is not suited to our regular meetings. It will work much better for a special event. Ross will check into using the Quality Inn in Fitchburg. They have a meeting room that exceeds our needs, and have catering available.

**Strategic Planning:** Last strategic

planning meeting was cancelled due to scheduling conflicts. Tentative date for next strategic planning meeting is Feb. 24, 2011 at noon. Location to be determined.

**NEW BUSINESS:** Madison chapter elections will be held at the April meeting. The positions that are currently up for election are Second Vice President, Third Vice President, Treasurer, and Director. Curt will include an election announcement in the March MadSpec.

**DATE/TIME/LOCATION FOR NEXT BOARD MEETING:**

March 4, 2011, 12:00 at Vintage Brewery.

**ADJOURNMENT:** 1:30 PM

Respectfully Submitted:  
Ross T. Mori, PE, SE, CSI  
Secretary  
CSI Madison Chapter

Editor's Note

In my first few years in CSI I had trouble deciding who to vote for because I hardly knew anyone outside our Chapter. I'm not telling anyone how to vote, but I will share with you how I voted. **The most important thing is that you do vote. The deadline is March 1 at noon Eastern time.**

Question 1: Shall Article IX, Sections 1 through 5 be amended? YES

Office of President-Elect: Gregory Markling, FCSI, CCS, CCCA, AIA,

Office of Vice President – Professional: Mitch Miller, CSI, CCS, AIA

Office of Director-at-Large: Leslie Schlesinger, CSI, CDT, SCIP Affiliate

Office of Secretary: Bob Kenworthy, FCSI, CCS, CCCA

Office of Institute Director from the North Central Region: Ross Mori, PE, SE, CSI