

# The Addendum

The Official Publication of the American Society of Professional Estimators Des Moines Area Chapter 73



## From The President – Jon Wall, Central Iowa Mechanical

Our last "official" dinner meeting was in May, and I want to take this opportunity to thank all who attend the estimating forum at Barratta's, and also to those who helped to organize the event. I still can't believe how fast this past fiscal year has flown by; getting wrapped up in bids, budgets, and everyday details and presto, time just erodes away. It seems like I say it more and more these days but the slower the economy the busier the estimator or estimating dept.

Perhaps the competition with the many general contractors, subcontractors, and suppliers may lower margins to levels we aren't used to during the bidding process, but that just forces people to be selective choosing the right projects to try and tackle.

July and August are typically months where ASPE is on hiatus, but stay tuned for more educational programs and opportunities starting up again in September. If you'd like to be invoiced in the chapter please let me know as there are a world of

opportunities to get plugged in as well as other networking events within the chapter.

Just a reminder that our 13<sup>th</sup> annual ASPE Chapter #73 Scholarship Golf outing is coming up next Friday June 24; if you've signed up you are good to go, if you haven't...WHAT ARE YOU WAITING FOR!?!?! The golf outing is open to anyone who wants to participate; you don't have to be an ASPE member to play. Our chapter has awarded \$4,000-\$4,500 in scholarship money each year for as long as I can remember being associated with this organization; in large part to the money raised through our annual golf outing.

To sign up fill out the registration form on [page #5](#), and RSVP to John Taylor at [john.taylor@hubbellrealty.com](mailto:john.taylor@hubbellrealty.com) It's not too late! This year I am told we will see the return of the pink tee...

Hope this finds you busy .....and profitable....

See you FRIDAY!!

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## Chapter Golf Outing

### It's Not Too Late!!!

**Where:** Copper Creek Golf Clubs  
4825 Copper Creek Dr.  
Pleasant Hill, IA 50327

**SEE REGISTRATION FORM ON PAGE #5**

**When:** Friday, June 24, 2010

**Program:** Golf **RSVP to:** John Taylor—Hubbell Construction  
[john.taylor@hubbellrealty.com](mailto:john.taylor@hubbellrealty.com)

**Cost:** \$90 / player or \$360/4-some

### SIGN UP TODAY!!!!

### Our Mission

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

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## Is BIM Delivering as Promised?

Apr 1, 2011 12:00 PM, BY MICHAEL E. CALLAHAN CONSTRUCTION ATTORNEY

When Building Information Modeling (BIM) first arrived on the commercial construction scene some years back it promised to change, even revolutionize how projects were designed and delivered. Proponents hailed it as a means to improve design, shorten delivery times, and save money, at least for owners. Others, mainly lawyers, warned of all the potential legal nightmares that would result from blurring the lines between traditional project roles and mixing design with mean and methods.

So how is BIM doing? Well, many of our clients are using BIM — some collaboratively and some not. And so far we're not aware of any major legal problems caused by using BIM. This does not mean traditional disputes have declined or that there won't be any BIM-caused disputes in the future. But it does suggest that owners, designers, and contractors are working through — or maybe around — the potential legal challenges that come with the collaborative use of BIM.

This is a good thing. It shows that BIM can be used without unnecessary concerns about increased risk liability. Why BIM seems to have been successfully employed without too many obvious legal problems is hard to say for sure, but I have a theory. Some contractors use BIM more like enhanced CAD, not as a collaborative framework for project design and delivery. So the contractors don't encounter the added risk that comes with collaboration, transfer and use of vast amounts of shared electronic information. They simply enjoy the benefits of 3D modeling without the added complications related to the collaborative use of BIM. For example, one of our mechanical subcontractor clients uses BIM to model the design, identify interferences and conflicts, and develop solutions to these problems well before starting work.



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What about those contractors who do use BIM more collaboratively, or who share information and models? From talking to some of these contractors, it seems they anticipated many of the potential legal implications that could result from blurring the traditional legal and practical boundaries between designer and contractor. Once anticipated, they have been able to avoid potential problems through careful contracting.

Here, in a nutshell, is how some of them have done this: start with one of the form contract BIM attachments, like the AIA BIM Exhibit 202-2008 or the Consensus Docs 310 BIM Addendum. Then apply traditional risk allocation principles: who is receiving what benefits from the model and/or the use of BIM? Who can best control the particular risk? Who can best absorb or insure against the risk? The goal should be the fair and rational allocation of risks.

Let's get a little more practical. The following checklist can help you think through BIM related issues if you intend to use BIM beyond its function as enhanced CAD.

### BIM checklist

- If you are going to rely on the model to build, it should be part of the contract documents or you risk inconsistencies with the 2D drawings.
- Contracts should contain an order of precedence clause, clearly identifying the order of precedence between three dimensional models and two dimensional drawings.

- Contracts should identify who is responsible for the accuracy of information provided to another party for use in a model.
- Consider assigning/disclaiming liability for errors or corruption created by transmission or transfer of data by recipients. You may want the contract to require designers to verify accuracy and completeness of data received or otherwise addressing responsibility for the accuracy and completeness of data. Consider requiring indemnification against claims arising out of errors or omissions created in the transfer of information process.



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### ASPE Member Companies

The following companies all have at least one member in ASPE Chapter 73:

- Academy Roofing & Sheet Metal
  - Air-Con Mechanical
  - Architectural Arts
  - Automatic Door Group
  - AZCON Corp
  - Baker Electric
  - Baker Group
  - Bratney Companies
  - Breiholz Construction
  - Central Iowa Mechanical
  - Commonwealth Electric
  - Concrete Technologies, Inc.
  - CPMI
  - Crose & Lemke Construction
  - CTI Ready Mix
  - Doors, Inc.
  - Engineered Thermal Insulation
  - Excel Mechanical
  - Graham Construction Co.
  - Hallett Materials
  - The Hansen Company
  - Heartland Finishes, Inc.
  - Hubbell Construction Services
  - Ideal Floors, Inc.
  - Insulation Contractor Services
  - Interstates Construction Services, Inc.
  - Leachman Lumber Company
  - Masonry Products, Inc.
  - Neumann Brothers
  - Northwest Steel Erection
  - Proctor Mechanical
  - Redstone Painting Co.
  - Septagon Construction
  - Skold Companies
  - Stetson Building Products
  - Story Construction Co.
  - Thiele Geotech, Inc.
  - Turner Building & Consulting
  - US Erectors, Inc.
  - Waldinger Corporation
  - Walsh Door & Hardware
  - Weitz Company
  - Wolin & Associates
- Your company's name could be included in this list next month. All you have to do is join. Contact Chapter 73 Membership Committee Chairman, Steve Watrous, (515) 264-0782 for a membership packet.

### Next Event

#### ASPE Scholarship Golf Outing

Where: Copper Creek Golf Clubs  
4825 Copper Creek Dr.  
Pleasant Hill, IA 50327

When: Friday, June 24th 2011

Program: Golf

Cost: \$90 / Player or \$360 / 4Some  
Sponsor a Hole: \$100

RSVP: See Page #5 for Registration Sheet

- Fill it out
  - Write the Check
  - Send to John Taylor—Hubbell Construction Services
- E-Mail: john.taylor@hubbellrealty.com

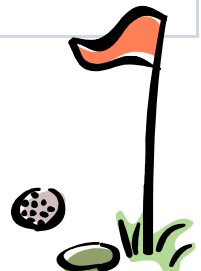
**DO IT NOW!!**

### CHECK US OUT ON THE WEB!!

Please stop by our website at [www.iowaaspe73.org](http://www.iowaaspe73.org) let us know what you think. We are open to any ideas or suggestions that will help us communicate to our current members and potential new members.

### Mark Your Calendars

|                |                        |                  |                        |                  |
|----------------|------------------------|------------------|------------------------|------------------|
| April 21, 2011 | <b>Bravo's</b>         | Lien Waivers     |                        |                  |
| May 19, 2011   | <b>Johnny's - West</b> | Lead Safety      | <b>Phil Merquis</b>    | MBI              |
| June 24, 2011  | <b>Copper Creek</b>    | ASPE GOLF OUTING | <b>Mr. Taylor Made</b> | ASPE GOLF OUTING |





# 12th Annual Golf Outing



Friday, June 24th, 2011

Shotgun Start @ 1:00 PM

12:00 - 1:00 PM Check-In

## Copper Creek Golf Club

(Located 1/2 mile West of Hwy 65 on University in Pleasant Hill)

Entry Fee: \$90 / Player which includes green fees, cart, keg beer, & hors d' oeuvres

Four-Person Best Ball

HOLE PRIZES, LOW TEAM SCORE, & PUTTING CONTEST

You can sign up your own team or you can be randomly paired with other players to complete a team.

All proceeds of the golf outing entry fees and tee box sponsors will be used to fund our annual ASPE Scholarships

**Sign up by: June 20, 2011**

Fill out the form below and E-Mail, US Mail, or fax registration form to John Taylor with Hubbell Construction Services.

E-Mail: john.taylor@hubbellrealty.com


US Mail: Hubbell Construction Services

Attn: John Taylor

6900 Westown Parkway

West Des Moines, Iowa 50266

Fax: (515) 280-2027



Registration Form:  
**MAKE CHECKS PAYABLE TO: ASPE CHAPTER #73**  
 Complete & Return this form with your payment to:  
 John Taylor 6900 Westown Parkway, West Des Moines, Iowa 50266  
**PAYMENT MUST BE RECEIVED NO LATER THAN THE DAY OF THE OUTING**

**Name & Company Information:**

|          |          |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |

Total GreenFee:      # of Players x \$90 = \_\_\_\_\_

Tee Box Sponser:                      x \$100 = \_\_\_\_\_

TOTAL AMOUNT ENCLOSED: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone: \_\_\_\_\_      Fax: \_\_\_\_\_      E-Mail: \_\_\_\_\_

**Cancellations after June 22, 2011 will still be billed in full**

**AMERICAN SOCIETY OF PROFESSIONAL ESTIMATORS**

## CHAPTER 73

## Board of Directors Meeting

## MINUTES

LOCATION: Smokey D's BBQ  
Des Moines, IA

DATE: May 9, 2011

START TIME: 5:40 P.M.

END TIME: 6:30 P.M.

IN ATTENDANCE: Ken Horner, Paul Henkels, John Taylor, Jon Wall, Ray Conway, Mike Webber, Tim Neumann

CALL TO ORDER: Jon Wall

MINUTES OF PREVIOUS MEETING: Approval Pending.

REPORTS:

**Membership (Steve Watrous):** 43 current members.

**Treasurer & Budget Reports (Ray Conway):** Ray gave report.

Board decided to write-off bad debt (Ingamels)

**Activities/Fundraising (John Taylor):** John Taylor confirmed the date of this year's golf outing; June 24, 2011.

**Newsletter (Jon Wall):** Newsletter to be published this week.

**Programs (Board):** May 19<sup>th</sup> planned.

**Certification (Mark Kutchen):** 2 Members currently going thru certification.

**Scholarships (John Taylor):** All completed – Thank You John Taylor & all who helped!

**Advertising (Tim Neumann):** No Report

**By Laws (Paul Henkels):** No Report

**Awards (Ray Conway):** No Report

**Website (Tim Neumann & Mike Webber):** No Report

Mike to find out from Todd what our "hit count" is.

Unfinished Business:

- Chapter tax return to be filed.
  - Nominating Committee to reconvene
- Steve Watrous to head up this effort.

New Business:

- ASPE National Convention
- Tim Neumann to check into his availability
- Update Tim could go.
- Golf Outing
- Invites not sent
- Thought was that Terry Dvorak has info

Denny Baber to going to contact MBI to get a list of people.

**Adjournment:** 6:30PM

**Motioned:** Tim Neumann

**Seconded:** Paul Henkels

**Next Board Meeting:** June 13, 2011

**Location:** **Smokey D's**



## ASPE Code of Ethics Basic Canons

- Canon #1** Professional estimators shall perform services in areas of their discipline and competence.
- Canon #2** Professional Estimators shall continue to expand their professional capabilities through continuing education programs to better enable them to serve clients, employers and the industry.
- Canon #3** Professional Estimators shall conduct themselves in a manner which will promote cooperation and good relations among members of our profession and those directly related to our profession.
- Canon #4** Professional Estimators shall safeguard and keep in confidence all knowledge of the business affairs and technical procedures of an employer or client.
- Canon #5** Professional Estimators shall conduct themselves with integrity at all times and not knowingly or willingly enter into agreements that violate the laws of the United States of America or of the states in which they practice. They shall establish guidelines for setting forth prices and receiving quotations that are fair and equitable to all parties.
- Canon #6** Professional Estimators shall utilize their education, years of experience and acquired skills in the preparation of each estimate or assignment with full commitment to make each estimate or assignment as detailed and accurate as their talents and abilities allow.
- Canon #7** Professional Estimators shall not engage in the practice of "Bid Peddling" as defined by this code. This is a breach of moral and ethical standards, and this practice shall not be entered into by a member of this Society.
- Canon #8** Professional Estimators and those in training to be estimators shall not enter into any agreement that may be considered acts of collusion or conspiracy (bid rigging) with the implied or express purpose of defrauding clients. Acts of this type are in direct violation of the Code of Ethics of the American Society of Professional Estimators.
- Canon #9** Professional Estimators and those in training to be estimators shall not participate in acts, such as the giving or receiving of gifts, that are intended to be or may be construed as being unlawful acts of bribery.

- Obtain insurance to cover risks to the model such as loss or corruption of data. Consider coverage for damages to other parties caused as a result of data corruption or loss. Are you covered if the job is delayed as a result of problems with your model?
- Understand what limitation of liability the vendor of the software will insist on. If stuck with a vendor limitation of liability, try to pass through the same limitation. If you cannot avoid responsibility for software problems, confirm that you have adequate insurance to cover damages caused by its failure.
- Consult with your insurance broker regarding the need for professional liability coverage/errors and omissions coverage if you plan to provide information that will be incorporated into the design model. Use disclaimers of responsibility/liability for the design. For example, clarify in your contract that you assume no responsibility for the design and that submittals or other information are provided solely for purposes of collaboration/efficiency, but always subject to the professional review, approval and coordination of the prime designer. And consider requiring an indemnity provision running from the owner and/or general for third party claims based on design defects
- If the project owner wants your model, insure you get a waiver of liability/indemnity for claims arising out of the owner's use of the model.
- If your model contains confidential or proprietary information from you or your subcontractors, make sure the appropriate confidentiality/restricted access provisions are in the contract.
- Make sure these provisions and other provisions are passed through to your subcontractors and vendors.

If you're not using BIM, or if you're not using it to its collaborative potential, it shouldn't be because of concern about added risk of liability. A little self education and good contracting can reduce or eliminate most risks while opening the door to greater competitiveness. If you're still unsure, talk to your lawyer. He or she may be able to alleviate your concerns.

*Michael Callahan is a partner at Stinson Morrison Hecker LLP (the same firm as long-time columnist Susan McGreevy) where he assists clients with all aspects of their construction law needs, including litigation.*



## Gotta-Be-There- To-Win-It!

***It pays to be at ASPE!***

We are **always** in need of raffle prize donations. If you or your company would like to donate raffle prizes please contact the Program Committee headed by Ken Kness via email at: [kkness@excelmechanical.net](mailto:kkness@excelmechanical.net)

**Each monthly members only drawing is : \$ 50.00**



# WARNING !

If you haven't received your 2011-2012 ASPE Membership Renewal Invoice from the National Office Electronically; you are at risk of losing your valuable Des Moines Area Chapter #73 American Society of Professional Estimator member status.

Invoices were sent out in May; All member who renew and verify their membership profile information by August 31, 2011 will appear in the 2011-2012 ASPE Membership Directory. If you didn't receive an invoice, call the National Office of the American Society of Professional Estimators Toll Free: 1-888-EST-MATE or go to [www.aspenational.org/Membership\\_Join.aspx](http://www.aspenational.org/Membership_Join.aspx)

to update your information and request an invoice.

## Don't Risk Losing Your Member Status, Pay Your Dues Today!!

## ASPE Certification

The American Society of Professional Estimators began certifying estimators in 1976. ASPE certification is the highest form of professional recognition an estimator can receive. Certification recognizes the estimating proficiency and ethical awareness of the Certified Professional Estimator.

In order to be eligible for certification, an estimator must have at least five years of estimating experience. To become certified an estimator has to attend a workshop, file an application, write a "How to estimate the cost of ...." 2,500 word technical paper, pass the General Estimating Knowledge (GEK) 4 hour exam and pass an 8 hour discipline specific test.

The discipline specific exams are a test of the candidate's knowledge of their area of expertise. Each discipline specific exam contains true/false questions, multiple choice questions and estimating problems that are preparing mini-estimates.



**The highlights of the program are listed below:**

- Candidate submits \$125.00 with their online Workshop Application and \$275.00 with their Professional Evaluation Application.
- Candidate completes the online workshop.
- The Professional Evaluation will be reviewed by the Certification Board and if accepted, the paper topic will be assigned.
- Candidate completes Tech Paper to be reviewed by the Certification Board or another CPE.
- Candidate will be notified of paper results as soon as it passes and they will then be eligible to sit for the exams.
- Candidate will take the GEK and DST exams. Exams are electronically graded by a professional grading service off site.
- Candidate is notified of results of exam and if passing grade is obtained will be presented with CPE status.

### Estimating News

◆ Please submit your news to Jon Wall [jwall@cimech.com](mailto:jwall@cimech.com); if you now of the comings and goings of people in our construction community.

If you are interested in learning more about certification contact ASPE Chapter 73 Certification Chairman, **Mark Kutchen** at **515-817-2617** or [mkutchen@storycon.com](mailto:mkutchen@storycon.com).



## JOIN A.S.P.E. TODAY!!!!!!



ASPE has 7 different classifications of members: *Certified Professional Estimator, Estimator, Associate Estimator, Constructor, Associate Constructor, Student and Affiliate*. These membership classifications allow anyone in central Iowa involved in construction or a related industry to become a member of ASPE Chapter 73.

There are many benefits to joining. Some of the benefits include: a subscription to the national newsletter, a copy of the national ASPE roster book, eligibility to hold an officer position in the chapter, voting rights in chapter business, reduced meal fees at the monthly dinner meetings and belonging to an organization dedicated to helping the estimating profession. For a complete listing of membership benefits see the national website [www.aspenational.com](http://www.aspenational.com).

If you are interested in joining, you can obtain a membership application by contacting Chapter 73 Membership Committee Chairman, **Steve Watrous**, 264-0782. There is a \$190 national membership fee, a \$35 national administrative fee, a \$35 chapter membership fee and a \$15 initiation fee.



**Nick Parenza**  
Sales/Estimation Manager

6361 N.E. 14th St.  
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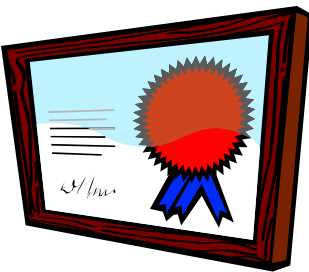
If you would like to become a bigger part of your ASPE Chapter, drop what you are doing and contact one of your board members or officers **NOW !!!**



**ASPE Certification Renewal**

An important part of the ASPE Certification requirements, is that once an estimator successfully achieves CPE status they must renew their certification every three years. ASPE has this requirement in place in order to insure that individuals carrying the Certified Professional Estimator title maintain involvement with the organization, maintain involvement with the industry, maintain involvement with the profession and continue to seek new knowledge and understanding through educational opportunities.

The recertification requires that the CPE be in good standing with the ASPE organization. They must have maintained their membership with ASPE for the previous three years and have all dues and fees paid. The main component of recertification requires the CPE to document and submit evidence of participation in the organization at the National, Society Committee, Regional or Chapter level, participation in the other construction industry organizations, participation in construction industry classes, practicing the profession of estimating, publishing books or articles about estimating and maintaining other professional certifications. The CPE does not have to do all of those things but they do have to do some of



them in order to gain recertification.

If the certification process sounds interesting to you, please contact chapter certification chairman, Mark Kutchen, CPE at [mkutchen@storycon.com](mailto:mkutchen@storycon.com) for more information. The deadline to enroll in the next certification cycle is January 1<sup>st</sup>.

**62 Estimators**  
**23 Construction Management/  
General Contracting Firms**  
**+ 58 Subcontractors**  
**+15 Suppliers**  
**+ 3 Engineering Firms**

**= One Great ASPE Chapter**

**Help us add value to our chapter  
and the estimating profession by  
joining ASPE today!**

*The Official Publication of the American Society of Professional Estimators Des Moines Area Chapter 73*

**Officers**

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**2nd V.P.:** Nick Gehl, Neumann Brothers, Inc.  
(515) 243-0156, gehln@neumannbros.com

**3rd V.P.:** John Taylor, Hubbell Construction Services  
(515) 280-2054, john.taylor@hubbellrealty.com

**Secretary:** TBD

**Treasurer:** Ray Conway, rconway@proctor-mech.com

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Web-Site: [www.iowaaspe73.org](http://www.iowaaspe73.org)



**Board Members**

**2009-2011:** Jack Leachman, Leachman Lumber  
(515) 265-1621, jack@leachmanlumber.com

**2009-2011:** Denny Baber, Doors Inc.  
(515) 288-8951, dbaber@doorsinciowa.com

**2009-2011:** Vacant

**2010-2012:** Ken Horner, Waldinger Corporation.  
(515) 284-1911, ken.horner@waldinger.com

**2010-2012:** Steve Watrous, Automatic Door Group  
(515) 264-0782, stevew@autodoorgroup.com

**2010-2012:** Mike Webber, Ideal Floors  
(515) 283-0665, mikewebber@idealfloorsinc.net

**ASPE Chapter #73 – Committees & Committee Members**

**Activities/Fundraising:** John Taylor, Hubbell Construction Services, 515-280-2054, john.taylor@hubbellrealty.com

**Awards:** Ray Conway, Proctor Mechanical Corp., 515-288-2251, rconway@proctor-mech.com

**Bylaws:** Paul Henkels, henks4@hotmail.com

**Certification:** Mark Kutchen, Story Construction Co., 515-232-4358, mkutchen@storycon.com

**Education:** Mark Kutchen, Story Construction Co., 515-232-4358, mkutchen@storycon.com

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- Are you working on an interesting project?
- Why the only bowl the Clones see is during breakfast.
- Have you run into an unusual circumstance in the industry?
- How have you been effected by the new LEED requirements?
- Estimating practices that you find unique

**Contact:** Jon Wall—jwall@cimech.com or (515) 243-8126

**Meetings/Programs:** ASPE Chapter #73 Board of Directors

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