

OCULUS



NEW YORK CHAPTER/THE AMERICAN INSTITUTE OF ARCHITECTS

APRIL, 1967

VOLUME 40, NUMBER 8

IMPORTANT POSITIONS AVAILABLE

Director of Natural Beauty Programs: The New York State Office for Local Government with headquarters at Albany is seeking a chief administrative officer for the Natural Beauty Commission at a stipend from \$14,990 to \$17,740. Among his duties will be directing and co-ordinating studies, surveys, and inventories of the natural and man-made resources; to formulate plans and recommendations providing for the application of aesthetic considerations to the location, design, construction, and maintenance of State lands, projects, and buildings. To qualify, the applicant must have a bachelor's degree, five years of progressively responsible experience in the fields of conservation, municipal planning, or community organization involving extensive public contact work, three years of which must have been in an executive position having primary responsibility for program planning and administration. For further information write or call The State Department of Civil Service, Room 1100, 270 Broadway, New York, N. Y. 10007 (BA 7-1616).

Chairman of City College A-School: The Department of Architecture of The City College is seeking a candidate for appointment as a new chairman to assume office effective September 1, 1967. The appointment will be in the rank of professor with a stipend range that starts at \$15,350 with mandatory annual increments to \$22,000 per year. The duties include being the executive officer of the department charged with carrying out the department's policies, the administrative work, the assignment of courses and arrangement of programs of individual teachers, and the general supervision of the department. The applicant should not be less than 35 years of age and must be a registered architect in New York State or hold the certificate of the National Council of Architectural Registration Boards.

The Landmarks Preservation Commission is offering a position consisting of duties pertaining to all aspects of the Commission's activities including design review, administrative functions, public relations, and governmental interrelations. Salary begins at \$7400 with a possible increase to \$8600. It is desirable, but not necessary for the applicant to have government, city planning, architectural or real estate experience. For further information, telephone the Landmarks Commission at 566-7577.



MEMBERS OF THE WOMEN'S COMMITTEE FOR THE 1967 CONVENTION—A general planning meeting was recently held by the Women's Committee for the Convention at the Hilton Hotel, New York, Convention headquarters. Those committee members who attended the meeting are left to right—seated: Mrs. Ladislav L. Rado, Mrs. P. Whitney Webb, and Mrs. Edgar Tafel. Additional Committee members—standing left to right are: Mrs. R. Jackson Smith, Mrs. Robert L. Thorsen, Mrs. Ronald Allwork, Mrs. Saul Edelbaum, Mrs. John Shober Burrows and Mrs. Samuel Arlen.

WOMEN'S COMMITTEE TO AID CONVENTION

A Women's Committee for the Convention has been formed. All its members are also WAA members. The Committee will assist with the plans for special events during Convention Week. These will include a fashion show, architectural tours of New York, and special forums. Members of the Women's Committee will also be presented in the Host Chapter Lounge, the NASSAU ROOM on the Second Floor, during the Convention. Hostesses for the Champagne Reception will be recruited from architectural students and among the daughters of committee members.

Mrs. P. Whitney Webb is general chairman of the Women's Committee. Assisting her are Mrs. Ladislav Rado, chairman of Women's Activities, Mrs. Morris Ketchum Jr., Mrs. Ronald Allwork, Mrs. Max O. Urbahn, Mrs. Saul Edelbaum, Mrs. Daniel Schwartzman, Mrs. Armand Bartos, Mrs. Albert Kennerly, Mrs. Edgar Tafel, Mrs. R. Jackson Smith, Mrs. John S. Burrows, Mrs. Samuel Arlen, and Mrs. Robert Thorsen.

NEW YORK CHAPTER, THE AMERICAN INSTITUTE OF ARCHITECTS
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CONVENTION COLUMN

TOURS—ALL AROUND THE TOWN

On Sunday, May 14, there will be a bus tour guided by NYCAIA which offers a comprehensive look at our fair city.

The tours scheduled for Friday, May 19, 1967, and arranged by this Chapter, will be popular with the Convention visitors. We would like to remind our own members that this is an excellent opportunity to visit some of the highlight projects in your own city or even to take the day off to visit New Haven, Connecticut. Connecticut Society of Architects, AIA, will supply guides in the buses who will describe the major architectural successes of New Haven.

Other tours will be visiting schools, office buildings and housing projects. We urge you to select one of your special choice and study in detail those buildings of which you have only seen photographs. This is an excellent opportunity to sense progress in these various building types.

GUIDE BOOK READY FOR CONVENTION

The 384-page Guide Book to New York City is proceeding on schedule under the direction of Norval White, Elliot Wilensky, and John Morris Dixon. It will be issued to those attending the convention and, afterwards, will be distributed to every AIA member in the United States. The book will then be published in quantity for worldwide sale.

The financing of this project which will cost about \$100,000 was accomplished through the cooperation of a group of sponsor-advertisers representing leading companies and associations in the building industry. Each will have a full-page advertisement in the Guide Book. They include, Armstrong Cork Company; Corning Glass Works; Eaton, Yale & Towne, Inc.; Electric Heating Association; Georgia Marble Company; Indiana Limestone Company, Inc.; Johns-Manville Corporation; Jones & Laughlin Steel Corporation; Knoll Associates; Koppers Company, Inc.; Libbey-Owens-Ford Glass Co.; Lupton Manufacturing Co.; Owens-Corning Fiberglas Corp.; Pittsburgh Plate Glass Co.; United States Plywood Corp.; and United States Steel Corp.

WELCOME TO NEW MEMBERS

The NYCAIA extends its warmest welcome to the following new members:

Information regarding the qualifications of the following candidates for membership will be considered confidential by the Secretary of the NYCAIA:

Corporate

Iris S. Alex
John H. Beyer
Robert B. Callan
Wing Chung Chin
Earl B. Combs
John J. Farrell
Roger D. Glasgow
Aaron G. Goldman
Abbott Harle

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Harvey Meyer
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Gerald E. Obourn
Herman E. Sands
George H. Thiele
Norman W. Westin

Associate

Tonu Vanderer

CANDIDATES FOR MEMBERSHIP

Corporate

David E. Austin
John Sherwood Briggs
Arno Tamm

Associate

Berj Deyirmenjian
Dean F. Hofe
Valerie M. Vopat
Leons Rudzitis
Manuel Anthony Tavarez

COMING EVENTS

APRIL

■ A symposium on the Corporate Practice of Architecture will be held on Thursday, April 27, 8:00 p.m. at the Design Center, 415 East 53rd Street, New York. The symposium will be based on Bill #64 sponsored by the Honorable Anthony T. Gioffre, New York State Senator. Nathan Walker, the NYCAIA's legal counsel and two other consultants in the fields of accounting and pension planning will be on the rostrum.

MAY

■ Hospitals and Health Committee Annual Conference will take place at the Hilton Hotel on May 13 and, again, May 24.

NYCAIA MEMBERS IN THE NEWS

William F. Tabler, FAIA, president-elect of the NYCAIA was recently appointed by the Board of Higher Education to a seven-member advisory committee on architecture for New York State. Other members include James Felt, NYCAIA honorary associate and former chairman of the City Planning Commission; Dr. Jacob Feld, a consulting civil engineer; Herbert Epstein, representing the Architects Council of New York City; H. I. Feldman, former president of the New York Society of Architects; Thomas F. Calvin representing the New York State Association of Architects; and Gardner M. Reynolds of the New York Association of Consulting Engineers.

• The New York Times, March 29th, reported Philip C. Johnson's speech before the Women's National Democratic Club as follows: "the former generation of Americans 'made

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WHO IS HELD HARMLESS?

The last of a two-part series on the revised 1966 A-201 General Conditions. Speeches include those of Mr. Nathan Walker, NYCAIA legal counsel and Mr. Sprigg Duvall, Insurance Counselor.

MR. WALKER: "From an over-all legal standpoint, the documents under consideration are excellent. The fact that my opinions may differ from the opinion of those who drafted the documents, does not detract from their accomplishments. My respect for these gentlemen is great and they are to be complimented for their thorough, comprehensive, and expert coverage."

"One of the most critical areas is Article 2, Decisions by the Architect. The architect's decision should be in writing, signed, and notarized. Furthermore, if he states that it is final but subject to appeal the written decision may not be reviewed unless the unsuccessful party demands arbitration within 30 days after receiving the architect's decision.

"Article 9, payments to the contractor, provide that neither final payment nor the retainage shall become due until the contractor submits to the architect, not only releases or waivers of liens, but, in addition, an affidavit to the effect that these releases or waivers include all of the labor and material for which a lien would be filed. Though in New York State, the owner is not responsible for liens filed subsequent to any payments made by him, architects usually verify whether subcontractors, laborers, and materialmen have been paid before issuing a final certificate of payment. This verification prevents the owner from being harrassed at a later date by claims which have not been reduced to lien form. If an architect fails to comply with these provisions, his client will not be required to satisfy liens that are subsequently filed after payment. However, the architect's failure to comply with these provisions may result in the architect being held responsible to any surety company that may issue a payment bond or a performance bond."

Under the paragraph concerning indemnification (Article 4), "the contractor indemnifies not only the owner, but the architect as well, against claims, arising out of damage to, or destruction of property, *other than the work itself*. The contractor may claim that during the building operations, the architect verbally expressed an opinion which the contractor followed, as a result of which the alleged defect in construction occurred. The contractor is expected to construct the building according to the Contract Documents and not according to the architect's opinions."

Mr. Walker feels that "the indemnification provision does not protect the architect in any instance where he fails to give directions or instructions, which are claimed to be the primary cause of the accident. Thus it becomes increasingly obvious that the scope and force of the indemnification provision are substantially limited, if not destroyed. If an insurance company in a particular situation will not include contractual liability insurance 'as applicable to the contractor's obligations under such indemnification provision,' it might be advisable to strike out the indemnification provision 4.18.3 in its entirety.

"From the architect's standpoint, the real purpose of this indemnification from a contractor in cases where the architect may be held responsible for 'Passive Negligence' as

distinguished from 'Affirmative Negligence.' Passive negligence would cover a situation where the architect omits to perform an act, such as failing to discover a defect which causes damage or injury. Affirmative negligence would mean that the architect has committed an affirmative act which contributed to the 'catastrophic occurrence' such as giving instructions which result in injury. In New York State, an architect is entitled to secure indemnity from the contractor if the architect is guilty only of passive negligence, even though the contractor has not expressly agreed to indemnify him. Such a right of indemnity is implied by law, and no contractual arrangement is necessary to create the right."

MR. DUVALL: "Disputes and costly litigation result when duties and responsibilities are neither allocated fairly and clearly defined, nor communicated to the parties involved in the construction process. The architect must ascertain the insurance requirements of the owner and make appropriate provisions for them in the contract; but he should not permit an inference to exist that he is giving professional advice to the owner on insurance and legal matters.

"Contractual Liability is now required to insure the contractor's liability under the Indemnification Clause. The Public Liability provision in A-201 must be amplified with a Supplementary General Condition to set forth the limits and kinds of Public Liability Insurance required.

"A corollary to the Public Liability requirement is the Property Damage Liability provision which makes it the responsibility of the contractor to carry insurance against claims for damages because of injury to or destruction of *tangible* property other than the work itself. Most Property Damage Liability policies contain a number of significant exclusions: (1) Damage arising from blasting, explosion, collapse, or structural injury to any building due to grading, excavation, borrowing, filling, back filling, tunneling, pile driving, cofferdam work, or caisson work. Also damage pertaining to moving, shoring, underpinning, raising or demolition of any building, or removal or rebuilding of any structural support. (2) Claims for damage to or destruction of wires, conduits, pipes, mains, sewers, or other similar property underground (or under water), when such damage is caused by the use of mechanical equipment for grading, paving, excavating, drilling or pile driving.

"Liability policies make it optional whether insurance shall apply to 'completed operation,' that is, to accidents or occurrences arising out of negligent work, but occurring *after* the contractor's operations have been completed. . . . It is sometimes suggested that the contractor should be required to purchase the owner's liability policy. The owner can best protect his own interest by obtaining his own liability insurance, usually at a lower cost.

"Under the common law of negligence, the contractor is liable for injuries caused by his own acts. However, the owner may be vulnerable to claims where injury arises from contractor's acts, because the contractor is working for the owner's benefit. Similarly, the architect may be brought in to a lawsuit, where injury arises out of the contractor's active fault, because the architect is making periodic observations of the work and the claimant's lawyer alleges he should have detected the contractor's negligent act."

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the greatest mess in the world of its cities and loathsome towns.' Mr. Johnson said Americans spent 'billions and billions' of dollars travelling to see other great world capitals such as Paris and Rome, but that Washington, incongruously, was the least of the world's capitals. Mr. Johnson proposed that the rebuilders start with Washington, and estimated it would cost only about \$2 billion to make the capital a habitable and pleasing city.' "

- *Francis Keally*, FAIA was honored recently by the American Academy of Achievement.
- *Richard Snibbe* was moderator for the "New Jersey, Garden State-Urban State" a one-day conference recently held at Princeton University under the sponsorship of the New Jersey Society of Architects and the Princeton University School of Architecture.
- Under the heading "Members Who Are Officers or Advisors—Appointees by Related Organizations" should be placed *David M. Pellish*, Chief of Project Development Bureau for the Housing and Redevelopment Board.
- *Ben Schlanger*, an officer of the United States Institute of Theater Technology, is serving on the Program Coordination committee for the conference on the *Design of Theater: A Colloquium on the Architecture and Technology of the Theater to its Artistic Aims* to be held during EXPO 67 in Montreal between June 19 through June 25. Over 300 of the world's foremost theater directors, playwrights, scene-designers, theater technicians, actors, architects, and town-planners will be attending. Write to Canadian Theater Center, 280 Bloor West, Toronto 5, Ontario, Canada.
- The Department of Architecture at the University of Illinois will sponsor a conference on university libraries from April 23 through April 27. *Danforth W. Toan* will deliver a speech entitled the "University Libraries from the Office of Warner, Burns, Toan & Lunde."
- The New York State Council on the Arts recently announced the second series of New York State awards. The Jacob Riis Houses Plaza was selected; it was designed by *Pomerance & Breines*, architects and *M. Paul Friedberg*, landscape architect. The Saratoga Performing Arts Center (which also received an award from the New York Society of Architects) was designed by *John H. MacFadyen* and *Robert L. Rotner* of Vollmer Associates; and the Whitney Museum of American Art designed by *Marcel Breuer* and *Hamilton Smith*.
- *Stanley C. Grant* was recently made Chairman of the Housing and Zoning Committee Community Planning Board No. 5 in the Borough of the Bronx.
- *Donald V. Whelan* has been appointed Chairman of the Zoning Board of Appeals in the Town of New Castle, Westchester County.
- *Hugh Hardy* is architectural representative to the seventh annual conference of the United States Institute of Theater Technology which will take place at the Barbizon Plaza Hotel from May 31 to June 3. For further information, telephone the Institute at 757-7138.
- *Eleanor Pepper* will give a talk entitled "Light in Education and Design" at the spring meeting or in the Color Marketing Group, Washington, D. C. on May 9.

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