

Membership Roster

RESPONSIBILITY IN CONCRETE CONSTRUCTION COMMITTEE

Florian G. Barth
FBA, Inc. Consulting Structural
Engineers
25151 Clawiter Rd.
Hayward, CA 94545
Phone: (510) 265-1888
Fax: (510) 265-1891
Email: florian@florian.com
Comm: 318, 224, 423, RCC, BOD,
MKT

Kenneth B. Bondy,
engineer, contractor
Consulting Structural Engineer
6520 Platt Avenue #651
West Hills, CA 91307-3218
Phone: (949) 426-3523
Fax: (949) 999-4262
Email: ken@kenbondy.com
Comm: RCC, 318, 423

Michael J. Boyle ,
vice president
Valley Forge Labs, Inc.
6 Berkeley Rd.
Devon, PA 19333-1397
Phone: (610) 688-8517
Fax: (610) 688-8143
Email: mikeboylevpvfl@cs.com
Comm: BOD, CPC, HTC, RCC, 211,
213, 223

Boyd A. Clark
Materials Scientist
RJ Lee Group Inc.
350 Hochberg Rd.
Monroeville, PA 15146
Phone: (724) 387-1865
Fax: (724) 733-1799
Email: bclark@rjlg.com
Comm: RCC

Scott A. Greer, structural engineer,
attorney
King & Spalding
191 Peachtree St. NE
Atlanta, GA 30303
Phone: (404) 572-2755
Fax: (404) 572-5139
Email: sgreer@kslaw.com
Comm: RCC

Joe Gutierrez,
construction engineer
Los Alamos National Laboratories
334 Kimberly Lane
Los Alamos, NM 87544-3528
Phone: (505) 665-6891
Fax: (505) 667-4098
Email: gutierrez_joe@lanl.gov
Comm: RCC, 121, 359, TTTC

Geoffrey Hichborn, Sr. , C.E.
Hichborn Consulting Group
1988 North Tustin Ave.
Orange, CA 92865
Phone: (714) 637-7400
Fax: (714) 637-7488
Email: hichbornsr@hichborn.com
Comm: RCC, 225, 552, 201

Brad D. Inman,
contractor, engineer
1390 Market St., Ste. 906
San Francisco, CA 94102
Phone: (415) 557-6803
Fax: (415) 487-7919
Email: binman@asianart.org
Comm: CCRC, CLC, E703, FAC, RCC

Mohammad Iqbal
Walker Parking Consultants
505 Davis Road
Elgin, IL 60123
Phone: (847) 697-2640
Fax: (847) 697-7439
Email: mo.iqbal@walkerparking.com
Comm: RCC, 362, 369, 374, 423

William M. Klorman, Chairman
design/build contractor
W M Klorman Construction Corporation
2648 Durfee Avenue, 2nd Floor
El Monte, CA 91732
Phone: (626) 448-2425
Fax: (626) 448-0218
Email: bklorman@klorman.com
Comm: RCC, 301

James E. Kretz
Walbridge Aldinger
613 Abbott
Detroit, MI 48226-2513
Phone: (313) 963-8000
Fax: (313) 963-0750
Comm: RCC

James Lefter
Virginia Tech
1619 Earlham Ave.
Crofton, MD 21114
Phone: (301) 261-0181
Fax: (410) 721-9428
Email: lefter@ccconline.net
Comm: RCC

Colin Lobo
Vice President of Engineering
National Ready Mixed Concrete
Association
900 Spring Street
Silver Spring, MD 20910
Phone: (240) 485-1160
Fax: (301) 585-4219
Email: clobo@nrmca.org
Comm: E701, RCC, 211, 214, 228,
301, 318

Jon I. Mullarky, consult. matr,
pavement des.
609 Blenny Lane
Chester, MD 21619
Phone: (202) 366-6606
Fax: (202) 493-0270
Email: jon.mullarky@fhwa.dot.gov
Comm: E702, RCC, 325, 330, CC, IC

Norm Scott
Consulting Engineers Group
55 E. Euclid #420
Mt Prospect, IL 60056
Phone: (847) 255-5200
Fax: (847) 255-5271
Email: normscott@cegenengineers.com
Comm: RCC, TTTC, 423

Ava Shypula, M.S. petrography
Ava Shypula Consulting, Inc.
24 Commerce Street
Springfield, NJ 07081
Phone: (973) 467-4645
Fax: (973) 467-3777
Email: ashypula@aol.com
Comm: RCC, 211, 232, 533, 363

Thomas D. Verti
Charles Pankow Bldrs. Ltd
2476 North Lake Ave.
Altadena, CA 91001
Phone: (626) 791-1125
Fax: (626) 794-1539
Email: tverti@pankow.com
Comm: CCRC, CLC, SC,
E701, E703, 318, FAC, RCC,
303

Bertold E. Weinberg,
structural engineer
Consulting Engineer
47 Dumbarton Drive
Delmar, NY 12054-3517
Phone: (518) 439-9469
Fax: (518) 439-9469
Comm: C620, C630-T, ConREF, RCC,
311, 362, SC

PRIMARY RESPONSIBILITIES OF THE VARIOUS ENTITIES INVOLVED IN A CONSTRUCTION PROJECT

- **Owner**
 - Describe the desired project fully and clearly (including but not limited to): Current and Long Term Tenant Usages
 - Expectations of operations of building.
 - Expectations and constraints financial feasibility and performance of building.
 - Time constraints and expectations for final delivery of completed building or portion thereof.
 - Hire competent design professionals with experience and expertise in the type of project contemplated.
 - Notify the design professionals of any unusual design aspects desired.
 - Quality Control Program (This can be implemented by others but should have owner's understanding and acceptance).
 - Testing and inspection.
 - Pay bills promptly.

- **Design Professional**
 - Design the project in accordance with all governing codes and ordinances and with the appropriate standard of care for design professionals in the geographic area of the project.
 - Clearly incorporate all applicable code, government, and other requirements into contract documents (not only standard practice, but general building codes require this).

- **General Contractor**
 - Construct the building in accordance with the contract documents and with the appropriate standard of care for general contractors in the geographical area of the work.
 - Contractors have no direct responsibility to engineering design requirements found in building codes.
 - Contractors conform to code design requirements by building in accordance with the contract documents.
 - Contractors have a right to assume that contract documents contain all applicable code and other requirements.
 - Call attention to any obvious errors or discrepancies in the contract documents.

- **Design/Build Contractor**
 - All the responsibilities that apply to the design professionals and the contractor as herein stated shall apply individually only to the designers and contractors of the Design/Build team. Neither shall transfer its liability to the other.

- **Subcontractors**
 - Construct the work in accordance with the contract documents and with the appropriate standard of care for subcontractors in the geographical area of the work.
 - Subcontractors have no direct responsibility to engineering design requirements found in building codes.
 - Subcontractors conform to the building code by building in accordance with the contract documents.
 - Subcontractors have a right to assume that contract documents contain all applicable code and other requirements.
 - Call attention to any obvious errors or discrepancies in the contract documents.

- **Specialty Subcontractors (Specialty SubSYSTEMS)**
 - Construct the work in accordance with the contract documents and with the appropriate standard of care for specialty subcontractors in the geographical area of the work.
 - Specialty Subcontractors have direct responsibility to engineering design requirements found in building codes.
 - Specialty Subcontractors conform to the building code by building in accordance with the contract documents.
 - Call attention to any obvious errors or discrepancies in the contract documents.
 - Design the project in accordance with all governing codes and ordinances and with the appropriate standard of care for design professionals in the geographic area of the project.
 - Clearly incorporate all applicable code, government, and other requirements into contract documents (not only standard practice, but general building codes require this).

- **Material Suppliers**
 - Supply the material in accordance with the order made (or with contract documents if they are furnished) and in conformance to the standard of care for material suppliers in the geographical area of the work.
 - Material suppliers have no direct responsibility to engineering design requirements found in building codes.
 - Material suppliers have a right to assume that the order made is in conformance with the contract documents and contains all applicable code and other requirements.

**Board of Direction Meeting Minutes Page 17 of 27
Vancouver, British Columbia
April 3, 2003**

12.1.3 Centennial International Day

The Convention Committee recommended that an international day be held on the fourth day of ACI centennial conventions. Activities on International Day will include a luncheon and session(s) organized and managed by the International Conferences & Conventions committee. Session(s) are to be approved by EAC, TAC, or CLC as appropriate.

12.2 Task Group on Committee Structure (TGCS)

Task Group on Committee Structure Chair Anthony Fiorato reported.

The mission of the TGCS is to review assignment and range of responsibilities (missions) for technical, educational, publications, and convention activities and recommend to the Board actions to clarify issues involving overlapping or intersection responsibilities, to reduce overloads on volunteers, to streamline the flow of information between committees, and to accelerate the development and delivery of technical knowledge to users.

The initiation of the Board Planning and Discussion Sessions, held prior to the formal Board meetings, have been very beneficial to meet the TGCS objective of increasing communication and cooperation between Board committees and improving the exchange of information between the Board and its standing committees. At these sessions, Board committee chairs and Staff liaisons are invited to participate and discuss topics that impact several Board committees. As a result of these sessions, the Board has delegated more responsibility to the Board committees; thereby, allowing the Board to focus on matters of policy and direction.

Another area that the TGCS considered is the effective use of volunteer effort. The Task Group also reviewed the mission statements of Board committees to ensure that overlaps don't exist and that they are in line with ACI's Strategic Plan. The TGCS reviewed the mission and scope of the Internet Advisory Committee (IntAC) and agreed that the Committee's current focus seems to be more on tactics and operation rather than on strategic issues. Examples of strategic issues would include effective use of the Internet in support of the development and delivery of ACI technical information, member communications, committee operations, membership and product sales promotion, and future business development. The TGCS recommended that the Board ask the IntAC to review its mission and scope.

The Board unanimously approved the following.

MOTION: The Internet Advisory Committee is to review their mission and scope and determine what their strategic mission and vision should be for Board consideration at its fall 2003 meeting..

**Board of Direction Meeting Minutes Page 18 of 27
Vancouver, British Columbia
April 3, 2003**

The TGCS also reviewed the mission and scope of the Responsibility in Concrete Construction Committee (RCCC) and agreed that the Committee's current focus seems to be on technical issues that could be reviewed by the Technical Activities Committee, as recent output from the RCCC has been directed toward ACI-318. As a Board committee it should have a more strategic role related to responsibility issues that impact all ACI products.

The Board unanimously approved the following.

MOTION: The Responsibility in Concrete Construction Committee is to review their mission and scope and determine what their strategic mission should be for Board consideration at its fall 2003 meeting.

In regards to future oversight, the TGCS recommended and the Board unanimously approved the following.

MOTION: The Board will periodically establish a mechanism to review member and staff leadership and interaction on Board committees and task groups to ensure their strategic role and objectives are achieved. This mechanism could take the form of a task group that is established periodically to review activities of each Board committee as related to its mission and scope. The interval for reviews should not be less than five years.

Chair Fiorato reported that the TGCS has completed its mission and recommended that the Group be discharged.

The Board unanimously approved the following.

MOTION: The Task Group on Committee Structure is discharged with thanks and appreciation of the Institute.

12.3 Task Group on Concrete-Related Software (TGCRS)

Background: At the fall 2002 meeting, the Board reviewed the recommended guidelines developed by the TGCRS for the development of concrete-related software and other electronic products by ACI. The Board requested that the guidelines be given to TAC and EAC for review.

TAC Chair Dixit reported that TAC disagreed with the recommendation from the TGCRS, citing that the responsibilities proposed in the guidelines and assigned to TAC are beyond the scope of TAC activities.

Nmai reported that EAC did not discuss this issue at its meeting.

Exhibit 4.3-1

July 9, 2003

VIA FACSIMILE & U.S. MAIL
714-565-3184

Mr. William J. Ingalsbe Esq.,
Monteleone & McCrory, LLP
450 West Fourth Street, Suite 130
Santa Ana, CA 92701

RE: AMERICAN CONCRETE INSTITUTE ("ACI") – RESPONSIBILITY COMMITTEE

Subject: Fall Convention 2003

Dear Bill:

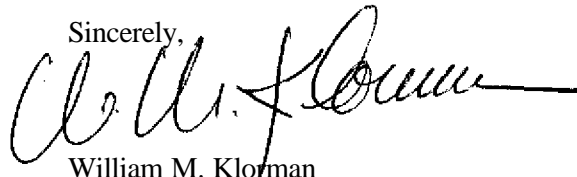
It was truly a pleasure to speak with you yesterday. As chairman of the ACI board committee, Responsibility in Concrete Construction ("RCC"), I would like to invite you to attend our upcoming meeting and session in September. As I mentioned, we are actively trying to get the word out to our industry, associates and peers regarding such important issues as the sulfate litigation and SB800. Your expertise and incite in both of these issues would be greatly welcomed and appreciated.

The convention will be held in Boston starting on Saturday September 27, 2003. Our committee will be meeting on that Saturday from 2-5 p.m. at which time it would be great if you could say a few words. Subsequently we will be hosting a session on Monday September 29. The session, which is entitled, "*Its not my fault ... or is it*" will be split into two halves. The first will feature five papers presented by the authors listed below and then the second half will have each presenter sit on a panel with one prepared question for each of the other panel members to answer.

<u>Presenters / panelists</u>	<u>Paper Title</u>
Ken Bondy	Judges and Building Codes
James Lefter	Responsibility in the Construction Industry
Geoffrey Hichborn	Untitled
Jon Mullarky	Nobody Wins at the Courthouse
Boyd Clark	Untitled

Again, I appreciate your time and consideration and hope that you will be able to attend.

Sincerely,



William M. Kloyman
Chairman, RCC Committee

WMK : mc

Cc: Ward Malisch - ACI