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COVER CREDIT:
Watercolor and ink of Cathedral at Coutances, France. By G.A.D. Schuett, FAIA. Coutances Cathedral was designed and built between 1218 and 1291 and is famous for its towers and spires on the west facade. This French Gothic design has long been a favorite subject of artists.

If you are interested in obtaining quality prints of this watercolor, contact the WSA office.
You Did It

Two calls in one week to the WSA office confirm that Wisconsin architects and the WSA can have a very positive impact on the means and methods of architectural selection and fee negotiation.

Both calls were from owners who recognized that they needed to hire an architect for a forthcoming project (both projects were in excess of $1,000,000).

On both projects the WSA office was able to emphasize to the owner the importance of a competent architect on matters pertaining to planning, programming, construction, energy use, life cycle costing etc.

On both projects the WSA office discouraged extensive interviews with all interested firms, and instead encouraged extensive interviews with selected shortlisted firms.

On both projects architects were selected on the basis of competence and fees were negotiated which were meant to fully compensate the architectural firm selected for a full scope of services.

On both projects the owners had been referred to the WSA office by an architect who was aware that the owner was considering hiring an architect.

In the past several years the WSA has seen countless examples of owners using selection procedures which were costly, counterproductive, subjective, and contrary to the best interests of the owner or the architectural community. These practices have included lengthy short lists (in one situation the owner proposed to interview 25 firms), selection based solely on fee with an ill defined scope of services, and/or the owner ultimately hiring a contractor, construction manager, etc. to lead the team.

Typically the WSA becomes aware of these stories after they have evolved. Typically by the time the WSA becomes aware of the problem there is little that can be done.

Clearly owners need to be better educated as to the means and methods of architectural selection and fee negotiation that are most appropriate. The WSA can't scout out the projects. WSA members must call the projects to the attention of the WSA office early in the evolution of the projects in order that the proper educational efforts can be made.

If you'd like to see copies of the types of materials that are typically sent to owners by the WSA office or if you would like to further discuss this matter, contact Eric at the WSA office.
Religious Architecture

PROJECT:
St. Rosalia Catholic Church

ARCHITECT:
Jerome J. Kuskowski & Associates, Inc.
Green Bay, WI

OWNER:
St. Rosalia Congregation
Sister Bay, Wisconsin

The new St. Rosalia provides a complete community center to meet the religious, educational, and social needs of the congregation.

The nave seating capacity is 325 with an adjoining social hall and daily chapel accommodating an additional 230 summer guests.

The prime objectives in the design of the church was to satisfy the liturgical needs of the congregation and reflect the Nordic tradition. By use of native materials the building becomes part of Door County.

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wiscodin architect/november 1984
Potente is proud to have executed the sanctuary furnishings for the beautiful new Temple El Ner Tamid pictured in this issue.

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INSTALLATION INFORMATION - The tiles drop into all standard commercial suspended grid systems. They can be sawn easily for the purpose of fitting or creating cutouts.

DESIGNS - All of the designs in this collection are copyrighted, and are owned by Above View, Inc.
Religious Architecture

PROJECT: Beth El Ner Tamid Synagogue

ARCHITECT: BHS Architects, Inc.

OWNER: Beth El Ner Tamid Congregation

The new facilities for the Beth El Ner Tamid Synagogue and School was designed to take full advantage of a spacious, natural site. As importantly, the building respects the traditions of Judaism while providing sufficient flexibility for current and future activities.

The site abuts North Shore Country Club to the south, and a natural rolling wooded area to the east and west. The building is located toward the south end of the site to utilize the view of the existing trees and the golf course beyond. The parking is located to the north and east of the synagogue and is designed to relate to both the building form and the natural contours of the site. A large patio area is located to the south and west of the building. This private, sheltered space will allow both outside workshop and social activities.

The plan of the building emphasizes natural lighting and permits the majority of the spaces to view the patio and the surrounding wooded landscape. Flexible, multi-use spaces are incorporated throughout. The Sanctuary has a slope floor with fixed seating for 425. The Community Hall is located adjacent to the Sanctuary in order to keep the distance from the bema to furthest seats to a minimum. When the Community Hall is opened to the Sanctuary, seating of 1000 can be accommodated for high holiday services. A complete "kosher" kitchen is placed directly off the Community Hall, which has a dining capacity of 400. Other major spaces include a library, offices, classrooms, and a chapel which opens to the patio.

Both the interior and the exterior design of the building use masonry as the primary material. The exterior masonry is accented by a sloping roof which extends out at the entries and flows along the facade, emphasizing the strong horizontal lines of the building. A major feature of the principle elevation is the stained glass windows from the existing synagogue. These windows will be illuminated from both sides so that in the evening they will be visible from inside and out.

Wisconsin Architect/November 1984
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Congratulations William Wenzler and Associates Architects, Inc. for turning what could have been a parking lot, into the beautiful Eastbrook Center.
Religious
Architecture

PROJECT:
Beth El Ner Tamid Synagogue

ARCHITECT:
BHS Architects, Inc.

OWNER:
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Butler, WI 53007  
414-781-0411

Congratulations William Wenzler and Associates Architects, Inc. for turning what could have been a parking lot, into the beautiful Eastbrook Center.
Religious Architecture

PROJECT: Eastbrook Center
ARCHITECT: William Wenzler and Associates

On May 3, 1983, the Milwaukee Common Council Public Safety Committee recommended to the City that it tear down the old Fred Miller Theatre on Oakland Avenue to make way for a parking lot. The Milwaukee Journal reported that the former home of the Milwaukee Repertory Company was in such disrepair that one neighbor described it as “a nuisance and an eyesore”.

Today the theatre beckons passersby with a new face. Eastbrook Church, a nondenominational Christian Congregation has converted the building into a ministry center. A restored exterior in a refreshing color scheme brightens the neighborhood. New interior spaces, warm and expressive, embrace visitors. A new life has begun. Dr. Marc Erickson, Pastor of Eastbrook feels that this “new life” is a portrayal of God’s redemptive love for man — the building had no future before, but is now given a future. Eastbrook Church believes that in its “new life”, the building should be a place where God’s love is manifested, where He can touch the community through His believers.

The architect’s task was to help the Church bring the building to the fulfillment of its mission.

In contrast to the normal course of architectural practice, the church did not start the project with well defined functional requirements. A unique building was discovered, a program compatible with its character must now be created. The theatre is located on a busy street in the heart of Eastbrook’s mission field and it is an answer to many existing needs of the church. But its uniqueness also exhorts the church to discover its potential, to put it to new uses. Already planned for the theatre are theatrical productions, high school and college ministries. The area in front of the theatre now houses art exhibits and church offices upstairs. The downstairs will be used for a coffee house and a bookstore. The basement will be used as a food pantry. Weekday bible sharing and theological studies are conducted in the center. Other programs being considered include community meetings, a child care facility, a fine arts school and open forums to discuss spiritual issues. In the words of Associate Pastor David Brown, “the building challenges (the Congregation) to do what (they) say (they) wanted to do — to touch the world”.

The building has many features which reflect the architectural characteristics of the neighborhood. These elements are restored and enhanced with new features. Later day wood sidings were removed to reveal the original brick work. The building is now painted in light beige with medium beige and gray blue accenting the trims and the brick details. New low storefronts common in the area are constructed on the wings. A fascia dividing the center of the building into upper and lower parts is now carried to the wings. A new long arch window in the motif of those already on the wings spans across the center of the second floor. Inside, brick walls have been cleaned and left exposed. These old and rugged surfaces are contrasted by the new scheme of painted gypsum boards, large plate glass, plush carpet and natural finished oak trims. On the upper level, a large central space with high ceiling and brightened by the long arch window is created to merge with the stairs and a series of low ceiling spaces. Through short flights of stairs it leads to the wings.

The design is simple in motif. Yet this simplicity is transformed by the juxtaposition between the new and the old, the modern and the antique, the large spaces and the small spaces, the textured and the polished into an image of complexity. The new face enables the building to infuse new life into the neighborhood while maintaining traditional character of the area. It is an architecture that seeks not to impress, but to provide care. It demonstrates a responsible investment of human resources. It presents the church as a good neighbor who is making a contribution to the community by reviving a deserted building. Though the building is devoid of institutional and religious symbolism, it communicates the spiritual conviction of Eastbrook Church in a way far beyond what traditional iconological church architecture is capable of.
Call the Contractor.
Call the Architect.
Call My Lawyer.

by Clarence Hueffenrauch, AIA

Ever hear those statements before? I hope not, for your sake. When the owner of a building makes all three calls, you had better believe that the contractor and the architect have problems.

There is trouble. Water is dripping on the president's desk and the owner is mad (not to mention the president).

Three people get together — the architect, the contractor and the roofer — and, for the first time in many cases, walk on the roof.

The roofer points out a few blisters, ridges and bare spots — areas which permit water to penetrate the membrane. The damage could have been the result of a dropped tool from the mechanical contractor or the owner's contractor fixing air compressors.

Regardless of who was to blame, the roofer explained that some of the blisters were broken from foot traffic and need to be cut out and patched.

The problem is solved. All parties are happy. The roofer will fix the problem this time. Boy, that was easy.

One year later, guess what? You bet, the same desk. Now what? The owner and the architect agree that they are not going to call the roofer. He doesn't know what he's doing and most likely did a shaky job to start with.

After all, how much can he know? He was only in business for five years and runs his office out of his pickup truck. Let's get a hold of "so and so." He is doing good work and we haven't had many calls about his roofs.

And, so it goes ... a new expert.

Now think about the situation. Two of the most frequent litigation items are the footings and the roof of a building. In most cases, the architect spends more time selecting and approving paint colors than he spends checking soil conditions and roofing applications — and with good reason. Any architect [or contractor] with legal foundation problems clearly admits that he is not a soil expert. He followed the advice of the soil expert's information furnished by the owner.

Now think about the roof and how many hours you have spent on it, Mr. Architect? And who gets the call to help you out of trouble? None other than the roofing contractor. The roofing contractor must be an "expert."

Who should really be the expert? The contractor who built the building according to the architect's drawings and specifications and let a sub-contract to a roofer who was qualified by the architect's specifications?

Now remember, the roofer is to follow manufacturer's recommendation and the manufacturer recommends that the roof deck be clean prior to roof installation. The roofer starts on top of the deck and has no responsibility for anything below that line. The roofer may (and should) offer changes in the details and specifications to the owner, contractor and architect. Most times, however, the suggestions go unheeded.

Should the expert be the architect who put the construction documents together, wrote the specifications and selected all the materials?

One must keep in mind that the roof, in reality, starts with the side the sun shines on and continues downward until it reaches the paint line — not just those two or three layers on the top side. The total thickness may include gravel, membrane, deck, structural supports, insulation, vapor barrier, drywall ceiling and finish paint.

Now the architect is the most qualified to be the expert, if he specifically understands what he has drawn and specified.

After all the architect, when specifying, knows application techniques, moisture effects, displacement problems, brooming, bitumen quality, water cut-offs, flashings, fishmouths, surfacings, insulation, effects of insulation thickness, vapor barriers and venting dead roof construction areas.

The architect, with this vast knowledge, should know what causes blisters, ridges and bare spots — and all other roof construction details. All the architect has to do to solve roof problems is apply all the knowledge he has acquired.

Three people are involved in a roofing system, the owner, the architect, and the roofing contractor.

In order to make proper decisions, the owner must listen to the architect. A roofing system decision should not be determined by cost only.

The architect should have one, well-trained staff person knowledgeable on new roofs and re-roofing projects.

Roofing is too complicated to involve several employees with limited roofing knowledge in designing adequate roofing systems. The architect must spend as much time designing a roof as he does the foundations.

The contractor must accept the architect's specification or state problems at once — not after problems start. Proper supervision by the contractor will provide a good roofing system.

It would appear that if all this knowledge could be applied to solve the real causes of blisters and ridges, fewer reroofing projects would be necessary, longer lasting patches would be obtained and original roofs would last longer.

Let's put it all together, architect, contractor and roofer. Think of a roof as everything from the paint line to gravel. Keep applying the vast book of knowledge and get back to the basics.

Clarence Hueffenrauch, AIA, president of BHS Architects, Inc., Milwaukee, Wis.

Wisconsin Architect: November 1984
The new Neville Public Museum of Brown County represents the culmination of years of dreams and efforts of the museum staff, The Neville Public Museum Corporation and the citizens of Brown County. It had been 50 years since the construction of the original Neville Museum. This 63,000 square foot 3-story museum houses exhibits in art, history and science; and in its first year of operation, 150,000 people visited its exhibits.

The building is located on the west shore of the Fox River in Green Bay, Wisconsin, and has its main entry facing the river—almost as a sentinel guarding the waterway to Green Bay. This orientation is symbolic of the historic Fort Howard, which in the mid 1800's also guarded this river from its site only several hundred yards to the north of the museum's location.

Brick masonry was chosen for the exterior material because of its inherent qualities. It is a natural material which has a "human-scale"; it has durability with low maintenance; it has beauty with low cost and historically the manufacturing of brick played an important part in the early economy of the Green Bay area. For these reasons, and the fact that buildings of brick masonry seem to retain their acceptance by the general public even as time and architectural styles pass, brick was selected as the wall surface.

We were honored to be selected to design the new Neville Public Museum of Brown County and are pleased that the Masonry Institute of Wisconsin has selected the museum to receive an "Excellence in Masonry" award. On behalf of the museum, the contractor and the masons who implemented the work, thank you.

Very truly yours,

Richard J. Griese, AIA
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Setting It Straight (Is That Possible???)

By: William C. Herbert, A.I.A.

Most of us in the design professions are extremely concerned with the issues and opportunities brought forth in the article "The Legal Implications of Utilizing Solar Energy Systems in Architecture" by Robert Greenstreet and Alan Weinstein in the August, 1984 edition of Wisconsin Architect.

However a misstatement of the proceedings and results of a highly publicized legal case involving a solar application cannot help us in our approach to the design of projects utilizing the sun, or other renewable resources, or our understanding of the problems involved, especially those regarding access. The misinformation is one thing, but if this is being taught in our Universities, that makes it dangerous.

For the record, the following should be considered:

Although Mr. Proh "claimed" his system would be substantially shaded by Mr. Marette's home, in fact it was shaded less than 1% on the shortest day of the year.

Mr. Marette did try to accommodate Mr. Proh to the extent of moving his home so as to encroach on his own sideyard and setback requirements. Mr. Proh did not request it to be further moved until after the foundation was in, at which time Mr. Marette objected to further harassment.

The Supreme Court did not prevent Mr. Marette from completing his home. As stated in the August article, the home was completed long before the Supreme Court heard the case.

When the case was finally argued before the Supreme Court, the only ruling the Court made was that Mr. Proh had the right to a trial and instructed the Waukesha County Court to try the case (the case was dismissed originally by the Waukesha Court without a trial).

At the trial, ordered by the Supreme Court, Mr. Proh again "lost" the case before the trial could begin. Mr. Proh asked that the case be dismissed "on its merits" (with prejudice) forever closing the matter. Why would Mr. Proh, after three years in court, quit, and give his own case away?

Upon closer examination, separate from all the emotion, several observations are brought into focus. The home was not properly designed for its intended use, the solar aspect was applied as an afterthought. The active solar panels were placed on a low pitch roof that provided far less than the recommended angle of exposure for such equipment. The system used was inappropriate for its intended use and not recommended for this climate. The system was developed to heat swimming pools, not to provide space heating and some of the materials used do not perform well in this climate. The home was not sited properly. Mr. Proh sited the home to the south as far as he could in stead of to the north side of the lot which would have increased his exposure and access to the sun.

The conclusion that "court enforcement" of solar access right was sanctioned in this case is not a valid conclusion. A parking ticket presented to the Supreme Court, under similar circumstances, would have had the same result, as the court only concluded that a person has a "right to sue" and must be given his/her day in court. While the legal concerns of any project are sometimes overwhelming, the Proh/Marette case graphically illustrates that the architect's concern has been, and should continue to be the design of projects utilizing all factors that will affect those projects and State of the Art Technology for any system used. This approach protects not only the owner but others directly affected by the project as well.

Legislation regarding these concerns must be drawn up on a rational and fair basis with a well documented plan. The existing solar access law, passed on the back of the Proh/Marette case is a prime example of legislation gone amuck. It was amazing that so little concern of legislation directly affecting the architectural profession was voiced either by the A.I.A. or individually. We say government agencies and politicians are overburdening us with regulation, but do little or nothing to prevent it. The simple answer is GET INVOLVED IN YOUR OWN PROFESSION. You are the only one who can!
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Society News

On Sunday, October 7, 1984 the Milwaukee Journal Home Section featured several lead stories dealing with architecturally designed homes and the special relationship between an architect and client. Included in that story was an offer for readers of the article to contact the WSA office for follow-up information, booklets, etc.

The phone rang off the wall. And when the phones stopped ringing, the letters poured in.

In one instance a gentlemen indicated that he wanted to go ahead with the planning and construction of a new home that would be in excess of 4,500 square feet and that he expected to spend in excess of $300,000 for construction. He indicated that prior to reading the article he had assumed he’d work with a home builder... but that on further reflection he had decided to use an architect. This same message was repeated in a number of the calls and letters.

It’s the old good news-bad news situation.

The bad news is that there appear to be lots and lots and lots of people who are thinking about building homes who aren’t thinking about architects.

The good news is that at least some of these people think about architects and they recognize that architectural services will be a benefit to them.

Now what do we do?

Is it now up to the individual firms to market their expertise for single family dwellings? Should WSA be doing something more to provide public education in this area?

Your thoughts, comments, suggestions are needed. Contact Eric at the WSA office.

The WSA is pleased to be sponsoring a loss prevention course for architects and engineers presented by the Office of Professional Liability Research of Victor Schinnerer & Company.

If you haven’t attended this course in the past ... it’s a must. If you have ... there will be updated information and you should give serious consideration to taking it again.

Carefully selected liability related topics will be presented to arm architects with the knowledge that can help them avoid professional liability claims and better defend themselves against claims that do occur.

The course will be offered in Milwaukee on December 4, 1984. Brochures have been mailed to all WSA members.

If you have misplaced your brochure, contact Sandra or Karen at the WSA office.

The following is an excerpt from a letter recently received by the WSA office.

I have had a pet peeve that truly irks me each time I encounter it. Simple as it is, I have never understood why it continues to remain, in my opinion,
Nobody says “thank you” anymore. Maybe because no one expects you to. Some of us still do, though. We want to express our thanks to the advertisers in the Wisconsin Architect and those individuals who submitted materials for publication.

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incorrect. Naturally, not knowing whose fault the problem is. I blame the architects, men whose least concern may be cleanliness. I see this in well-designed restaurants, hospitals and public restrooms. In entering a restroom, nine out of ten doors push in. Upon exiting, the doors have handles or knobs. I personally feel that after washing one’s hands that the doors should push out. Most people do not wash their hands, and I object to having to open a door by grabbing a handle or knob after I have washed my hands.

It seems the very simplest things are designed incorrectly. I find this in my kitchen and entire house every day. Yet men can design huge complicated projects and get me to the moon.

The WSA office receives inquiries, comments, attacks, and compliments on a vast array of matters pertaining to Wisconsin architects and architecture. We’re stumped on this one. Any ideas for an intelligent response?

STEP CAREFULLY

If you have professional liability insurance and are going to change carriers or policies . . . do so with substantial caution. You must make sure that you have a continuity of coverage under the new policy for past actions, claims, problems, etc.

Earlier this year the Wisconsin Court of Appeals determined that an architect did not have the right to insurance coverage because he had made a misstatement on his application. The owner of the building had informed the architect of a possible lawsuit and the architect had advised his then insurance agency. Later on, the architect applied to Northbrook for architects professional liability coverage, answering “No” to the question: “Is the applicant aware of any circumstances which may result in any claim against him?” The architect answered the question “No” because both the building owner and the attorney for the injured party had informally indicated to the architect that the previously noticed claim would not be forthcoming. Northbrook issued the new policy with an advisory endorsement which underscored the importance of the applicant’s certification that he was unaware of any circumstances that might result in any claim against him.

You guessed it. A year later the injured person brought a lawsuit against the architect and Northbrook refused the architect’s tender of defense.

The Wisconsin Court of Appeals ruled that since the architect had incorrectly answered the question regarding “any circumstances which “may” result in a claim that the insurance company had a legitimate right to refuse the defense and to refuse to indemnify him against any claims.

Watch your step when changing liability insurance carriers.

IT’S ALL IN A NAME

What are the Wisconsin laws and rules governing how an architect or engineer can name their firm?

The Wisconsin Laws provide that the firm name cannot be misleading or unfairly compete with another practitioner. (See Section 443.16 of the Wisconsin Statutes).

In other words . . . you can’t call yourself Frank Lloyd Wright & Associates unless your name is FLW.

For more information contact Eric at the WSA office.
The New York Supreme Court has held that an architectural firm was not guilty of malpractice because contractors' bids were 40% higher than the architect's original estimate of what the job might cost. The architect's contract with the owner stated that the firm did not warrant that construction prices would not vary from the cost estimates... but the architectural firm had apparently orally assured the owner that contractors' bids were always within 10 to 15% of the cost estimates the firm prepared.

The lowest bid was approximately 40% higher than the architect's estimate and the project was abandoned. The architects went ahead and billed the owner for all services rendered and the owner sued the architect claiming that the large discrepancy between the estimates and the contractors' bids were evidence of the architect's malpractice.

The New York Supreme Court ruled in favor of the architect stating, "The fact of the unexplained, substantial discrepancy between the architect's projection of cost and the actual bids neither was proof of negligence by the architect nor did it permit any inference of negligence."

The moral of this story is not that architects are never responsible for the estimates. In the New York case the owner's witnesses were not familiar with the way in which the architect arrived at its costs estimates and had admitted that estimating was an "inexact science, at best."

---

**HE ASKED**

Dear Sir:

Over the past several years I have had the opportunity to see several of your houses. I am interested in purchasing plans in order that I can build.

More specifically, I am interested in a home 2500 — 3000 square feet with a great room and master suite on the main level and with passive solar features. Please send me designs fulfilling this need.

Sincerely,

---

**THE ARCHITECT REPLIED**

Dear

I recommend you hire a competent local architect, pay his or her professional fees, achieve a home suitably designed for the site, climate, budget, and, most importantly, your requirements.

The homes I design are for Wisconsin and not appropriate for Georgia. In order for my homes to adequately fit your needs, I would have to spend time in Georgia.

Thank you for your inquiry.

Sincerely,

---

**COMMENT**

The best way to educate the public as to the nature of the architectural service is when they are interested in contacting an architect. The above may be a small example... but architects can help themselves and their profession.

---

**MEMBERSHIP ACTIONS**

GREEN, HERMAN A., JR., was approved for Prof. Affiliate in the Southwest Wisconsin Chapter.

GROTH, STEVEN R., was approved for AIA Membership in the Southeast Wisconsin Chapter.

HINZ, GREGREY W., was approved for AIA Membership in the Southeast Wisconsin Chapter.
"Why hire an architect if all I need is four walls and a roof?"

"It's not a big project," the argument goes. "So let's not make it any more complicated than it has to be . . . ."

With these words, architects are shut out from the job they do best.

Architects are trained un-complicators.

Architects are simplifiers, trained to help you separate what you truly need from what you think you need.

Together, you and your architect make discoveries you might never make by yourself.

You may discover (as a North Carolina bank did) that 4 walls are one wall too many.

You may discover (as a Kentucky company did) that those two buildings you’re assuming you need should really be one building.

Or you might find that the steep (and cheap) site is actually better suited to your building’s function than that flat (and costly) one.

Architects are assumption-busters.

Walls, sites, materials, "inevitable" costs and delays — all of your assumptions about traditional construction come under attack.

And as you collaborate, you may find your assumptions about architects (that they're slow, or spendthrifts, or impractical dreamers) being shattered, too.

Talk to an architect about your next project.

Send this coupon for a free brochure, "You and Your Architect," or for details on architectural firms in your area.

Wisconsin Society of Architects
321 S. Hamilton Street, Madison, WI 53703

- Please send me a copy of your free brochure, "You and Your Architect".
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KATZ, RICHARD, was approved for AIA Membership in the Northeast Wisconsin Chapter.

KING, PATRICK, was approved for AIA Membership in the Southeast Wisconsin Chapter.

TINKHAM, CRAIG E., was approved for Associate Membership in the Northeast Wisconsin Chapter.

FERRANTE, DOMENICO, was approved for Student Membership in the Southeast Wisconsin Chapter.

PEOPLE
AND
PLACES
Arnold and O'Sheridon, Consulting Engineers, announces the opening of a new office at 2505 N, 124th Street, Brookfield, WI. The Milwaukee office will offer the same multi-disciplined engineering services as the Madison office.

BID BOND — WHAT'S IT ALL ABOUT

The WSA office has received a number of telephone inquiries in past months regarding bid bonds. The following is a brief statement of background information which answers some of the questions that have been raised.

WHAT IS A BID BOND

A bid bond is a form of security required by an owner to be submitted by a bidder for construction work.

WHAT DOES A BID BOND COVER?

While the specific language of bid bonds vary, they generally provide assurance that the contractor can obtain a payment/performance bond and that the contractor will sign the contract if awarded the contract.

WHAT DOES A BID BOND COST THE CONTRACTOR?

Usually the bid bond is provided free of charge or at a nominal fee to the contractor by the bonding company. The bonding company makes its money in selling the payment/performance if the contractor is awarded the contract.

WHEN CAN THE OWNER COLLECT ON A BID BOND?

This question is not as easily answered as the prior questions. State law, and the language of the bond dictate when and how an owner may recover on a bid bond. Typically collection against a surety on a bid bond involves (you guessed it) lawyers. For example, the section of the Wisconsin Statutes dealing with public works contracts for municipal governments indicate that the amount of the bid bond is forfeited by a contractor who does not sign an awarded contract unless the contractor can show that the reason he did not sign the contract is due to a mistake, error, or omission on the contractor's part and that the contractor was free from carelessness, negligence or inexcusable neglect in making such a mistake, error or omission. The bottom line is that the determination of whether or not the owner can collect on the bid bond is a legal determination which must be made by the owner's legal counsel.
WHY REQUIRE A BID BOND?

Recognizing that collection against the surety on the bid bond is not an easy task, the question is often asked by owners and architects, "Why require a bid bond?" A strong argument can be made in support of requiring a bid bond simply for the reason that the bid bond assured the owner that the contractor is bondable. Bonding companies do not issue payment/ performance bonds without undertaking detailed financial analysis of the contractor. The assurance that a contractor is bondable is one of the ways in which owners can determine that the contractor is of sufficient size and financial standing to undertake the job.

CONCLUSIONS?

If the above has raised any questions, or causes you to want to comment ... call Eric at the WSA office.

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