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March/2011

Issue: 3



## Newark and Suburban Architects e-Rostrum

A Section of AIA New Jersey

AIA New Jersey is a Chapter and Region of the American Institute of Architects

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### UPCOMING EVENTS

March 17

Sponsor Event:  
[Pella Pro Expo](#)

March 23

[General Meeting # 2](#)

March 31

Sponsor Event  
[Jaeger Lumber Seminar](#)  
2HSW LUs

April 4

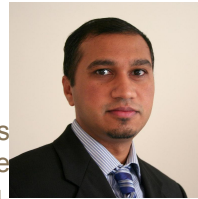
USGBC Event  
[Earn up to 7.5 LEED  
Credential Maintenance  
Program \(CMP\) Points and  
AIA CEUs all in one day!](#)

April 7

[New Member Party-  
Kuiken Bros. Competition  
Winner Announcement](#)

April 13 or 14

## Message From the President



Many of you have probably heard of the AIA Grassroots event but may not know what it really is. Well I had the pleasure of attending AIA's 2011 Grassroots event during the first week in February and, in short, it is a conference held in Washington DC inviting leaders from AIA components throughout the country to encourage legislators to take favorable positions on current issues that affect architects and our profession. I had the opportunity to meet with my local legislator, Congressman Rodney Frelinghuysen's office staffers. Though the Congressman was in state during our visit we did get the chance to discuss four issues outlined by AIA National:

1. Unfreeze Credit, Create Jobs
2. Remove Regulatory Burdens that Hold Small Business Back
3. Jumpstart the Market for Building Retrofits as an Engine of Economic Growth
4. Pass a Transportation Bill to Get our Communities Moving Again

During the conference I was happy to see AIANJ take a national award for their efforts in creating East Coast Green. Also in front of the AIA members from across the country I was proud to see David Delvecchio speak on behalf of his candidacy for Vice President of AIA National and see Jerry Eben, our new Regional Director speak.

For those who missed our first general meeting at Mayfair Farms you missed an excellent presentation by James and Hayes Slade of Slade Architecture. They showed some of their recent work which included the Barbie flagship store in Shanghai. Our next General Meeting will be on March 23rd at the Parsippany Hilton on Bethlehem Steel. Be sure to get more details and [sign up](#) on the AIANS website.

I would like to recognize Clair Wholean our Regional Associates Director who is heading up NJ's Associates Awareness Campaign. Her goal is to get our Associate membership up to 22% (the national average) from our current

15% of our total membership. Essentially Associate members are members who have studied Architecture but are not licensed yet. We need young interns to realize the benefits of joining the AIA. If you know of potential candidates or people who want to know more about the benefits please have them contact Clair at [clairmarie@gmail.com](mailto:clairmarie@gmail.com).

I also want to thank Virginia Seminara, who has stepped up and volunteered to chair the eRostrum Committee. But keep in mind she needs your content to keep the eRostrum interesting. Please email any articles directly to Virginia at [vsem@dbsem.com](mailto:vsem@dbsem.com).

Though February was an exciting month I am sad to note that we lost two members of our larger architecture community. Pella Window's Ellen Harmon lost her husband Ray on February 11th. Elly Matzko, an academic advisor at NJIT's School of Architecture for over 25 years, passed away on February 20th.

[Yogesh Mistry, AIA](#)  
AIANS President, 2011

## [AIANJ Code Seminar](#)

[View ALL Upcoming Events](#)

[AIA NJ 2010 East Coast Green - View Video](#)

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## Welcome New Members



### Joseph Adams, Associate AIA

is currently working at Jacobs Associates in Morristown, NJ after graduating from Virginia Technical Institute in May of 2010. He grew up in nearby Hackettstown and his family currently lives in North Carolina. His favorite Architect is

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## CHRIS'S CORNER

In the upcoming months, I will be writing a series of articles to inform architects of lessons learned while working on construction claims. There are common and reoccurring oversights that architects make while performing architectural services for their clients. Sometimes architects are simply not aware of these issues.

This series is intended to make architects aware of oversights that happen throughout the design and construction process. This article will focus on the beginning of an architect's process; the Proposal.

### Proposals

#### Enhanced Standard of Care

Owners and their Attorneys often attach the Architect's Proposal to the Contract and, therefore; things said in the Proposal become part of the Contract. Consequently, things said in the Proposal can or will enhance your standard of care. The standard of care, broadly explained, would be what other similarly situated *architects* would do.

A proposal often contains gratuitous marketing statements like: "we have an excellent quality assurance program", "we will bring your vision to reality", "we are the best firm in the area", "we use state-of-the-art computers and techniques", "we excel at cost control", and "our sole concern is avoiding change orders", etc.

These statements are understandable, as architects are proud of their firm's accomplishments and services, but they can also raise the firm's standard of care. These statements can come back to haunt the architect if, unfortunately, a claim of 'errors and omissions' or a breach of the standard of care happens on a project.

When there is a claim against an architectural firm; the comparison to a similarly situated architect would be the de facto standard. An expert defending the architect could use terms like, "this is typically done in the architectural field" or "typically not done by an architect" and one can compare oneself to a similarly situated professional. However, if you have enhanced the standard of care through the Proposal, then what is typical in the industry does not apply.

You have sold yourself as better than the average or typical firm. No firm would explain how they are average and no different than any other firm competing for a given project! Sophisticated owners may attach this sales bravado to your contract.

#### Additional Scope

Proposals may also brag about special services or value added processes. These statements could make the architect responsible for those services even if they are over and above what the the base contract says because the owners were 'sold' on those services in the proposal. Statements like; "we fully understand your program circumstances", "we will meet with all

Santiago Calatrava and he enjoys sports as a hobby.

#### **Solali Dalvi, Associate AIA**

received her Architectural Degree in India and has been in the United States for three years. She has previously worked as an architect for Goldman Saks in New York City. Her favorite Architect is LeCorbsier and her favorite building is Chandigarh. She has a family and 2 children and is looking forward to attending the New Member's Party!

#### **Ruben J. Garrido Associate AIA**

was born and raised in Bloomfield New Jersey. He received his Architectural degree in Germany and has traveled and studied Architecture in Europe. After studying abroad, he returned to the United States and worked for Greg Arner AIA in Summit New Jersey for eight years working primarily on residential projects. He currently is employed by EI Associates in Cedar Knolls new Jersey. His favorite architects are Antonio Gaudi and Frank Lloyd Wright. He has a family comprised of a wife and three children.

#### **Alexander D. Gotthelf, AIA**

was raised in Wayne, New Jersey, received a BA from Lehigh University, 1983 and an MArch from University of Pennsylvania, 1986. He began his career with Geddes Brecher, Qualls and Cunningham, under George Qualls in Philadelphia, PA but left 6 months later to run his

interested parties", and "we will vigorously defend your interests against the contractor", etc., can add responsibilities to a project's scope.

It should be said that the judges and arbitrators understand that the Contract is the primary document and the attached Proposal is secondary and will judge them accordingly. Nonetheless, the enhanced standard of care or additional services promised in the Proposal can be valid.

The client is buying whatever sales pitch is included in your Proposal and you can be bound to those promises, even if it's only in the Proposal. Save the strongly worded sales pitch for the interview. You may have thought it was purely sales pitch, but those statements can come back to haunt you if any litigation should arise.

My next Article will be on Contract tips for Architects by an Architect.

About the Author: **Christopher D. Ling AIA, NCARB, PP, AVS, CSI, LEEDap** Chris is the Chair of the professional practice committee for AIA-NJ. He is a Forensic Architect and Senior Consultant for Hill International, the global leader in managing construction risk. Chris is an expert witness for construction claims specializing in the architect's standard of care. He can be contacted at [ChristopherLing@Hillintl.com](mailto:ChristopherLing@Hillintl.com)

*Disclaimer: The views and opinions expressed in this article are those of the author and do not necessarily reflect the official policy or position of the AIA or AIA Newark & Suburban Architects.*

family business in sweater manufacturing for 12 years in Boonton, NJ. Alex's career progressed to sales, marketing, and account management for an industrial textile company followed by major network technology companies catering to government and the Fortune 500. He returned to architecture in 2005 and joined Philip Kennedy-Grant, FAIA. Alex is licensed in New Jersey and has an NCARB certificate. His wife is Jill H. Gotthelf, AIA, they have three children, and live in Mountain Lakes, NJ.

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### Portfolio Review with AIAS

Members of the AIA have been invited to participate in a Portfolio Review Event with the AIAS (Student Group at NJIT). Members are invited to critique and give feedback to students who present portfolios and examples of their work. This is a great way to help the students gain perspective on what employers are looking for when reviewing portfolios and interviewing. The students are very excited to exhibit their work and we hope to have a great turn out of architects as well!

Thursday, March 10,  
6:45pm NJIT Weston Hall,  
3rd Floor Loft  
Please RSVP to Antonietta  
Alberto  
[aalb10@optonline.net](mailto:aalb10@optonline.net) if  
interested in participating.

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