CHANGE ORDER

CONSTRUCTION SPECIFICATIONS INSTITUTE CHICAGO CHAPTER





Tuesday, January 22, 5pm | Chapter Meeting

Delegated Design The Good, The Bad, and The Ugly

See page 5

FROM THE PRESIDENT	2
MEMBER CONNECTION	3-4
CHAPTER EVENTS	5-8
CHAPTER QUICK READS	9
CHAPTER ARTICLES	10-12
CSI BEYOND THE CHAPTER	13
INDUSTRY EVENTS	14

Upcoming Chapter Events

ECTION	3-4	
TS	5-8	1/10 Specifier Roundtable: <i>Top Ten Roof Sins</i>
15 5-0	1/15 Technical Roundtable: <i>Mind the Gap</i>	
K READS	9	1/22 Chapter Meeting: Operational Resiliency at the Shedd
CLES 10-12	10-12	1/25 Industry Roundtable: Stop Killing Me at Meetings
		2/01 Meet the Reps Roundtable: Fire-Rated Glazing
E CHAPTER	13	2/26 Building Enclosure
ITS	14	3/14 CSi2eye









Included Articles

10 Holiday Cheer Had By All

11 Do Design Professionals Have A Fiduciary Relationship With their Clients?

LEADERSHIP TEAM 2018-19

PRESIDENT

Peter Grotenhuis CSI, CDT

PRESIDENT-ELECT

Andrea Baird CSI, CCCA, AIA, P.E., LEED AP

VICE PRESIDENT

Jennifer Friedland CSI, CDT, LEED GA

VICE PRESIDENT

Heather Rice
CSI, CDT, ICRI Certified

SECRETARY

Chris Carpenter CSI, CCPR

TREASURER

Elias Saltz
CSI, CCS, LEED AP

MEMBERSHIP OFFICER

Robert Moretti
MBA, CSI, CDT

DIRECTORS

Renee Doktorczyk FAIA, CSI, CCS, SCIP

Scott Conwell FCSI, CDT, FAIA, LEED AP

Chris Walsh

CSI, CDT, LEED GA

Guadalupe Casimiro

Guadalupe Casimiro

Randall Chapple

CSI, CCS, AIA, SE

Brad Schwab
CSI. CDT

IMMEDIATE PAST PRESIDENT

Melissa Gibson

NCARB, CSI, CCS, CCCA, LEED AP BD+C

DIRECTOR - NCR

Drew Clausen CSI

EXECUTIVE DIRECTOR

Beth Winkler

CLICK TO CONTACT LEADERS

Be A Part Of Our Charitable Efforts Peter Grotenhuis, CSI, CDT



It was great to see so many of you out at our Holiday Party this year. It's always wonderful to change pace and have a nice relaxing evening out with CSI friends, add in that the proceeds for the evening, along with the raffle, went toward our Rebuilding Together fund and it makes it even better. I want to thank everyone involved with setting up

such a great evening.

We recently received some more exciting chapter news. We have founded and registered the CSI Chicago Foundation to support the charitable activities of CSI Chicago! As an organization filled with talented and fortunate individuals, I believe it's important that we continue to build our charitable efforts and provide opportunities for our membership to volunteer their talents to worthwhile causes. The establishment of the foundation will provide the ability for us to provide tax benefits to donors, but more importantly, create an entity dedicated to driving forward these efforts. If you're interested in being involved with the CSI Chicago Foundation, please reach out to me at peter.g@greengirt.com.

Lupe Casimiro and our Rebuilding Together Committee recently selected a home for us to help provide much needed renovations through our partnership with Rebuilding Together - Metro Chicago. Our homeowner this year is incredibly deserving, and we're excited to step up to help her out. We are thrilled that our fundraising totals for the 2019 project have just passed \$5,900, but we are still looking to fundraise more due to the complexity of this year's project. There are many ways to get involved with our Rebuilding Together efforts, please take a moment to donate or sign up to get involved.

In another one of our outreach efforts our Student Outreach Scholarship received twenty submissions from IIT students for our annual design competition. Award winners will be announced at our chapter meeting in March. If you are interested in making a donation for the student scholarship award, please contact Beth Winkler at administration@csichicago.org.

Another way we have worked to provide CSI access to more people is through our Certification Committees CDT Scholarship program. Each year we accept applications for a scholarship with over a thousand dollars in benefits, including; the CDT Exam Study Class and study materials, the exam, and membership to CSI Chicago for a year. This year we're excited to offer the two scholarships to Demetria Boatwright from Raths, Raths, & Johnson, and Devon Charlton from Studio ARQ. Good luck to them as they get ready for their CDT exam, and we'll be excited to see them get involved on some committees.

I hope everyone had a safe and fun Holiday season. The excitement of Christmas is back in my life as I live it through my three kids. My wife thought we were still a little early for LEGO's this year, but I couldn't help myself. It was wonderful to have the short break to spend with family, and having a few LEGO sets to build was a great way to spend some time over the Holiday with a nostalgic reminder of the importance of simple things and slowing down.

I'm excited to get back to the East Bank Club for our January 22 Chapter Meeting and Emerging Professional Night. <u>Get online to register</u> yourself and don't forget to bring an emerging professional guest at no charge using code **BYOEP**.

3101·



Member Spotlight Elaine Szot, CSI, PE

Elaine Szot, Hilti Rep, is a degreed civil engineer from Syracuse, NY. She grew up on a farm and tells me she has never been cow tipping. Innocent until proven guilty right? She has worked in Denver in land development

work and earning her P.E. before landing home in Chicago with Hilti as a technical rep for Firestopping.

Elaine's first project in building construction was 18 years ago with Clark Construction at the 'new' Midway airport. It was a crash course in construction and it was fascinating to see the old terminal get demolished and the two new buildings go up on both sides of Cicero Avenue

Elaine encourages others to do meaningful work. Even if you don't know where exactly you want to go in your career, do something that interests you, gain experience and then build on that.

CSI Chicago chapter's reputation for being very friendly for reps as well as designers is what lead Elaine to join us. It was 'the' place for architects to mingle with reps and becoming friends with some is the icing on the cake.

Elaine enjoys life with her high school sweetheart who is her husband and three children.



Member Tip Nick Niedospial, AIA, CSI, CCS, CPHC

Chemistry Resource Book

During the November 2018 Alchemy of Architecture program, John Gleichman, CSI, CDT of Sheehan Nagle Hartray Architects

asked if anyone could recommend a chemistry reference book for architects on common building materials. Though the question was not answered that night, Nick Niedospial of McGinnis Chen Associates followed up with us after the program and recommended the Lectures on Materials Science for Architectural Conservation by Giorgio Torraca.

This book is based on Dr. Torraca's 2002 publication, Lezioni di scienza e tecnologia dei materiali per restauro dei monumenti. The English-language Lectures includes new and updated material. An excellent resource for architectural conservators, engineers, and conservation scientists.

Here is a link to a PDF version of the book.

Welcome New Members

John Reeves, CSI-EP

Joseph Cotten, CSI

Chris Nathe, CSI

Jeff M. Diqui

Director, Industry Development and Technical Services

Office: 630-396-7141 Cell: 630-606-8220 jdiqui@imiweb.org 2140 W. Corporate Drive

Addison, IL 60101



Members On The Move



Brian Berg, CSI serves as a board member of the Illinois State Board of Professional Engineers.



Tyler Sweeny, CSI, CDT just passed his exam and earned his CDT Certification.



Pat Ruban, CSI, HACIA, ICRI is now the National Architectural Representative with Behr Paint where she services Chicago and surrounding suburbs in her new role.

Share personal or professional news and achievements by notifying the chapter at administration@csichicago.org for inclusion in Members On The Move.

Project Showcase

Legat Architects

Element Moline's retrofit creates eco-friendly brand's premier Illinois property, celebrates history of century-old warehouse/ distribution facility.

A retrofit converts the 100-year-old O'Rourke Building, a former Sears Roebuck & Company warehouse built in 1917, into Element Moline, a 96-room extended-stay hotel in Moline, Illinois. The team includes Element Hotels (part of Marriott International) and Ctwo Hotels (owner), Legat Architects (architect of record), Sheedy/DeLaRosa Interiors (interior designer), and Russell (construction manager).

The hotel captures Element's eco-friendly image in the brand's first adaptive reuse project and its first property in Illinois. The existing 60,000-square-foot structure holds 65% of guest rooms and a 22,000-square-foot addition houses the remainder.

Interiors emphasize texture and minimize color to pay tribute to the facility's industrial roots. Guests encounter original concrete floors and columns, brick walls, and ceilings that display the concrete structural deck. Some rooms within the renovated portion display the Chevron braced frames that were added to strengthen lateral force resistance. The lobby includes custom-designed bamboo backdrops that hold television monitors and black iron elements that house electrical wiring. An internal courtyard features a fire pit, catenary lighting, and a mural

with a historic photo of downtown Moline (including an earlier manifestation of the hotel).

Element Moline is the hotel component of The Q, a transitoriented development. The hotel renovation includes retail/ restaurant space, along with a new glass pavilion that serves as the rail station's grand hall on the east side.



*Project Showcases provided by members only. Send us a link to your completed project today!

Membership Milestones

30+ Years

Kenneth Lies, CSI (33yrs)

Raths, Raths & Johnson, Inc.

20 Years

Douglas First, CSI, CCCA, CDT, RRO

Douglas T. First, CCCA, RRO

Richard Master, CSI, AIA, ALA, LEED AP

EcoSculpt Architects LLC

John Maurin, CSI

Kewaunee Scientific Corp.

15 Years

Lance Parker, CSI

Thornton Tomasetti, Inc.

10 Years

Tom Safran, CSI

Tee Jay Service Company

Mark Spann, CSI, CCCA, FALA, LEED AP

5 Years

Gail Ann Goldstead, CSI, CCS, CDT, AIA, LEED AP

Adrian Smith + Gordon Gill Architecture LLP

Robert Lentz, CSI, CDT

Stonhard

Thomas Gliniecki, CSI

Hufcor, Inc.

Thank you to all of our members who are celebrating an anniversary with CSI Chicago this month. Membership Milestones features members who are celebrating 5 yrs, 10 yrs, 15 yrs, 20 yrs, 25 yrs and 30+ yrs.

Chapter Events

Delegated Design - *The Good, The Bad, and The Ugly*Chapter Meeting

Delegated design continues to be a hot topic in our industry as projects and building systems become more complex. Kurt Hoigard will share his insight with us from a perspective of a professional engineer licensed in 35 jurisdictions and with more than 30 years of experience investigating problem projects. His expert testimony lifts the veil on the delegated design process to describe how it should work and how it can go awry!

Date: Tuesday, January 22, 2019, 5:00-8:00 PM

Location: East Bank Club, Chicago

Cost: Complimentary to CSI Chicago Members;

Nonmembers \$55 (includes dinner) **Registration:** Due by January 15, 2018

FULL DETAILS & REGISTRATION

EVENT SPONSORSHIP INFO





Presenter: Kurt R. Hoigard, P.E., SECB, F.ASTM of Raths, Raths, & Johnson Inc.

Kurt Hoigard is a licensed Professional Engineer and Senior Principal at Raths, Raths & Johnson responsible for the leadership and project oversight of the firm's evaluations, investigations, and field

and laboratory testing services. His career at RRJ spans 33 years specializing in the investigation and repair of distressed and deteriorated structures and the performance of building materials and systems.



<u>Click here</u> to contact a local representative.

Chapter Events

Top 10 Roof Spec Sins: Part Deux

Specifier Roundtable

Thursday, Jan. 10, 2019 from 12:00 - 1:00 PM Epstein, 600 W Fulton St, Chicago, IL

Facilitated by: Melissa Gibson, Epstein

While roofing systems make up a very minor percentage of construction costs, the roof design, installation, and maintenance has a monumental impact on the overall performance and success of a project. If you missed part one of this series, you are still encouraged to attend.

FULL DETAILS & REGISTRATION

Stop Killing Me at Meetings

Industry Roundtable

Friday, Jan. 25, 2019 from 12:00 - 1:00 PM Pella Windows & Doors Showroom, Chicago, IL

Presented by: Marie Genevieve Pawlak, Planning101 Group Life is too short to be killed by meetings! Meetings should be an opportunity to connect, learn, encourage, and get things done. Laugh, cry, and admit that you have tried to kill your co-workers and then walk out with an action plan on how to make your next meeting a great one.

FULL DETAILS & REGISTRATION

Mark R. Nelson President **Nelson Testing Laboratory** 717 Industrial Drive NELSON Elmhurst, IL 60126 Ph.: 630-501-0230 Fax: 630-501-0270 mnelson@nelsontesting.com www.nelsontesting.com



Mind the Gap

Technical Roundtable

Tuesday, Jan. 15, 2019 from 12:00 - 1:00 PM Pella Windows & Doors Showroom, Chicago, IL

Presented by: Corey Zussman, Pepper Construction

Explore the ever-increasing wall cavity size, needs and requirements and understand the implications of locating the window system within the wall cavity. Taking into consideration the thermal, air, water, vapor, and fire compliance requirements, ioin us to discuss what details should be considered.

FULL DETAILS & REGISTRATION

Fire-Rated Glazing

Meet the Reps Roundtable

Friday, Feb 1, 2019 from 12:00 - 1:00 PM Epstein, 600 W Fulton St, Chicago, IL

Representatives:

Safti First - Bill Zientarski, CSI, CDT TGP - Tim Warren **Vetrotech - Josh Spiekhout**

Moderated by: Pat Ruban, CSI

FULL DETAILS & REGISTRATION



AIR & WATER-RESISTIVE BARRIER COATING

Beneath the façade, above the rest.



- Unlimited UV exposure
- Excellent performance in open joint rain screen systems
- Building Code and NFPA 285 compliant
- Warranties available up to 20 years
- · One-coat, primerless application
- Rain ready in as little as 30 minutes
- Cold weather application down to 0° F/-18° C

Bring built-in resilience to your next project.

(specify today) siliconeforbuilding.com

Before purchasing or using any Momentive products, please visit

www.siliconeforbuilding.com/LegalDisclaimer to view our full product and sales disclaimer.

GE is a registered trademark of General Electric Company and is used under license by Momentive Performance Materials Inc.

*Elemax is a trademark of Momentive Performance Materials Inc.

Copyright 2018 Momentive Performance Materials Inc. All rights reserved.

Chapter Event

CSi2eye

Technical Education Event

CSi2eye is an exclusive technical education event that brings together leading building product manufacturers and design/ construction professionals from throughout Chicagoland and beyond for a full day of powerful, one-on-one meetings.

Staying up to date on products, applications, and resources available today is an important part of the material selection process. CSi2eye offers you a chance get your technical questions answered on the spot from top manufactures.

Attendees on the design and construction side include architects, specifiers, contractors, project managers, consultants, owner's representatives, etc., who have responsibility for selecting and specifying materials and systems for their firms.

Date: Thursday, March 14, 2019

Sessions: Choose half or full day attendance Morning Meetings: 9:00am - 12:00pm Afternoon Meetings: 1:30pm - 4:30pm

Breakfast, Lunch, Reception open to all attendees.

Location: East Bank Club, Chicago

Cost: Free to design and construction professionals*

Register early as spots are limited.

CSI membership is not required for this event.

FULL DETAILS

*Design and construction professionals are architects, specifiers, general contractors, consultants, owner representatives and other professionals involved in product selection for construction projects.

Back by popular demand, CSi2eye returns for the 6th straight year!

Event Guest Speaker

Integration of Nature and Technology for Smart Urban Design

Presented by: Anil Ahuja, PE, RCDD, LEED BD+C, CxA President at CCJM Engineers, Ltd.



Why must buildings be designed as part of a larger **Urban system?**

Anil Ahuja will shed some light on how smart buildings must be integrated with external infrastructures for their efficient and sustainable operation.

PRESENTATION DETAILS









Chapter Event

CDT Exam Study Class

Construction Specification Institute's CDT program has provided foundation training in construction process, roles and responsibilities, and construction documentation for architects, contractors, contract administrators, specifiers, and manufacturers' representatives for decades.

This study class will provide you a complete understanding of how projects unfolds from conception to delivery and the documentation involved while helping you prepare for the CDT exam.

You will gain a conceptual understanding of the entire construction process, and concrete skills in construction documentation development and administration, specification writing and enforcement, product research and sourcing, communication with the design and contracting teams.

Class Dates: Mondays, January 7 - March 25, 2019

5:30pm - 8:00pm (No class Feb. 18)

Location: HACIA | 650 W. Lake Street, Suite 415, Chicago

Continuing Education: 15.0 AIA/CES

(must attend 8+ classes)

Class Fee: \$150 to CSI Chicago members

\$300 for non-members

FULL DETAILS & REGISTRATION

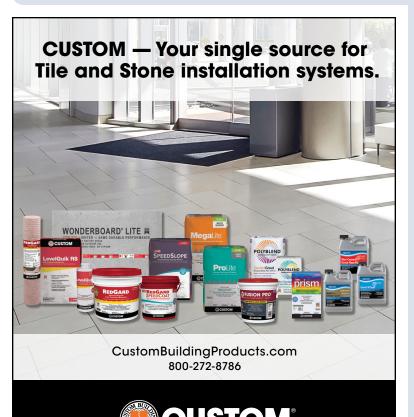


Recommended Study Guide for Class and CDT Exam.

Project Delivery Practice Guide - 2nd Edition

Available online through the CSI Store at: www.csiresources.org





TILE INSTALLATION SYSTEMS

2019 CDT Exam Study Class Sponsors











Chapter Quick Reads

B.Y.O.E.P. Night

Bring Your Own Emerging Professional to the January 22, 2019 Chapter Meeting for FREE. In our continued effort to attract emerging professionals to CSI Chicago, we encourage all members to bring a young emerging professional from either your company or a company you work with to this month's Chapter Meeting. Use code **BYOEP** to register your quest for FREE.

CHAPTER MEETING DETAILS & REGISTRATION

Rebuilding Together Update

2019 Rebuilding Together is off to a strong start. We have selected our home and we are excited about how well our fundraising efforts are going. The real work starts now that our home is selected. We still need volunteers for the day, material donations and monetary donations.

LEARN MORE

CRCA Trade Show - Talk Up CSI Chicago

In an effort to spread the CSI Chicago word amongst the contractor and consultant community, CSI Chicago is having a booth at the CRCA Trade Show on Thursday (1/17/19) and Friday (1/18/19). If members are attending the trade show please stop by the booth and say hi and remember to talk up CSI Chicago. If you can help out by staffing the booth for an hour or so, please sign up.

CSI CHICAGO BOOTH VOLUNTEER

CDT Class Scholarship Recipients Announced

We are excited to announce the 2019 CDT Scholarship Recipients. We had more applications than ever so the decision was tough. This year's recipients are:

Demetria Boatwright - Raths Raths & Johnson, Inc. **Devon Charlton** - Studio ARQ







Chapter Articles

Holiday Cheer Had by All

by: Brad Schwab, CSI, CDT

What do live lobsters, a Roku stick, a bottle of Bourbon, a Fire HD 8 tablet, a retirement announcement and a home adoption have in common? You guessed it, the 2018 CSI Chicago Holiday Party.

This year's holiday party delivered on our goal of holiday fun with a charitable heart. The Social Committee out did themselves this year with over 70 attendees and a very successful night raising money for our 2019 Rebuilding Together Project. The Erie Café was a perfect choice of venue as it delivered a spacious back room with plenty of room for networking and showcasing the 30+ raffle prizes donated by members. Raffle prizes included large gift baskets, bottles of wine, gift cards, a live lobster certificate, a Roku stick, a Fire HD 8 tablet, and much more.

Though the night was mainly focused on great food, company and prizes, we also recognized Ron Rediger and announced that adoption of our home for our 2019 Rebuilding Together Project.

Kurt Moehlman and Randy Chapple delivered a heartfelt thank you and recognized Ron Rediger for everything he has done for the Construction Industry over his long and prosperous career as a Manufacturer's Representative. Ron is moving into the next phase of his life and will be enjoying retirement. Based on Randy's speech if you are looking for Ron you will



Wall systems from BASF help your project succeed. With energy efficiency, fire performance, and cost benefits far superior to Metal Composite Materials (MCM) -Music City Motor Cars is a proven example. By incorporating BASF Metallic Effects on a BASF Continuously Insulated (CI) wall system, this project complied with building code requirements and provided a look that exceeded the architect's expectations.

Design Flexibility. Code Compliance. Performance. Let BASF help with the building science, so you can focus on designing the building your clients desire.

Contact David Meyers (david.meyers@basf.com, 630-423-1980)

BASF Corporation - Wall Systems | Jacksonville, FL | P: 800.221.9255 | www.senergy.basf.com



most likely find him on the golf course. Congratulations Ron, we wish you the best and thank you!

Lupe Casimiro delivered the wonderful news that we have officially adopted our 2019 Rebuilding Together Home! Our Chicago home is owned by a 93 year old woman who lives and cares for her recently disable 63 year old daughter. They have lived in the home for the past 46 years. The home is classified as "Heavy" which means the home is in need of a lot of improvements, including making it wheelchair accessible with a ramp to enter the house and widening doorways. If you are interested in volunteering money, materials or your time visit CSI Chicago 2019 Rebuilding Together.

Thank you everyone for a great 2018 and here's to 2019! **Click here** to view pictures from the event.

Special Thanks To Our Holiday Party Supporters!

Event Sponsors:

BASF - Kurt Moehlmann General Shale - John McKevitt Hilti - Elaine Szot PPG Paints - Jeff Soukup

Raffle Donors:

Allegion - Laura Gagliano American Hydrotech, Inc. - Bill Schaefer Aristech Surfaces - Judy Tolle Armstrong Ceiling Solutions - Johardy Sunandjaja ASI Group - Julie Montrose BASF - Master Builders Solutions - Garrett Hovest Hilti - Elaine Szot Hafele - Dan Warren JN Lucas & Assoc, Inc. - Jim Lucas

Northfield, an Oldcastle Company - Steve Hunt Pella Windows & Doors - Chris Carpenter

Perkins+Will - Joseph Stypka

PPG Paints - Jeff Soukup

Raths, Raths & Johnson - Ken Lies & Patrick Reicher Schwab Group - Brad Schwab

Sika - Lance Krall

SJ Mallein - Bill Cohen

Smart Concrete Technologies - Heather Rice

Sto, Corp.- Kristin Henriksen

Chapter Articles

Do design professionals have a fiduciary relationship with their clients?

Reprinted from Willis Towers Watson Wire

Written by: Dan Buelow

Recommended by: Member - Larry Nordin

The question of whether a design professional is a fiduciary to their clients has been tested over the years. A recent movement has raised this question again that, if successful, would have broad legal implications for licensed design professionals.

It's not a new argument, and one that's been argued before, although those behind this recent initiative assert it's new and the result of a long-standing systematic error in the law.

As an advocate for the design community, Willis A&E's position is that, design professionals do not have a fiduciary relationship with their clients, and should not accept this exposure as it would be a liability assumed under contract, unrelated to standard of care requirements and could, therefore, create an uninsurable risk to the design firm.

For a bit more color and legal input on this subject I went to Douglas Palandech Esq, of the Chicago law firm Foran, Glennon Palandech Ponzi & Rudloff. Doug concentrates his litigation practice on construction, design professional and legal liability. He's tried numerous cases for design professionals – and has twice defeated claims for breach of fiduciary duty against design firms at the trial court level.

According to Mr. Palandech:

This is an ill-conceived initiative and the law has been very consistent in addressing this notion; there is nothing in the owner/design professional relationship which, by itself, gives rise to a fiduciary relationship or to legal responsibilities attendant on the establishment of such a relationship. To the contrary, the relationship between owner and designer is commercial and arm's length. That conclusion is both irrefutable and court recognized.



We note as well that standard design professional insurance may not afford coverage for claims which are premised on breach of a fiduciary duty. Furthermore, to the assertion that there is some 'long standing, systemic error [in the law] that has never been challenged' is simply false — and the statement is in fact a double error: 1) there is no long standing systemic error in the law respecting the absence of such legal relationship between owner and designer, and 2) there have been many attempts to assert this basis of legal liability against designers by owners, all of which have been judicially rebuked.

So, why aren't architects and engineers subject to fiduciary duties?

There seems to be clear legal precedent supporting the assertion that design professionals do not have a fiduciary relationship with their clients, and that it's not typically covered under an A&E professional liability policy. But why is that? Why don't architects and engineers have a fiduciary responsibility to their clients – when lawyers and doctors do?

Article continued on page 12.



Chapter Articles

Do design professionals have a fiduciary relationship with their clients?

(Continued from page 12.)

According to Mr. Palandech, breach of fiduciary duty is a catch-all phrase the law uses to describe when a trusted person [i.e., a fiduciary] commits a wrong against the person who entrusted him or her. He goes on to say:

As a general rule, any person who is in a special relationship of trust may be considered a fiduciary. Some accountants fill this role, or any person taking care of a sick, dependent person. So the question is whether the relationship, by its very nature, is whether one person has as her/his mission the responsibility for the other's well-being as a matter of first importance. Trustees and guardians always do, as do lawyers. Many, many relationships do not have this quality. Anywhere and everywhere there is an arm's-length business relationship where one party receiving consideration for a service, there is no such thing.

If you buy a car from XYZ Dealership, XYZ probably knows more than you about the Model ABC, but the 'relationship' is not fiduciary, it is simply an arm's length deal where one party has an interest in selling the product and the other receiving the product. An architect is much the same way on a service plane—the owner needs design and administration services for a given project. The architect can deliver on that need.

Again, an arm's length, commercial relationship where there is not even a hint of the architect being in a position of safeguarding the owner's interest as a matter of first importance. To the contrary, the architect needs to look out for his/her own interest first in the performance of the service.

And why isn't fiduciary liability covered by professional liability insurance?

As Mr. Palandech stated, design professionals' insurance may not afford coverage for claims that are premised on breach of a fiduciary duty. The reason for this is that all A&E professional liability insurance policies contain an exclusion for contractual liability that essentially states:

This insurance does not apply to and the Company will not pay Damages and/or Defense Expenses for any Claim based upon or arising out of Liability of Others Assumed by Contract – The liability of others assumed by any Insured under any contract or agreement – unless such liability arises as a result of a Breach of Professional Duty and would have existed absent such contract or agreement.

In other words, accepting the role of a fiduciary by contract would arguably take the A&E over and above the standard of care and therefore would not be covered by PL insurance.

Do not assume fiduciary liability

Given these insurability concerns, if an owner-drafted agreement contains any language creating a fiduciary liability for the design professional, Willis A&E's advice is to NOT accept this language. For example, if an owner drafted agreement has the wording "trust and confidence," we would recommend striking this language — or at the very least revise to add the language "but not as a fiduciary."

We've found that most owners will accept these revisions and understand that nobody benefits from an uninsurable agreement. These same owners often appreciate when the design professional pushes back on uninsurable language in their contracts, given their understanding that the design firm's professional liability insurance policy is third-party coverage benefiting the owner — and most likely the only asset the owner can look to in the event of an error or omission on the part of the design professional.

Click for original article and disclaimer.

Recommend A Chapter Article Today!

Chapter Articles are recommended or written articles from our chapter members for our chapter members.

If you read or write an interesting article that you feel the membership would benefit from reading please let us know by emailing administration@csichicago.org.



CSI Beyond The Chapter

CONSTRUCT 2019 Call For Sessions

News From CSI Institute

CONSTRUCT is an AEC Conference & Expo specifically designed to provide the construction teams with real-world, practical design/construction solutions, education, products and networking. Participants design, build, specify, engineer, renovate and operate in the built environment and are hungry for knowledge.

The CONSTRUCT Education team and Advisory Council is seeking presentations from industry experts covering topics including design and construction, emerging trends, innovative projects, documentation, building science, technology, preservation, resilience, methods, and much more.

Now is your chance to turn what you've learned into a unique session that will build your reputation and improve the construction community. Be a part of CONSTRUCT 2019, submit a proposal today!

Proposals will be accepted until January 25, 2019

Event Dates: October 9-11, 2019

Location: Gaylord National Resort & Convention Center,

National Harbor, MD

FULL DETAILS

CSI North Central Region Conference

News From North Central Region



May 2-4, 2019 | Saint Louis, Missouri The Greater Saint Louis Chapter will be CAINT LOUIS hosting the 2019 North Central Region Conference. We have a great location! The historic Chase Park Plaza Hotel in the Central West End was built in 1922 and

in its heyday played host to presidents, kings, celebrities, and athletes. The hotel is located on the east side of Forest Park, home of the 1904 World's Fair, legendary St. Louis Zoo, Art Museum, History Museum, Muny Opera, Science Center, a 27hole golf course, and much more.

We welcome architects, engineers, contractors, and product representatives from across the Midwest and invite them to explore our fabulous "Brick City". Our schedule includes three educational tracks, a bigger version of our annual product show, tours, leadership training, and social events. Conference attendees who arrive early may include an all-day seminar at no additional cost. Come early and stay late to experience all the 2019 CSI North Central Region Conference has to offer.

Questions? Email ncrc@stlouiscsi.org

FULL DETAILS

We're more than just a paint company

- Extensive National Architectural Program
- Product and Environmental Certifications







Master **Painters** Institute



Industry Events

Designing Transparency

Thursday, Jan. 31, 2019, 8am-12pm Perkins+Will, The Wrigley Building, Chicago

Join Carl D'Silva of Perkins + Will and Terry McDonnell of SGH to learn about new uses of glass and how its unique properties in architecture continue to develop every year.

Registration: \$260 for members and \$25 for non-members **CSI/AIA members can register for \$35 off. Code: **AIACSI35**

FULL DETAILS

CRCA TRADE SHOW & SEMINARS

Wed.-Fri. January 16-18, 2019
Drury Lane Conference Center, Oakbrook Terrace IL

This three day event includes two days of over 130 manufacturer and suppliers displaying, demonstrating and promoting the newest products and technology in the roofing and waterproofing industry and three days of educational seminars.

FULL DETAILS



"We wanted to make the project dynamic and energized. The copper screen looks more solid during the day and perforated at night when lights are on behind it—enhancing the urban experience within the entertainment district."

-Todd Walker, FAIA, Principal, archimania

Case study at PAC-CLAD.COM/BALLETMEMPHIS

PAC-CLAD.COM | INFO@PAC-CLAD.COM

IL: 800 PAC CLAD AZ: 833 750 1935 GA: 800 272 4482 MD: 800 344 1400 MN: 877 571 2025 TX: 800 441 8661



Women in the Built World Symposium

Friday, February 1, 2019, 8:00am-5:30pm 222 Merchandise Mart Plaza, Suite 1212, Chicago

Keynote Speaker: Margaret McCurry

A day of networking and exploring topics on Improving the Confidence and Leadership for Girl's Today, Mentoring & Advocating, The Old Post Office Project, Encouraging & Retraining Women in Construction, Terra Cotta Construction & Restoration, Roofing Design Basics, and NEW this year...The Male Perspective!

FULL DETAILS

Advertise Your Chicagoland Event Here!

Submission deadline: 15th of preceding month \$100 for chapter members \$150 for non-members

Contact: administration@csichicago.org



Sika Corporation, based in Lyndhurst, NJ, is a leading supplier of specialty chemical products and industrial materials serving construction and industrial markets including transportation, marine, and automotive. Its technologies are focused on sealing, bonding, damping, reinforcing and protecting. Sika's product lines include roofing, concrete admixtures, specialty mortars, epoxies, structural strengthening systems, industrial flooring, sealants, adhesives, specialty acoustic and reinforcing materials.

YOUR LOCAL CONTACT:

Lance Krall Building Envelope Representative Mobile: 312-415-6717 krall.lance@us.sika.com

