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Bulletin

THE OFFICIAL PUBLICATION OF THE WASHINGTON BUILDING CONGRESS

Fall Kickoff

& FY'22 Board Installation





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Washington Building Congress is a nonprofit association made up of professionals from a variety of disciplines, all with an active interest or involvement in the Washington Metropolitan Area's real estate, design, and construction community. The organization was established in 1937 to represent the collective interests of its members by providing education and networking opportunities and by promoting the advancement of the building industry. For additional information about membership, joining a committee or the WBC Bulletin, call (202) 293-5922 or visit us on the web at www.wbcnet.org.

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It was my honor to take office as the 84th WBC Chairman of the Board on October 1. We started the new membership year off with the Oktoberfest Networking at The Brig DC on October 21 and have been going strong ever since. Thank you to everyone who joined us for the Fall Kickoff and Installation on September 28 at District Winery. The new venue for this event was tremendous and well received by those in attendance. I am delighted to announce that we will be getting back to our normal schedule of in person events and activities this year. The highly anticipated Holiday Party is being held at Congressional Country Club on December 14 and we will be holding the Craftsmanship Awards Banquet at the Omni Shoreham March 25. Craftsmanship Judging Day and the Winter Networking are scheduled for January 13 at Maggiano's Tysons. We will also be going back to the three-course format for the WBC Golf Outing on June 13 at Lansdowne and Belmont. Please also be on the lookout for our regular series of networking and professional development programs throughout the year.



I would like to congratulate and welcome the members of the FY'22 WBC Board of Directors who took office on October 1. Emerson Teer has graciously passed the chairman's gavel off to me for the next year. As Immediate Past Chairman, Emerson will be serving as chairman of the WBC Foundation and the Past Chairman's Council. A very special thank you goes to Emerson for his many years of leadership and service to the association. The WBC officers and directors who will be serving our outstanding organization over the next year are listed in the column on the left.

I would like to take this opportunity to ask that you please renew your WBC membership, if you have not already done so. We need your continued support and participation now more than ever. The membership year runs from October 1 to September 30, and annual renewal payments must be received no later than December 31 for members to be included in the 2022 WBC Industry Index membership directory. There are also many great advertising opportunities still available for the printed directory. If you have questions regarding membership renewal, sponsorship, or advertising, please contact Rita Reis at (202) 293-5922.

Please keep in mind that participation on WBC committees and task forces is open to all member firm employees — all you need to do is volunteer. Meeting attendance is offered in a virtual format to help make participation more convenient. Take a look at the committee sign-up form in this edition of the Bulletin and let us know where you would like to serve ([see pages 18-19](#)). Member involvement and participation helps guide the direction of the association and provides a great opportunity to expand your circle of contacts in our great industry.

I look forward to seeing you at an upcoming WBC program or event. Thank you for your ongoing support.

Best regards,

Chuck Claar
WBC Chairman of the Board

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Industry Report

Ruppert Landscape Helps Install 660,000 Flags on National Mall to Commemorate Pandemic Toll

From Tuesday, September 14 through Thursday, September 16, over 150 employees from **Ruppert Landscape's** Maryland, DC and Virginia branches came together to assist Maryland artist Suzanne Brennan Firstenberg bring to fruition *In America: Remember*, a public art installation commemorating all Americans who have died due to COVID-19. More than 660,000 white flags were installed on 20 acres of the National Mall at the base of the Washington Monument, creating an opportunity for visitors to reflect upon the enormous toll of the pandemic.

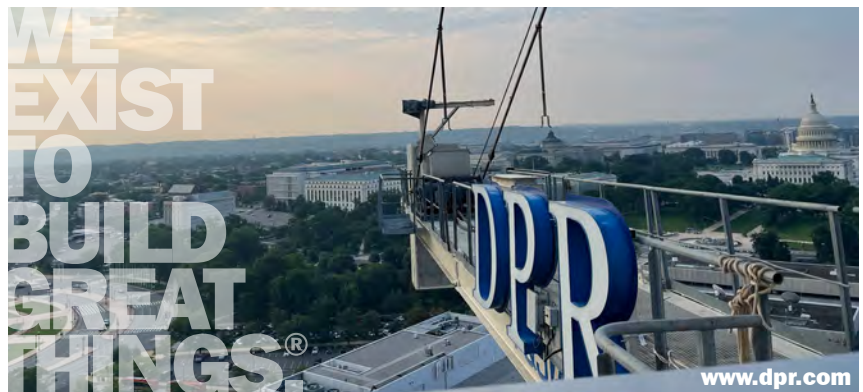
Conceptualized and executed by Firstenberg, she describes the project as a memorial that's also a physical manifestation of empathy. Ruppert assisted with bringing her vision to life using a combination of aerial mapping and design software to create a grid that encompasses the National Mall. To ensure symmetry during installation, teams used a custom-made grid tool to install the 4" x 5" white flags.

There are 143 sections, the majority of which are 60' x 60', that each contain 5329 flags. Ruppert had over 350 team members from 10 local branches contributing to the installation over the three-day period. The exhibition is occurring concurrently in the digital sphere, allowing families across the nation to submit messages to personalize flags for their loved ones at Inamericaflags.org.

"When people say, 'We couldn't have done it without you,' they are usually speaking figuratively," said Suzanne Brennan Firstenberg. "Without Ruppert Landscape, I literally could not have created *In America: Remember*. From the start, Craig (Ruppert) and his team have been all in—creating two unique systems for planting this massive array, helping with logistics and organization, and working tirelessly to create a layout that meets the needs of the National Park Service, while also allowing for



Over 350 Ruppert team members from 10 local branches participated in the installation over a three-day period.



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Industry Report

the ever-expanding number of flags. Ruppert Landscape models corporate goodness, setting the bar high for other companies."

This is the second installation of In America, both of which Ruppert assisted with. The first occurred in the fall of 2020 on a four-acre site at RFK Stadium, which was covered in 267,080 white flags, before the exhibition ran out of space due to the mounting toll.

"We are always glad to be involved with projects that bring visibility and awareness to important issues or underserved populations," said CEO Craig Ruppert. "When Suzanne brought this to us, we knew it was a project that would enable us to put our skills and teamwork to good use and we were glad to get involved."

Ruppert Landscape, a family and employee-owned business, has been an industry-leading provider of commercial landscape construction and management services for nearly 50 years. Headquartered in Laytonsville, Maryland, the company employs over 1800 people and serves customers from 29 branches in eight primary markets: Philadelphia, Baltimore, D.C., Richmond, Raleigh, Charlotte, Atlanta, and Houston. The company has a long-standing tradition of growing its team and giving back to the community. Learn more at www.ruppertlandscape.com.

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Contact Rita Reis at reis@wbcnet.org



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HITT Contracting Thanks Frontline Essential Team Members with \$4 Million Bonus

HITT Contracting announced today it has awarded one-time hardship bonuses to essential frontline team members, dedicating more than \$4 million in appreciation funds to employees that worked diligently and safely throughout the COVID-19 pandemic. HITT, a leading national commercial construction firm with revenues forecasted at more than \$3.4 billion and major projects across the US, was able to continue work throughout the pandemic thanks to its dedicated and hardworking team members who provided essential services for necessary construction projects. HITT's teams continued building projects including medical facilities like hospitals, vaccination clinics, and research labs; industrial spaces including warehouses and logistics centers that enabled people to receive at-home deliveries; and data centers that increased telecommunications capabilities as the world transitioned to remote school and work.



Photo: HITT Contracting



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Industry Report



Kim Roy, CEO
HITT Contracting

“As we reflected on the incredible challenges of the last 18 months, we wanted to reward our team members for their unwavering dedication and commitment to our company, our projects, and our clients,” said Kim Roy, chief executive officer of HITT. “In the early days of the pandemic, despite facing many unknowns, we proudly committed

to making no layoffs at HITT, easing team member worries so they could focus on what was important — safety on-site, their health, and their families. Our people bravely showed up to work and overcame significant obstacles, pivoting to enhance safety and security through frequently changing COVID-19 protocols. These team members made us stronger, exemplified dedication and grit, and kept American construction running. The success of our firm in the most challenging times is thanks to our frontline workers. This financial bonus

is just a small token of our most sincere gratitude for our greatest asset – our people.”

In 2020, HITT delivered more than 20 million square feet across 1,367 projects nationwide. Today, the company continues to see new projects on the horizon as well as a substantial pipeline of backlog. As the pandemic continues, the firm is poised for a successful future thanks to the trust of their partners and clients, steadfast relationships with subcontractors, and the unwavering dedication of their hardworking team members.

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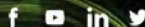
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Grunley Announces New Leadership and Promotions

Grunley Construction Company, Inc., a \$400 million general contracting firm, has recently announced promotions amongst its leadership team as it continues to grow and expand its reach across the DC metropolitan area. **Sonya Brown** has been named Senior Vice President, Marketing and Business Development.

In her new role, Sonya will continue to lead Grunley's marketing, communications, and business development strategies with the goal of advancing the company's brand, strengthening awareness in the marketplace and driving revenue growth, place and driving revenue growth.



Chris Hightower



Bill Six



Mike Stigliano



Darius Helton

Other executive leadership changes include **Chris Hightower** being promoted to Vice President of Field Operations. He will continue to oversee the overall management of Grunley's field labor. **Bill Six** and **Mike Stigliano** have been promoted to Vice Presidents of Operations where they both will oversee the operations of the firm's most complex projects, respectively. **Darius Helton** has been promoted to Contract Executive and will continue to oversee the success of high-profile various projects.

Grunley also announced multiple promotions at the director level. **Erik Carlson** has been promoted to Director of Estimating and **Will McDonald** has been promoted to Director of Safety.

Muller, Inc. Announces the Launch of New Brand Identity



Muller Erosion and Site Services, Inc. ("Muller"), a leading civil construction services firm, unveiled a new brand

identity—including a new company name, logo, tagline, and website—as part of a comprehensive rebranding initiative. The firm will be known as Muller, Inc. effective immediately. The new brand identity reflects both the evolution of the company and its services as well as its aggressive growth plans moving forward.


"The decision to undergo a rebrand was a natural one for us," said David Muller, Founder and President of Muller, Inc. "Our company, service offerings, and industry have transformed considerably since our founding in 2007. Our new brand identity aims to underscore the breadth of services we now offer and our strategic vision for the future of our company."

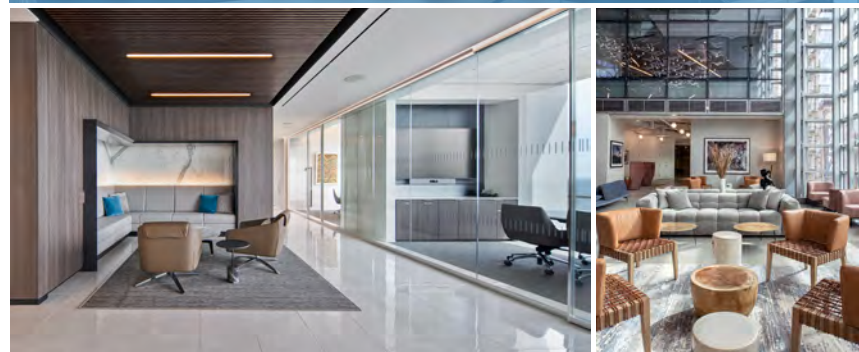
The addition of an alliterative tagline (Specialized. Sustainable. Site Services.) better represents the core capabilities of Muller and its commitment to utilizing cutting-edge technology to deliver superior results for its clients. The new look and feel

are designed to work seamlessly across Muller's digital and physical channels.

The revamped website, www.mullerrec.com, showcases a clean and engaging design, easy-to-use navigation, and optimized user experience. Access to essential information about services, projects, and career opportunities is intuitive and quick. The website is also accessible in two languages—English and Spanish—to better connect with the diverse workforce that makes up the civil construction industry.

ACECO Announces Promotion of E. Hayes Merkert to Vice President

ACECO is pleased to announce the promotion of **E. Hayes Merkert** to Vice President – Estimating. Hayes joined ACECO in 2017, and in his time as Director of Estimating, he has been a catalyst for growth in client base and geographic reach. ACECO looks forward to continued success for the Estimating Department under his leadership. 



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Meet the Chairman

Chuck Claar

WBC's 84th Chairman of the Board

G

rowing up in State College, Pennsylvania, Chuck Claar developed an early interest in construction. As a child, he remembers wandering through homes being built in his neighborhood and as he grew older, working for his uncle who was a general contractor, “pulling nails out of salvaged lumber and running to get drinks at break time.” After earning a degree in Real Estate from Penn State and eyeing a Washington, D.C. area booming with new construction, he moved here to begin work as an assistant superintendent doing apartment renovations.

He was working as a finish superintendent, building townhomes in Northern Virginia when a downturn in the economy forced a career change from residential construction to commercial interiors. “Eventually, I found my way to Buchanan Partners and the affiliated businesses, ran the interiors construction business, doing land and business development.”

“We need to continue our push for diversity, with a focus on our industry, we simply need more career people.”

A desire to return to the operations side of construction brought him to R.W. Murray. “R.W. Murray offered the opportunity to return to operations at an executive level,” he said. “R.W. Murray has allowed me to develop my own business and continue participation in industry organizations such as the Washington Building Congress as it supports the growth and profile of the business.”

As a member of the Washington Building Congress, Claar led the effort in the design and construction of the WBC Hall of Fame, feeling strongly that there should be a venue “honoring the individuals who actually built the Washington area.”



(Left to right) Past Chairman Brett Snyder with outgoing Chairman Emerson Teer and WBC's new Chairman of the Board Chuck Claar.

Claar feels just as strongly about the mission of WBC. “The WBC offers the ability to grow your network/ business, learn, and develop leadership skills all in a non-partisan organization. As with any industry organization, the rewards are commensurate with the effort you put into it. I am honored that my peers have elected me to the Chairmanship of the most prominent construction industry organization, in the world’s most powerful city.”

As the organization’s 84th Chairman, Claar has a clear vision for the future of WBC, stating, “We need to continue our push for diversity, with a focus on our industry, we simply need more career people. Without diversity, we will continue to struggle to fill the many available career opportunities.” He would also like to expand programs that give back to the community, not only with the highly successful food drive, but adding other charitable projects for the less fortunate. Additionally, he would like to explore “developing a partnership with a college or university for some form of an educational program to introduce high school students to architecture, construction, engineering and real estate.”

Claar’s passion for his work is equaled only by his devotion to his alma mater, Penn State—missing only 5 home football games as a season ticket holder. When not watching football, he engages in a physical activity of his own every day, whether it is riding a bike, resistance workouts, running, walking, or hiking.

WBC Fall Kickoff





Thank You

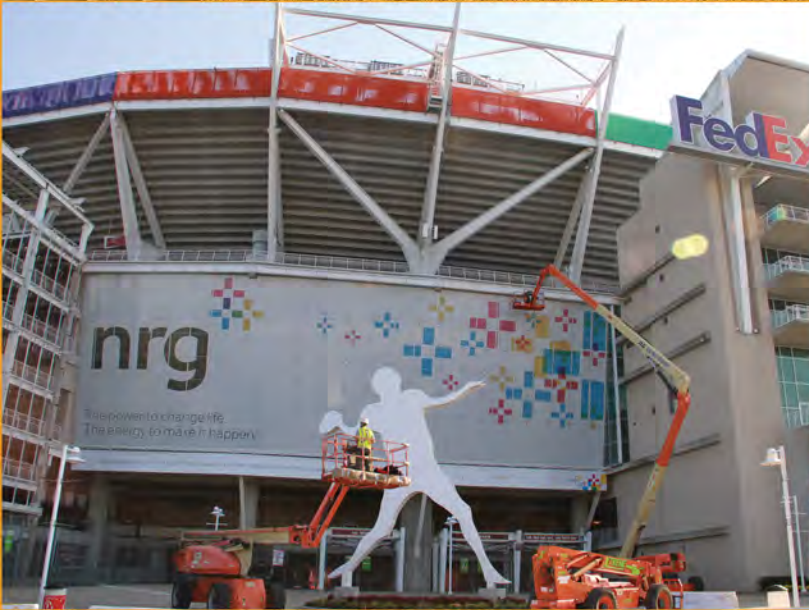
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WBC Committees – FY’22

October 1, 2021 to September 30, 2022

Community Services

Coordinates community support initiatives, monthly volunteer opportunities, new jobsite food drive and other requests for assistance throughout the year.

Chair: Vanessa Carrion ♦ Stream Realty Partners
Vice Chair: Andrew Tomlinson ♦ G&M Services
Board Liaison: David Stocks ♦ Stocks General Contractors

Craftsmanship Awards

Oversees planning and execution of the Craftsmanship Awards and Hall of Fame program. 278 entries were received in 2021 and judging was done both in-person and virtually.

Chair: Lynn Maia ♦ Clune Construction
Vice-Chair: Erik Kaniecki ♦ CBG Building Company
Board Liaison: Dave Singleton ♦ Singleton Electric

Hammerheads

Focused on engaging members under the age of 40. Hosts committee lunch & learns, networking events, workforce development outreach and community service activities.

Chair: Stacy Chu ♦ American Institute of Steel Construction
Vice-Chair: Troy Cornell ♦ Aronson LLC
Board Liaison: Karen Cotton ♦ HITT Contracting

Innovation

Coordinates the annual Innovation & Technology issue of *Bulletin* and tracks new developments in sustainability, energy resources, materials and building technology trends.

Chair: Don Zeiders ♦ Shapiro and Duncan
Vice-Chair: Justin Couch ♦ Stromberg Metal Works
Board Liaison: Bill Voigt ♦ Siemens Industry

Marketing & Communications

Currently working on redesigning the WBC website and enhancing the association’s social media presence through Facebook and LinkedIn.

Chair: Stacey Holsinger ♦ Steel Toe Communications
Vice-Chair: Kaitlin Krasic ♦ G.E. Frisco Co.
Board Liaison: Layli Pietri ♦ Balfour Beatty Construction

Membership Services

FY’22 goals: 85% retention, 20 company and 20 small business members. Targeting new owner/developers firms. Plans orientation, recruitment and retention initiatives.

Chair: Mike Newman ♦ Timmons Group
Vice-Chair: Garrett Sefrin ♦ rand* construction
Board Liaison: Jared Oldroyd ♦ Clark Construction Group

Program & Education

2021 programs focused on life sciences, cybersecurity, economic outlook and regional economic development. Collaborates with all committees on program scheduling.

Chair: Larry Prosen ♦ Cozen O’Connor
Vice-Chair: Adam Lackey ♦ Exponent
Board Liaison: Greg LaRosa ♦ Dynalectric Company

Regional Development

Engages with economic development groups and agencies dealing with building and development to identify opportunities for learning and working relationships.

Chair: Jeremy Colville ♦ CohnReznick
Vice-Chair: OPEN
Board Liaison: Mike Wilson ♦ Carr Companies

Small Business

Provides information, programs and services for small business members focusing on GSA, SBA, general contractors and other industry representatives.

Chair: Maria Snyder ♦ Construction Cleaning Service
Vice-Chair: Shana Rothman ♦ Smith, Currie & Hancock
Board Liaison: Kelly McGuire ♦ Columbia Green Technologies

Summer Golf Outing

Plans the annual WBC golf outing featuring 432 players on three courses. The 2022 event is scheduled for June 13 at Lansdowne and Belmont golf clubs.

Co-Chair: Kelly McGuire ♦ Columbia Green Technologies
Co-Chair: Bill Voigt ♦ Siemens Industry

Diversity Task Force

Focusing on promoting and increasing diversity of WBC membership, committees, leadership, board of directors and the industry our association represents.

Chair: David Osei ♦ JLL
Board Liaisons: Reggie Jones ♦ Fox Rothschild
Layli Pietri ♦ Balfour Beatty Construction

Get Involved: Serve on a WBC Committee!

Washington Building Congress committees play a key role in professional development, regional planning, membership services, community and public relations, and planning for WBC events and programs.

If you want your voice heard when policies and programs that affect our association and the industry are addressed, there's no better place to be than on one of WBC's committees.

Please lend a hand and make the commitment to get involved today! You can select up to two of the following committees and email your completed form to Rita Reis: reis@wbcnet.org.

Thank you for your support!

YES! I would like to actively participate on the following WBC committees:

- | | | |
|--|---|---|
| <input type="checkbox"/> Community Services | <input type="checkbox"/> Membership Services | |
| <input type="checkbox"/> Craftsmanship Awards | <input type="checkbox"/> Program & Education | |
| <input type="checkbox"/> Hammerheads <i>(under 40 years old)</i> | <input type="checkbox"/> Regional Development | <input type="checkbox"/> Diversity Task Force |
| <input type="checkbox"/> Innovation | <input type="checkbox"/> Small Business | |
| <input type="checkbox"/> Marketing & Communications | <input type="checkbox"/> Summer Golf Outing | |

I am interested in being a committee chair or vice-chair.

Name: _____ Company: _____

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Email reis@wbcnet.org or Fax 202.429.1922 this page to the WBC today.

A WBC staff member will contact you to provide additional information.

Top 10 reasons you should volunteer to serve on a committee:

1. To give back to your industry.
2. To network one-on-one with other industry professionals.
3. To learn about current issues, trends and business opportunities.
4. To gain recognition by your peers.
5. To get the inside track on changes in the industry.
6. To meet new people, make new friends and and mingle with industry movers and shakers.
7. To assist with identifying new projects and industry innovations.
8. To enhance your business skills and abilities.
9. To give back to the community.
10. And it's fun and rewarding!

DESIGN-ASSIST 101:

Enacting Efficient Construction and Legal Protections

By Jackson S. Nichols and Matthew R. Skaroff
WBC Innovation Committee

Efficiencies and construction are a natural fit, or at least that is the hope of contractors, owners, and designers. Since the first brick was laid, builders have been looking for ways to build more efficiently. To that end, the construction industry has developed and used various construction delivery models and design processes for projects over the years—continually working out the kinks and improving the processes while also trying to determine who bears what risks and the related responsibilities.

Although the general idea of “design-assist” has been present in the construction industry for some time, it was not a formal and widely understood concept until recently. As design-assist has become more popular and better understood, more contractors are learning to use it on projects with better results and less disputes. The key to doing so is a clear understanding of what it is and how it differs from other processes, such as delegated design, as well as having contractual language that reflects that clear understanding.

What is Design-Assist?

Simply stated, design-assist is a process that typically involves specialty subcontractors providing input during the design process to encourage efficiencies in the construction process and the final structure.

Most often, these efficiencies manifest themselves as cost savings. A steel fabricator, for example, may recommend changes to the design concept that would result in less steel being used in the overall project or a reduction in fabrication time (which, in turn, would result in a faster project delivery time). Efficiencies may also appear in the form of a more functional structure, such as one that uses less energy or has a longer lifespan.

The underlying design-assist idea is that a specialty subcontractor knows its area of work best and has substantial insight that the design team otherwise may be missing.

Potential Pitfalls with Design-Assist

A significant pitfall in the design-assist process can be the unclear shifting of risk because the parties have not articulated their respective responsibilities during the process. Parties frequently fail to delineate such risks and responsibilities in their contracts at the project's outset, leading to disagreements and legal disputes.

Until recently, there has been no standard form of contract for design-assist, leading to confusion during the design process for many projects. In the worst cases, subcontractors have signed contracts during the design phase in which they provide a fixed price for construction while agreeing to simply provide "design-assist services" without any further explanation. When the design is complete and the costs have risen for reasons unrelated to the subcontractor, the subcontractor is nevertheless expected to provide the work for its original price. In such circumstances, parties have argued that because subcontractors participated in the development of the design, they must honor their price. These scenarios have obviously caused disputes.

In one such dispute in Massachusetts, *Coghlin Electrical Contractors Inc.*, a lawsuit arose from disagreements over a subcontractor's responsibility for extra costs on a project during construction where the subcontractor provided preconstruction consulting services during the design phase. The Massachusetts Supreme Court ruled that to determine responsibility, a lower court needed to parse through the subcontractor's involvement during the design phase to see if the subcontractor's actions then had a connection to the extra costs. Unfortunately, the parties became embroiled in costly litigation because they failed to articulate responsibilities during the design phase.

Clarity Brings Efficiency

Fortunately, however, industry practice continues to evolve to promote a greater understanding of the design-assist process, leading to clearer contracts. Industry leaders such as the American Institute of Architects and the American Institute of Steel Construction have promulgated papers and seminars to educate members of the construction industry. With increased understanding in the industry, parties are

more likely and able to engage in the design-assist process efficiently and with fewer disagreements.

Additionally, standardized design-assist contracts have started to appear. These contracts generally contain clear and detailed information as to exactly what services a design-assist subcontractor agrees to provide, as well as the respective liabilities the subcontractor explicitly accepts.

A clear design-assist contract should explicitly define the agreed-upon "design-assist services." These may include, among other things:

- i. Offering value engineering**
- ii. Preparing cost estimates for specific work**
- iii. Providing estimated scheduling information**
- iv. Evaluating constructability**
- v. Reviewing specifications**

Of course, the list of "design-assist services" is only limited by the parties' creativity and the extent of beneficial information that a specific subcontractor can provide.

By having design-assist services explicitly defined in a contract, the parties can better manage their expectations. More detail also provides a better reference point to resolve disputes. For example, if the parties in *Coghlin* had a clear design-assist contract that explained in detail each service the subcontractor was required to provide, they might have avoided their dispute altogether. The parties also could have potentially avoided conflict if they split their design-assist and construction obligations into two separate contracts.

The Difference between Design-Assist and Delegated Design

Design-assist is often confused with delegated design, but it is important to distinguish between the two concepts. Delegated design transfers design responsibility for a component of work from the designer to a specialty subcontractor. The specialty subcontractor will usually bear responsibility for both designing the component and building it, and if the design is faulty or unconstructible, the subcontractor is responsible.

In comparison, when a subcontractor provides design-assist services, the subcontractor merely provides information to the design team to assist the designer of record with design development. Unless design responsibility is explicitly delegated, the designer of record remains responsible for creating all components of the design, even if design-assist is provided.

Design-assist and delegated design are distinct concepts and should not be confused with one another, though the processes can be used together concurrently.

Using Design-Assist While Protecting Yourself Legally

Design-assist provides a powerful tool to increase efficiency on a project. But in order for it to be used properly, the parties must have a thorough understanding of what it is and what the expectations

are. The parties also must have a clear contract that reflects that understanding. By approaching design-assist with that in mind, project participants can better ensure they have proper legal protection, while making good use of the efficiencies that design-assist promotes.

About the Authors

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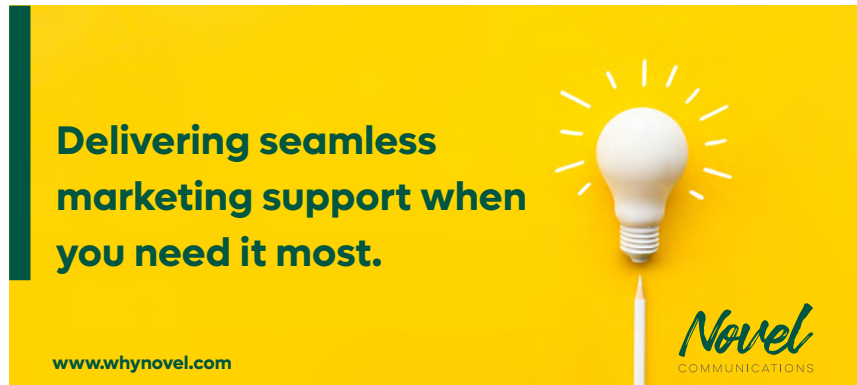
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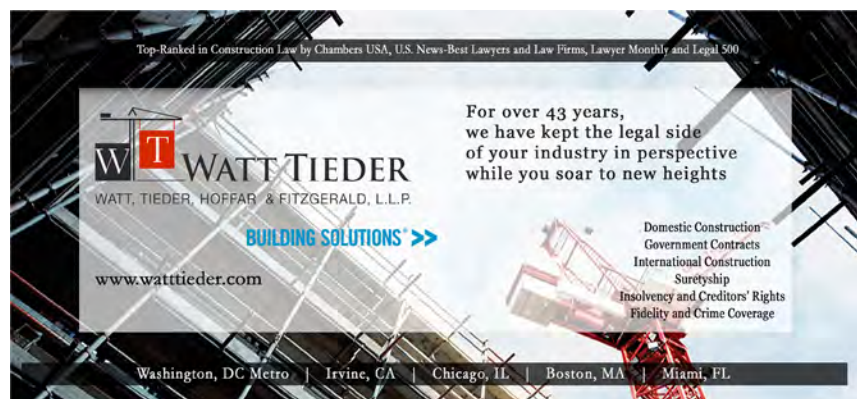
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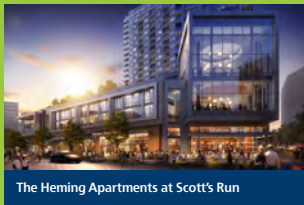
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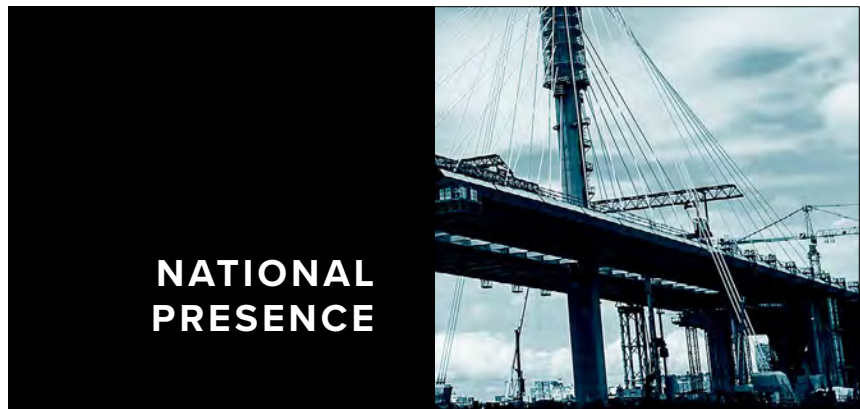


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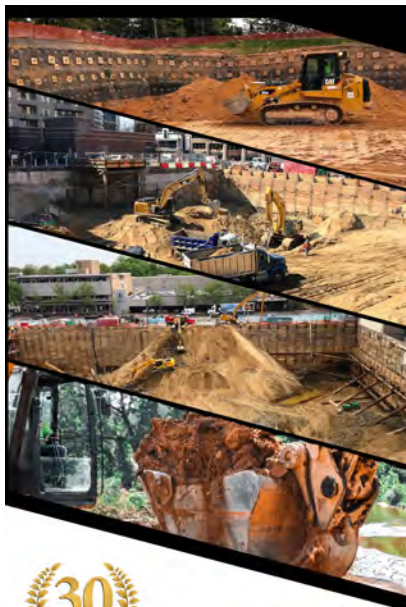
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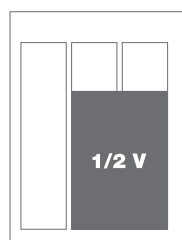
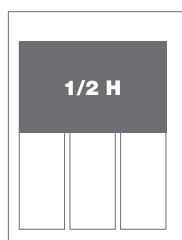
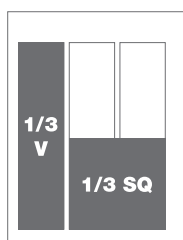
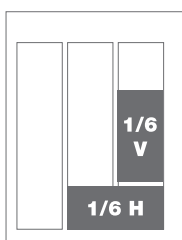
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