

Chapter Meeting Reviews State of the Profession

The January 14th Chapter meeting was opened by President Herbert Oppenheimer who reported on the meeting of the AIA "Economic Slowdown Charette."

We learned that the New York City slowdown is now shared by Atlanta and Florida. Though the new government housing act may be of benefit, concern was expressed for helpful action within the next 90 days. Opinion was heard there for the hope of extending the architects' work into additional areas of research and planning.

Michael Maas, a Chapter Director, spoke of efforts under way to bring us in touch with New York State legislators and to acquaint them with the profession's ideas on urban planning and the construction industry. We will receive announcement of a February 26th Chapter meeting to which various groups will be invited for discussion of future legislation. The word to all was—come and bring a State Senator or Assemblyman.

Corwin Frost, another Chapter Director, spoke regarding the Housing and Community Facilities Development Act. The question is: to whom and when will these funds be available. The membership was urged to join in the push to all agencies concerned.

Manfred Riedel, who is secretary of the Chapter's Executive Committee, offered impressive statistics pertaining to energy conservation and retrofitting to make existing buildings energy efficient. He held that this offered a part to architects, not only engineers, particularly when such questions as building lighting, insulation and orientation are involved.

George Lewis pointed out the effectiveness of the Chapter survey which brought out the 55% decline in architectural commissions since 1969. A useful survey of this type can be expected from our Washington headquarters, and we plan to supplement this national data here.

Roy Friedberg, chairman of the Fees and Contracts Committee, brought news of a recent meeting with several Post Office officials at the Chapter, called to air our concern with the unfair and unreasonable aspects of architectural contracts with the Post Office. Our guests granted some points and some ground was gained.

Also announced at the meeting was news that the Chapter will form an "emergency" committee to supplement the Chapter's present service to members seeking employment.

BI

Nomination of The Nominators

Our Chapter has an unusual procedure for forming the Nominating Committee. We propose candidates from the floor and then vote by mail ballot. In most associations this committee is appointed by the executive.

The following candidates were proposed at our January 14th Chapter meeting:

Bertram L. Bassuk
Bertram Blumberg
Giorgio Cavaglieri -
Paul F. Damaz
J. Karl Justin
N. Jerry Maltz
Barbara Neski
T. Merrill Prentice -
Ralph Steinglass
Henry D. Whitney -

The January, 1974 **Oculus** explains in depth "How Chapter Officers, Directors and Elective Committees are Chosen".
BI

Executive Committee Actions

January 8, 1975

- Planned a reception February 6th for State Legislators at which programs vital to the profession will be advocated.
- Heard Herbert Oppenheimer report on an Institute conference called to deal with the nationwide architectural recession (see the AIA *Memo's* "Economic Bulletin", January special issue).
- Heard George Lewis report on a meeting at the State Education Department (see article this issue).
- Resolved that Chapter residential design awards programs discontinue requiring submission of construction costs.
- Proposed bylaw changes to provide an Associate Membership status equivalent to Corporate Emeritus and to make the term of the Treasurer concurrent with the fiscal year.
- Discussed Chapter follow-up to the initial recommendations sent to Investigation Commissioner Scopetta.

Candidates for Membership

Information received by the Secretary of NYC/AIA regarding the qualifications of candidates for membership will be considered confidential:

Corporate

Constantine Andrew Kondylis
Rudolph F. Moreno

Professional Associate

Salvatore Michael Americo

Associate

Narashiha Keshav Shenai

AIA Documents Cost More

There was a 30% increase in cost of all AIA documents, effective January 1, 1975. The increase is due to the rising cost of paper and printing.

NYC/AIA Logotype Honored

Our logo has received a Certificate of Excellence from the Deco press of Milan. It will be included in their forthcoming encyclopedia of modern trademarks, *Top Symbols and Trademarks of the World*. Arnold Saks was the designer.
BI

New York Chapter
The American Institute of Architects
20 West 40th Street
New York, New York 10018
212/565-1866
George S. Lewis, Executive Director

Executive Committee
Herbert B. Oppenheimer, President
Robert F. Gatje, 1st Vice President
Alexander Kouzmanoff, Vice President
James B. Baker, Vice President
Manfred Riedel, Secretary
Richard Roth, Jr., Treasurer
A. Corwin Frost, Director
Louis P. Giacalone, Director
Anna M. Halpin, Director
J. Arvid Klein, Director
Michael Maas, Director
Nathan Jerry Maltz, Director

Oculus Committee
David Paul Helpern, Editor and Chairman
Ralph P. Albanese
J. M. Aringer
Mary Jane Clark
Lenora Fay Garfinkel
Bonnell Irvine
Norman F. Jacklin
Carl Meinhardt
Martin Pitt
Daniel V. Rodriguez
Ralph Steinglass
Linda Yang

Unethical Behavior Rising

Within the last year there has been an increase in the alleged cases of unethical conduct within the profession.

On the local level, complaints have centered around violation of Article 9 of the AIA Standards of Ethical Practice which reads:

"An architect shall not attempt to obtain, offer to undertake or accept a commission for which he knows another legally qualified individual or firm has been selected or employed, until he has evidence that the latter's agreement has been terminated and he gives the latter written notice that he is so doing."

The Institute has consistently ruled that furtherance of a project by a second architect should not wait for settlement of a dispute between a client and the first architect. The second architect is free to proceed with the client, whether a dispute exists or not, *only* after he has scrupulously followed the steps specified in Article 3.4 of the Standards of Professional Practice as follows:

"1. The client shall have notified the first architect that he has terminated the employment of his services, and has furnished the second architect with written evidence of this act, and
2. The second architect shall have notified the first architect *in writing* that he has evidence of the first architect's termination and considers himself thereby free to undertake the Commission."

On the national level, the National Inquiry Committee of the AIA, established in May 1974, is investigating matters that appear to involve unprofessional conduct concerning a major public interest—such as allegations of kickbacks by design professionals seeking public contracts. The Committee is composed of 25 Institute members who serve as a pool from which investigative panels are assigned to individual cases. If the panel decides

valid grounds for complaint exist, the Committee will refer the case to either the Institute's National Judicial Board, the appropriate State Architectural Registration Board and/or legal authorities.

If a case is referred to the National Judicial Board, the Inquiry Committee is authorized to act as complainant in instituting proceedings against the alleged offender (earlier format required an individual to bring charges).

MJC

State Regulation of Architects Under Review

Existing regulations pertaining to the practice of architecture were reviewed at a meeting January 6th at the State Education Department, Albany.

The meeting was called at the request of Dr. E. E. Leuallen, Associate Commissioner for the Professions, to explore desired changes, additions and deletions to the list of actions which constitute unprofessional conduct. Attending were representatives of the State Board for Architecture, including James Rich, Executive Secretary, and Laurie Maurer; counsel for the Department; Roger Hallenbeck, NYSAA President; and George Lewis.

Under the Education Law, the Commissioner of Education may promulgate regulations, and there was here an opportunity to advocate certain new rules to govern new conditions of practice.

Hallenbeck and Lewis argued strongly for a regulation prohibiting selection of architects on the basis of competitive bids. In 1973, under pressure from the Justice Department, the Institute removed such a prohibition from the Standards of Ethical Practice. It signed a consent decree which permitted it to

seek legislation prohibiting bidding, and a successful lobbying campaign was organized in support of the Brooks Bill. The Chapter and NYSAA will make every effort to see a prohibition against bidding included in the State regulations.

Also urged was a clear statement prohibiting political contributions associated with public work, and the bribing of an examiner or other public agent in order to secure approval of plans. The latter is important in view of the current investigation into corruption in the building industry.

It was noted at the meeting that no one could remember when an architect had been disciplined by the State. It is apparent, however, that the regulations do have teeth.

GL

On Ethics

Somewhat allied to the philosophy of religion is the science of ethics. It is equally useless. . . . (It) is as useless a science as can be conceived. . . . As long as ethics is recognized as not being a matter of vital importance or in any way touching the student's conscience, it is, to a normal and healthy mind, a civilizing and valuable study—somewhat more so than the theory of whist, much more so than the question of landing of Columbus, which things are insignificant not at all because they are useless, nor even because they are little in themselves, but simply and solely because they are detached from the the great continuum of ideas.

Charles Sanders Peirce (1839-1914), American physicist, mathematician, and logician.

Battery Park City: A Slumbering Giant Awakens

Rising out of the sand, in the midst of the Hudson River, ringed in rock-formed, concrete-encased bulkheads, are the steel piles for the first of six apartment buildings which will be the first phase of the long-awaited, sometimes disputed, 16,000-unit, 100-acre, Battery Park City. Roughly 1,600 units of "moderate income" housing will be ready for occupancy in January of 1977. In fact, if Bill Halsey, Director of Architecture for the Battery Park City Authority, has his way, the first tenants will be moving in by July 4, 1976.

Bounded by bridge extensions over the West Side Highway of Liberty Street on the north and Rector Street on the south, the first phase will consist of two 34-story towers, one 34-story slab, one each 7, 6, and 5-story slabs. (In all, 200 of the 1,600 units will be in the low- and medium-rise slabs.) The mix of apartments for this phase will be roughly 35% efficiency, 40% one-bedroom, 22% two-bedroom, and 3% three-bedroom.

A parking garage for 400 cars will be provided, with vehicular access for the entire project being limited to a service level, 14 feet above sea level, and linked to the service road of the West Side Highway. A pedestrian level at elevation 32 feet, a mainstay of the Battery Park City Master Plan, will bridge the West Side Highway at Liberty and Rector Streets, thereby establishing contact with the mainland. Thirty thousand square feet of commercial area, including a supermarket and miscellaneous service-oriented shops, will be located on this level.

The buildings cluster around a 300' x 200' sunken plaza, developed as private open space for tenants only. This area is accessible from both service and pedestrian levels, but it is at elevation 14 feet.

Close on the heels of this first phase will be a two-and-a-half acre waterfront park, several acres of esplanade at the river's edge (waterfront cafe included), additional commercial areas, a school, and flanking the park on the south, another 34-story apartment slab—this one to be "conventionally" financed.

The building materials are to be exposed, poured-in-place concrete shear wall construction, utilizing the "flying form" technique, with large sliding glass windows—some opening onto balconies, along with split rib concrete block infill. To help break up the massive scale of the towers and slabs, the facades have exploited the in-and-out flexibility possible with shear wall construction.

The landscaping has been endowed with a full complement of berms, stepped fountains, groves of shade trees, and seductive street furniture, dazzling the eye and promising to give the project a warmth and human scale at the pedestrian level.

So far, so good—or is it?

The Urban Design Committee of the NYC/AIA has been reviewing the project periodically and will be issuing a report to the Chapter shortly, according to its chairman, Danforth Toan. He suggests that the report may be somewhat less than enthusiastic.

Serious questions have been raised by members of that committee about the tenuous ties to the existing city, about the apparent lack of study given to the West Street elevation in the first phase—thereby creating the possibility of a "chinese wall" effect, about the small percentage of low- and medium-rise housing, and about the placement of the major private open space on the service level, where it is surrounded by cars, rather than on the newly established raised pedestrian level.

We discussed some of these questions in a recent interview with Max Abramovitz of Harrison and Abramovitz, one of the three architects hired by the Battery Park City Authority to work as a team. The others are Jack Brown and Irving Gershon, retained by the Lefrak and Fisher organizations, respectively, the builders hired by the Authority to act as Construction Managers for the project.

Mr. Abramovitz expressed his commitment to the importance of making the bridges to the city meaningful. He is optimistic about his chances of success, but admits that Battery Park City can only hope to inspire its older neighbors to redevelop themselves and to relate to the raised pedestrian level. Unfortunately, the authority mandated to BPC specifically prohibits it from redeveloping such existing areas itself.

As for the project's temporary appearance along West Street, he feels that little can be done, but expresses confidence that the Battery Park City Authority will provide sufficient temporary amenities to make the city side of the project respectable during the awkward beginning stages.

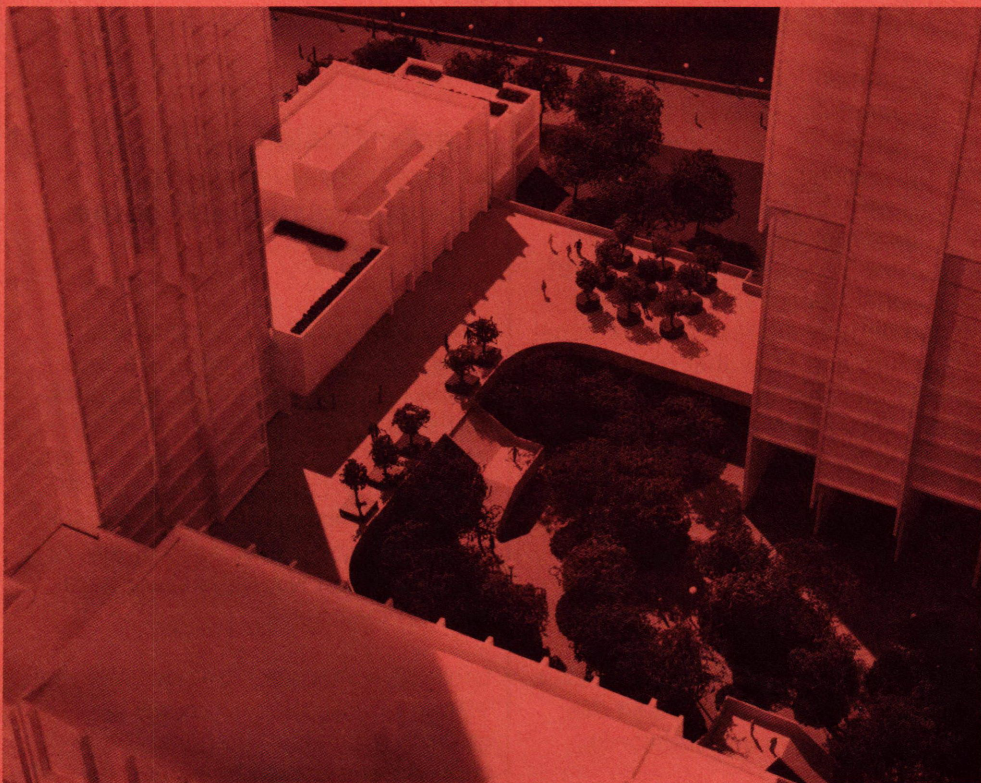
Low-rise development, beyond the 12% currently underway, would have been impractical due to the developer's stiff requirements for views of the river and maximum density (currently at an FAR of 9), according to Mr. Abramovitz. The low rises, he noted, are used more to establish a human scale at pedestrian level than as a viable housing type.

Finally, he strongly defends the use of the sunken court as the housing open space, despite its forced co-existence with vehicular activity, as a method of bringing added interest to what would otherwise have been a dark and claustrophobic level.

In the Authority's offices high up on West Street and Rector, with a commanding view of the site, Thomas F. Galvin, General Manager for the Battery Park City Authority and Past President of the NYC/AIA, illustrated how Lawrence Halprin and Associates, landscape architects for the project, had skillfully provided for the screening of automobiles at the sunken court level.

Galvin has given the landscape work an unusually high priority, as a key to the project's success. It seems that a dramatic and magnificent commitment is being made to demonstrate to the City what kind of amenities imaginative use of riverfront real estate can offer.

An exhibit of drawings and models of the project is currently planned for this month at Chapter Headquarters, Mr. Galvin confirmed.



Priced Proposals Requested By Government Agency

A Request For Proposal to develop an architectural Master Plan for the New York City Department of Correction was issued to 70 architectural firms in late December.

Initial reaction to receipt of this lengthy RFP (which included project scope, suggested tasks, proposal requirements and bidding procedures) was "how was our firm selected?" According to the Department of Correction, the final list of architects selected to receive the RFP was a compilation of many sources. First consideration normally would be to utilize the services of local (NYC) Consultants, but the NYC Department of Correction prepared their list on a nationwide basis. The National AIA was contacted for a list of architectural firms specializing in correctional or institutional facilities. The AIA could not supply this list due to ethical practices.

The Department of Correction therefore prepared its list based on such information as attendance at the New York City Workshop Seminar on Criminal Justice held last February in Albany, firms that had been employed by the New York State Department of Correctional Services, firms that expressed general interest in correctional architecture and firms that had executed correctional facilities. The Mayor's Panel of Architects was not referred to for selection.

This Master Plan is the result of a Federal grant of \$250,000 to the City, which stated that proposals are to be prepared on a "not to exceed price" basis. While selection will not be based solely on competitive pricing, it *will* be a consideration (Could this become the major consideration?).

As **Oculus** goes to press, the NYC/AIA is preparing a response to the Request for Proposal stating opposition to the form and manner in which the City has chosen to proceed (priced proposals for a "not to exceed price" based on Consultant's technical and management submittal). The format of the proposal for this Master Plan cannot be changed but if the profession can state its reasons for opposition to this method, future proposals might be based on the competitive merits of technical proposals.

As a point of reference, the AIA is formulating a Compensation Management Document which will be helpful to the Architect and Client in defining the scope of the project before price is discussed. This document will be available in February.

MJC

Chapter Hosts Legislators At First Presentation of NYSAA Legislative Program

A reception for Assemblymen and State Senators of the NYC/AIA area will be held at Chapter Headquarters on February 6 to present to the legislators the New York State Association of Architects' Legislative Program 75. NYC/AIA's reception will be the first of a series to be held by each of the 12 components of NYSAA/AIA for legislators in their areas.

Legislative Program 75 is outlined in a 16-page publication which will be given to legislators attending the receptions and mailed to all members of the Legislature as well as to key officials of the Executive Branch.

The program emphasizes the need for a healthy construction industry, and for fast action to reverse the downward trend of construction activity in New York State, as crucial to the State's ability to respond to the urgent environmental needs of its people.

Those environmental needs, with recommendations for approaches to meeting them, are the themes of Legislative Program 75—the need for energy conservation, the need for housing and community facilities, the need for restoration of neighborhoods and rejuvenation of communities, the need to guide both development and conservation through comprehensive planning.

A major section deals with the need for coordination of procedures of State agencies concerned with construction and urges—once again—the adoption of a Statute of Limitations.

NYSAA/AIA Legislative Program 75 was a collaborative effort of two NYSAA/AIA committees, both headed by NYC/AIA members: Political Affairs—Michael Maas, chairperson; and Communications—Kurt Karmin, chairperson, along with Milton Petrides, Long Island Society of Architects President, co-chairperson.

Expansion of Communication With Housing and Development Administration

With the HDA's blessing (and encouragement), a liaison group is being established to provide a "continuing dialogue" between that agency and the related design professions. Although the Chapter has been a prime mover in this, it's hoped that the participants will also include representatives of the other borough AIA Chapters as well as from the fields of engineering, planning and landscape architecture.

Thus far, two sessions have been held with the members from Roger Starr's Administration. In discussions with **Oculus** after the first meeting, it was apparent that most of those present felt gratified at the "formal establishment of the informally constituted" committee. Both sides appeared to be quite sincere in at least trying to communicate with the other, once again. (In 1966 a similar group, called the "Architects Advisory Committee", met with the Housing and Redevelopment Board, but went out of existence when that agency was absorbed by the HDA.)

As reported by Hugh McClellan of the HDA, the committee's Recording Secretary, three main topics were the subject of the first meeting, held in December. This included an outline of the new HUD system of allocations and the procedure expected to insure a "faster developmental process". Joseph Wasserman, the Chapter's Housing Committee Chairman, presented a study for an increase in fees. (It was observed that the architect, not the developer, often carries the job and is rewarded for his efforts by coming out in the red.) There was also a discussion of HDA Design Standards and Review procedures and the relationship with the Community Planning Board and the City Planning Commission.

At the second meeting, held in mid-January, it was decided that the Chairman should be Richard Rosenthal of HDA and that the official name should be the Design Professions Liaison Group. There were detailed discussions of the recent new Community Development Act. Under particular scrutiny was Section 8, which will alter the entire concept of public housing. Also noted was the fact that the coming year will see less funds for new construction along with an emphasis on rehabilitation work.

In talking with **Oculus**, for the most part the HDA committee members emphasized the "purely advisory" capacity of the group. The professionals seemed mostly to regard it as a way of becoming acquainted with HDA policy and programs early enough to help initiate more acceptable guidelines "before it's too late for change".

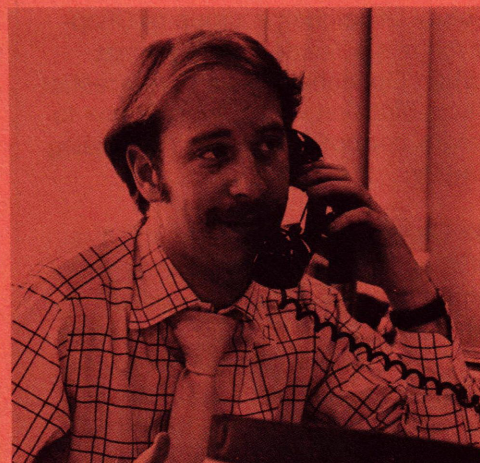
Joe Wasserman felt that it was also important for the professionals to meet separately to formulate a more cohesive approach. Chapter President Herbert Oppenheimer expressed "guarded optimism" for the future and pointed out that, because of these meetings, HDA's programs might be more efficiently and directly publicized, through timely open forums and lectures, and of course, in detailed **Oculus** reports.

Other Chapter members in the group are Lewis Davis, David Todd and George Lewis, who also agreed to function as a main link with the other design professions. Milton Glass is included too, but represents the Architects Council of New York.

All queried agreed that the committee could prove mutually helpful as the various problems and grievances of *both* sides were aired . . . despite the fact that the problem of "no money" was uppermost in the minds of all.

LY

Times' Architecture Critic To Speak at February's Brown Bag Lunch



"One of those crazy, passionate lovers of New York" (his words), Paul Goldberger will add his particular brand of spice to the second WAA Brown Bag lunch, Tuesday, February 25th, at Chapter headquarters, 12:15 sharp.

Mr. Goldberger, whose articles are regular features of **Oculus'** rival publication, the *New York Times*, is both a writer and lecturer on architecture, urban planning and historic preservation.

The WAA Scholarship Fund is sponsoring the lunch-hour series. You can get further information by calling the program chairman, Mrs. David Helpern, at 986-8118. Better still, send her a tax-deductible check for \$1.25, payable to the WAA Scholarship Fund, for "admission", to 99 Park Avenue, NYC 10016.

Then all you do is pick up your lunch (in a brown bag?) and join the group. They'll provide the coffee and cake. Bring all your preconceived notions and see what Paul Goldberger has to say about them.

IMA

Chapter Proposes Measures To Curb Corruption In Building Industry

In early December, a group of Chapter members headed by President Herbert Oppenheimer had breakfast at Gracie Mansion with Mayor Beame to discuss corruption in the NYC building industry.

The Chapter was asked to submit recommendations for eliminating corruption to then Deputy Mayor Judah Gribetz. A special Chapter committee was appointed for this purpose by the Executive Committee. Martin Raab was appointed Chairman; the other members are Herbert Oppenheimer, Robert Gatje, Frederick Frost, Richard Roth, Sr., Herman Cole and William Gleckman.

In response to the City's request, a letter was sent December 23rd to the Deputy Mayor suggesting procedural changes in the filing and examination of plans in the Buildings Department.

These procedures were singled out as the area of our profession's primary exposure to conditions encouraging corruption.

The letter calls attention to the adversary relationship that is created when filing between applicants and the Buildings Department due to lengthy, unclear, and questionable procedures and the examiner's right to interpret the City's complicated building code. The resultant delays and frustrations are costly to professionals who often hire "consultants" wise in the Byzantine ways of the Department, or proceed outside the law, or occasionally short-circuit matters by bribe offers—which are known to be successful. The letter goes on to state: "We maintain that a public which is expeditious and courteously served does not seek or attempt bribery."

The Chapter recommends three areas where work should be done to improve this situation:

1. **Make architects and engineers more aware of the law.** It is proposed to develop educational programs for the membership; call for the membership to represent themselves directly to the Department; publicly censure and expel any member who bribes or knowingly violates the law; and support before the State the revoking of the license of any professional found guilty of bribery or violation of the law.
2. **Reorganize the Buildings Department to provide expeditious and courteous service.** It is proposed that the Code be freed from the elaborately restrictive interpretations of the Department by eventually adopting a new code (a long and difficult process for which we are prepared) and that the Department set up a new process able to immediately assign and examine plans. A Building Code Commission made up primarily of independent professionals, responsible for keeping the code up to date, amending the code as required and interpreting it when necessary, should be established.
3. **Develop a new Buildings Department procedure per these recommendations.** This procedure will have the professional applicant clearly responsible for code adherence, with examiners available for consultation when desired without their power of approval. A one-stop service for filing will have the examiner checking for zoning, egress and fire safety only. The Commissioner of Buildings would be available for interpretations if required. And, the professional will be able to appeal to the Board of Standards and Appeals if there is a question of adherence at the time of the application for a C. of O.

Many of these recommendations are compatible with Commissioner of Buildings Jeremiah Walsh's intentions for revising filing procedures as noted in last month's *Oculus*. Although brief articles have appeared in NYC newspapers (*N.Y. Times* and *N.Y. Post* Jan. 8) announcing changes, it is much too soon to evaluate or fully know just what changes have been made, which ones are yet to come and how it will work.

Procedures of investigation in the field, only touched on in the Chapter's letter, is another area of some concern. Commissioner Walsh, according to the newspaper stories, is also planning on changing these procedures to eliminate interpretive field evaluation which in the past has been able to dramatically effect schedules and hence has served to promote conditions encouraging corruption. Inspectors must now leave written objections following site visits, which should help to eliminate the Returning Inspector Syndrome.

The Chapter's letter of recommendations includes the statement that we are prepared to work for an end to corruption with an intense and extended effort that we believe can succeed with the City's concurrence. Members with suggestions concerning ending corruption, filing procedures and code enforcement are encouraged to contact any of the committee's members mentioned above.

CM

Chapter Attacks Use of Capital Budget Funds for In-House Architectural Work

At the Planning Commission annual hearing on the draft Capital Budget carried on WNYC radio and Channel 31, George Lewis renewed Chapter criticism of large in-house City staffs doing architectural work and being paid out of Capital Budget borrowed money. He spoke as follows:

"Our concern is with the expenditure of Capital Budget funds on in-house City agency architectural staffs which perform services in direct competition with private architectural firms."

"We contend that private firms can perform work at substantially lower cost to the City than its own agencies. While we recognize the necessity for agency staffs to administer construction programs, we submit that the public interest is not served when a civil service bureaucracy has first call on City projects, particularly at a time when architects in private enterprise are facing the most serious depression since the 1930's."

"Let us face the question. Which costs less, work performed in-house, or work performed by private firms? In 1965, Dr. Bernard Donovan, Superintendent of Schools, announced a survey which showed that direct labor costs of the Bureau of Design for 22 buildings, modernizations, conversions and additions completed between January, 1962 and October, 1965, were 63.07% higher than the cost of design by private architects."

"The New York Chapter has asked, and will continue to ask, that an up-to-date survey be made, preferably by the Comptroller, to cover all items including fringe benefits, the cost of pensions, and realistic overhead. We are very confident that such a survey would show the private architect to be able to save the City a substantial amount of borrowed capital funds. If it would be in order for this survey to be funded within the Capital Budget, we urge that you seriously consider so recommending."

"The present situation in agencies such as DPW evolves from an accumulation of large numbers of civil service employees which were assembled to administer a huge volume of City construction. As this work dwindles, these large staffs have been kept busy on projects which rightfully should be assigned to private consultants."

"New York is a national and world center of the architectural profession. We are a great resource, but the volume of our work—private and public—has dropped severely. Our numbers are being eroded."

"This City Government should not use Capital Budget funds to depress further the situation of private architects."

Insurance Meeting Reveals One in Four Firms Were Sued in 1974

At December 11th's well attended Office Practice Committee luncheon, arranged by Chairman Richard Dickens, Paul Genecki of the Schinnerer Insurance Company and Arthur Kornblut, an architect-attorney practicing law in Washington, D. C., discussed how architects could possibly avoid professional liability claims against their firms. They pointed out that during 1974, one out of every four A/E firms had a claim filed against it.

They offered many suggestions toward limiting exposure to such claims. The most important was to tailor your contract closely to the AIA contract documents, to avoid the pitfalls of unclear and non-specific contractual responsibilities, should a claim arise. AIA contract documents have been modified throughout the years to help clarify the Architect's responsibilities, as follows:

- a. The "supervision" role of the architect has been eliminated from the contract.
- b. The "indemnification" clause has been put into the contract.
- c. "Right to stop work" responsibility has been eliminated from contract. (This is the duty of the Owner).

AIA, NYSAA, NSPE and NYSPE will sponsor a one-day Quality Control Seminar on February 21 at the Sheraton Inn at LaGuardia Airport, New York, which will deal with methods in which A/E's can help prevent professional liability claims against their firms. The cost of the Seminar is \$45 which includes lunch and reference material. A chapter mailing will supply additional details.

MJC

Executive Committee Actions

December 4, 1974

- Joined other Chapters in nominating Herbert Epstein to be one of the three Institute Vice Presidents.
- Established a committee on architects in industry and appointed Robert Packard as chairman.
- Appointed a special committee to be concerned with the causes of corruption in the building industry, Martin Raab, chairman.
- Heard Mr. Oppenheimer report on a meeting with Edward Logue of UDC at which the Chapter urged the proposed competition for a segment of Roosevelt Island housing be limited to New York architects; Mr. Logue was not dissuaded from his plan to make the competition national.

Welcome to New Members

The NYC/AIA welcomes the following members:

Corporate

Ray Tyson

Candidates for Membership

Information received by the Secretary of NYC/AIA regarding the qualifications of candidates for membership will be considered confidential:

Corporate

Karl Hess
Shelly Kroop
Daniel A. Lazaro
Roger P. Lovstrom

Associate

Willis S. DeLaCour, Jr.
Janet L. Harris

Myller Book on House Design Published

Chapter Member Rolf Myller's book *From Idea Into House* has just been published by Atheneum (\$6.95).

An introduction to residential architecture written for the "youth market", it has a charming text, excellent glossary, and copious illustrations. It is "recommended highly" for your clients and their families, as well as for the information-on-careers shelf of libraries.

LFG

New York Chapter

The American Institute of Architects
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212/565-1866
George S. Lewis, Executive Director

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Ralph Steinglass
Linda Yang

Chapter Vice President Becomes Institute Director



James B. Baker, a Vice President of the Chapter, was installed as a member of the AIA Board of Directors on December 7 in Washington, D. C. Mr. Baker is also Chairman of the Chapter's Ethics Committee.

His function on the Board will be to assemble agenda items for the National Board, assist the Chairman in selection and nomination of members for National Committees, and send congratulatory letters to newly assigned members. He will also attend meetings of the New York, Westchester, Bronx, and Staten Island Chapters.

Mr. Baker, as Regional Director, will hold office for a term of three years. He joins Herbert Epstein and Donald Stephens as New York Directors, and succeeds Frederick G. Forsr, Jr.

Bank Will Exhibit 'Women In Architecture'

"Women in Architecture", the title of the exhibit sponsored by the Chapter and the Equal Opportunities Committee, Rosaria Piomelli, Chairwoman, will be displayed at the Greater New York Savings Bank, 52nd Street & Park Avenue, from the first week in February through the first week in March.

The exhibit is expected to also be displayed on Long Island in the spring and again in New York. Arrangements for these two events are being made by the Exhibits Committee, Richard Hayden, Chairman.

The exhibit had drawn great attention, both from the public and the profession, and was on view this past October at the NYSAA/AIA Convention at the Commodore Hotel.

Naval Awards of Merit

Two New York City firms have received Awards of Merit in the Fourth Biennial Awards Program for Distinguished Architectural Achievement, sponsored jointly by The Naval Facilities Engineering Command and the AIA.

The first program was held in 1968 to include constructed architectural projects either for the Navy or other government agencies, so long as design and construction were administered by the Naval Facilities Engineering Command.

Hart Krivatsy Stubee (in a joint venture with engineers C. E. Maguire) received its award for the townhouse designs of the Naval Officer Family Housing Facility at Fort Adams, Newport, Rhode Island.

Max. O. Urbahn Associates, Inc. designed their award-winning Composite Medical Facility for Griffiss Air Force Base, Rome, New York, utilizing energy conservation techniques.

MJC

Award of Merit Recipient Becomes U.S. Vice President

Nelson Aldrich Rockefeller, former Governor of the State of New York, was finally sworn in as Vice President of the United States last December 19th.

On June 5, 1968, Mr. Rockefeller received the NYC/AIA Award of Merit, which carried the following words: "In recognition of his leadership in the reshaping of our physical environment—through the creative use of the finest architecture, painting, and sculpture—through the preservation and enhancement of the State's natural resources—and through the raising of standards in all these areas at the level of State Government, thus encouraging similar standards of performance at all levels."

We wish the new Vice President well and hope that among the early actions he will be able to effect will be efforts to bolster our sagging profession, calling into play all the savvy and sensitivity that this citation and our membership honored.
IMA

CUNY Encourages Joint Ventures for "Fresh, Innovative Design"

Last November 6, Peter Spiridon, Vice-Chancellor for Campus Planning and Development for the City University of New York, sent a letter to the 300 firms who had shown interest in working for CUNY. The letter announced that CUNY's future policy would be to provide small, young firms with an opportunity for major commissions if they would joint-venture with other firms. This, CUNY felt, would assure "fresh, innovative design concepts" as well as the capability to produce the contract documents.

The request—which drew 250 answers—was the opening gun in the architects selection process for the new Baruch College. Baruch is the latest campus for which funds have been authorized in the \$1.6 billion CUNY construction program, of which about \$1 billion has already been designed. It is the first campus to select architects with an announced policy of requesting joint ventures.

On December 16th, the Board of Higher Education officially approved the Baruch Master Plan prepared by Kahn & Jacobs/HOK and awarded the same firm the commission for three of the seven building elements, some site improvements, and the responsibility for coordinating the entire campus development. The estimated construction cost of this chunk of the project is \$34,427,000 out of the projected \$73,000,000 total construction budget.

Architects for the remaining structures will be announced at the end of February, and their work will start immediately.

The new Baruch campus will be located in downtown Brooklyn on a 15-acre site in the Atlantic Terminal Urban Renewal Area. The College currently occupies buildings in the vicinity of Lexington Avenue and 23rd Street and is considered to be one of the City's most overcrowded senior colleges. The new campus will accommodate 7,050 day students. Completion of the new school's 1,100,000 square feet is estimated for 1980.

Vice-Chancellor Spiridon was pleased to explain to **Oculus** the University's architect and engineer selection process. The Vice-Chancellor's office has two departments: Space Planning & Construction and Design & Construction Management. Space Planning develops the detailed facilities programs for the "academic mission" of the various campuses; Design & Construction Management coordinates the work with the private architectural firms.

In a Board of Higher Education resolution dating back to 1966, it became official CUNY policy to use primarily outside consultants to assure rapid construction and high quality; there is no in-house design or production except on minor alterations.

In the same 1966 resolution, an Advisory Committee was created to counsel the BHE on methods and criteria to be used in selecting architects. This committee consists of one or two public members, and a designee from the NYC/AIA, the New York Society of Architects, the Architects' Council of New York City, the New York Association of Consulting Engineers, and the NYSAA. While serving, members of the Committee are not eligible for commissions.

Vice-Chancellor Spiridon is a former CUNY dean and holds professorial rank at Staten Island Community College. He is a licensed Professional Engineer. Henry Mortarotti, who directs the Design & Construction Office, is also a licensed Professional Engineer.

The Architects Advisory Committee has set up the following qualifications required for selection of architects in 1974 and 1975:

- "1. Current listing on the Mayor's Panel of Architects.
- "2. An established office in the Greater New York metropolitan area, Westchester, Rockland or Nassau County for a minimum of three years.
- "3. The ability to comply with and administer the requirements of institutional or governmental agencies (as evidenced from previous commissions).
- "4. A photographic presentation (renderings are not acceptable) of a minimum of three completed projects for which the applicant is the Architect of Record.
- "5. The completion of a minimum of one project of the approximate scope and complexity as indicated, on the application.
- "6. For joint venture applicants, one member must fully qualify with all of the items (1 through 5) above.
- "7. New firms which are essentially a previously established firm with a new name and the same or additional principals, shall be evaluated based on the work of the predecessor firm. However, all the qualifying criteria must still be satisfied.
- "8. Principals of a previously qualified firm, who terminate the firm, separate, and create new firms shall be evaluated on the work of the parent firm. However, all the qualifying criteria must still be satisfied.
- "9. An indication of design awareness and sensitivity as evidenced from the photo presentation or other graphic material."

Further to these qualifications, the Board of Higher Education supports the principle of equal employment opportunity and a program of affirmative action in all professional and consultant services for which it contracts.

On arriving at the actual selection of the architect (or joint venturers), CUNY goes through the following process, given that the space program is detailed and that the project is budgeted and scheduled:

1. The **brochures** on file—which it is the applicant's responsibility to update each year—are reviewed by the college and members of the Vice-Chancellor's office, with an eye to breadth of experience, size of previous projects, and type of past clients. Anywhere from 10 to 25 firms are selected for interviewing.

2. The **interview** lasts a half-hour: 15 minutes for presentation and 15 minutes for questions. Questions are functional and technical, geared to evaluating the architect's knowledgeability. College representatives at the interview include the president, probably the campus facilities officer, and a student or faculty member. CUNY is represented by Henry Mortarotti, a project architect, possibly the Vice-Chancellor, and a representative of the New York State Dormitory Authority, the agency which sells the bonds for the CUNY Construction Fund. Probably seven firms will succeed to the next phase.

3. In-depth **inquiries** are made by visiting local projects the firm has done (without the architect), by talking to the client, the user, buildings and grounds personnel, even the contractor. This is to determine if the plans were competent, and if the budget was met.

4. Be prepared next for a blitz **office visit**. On very short notice, appointments are set up to tour the firm's office, to see how it really operates. At this point, only three firms might survive the process.

5. **Final selection** is made by the College President and his staff in conjunction with the University Office of Campus Planning and Development, who confirm the choice in a joint recommendation to the Board of Higher Education.

Consultants are selected by requesting that the architect submit a minimum of six firms for each discipline. CUNY reviews this list and usually brings it down to three or four names, from which the architect is free to make the final choice. CUNY receives copies of all consultant contracts.

CUNY works with the architect only through the design. The Dormitory Authority works with the architect through the contract documents, handles the bidding and negotiating, and supervises the construction.

DPH

National Board Approves Employee Rights Amendment To Ethical Practice Standards

With New York's Frederick Frost, Jr., FAIA, making the presentation, the AIA Board of Directors voted on December 7th to approve for passage at the upcoming National Convention in Atlanta the Employee Rights Amendment to the Standards of Ethical Practice (see November **Oculus**).

Although encouraged by the affirmative and supportive action taken by the Board, members of the NYC/AIA Employer/Employee Relations Committee (which sponsored the amendment) felt that success at the Convention could not be taken for granted. They thereby hope to reinforce the newly won support by taking the Amendment to the Grass-roots Seminars in mid-January.

RS

Employment Practices Survey to Help Improve Standards

The Employer/Employee Relations Committee is surveying member firms to find out what common ground exists in terms of benefits, working conditions, and wages.

This is the second survey in the last three years seeking such information. The Office Practice Committee had some solid responses in 1972 but the results were at times confusing and somewhat contradictory. Questions on benefits tended to be overly simplified, leaving too much leeway in responses. Questions on wages were keyed into position titles without definitions, leaving broad avenues of conflicting data. Despite its problems, the '72 survey was found useful by many firms in getting a better feel for prevailing conditions.

The purpose of the new survey is different. Hopefully, through more attention to detail in its formulation, its responses will be clearer. It is also hoped that this survey will gauge the effect of "fair employment practices" on efficiency and productivity.

The survey results will be published; in addition, they will be used in formulating guidelines which will become part of the new Personnel Practices Manual. The Employer/Employee Relations Committee hopes to have both the results of the survey and a draft of the manual ready by February, 1975.

This information will ultimately enable the Chapter to develop a policy aimed toward improving employment practices.

RS

Changes Expected in Building Department Procedure

Major changes will be implemented in the New York City Building Department this spring, and, in the words of Commissioner of Buildings Jeremiah Walsh, "These changes will be based on the premise that a license to practice architecture or engineering carries responsibilities and obligations which must be recognized by the professionals and the Building Department alike."

In a special interview with **Oculus**, Commissioner Walsh expressed his belief that the tedious and oftentimes unpleasant review and approval process could be transformed into a system in which all parties "reached for the right answers together—based on mutual trust, respect and help".

Commissioner Walsh has requested (and has yet to receive) recommendations from the NYC/AIA and other architectural and engineering organizations prior to finalizing new procedures, but it is a good bet that many of his ideas will become official policy this spring.

To speed up the review period and yet still serve the public interest, checking will be confined to conformance with zoning, egress and fire safety requirements. Commissioner Walsh believes that architects will welcome the check by a second expert—particularly in light of the fact that if a mistake is made in these areas, it may be very difficult to correct after the building is erected.

Applications which require approval based on the discretionary power of the Building Department will receive a more thorough review. For example, it may be very difficult to achieve a design solution which literally interprets the Code in the alteration of a New- or Old-Law Tenement, or in the planning of a new mixed-occupancy structure or of a building governed by State labor laws.

For inspection during construction, the Building Department has already moved in the direction of having the architects and engineers assume more responsibility by having them conduct Controlled Inspections in such areas as fire stopping, welding, placing of concrete and mechanical installations, and in being able to witness plumbing tests.

Although the decision to issue the Certificate of Occupancy is still made by the City, Commissioner Walsh would like to add flexibility to the system by providing the option for the final inspection to be made by the architect or engineer. "The intent is not to merely transfer responsibility to the other guy's back yard, but to provide dual paths wherever possible," he feels.

In conjunction with the abbreviated review process, a random anonymous method for spot checking will be instituted. In effect, there will be two "fish bowls"—one filled with application numbers and the other, with items to be checked. Numbers and items will be pulled and paired, drawings will be checked, and a statistical record will be developed. Items which need frequent correction will be added to the mandatory list for review, and professionals who are shown to be making errors regularly will probably be reported to the State Education Department.

Commissioner Walsh also wants to make sure that all parties are being treated fairly—administratively and personally—and suggests that unfair treatment be documented. For example, an architect should report to an inspector's supervisor requesting a Building Department inquiry. But conversely, the Building Department should be able to report an architect to the Chapter, or other agency, for some form of appropriate action.

Assuming that the manpower in the Building Department stays the same, the proposed review and approval system should reduce the time required for a first examination from three weeks or a month to a matter of hours or days, depending on size of project. Also, manpower would be freed for other services, such as reviewing preliminary drawings for zoning and egress or answering questions regarding Code interpretation.

Although Commissioner Walsh will develop a position within each borough for answering or directing questions to "specialists", actually he would like to start this service immediately by having all questions called in to the Deputy Superintendents, who will provide answers or transmit questions to the central office. He is concerned, however, that this service would be abused and the Department overwhelmed with unnecessary calls.

With regard to existing Building Department procedure, Commissioner Walsh would like to know if anyone experiences longer than a month's wait to date of first examination. Plan examiners review applications in the absolute order of their being filed unless there is a written directive or authorization for an application to be taken out of turn for such special considerations as expediting a school, repairing fire damage, or referring an application to the Board of Standards and Appeals. Building inspection schedules are related to the priority of the applications and therefore reflect some discretionary judgment, but—even here—projects are visited pretty much in order.

Some facts about today's Building Department operation which may not be common knowledge are that:

- Partial reviews and permits are standard procedure for large "fast track" jobs;
- Review of an Examiner's decision need not go through the ranks to the Commissioners Office and then to the BSA, but rather that a signed objection in writing by an Examiner can be appealed directly to the BSA;
- Examiners are available to be seen by the Public simply by waiting in line in the morning for a short meeting or by appointment in the afternoon for a lengthy meeting.

Commissioner Walsh sees working in the Building Department as a highly challenging and rewarding experience. Professional staff is exposed to all aspects of the Code and is involved with all building types. The normal 35-hour work week is reduced to 30 hours in July and August. There are 12 days for sick leaves, 11 paid holidays, and four weeks of vacation. City-wide, there are about 70 examiners, 350 inspectors, and 350 on the clerical staff—with excellent opportunity for advancement.

Examiners start at an annual salary of \$13,500 if they are college graduates but unlicensed, and at over \$16,000 if they are licensed. Top salaries are in excess of \$24,000, and 20 out of the 70 examiners are making \$20,000 and over.

If the size of the Building Department stays constant, in Commissioner Walsh's estimation it will be sufficiently large to handle the abbreviated review and approval system expeditiously—although it is not large enough to fully handle the detailed review system as it exists now.

The Commissioner points out that the New York City Building Code is a "rational, technical guide—a set of criteria which in most cases should allow for compliance with the words as written." Viewed in this context he sees no reason why a professional, on a routine basis, would not want to handle his own projects rather than to have an intermediary represent him.

Commissioner Walsh acknowledges that there are Building Department consultants who perform a legitimate service—which he can understand in relation to a non-New York City firm that needs assistance. But just as an employee of the Building Department is under the direct supervision of a Department supervisor, so too, he feels, the representative of a firm should be an employee under the direct supervision of a principal or partner.

DPH

Tall Building Proposal on Lincoln Square (continued)

October's **Oculus** reported on a hearing at the Board of Standards and Appeals on the application of Paul and Seymour Milstein for a variance to permit constructive of a 43-story building of 21.6 FAR.

The Chapter opposed granting this enlargement over the maximum 14.4 FAR permitted in the Lincoln Square Special District. At the end of that hearing the Board directed the applicants to apply for a review at the Planning Commission.

The Commission has approved a version of the proposed building showing 30 stories and earning the maximum 14.4 FAR. Commissioners Cooper and Davis dissented, describing the procedure as approving a fiction because the Milsteins clearly intended to go back to the BSA to ask for 21.6 FAR.

The Board of Estimate had the matter on its December 19 calendar, and George Lewis urged that the Board approve the CPC's recommendation for a 30-story version but at the same time make it emphatically clear that the Planning Commission, not the Board of Standards and Appeals, is the proper agency to interpret special zoning districts. It has been the Chapter's position that there is nothing in the Milsteins' application for 43 stories that warrants a variance because of hardships as described in the rules of the BSA.

The Board of Estimate approved the 30-story play by 16 to 6. Manhattan Borough President Percy Sutton strongly objected and voted nay, saying that the application being considered was tantamount to a charade because the builders had no intention of building according to the plans being considered.

Revised Government Procurement Procedures: New Hope For Small Offices?

The General Services Administration is revising its procurement form for architectural and engineering services. The present nine-page Standard Form 251 is submitted annually by architectural firms wishing to be considered for government work. A separate letter of request must be written by the firm each time it wishes to apply for a particular project.

A new two-part form system, SF 254 and SF 255, is to replace SF 251. Standard Form 254, only four pages in length, is also to be submitted once annually and asks for background information about principals and general firm information.

Standard Form 255 will be submitted for each particular project and asks for specific information on building types. SF 255 will be filed by a firm only when invited to do so through a formal public announcement or when requested by an agency.

The revised forms, not yet official, are being circulated among federal agencies and have found their way to various architects, for formal comment.

The Executive Committee of the Chapter, advised by Roy Friedberg, Chairman of the Fees and Contracts Committee, has taken a position against certain negative aspects of the revised SF 254, particularly Items 8 and 9.

Item 8 asks for the total number of personnel in a firm, as of the date of the application. Unfortunately, this gives an inaccurate picture of a firm's capability. Many offices are now at their lowest personnel count in recent years. An office with three principals, two associates and one draftsman today may, as recently as five months ago, have had four associates and sixteen draftsmen. The capability as a firm to do work hasn't changed.

Item 9 asks for a firm's gross billings for the past five years. Such an item, in addition to being questionable as an invasion of privacy, is again not relevant to the capability of a firm, which is what GSA is trying to determine. An office might have ten projects and receive \$50,000 each in fees, or one project and receive \$500,000. There is no relationship between gross fees and office activity.

SF 254 and 255 will become effective upon their approval by the Office of Management and Budget and the respective federal agencies after formal review. The GSA hopes to put the forms into general use shortly after the first of the year.

There is essentially a change in procedure with the Standard Form 255, providing responding firms an opportunity to independently express interest in a given job.

Theoretically, submission of an SF 255 will assure a firm it will be considered for an announced project.

The two-form procedure should discourage the "shotgun" approach now used by some firms in submitting SF 251's, many replete with office brochures, for virtually every job within a certain geographical area, and relieve the burden of government agencies examining thousands of SF 251's for each A/E procurement. The SF 254 allows no supplementary material between its pages, and the SF 255 is not conducive to standardization. Each submission must be oriented to reflect capability to perform a specific job.

From this standpoint, it is hoped new, small, or highly specialized firms will be afforded greater opportunity to be considered for Federal work.

NFJ

Council on Architecture Survey of Agency Construction

The N. Y. State Council on Architecture has just completed its *Planning, Design, Construction: Fiscal Survey, 1969-72*, a survey of publicly funded design-construction activity in the State. Copies are available at the Council free on request. The Survey offers a basis for studying the changes in both total State construction activity and the construction activity of individual Agencies.

What's in Your Attic?

The Architectural League's Committee for the **Preservation of Architectural Records**, using a grant from the New York State Council on the Arts, is compiling a directory of New York architectural records, of the past and the present. Anyone who knows the location of drawings and sketches, plans and elevations, specifications, interior renderings, photographs, correspondence diaries of architects—in short, any material related to architecture and the practice of the art—is kindly requested to write or telephone: Catha Grace Rambusch, 41 East 65 Street, New York, N.Y. 10021, Telephone: 628-4500. Mrs. Rambusch will be glad to have information about rare or threatened architectural documents outside New York and will forward it to her committee's correspondents elsewhere.