



American Concrete Institute®
Advancing concrete knowledge

MINUTES

RESPONSIBILITY IN CONCRETE CONSTRUCTION COMMITTEE

**Hudson Room
Hilton New York
New York, NY
Sunday, April 17, 2005
2:00 p.m. - 5:00 p.m.**

MEMBERS PRESENT

Jon Mullarky, Acting Chair
Florian Barth
Boyd Clark
Brad Inman
Colin Lobo

Thomas Malerk
Ava Shypula
Bert Weinberg

Ward Malisch, Acting Staff Liaison

VISITORS

Don Bell
Jeff Coleman (new member)
Tony Fiorato

Ken Kasdan
Jan Skalny
Mike Tholen (new Staff liaison)

Ward R. Malisch, Acting Staff Liaison

1.0 APPROVAL OF MINUTES AND AGENDA

1.1 Approval of Minutes of 2004 Fall Meeting—San Francisco, CA

The Responsibility in Concrete Construction Committee (RCCC) approved the minutes of the San Francisco, CA meeting, held on October 14, 2004, as distributed.

1.2 Approval of Agenda

Acting Chair Jon Mullarky asked the RCCC to approve discussing the New Jersey/New York 2005 Agenda Item 3.6 before the other items so ACI President Fiorato could discuss the RCCC mission.

2.0 MEMBERSHIP

Acting Chair John Mullarky led the introduction of new members and visitors to the meeting. Current member data are included in *Exhibit 2.0*. Mike Tholen, Engineering Editor for *Concrete International*, was introduced and will serve as the RCCC Staff Liaison.

Action: Mike's office telephone number is 248-848-3829 and his e-mail address is mike.tholen@concrete.org.

3.0 ACTIVITIES OF THE COMMITTEE

3.1 RCCC Mission Statement (Formerly Agenda Item 3.6)

The ACI Task Group on Committee Structure (TGCS) previously had suggested that RCCC should have a more strategic role related to responsibility issues that impact all ACI products. The ACI Executive Committee then requested that, when strategic issues are identified, the RCCC should work with the appropriate Board committees to discuss these issues before coming to the Board.

President Fiorato addressed the strategic role of RCCC. The Executive Committee believes the RCCC should be structured to examine how the assignment of responsibility in documents impacts ACI, but shouldn't necessarily be writing detailed documents. This means the RCCC would search existing or proposed documents for assignment of responsibility, but would then make recommendations to the committees generating the documents if the belief was that clarifications were needed. This would apply primarily to ACI code-requirement and specification-type documents that are written in mandatory language.

Fiorato also suggested that the strategic role would include interfacing with other technical organizations that deal with responsibility issues, but only on issues specific to concrete.

Inman said that the first RCCC mission and goals for the RCCC were as follows:
Mission: Make recommendations regarding the responsibilities of and interactions among the principal parties involved with concrete design and construction.

Goals: 1. Develop a position statement or statements on the appropriate responsibilities of the principal parties involved with concrete design and construction.

2. Review statements in ACI documents relating to responsibility in design and construction.

3. Make recommendations to ACI standards-writing committees for including

language relating to responsibility or concrete design and construction in their documents.

4. Review recommendations and position statements by other organizations and judge their suitability for concrete design and construction. Make recommendations to the Board of Direction regarding adoption.

5. Determine the longer term need for this ACI Committee.

Inman said the suggestions by Fiorato goals encompassed goals 2, 3, and 4, and that Goal 1 had been accomplished by publication of the Guidelines for Responsibility document in 1995 and the updated document in 2005. Thus it appeared that most of the initial goals were indeed strategic.

Coleman said the Guidelines could be interpreted by a judge as representing a standard of care not called out in the contract documents. It was pointed out that the Guidelines aren't written in mandatory language, but Kasdan said written documents, whether written in mandatory language or not, can still be introduced in a court case and ruled as a standard of care.

In line with the RCCC's original Goals 2 and 3, it was suggested that RCCC again examine ACI documents—especially those written in mandatory language—and identify any possible issues related to assignment of responsibility.

Action: Staff was asked to perform a search for “responsibility” or related words in mandatory-language ACI documents, and submit the search results in the agenda for the Fall 2005 meeting. Also, at the Fall 2005 meeting, RCCC member Jeff Coleman will give the committee a briefing on what constitutes the “Standard of Care.”

3.2 Review of Other Organization's Documents

RCCC Chair Bill Klorman indicated via e-mail that he intended to participate in the revision process for the third edition of ASCE's “Quality in the Constructed Project” (Manual 73) RCCC members in attendance were encouraged to also participate.

Another suggested resource for RCCC was the CASE Document 962 D, “A Guideline Addressing Coordination and Completeness of Structural Construction Documents,” prepared by the Council of American Structural Engineers.

Action: Acting Staff Liaison Malisch was asked to purchase a copy of the document and have it reviewed by Ken Bondy, Florian Barth, or other interested RCCC members. Staff is also asked to coordinate activities of RCCC members who want to participate in the revision of ASCE Manual 73.

3.3 Case Studies

Chair Klorman has requested that case studies be kept as an open item on the RCCC agenda. Case studies dealing with responsibility issues can be used by college professors who teach courses including this subject, and it has been noted that courses dealing with responsibility issues may be included in ABET accreditation requirements for schools.

Action: RCCC members should forward any pertinent case studies to incoming Chair Mullarky.

3.4 Design-Build Task Group

In October of 2000, ACI Board member Kenneth Hover proposed that ACI create a committee on Design-Build (D-B) Construction. On behalf of Task Group on D-B chair Hover, staff member Malisch reported to the ACI Board of Direction in Boston. He distributed an update on the current status of the D-B initiative from Hover. It was the recommendation of the task group that the ideas generated be given to the RCCC to pursue and that the task group be discharged. The Board unanimously approved the discharging the Task Group on D-B.

In Washington, DC, the RCCC discussed whether it was the appropriate home for a D-B committee. Brad Inman, Bondy, and Scott all agreed that documents produced by RCCC should all be mindful of D-B, but not necessarily the execution of D-B. Michael Boyle suggested in a motion to “Charge a sub-committee to perform a minor literature search and develop a mission. The sub-committee is to report back to the RCCC in San Francisco their findings.” This motion was approved unanimously. The sub-committee on D-B is chaired by Inman, and has members Bondy, Klorman, Jim Kretz, and Tom Malerk. No action was taken in San Francisco, however.

Action: RCCC heard a brief report from D-B Sub-Committee Chair Inman , and decided that project delivery systems were a business rather than technical issue. RCCC accepted the report and dismissed the D-B Sub-Committee with thanks.

3.5 New Responsibility Document

In Washington, DC, RCCC members decided to draft a new responsibility document, with task groups assigned to each of the different entities involved in a construction project: owner, design professional, general contractor, D-B contractor, subcontractor, specialty subcontractor, material supplier, testing/inspection, and forensic consultants. Scott suggested “Guidelines for Forensic Engineering Practice,” published by ASCE, as a source of good information (*Exhibit 3.5*). It was noted that each task group may publish opinion papers as they deal with issues during document development. The following motion was unanimously approved: “RCCC develop a new document, ‘Responsibility in Concrete Design and Construction,’ and to do so, establish nine task groups. Each task group is associated with an entity involved in construction. Each task group will have a chair whose responsibility it

will be to draft an outline of each group's goals 30 days before the San Francisco convention, and to report on these findings at the convention." The task groups are as follows:

Owner

Jon Mullarky-Chair
Bert Weinberg
Tom Malerk

Design Professional

Norm Scott-Chair
Ken Bondy
Florian Barth

General Contractor

Bill Klorman-Chair
Jim Kretz
Brad Inman

D-B Contractor

Brad Inman-Chair
Bill Klorman
Jim Kretz

Subcontractor

Jim Kretz-Chair
Ken Bondy
Bill Klorman

Specialty Subcontractor

Ken Bondy-Chair
Bill Klorman
Norm Scott

Material Supplier

Colin Lobo-Chair
Ken Bondy
Jon Mullarky
Geoff Hichborn

Testing/Inspection

Mike Boyle-Chair
Ava Shypula
Geoff Hichborn
Boyd Clark

Forensic Consultants

Boyd Clark-Chair
Norm Scott
Ken Bondy
Mike Boyle
Bill Klorman
Geoff Hichborn
Florian Barth

Only two outlines were provided at the San Francisco convention, the Owner and the Material Supplier (See *Exhibits 4.1a and 4.1b* in the San Francisco minutes). Due to time constraints, there was limited discussion at the San Francisco convention.

An outline for Responsibilities of Specialty Subcontractors prepared by Ken Bondy was circulated and discussed at this meeting (*Exhibit 3.5*). Coleman said many of the bullet points in the outline would be covered by contractual clauses, and also said that phrases such as “obvious errors” and “differences from generally accepted standard practices” were open to different interpretations. Because most of the task Groups have not yet completed an outline, further discussion was postponed until the RCCC meets in New Orleans.

Before proceeding further with development of the new document, it was suggested that all outlines must be received and plans for the document should be fleshed out. At that point, the Board of Direction could be advised of the RCCC’s intent to proceed.

Action: Chairs of each Task Group are asked to bring their outline to the level of detail in Bondy’s outline, then send these to Incoming RCCC Chair Mullarky by September 1, 2005. The outlines are to be included in the Agenda for the New Orleans meeting.

4.0 NEW BUSINESS

4.1 ACI Website Development Plan

The RCCC Committee considered the development plan for the ACI website but had no comments for discussion at the Board planning and discussion meeting on April 21, 2005.

Action: No action taken

4.2 Future Convention Sessions

Acting Chair Mullarky suggested that it wasn’t too early to start planning for another convention session dealing with responsibility issues. He asked Boyd Clark to propose an outline for such a session.

Action: Clark to present an outline at the New Orleans meeting.

5.0 ACKNOWLEDGEMENT OF RETIRING CHAIR KLORMAN

Acting Chair Mullarky expressed appreciation to retiring Chair Klorman for his leadership of the committee.

6.0 NEXT MEETING

Florian Barth requested that RCCC members consider moving the meeting day from Sunday

Responsibility in Concrete Construction Committee - MINUTES
New York/New Jersey
Sunday, April 17, 2005

to Monday. Staff was asked to see how many RCCC members would have conflicts with other meetings if this move was made. The meeting for the New Orleans convention is tentatively set for Sunday, November 6, 2005 from 2:00 to 5:00 p.m.

Action: Staff will check on the feasibility of a Monday meeting.

6.0 ADJOURNMENT

Attachments:

- Exhibit 2.0: RCCC roster
- Exhibit 3.5 Responsibilities of Specialty Subcontractors

G:\General ACI Shared Folder\RCCC\New York, Spring 2005\RCC NY minutes spring 2005.DOC