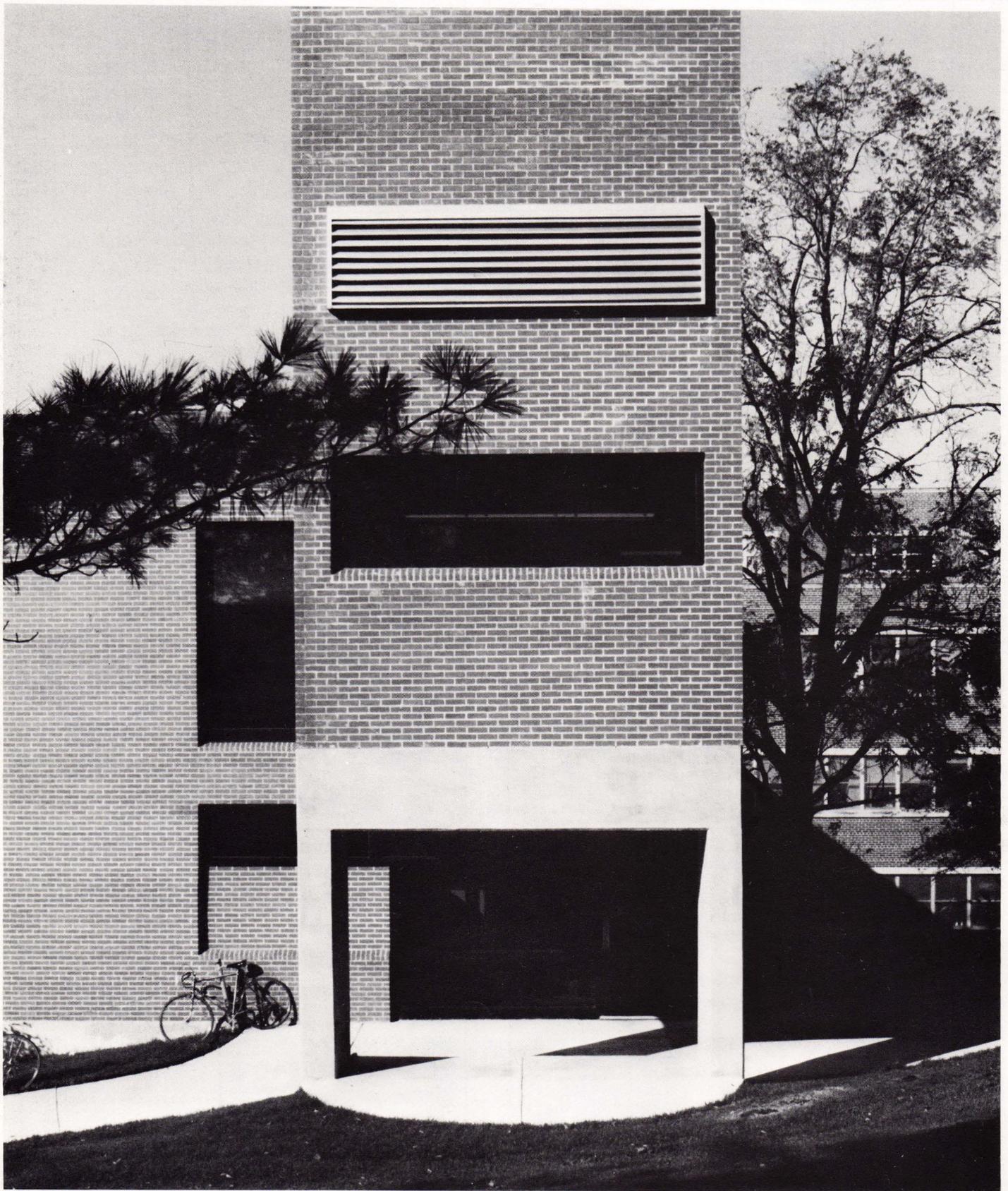
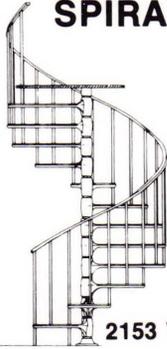


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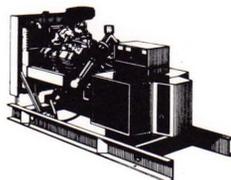
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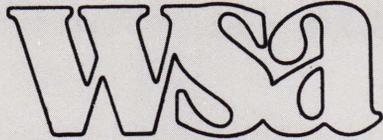
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Cover Credit:
Addition to UW-Madison
Bacteriology Building -
Bowen Kanazawa (now B-W-Z,
Architects and
Kanazawa Architect)

Wisconsin Society Of Architects Legislative Report

by David E. Lawson, AIA
Chairman
WSA Legislative Committee

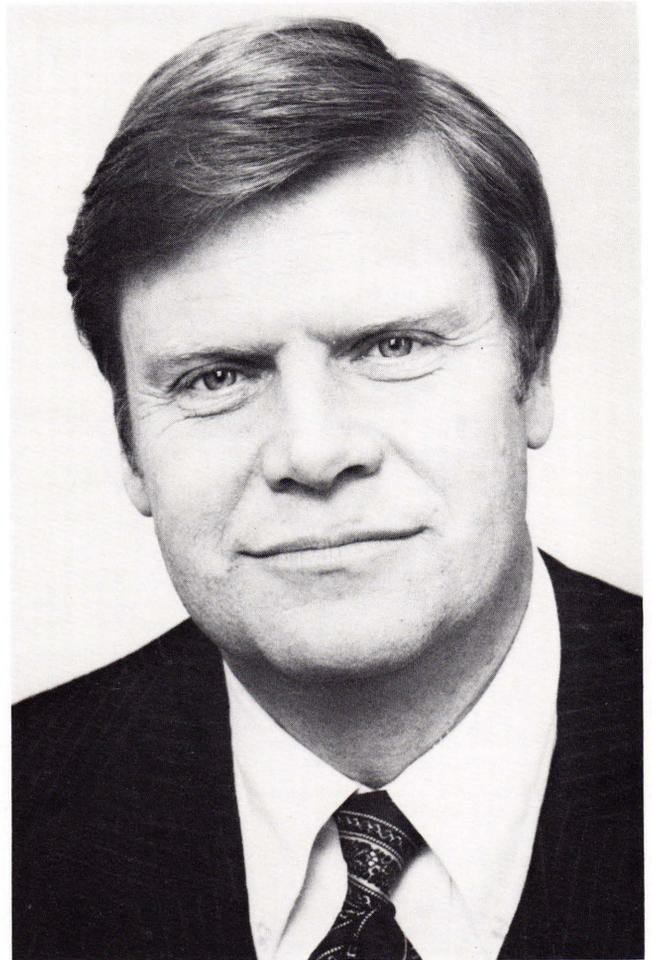
During the first half of the 1981-82 session of the Wisconsin Legislature, the Wisconsin Society of Architects, through its Legislative Minutemen, Legislative Committee, and Lobbyists have been actively involved on behalf of the architects in Wisconsin. This positive involvement has resulted in architectural concerns being better represented in the legislative process in Wisconsin.

During the 1970's the WSA became more actively involved in the legislative arena in order to represent the interests of the profession of architecture. As the years have passed, the WSA has become more sophisticated in its approach to the Wisconsin Legislature and the results of our actions are becoming much more evident.

It wasn't too many years ago when we couldn't even get the Governor to sign a proclamation. Now we regularly meet with the Governor, Cabinet level officials, and continuously interact with State Senators and Assemblymen on numerous items of interest.

The WSA's governmental affairs program needs your active participation. This can be in the form of being a WSA Minuteman, or simply calling to the attention of the WSA matters which may merit action, either before the Wisconsin Legislature or before state administrative agencies.

The WSA's past experience with the legislative program clearly illustrates that input and participation by WSA members can result in public policy that is both supportive of the continued professionalism of architecture and which furthers the protection of



the public's health, safety and welfare.

A few of the matters pending before the 1981-82 Wisconsin Legislature which the WSA continues to participate include the following:

RETAINAGE

Under present Wisconsin law, public owners may pay contractors in installments based on periodic estimates. The statutes require that the contractor be paid 90% of the approved estimate, with 10% retained during the first half of the work. The public owner then must pay the contractor any amount retained upon completion of the work.

Two bills introduced before the Wisconsin Legislature require that public bodies not withhold

any retainage during the first one-half of the work, unless the A-E certifies that the work is not proceeding in a satisfactory manner. These bills further provide retainage to be a maximum of 2.5% of the total value of the work completed, as proposed to the 10% required under current law.

The WSA lobbyists, and Legislative Committee have expended substantial time during the past year attempting to work out a compromise between the current law and the pending bills. The current version of the compromise reduces retainage amounts to 5% on the entire project, to be increased to 10% if the A-E certifies that the work is not proceeding satisfactorily.

Where this bill will end up is impossible to predict.

The University of Wisconsin - One and a Third Centuries of Development

by Gordon Orr, Jr., FAIA

In 1982, the University of Wisconsin will complete one and a third centuries of service to the state. As an institution dedicated to the education of the people of the state, of public service to the state of Wisconsin and its people and a commitment to research in the advancement of our understanding of our lives, of sustaining our lives, and of improving the quality of our lives through health care, food production, and intellectual stimulation, its faculty, staff, and students work to achieve these goals.

The University's campus has expanded from a small plot of land at the west end of State Street in Madison to a vast metropolitan campus of 42,000 students, with its facilities located statewide. Those programs that the Chancellor of the Madison campus, Dr. Irving Shain, must direct includes 12 experimental farms as far north as Ashland, as far east as Sturgeon Bay, as far south as Lancaster, as far west as Spooner, of a physical science research facility that includes several linear accelerators and a neutron cancer laboratory in Stoughton, and of a biological research station on Trout Lake in Vilas County.

So while one is inclined to think of the University of Wisconsin-Madison (as it is currently identified) as the mammoth pile of buildings in Madison, its work, however, continues in many other locations. Yet, the main campus in Madison is where the larger share of the teaching, the research and the public service programs originate and are conducted. Thus the State's investment in higher education facilities can be most clearly seen along the shores of Lake Mendota, extending to the South across University Avenue, and east from Lake Street almost two

miles to its western terminus where its married student housing is located atop Eagle Heights.

The campus was generously endowed with natural beauty as seldom can one find such a lengthy shoreline gracing the campus bounds. While providing a beauty in its own right, the lake offers additionally the opportunity to swim, to sail, and to canoe, all great amenities for its student body. Still, the lake is also the subject of intensive research programs in fresh water ecology. The research programs originally initiated on Madison's Lake Mendota now extend to lakes in northern Wisconsin, conducted at the Trout Lake Biology Research Station in Vilas County.

Such an idyllic setting has made the Madison campus the mecca for many summer students creating an active setting all year round. Other programs have been initiated for the Graduate School of Banking, for youth programs in government and in music and in continuing education in many fields, seize the opportunity to use the campus in the summer months.

The Madison campus has watched the sophistication of its facilities develop from small multi-purpose buildings, such as the original North Hall of 1851, into large complex facilities such as those for Geology, Space Science, and Art and Music, among others. North Hall, when first constructed in 1851 contained student housing, classrooms, library, in fact, everything necessary for the handful of students then in attendance. It was here that John Muir lived while a student.

The continual growth of the campus both in number and kind of facilities, and its periodic reuse and remodeling programs, could

not have been effectively carried out without a professional staff. From its early master plan in 1851 of five simple buildings, until the development of the Laird and Cret plan of 1906-09, the direction of development was mostly in the hands of the Board of Regents. In 1897 the first pro-architect from Chicago, who was hired on a part-time basis as the supervising architect for several of the agricultural buildings. He was employed by the College of Agriculture. The job was later expanded and Mr. Jennings designed several distinguished buildings on campus - the 1899 building for the College of Engineering, known today as the Education Building, and in 1902, Agriculture Hall.

Wisconsin architects as well as others from elsewhere have worked within the original plan of Paul P. Cret, often without the realization that the first fully conceived plan for the development of the campus originated with a distinguished Gold Medalist of the American Institute of Architects. While many changes have taken place since 1906, and the campus has almost doubled from the 20,000 students that Cret's plan anticipated, many of his concepts have been respected and incorporated in the expansion of the campus. Periodically the campus plan is updated, and new plans address concerns that did not exist 75 years ago. The proliferation of bicycles, and the need to provide for vehicle parking on the campus are issues that present problems now that were not a concern of the earlier planning.

Planning for new facilities on the campus is a detailed and lengthy process that involves members of the faculty; faculty elected committees are charged with the responsibility of overseeing the proper use of facilities or just-



1. Planning and Construction Architects Horst Lobe, AIA; Emma Macari, AIA; Gordon D. Orr, Jr., FAIA (Campus Architect) and Jim Kennedy, AIA.

2. Architects Richard Grismer, AIA (left) and John Paulson, AIA (right) with James Edsall (center), Director, Department of Planning and Construction.



3. The Aladdin Accelerator facility at the Physical Sciences Laboratory of the University of Wisconsin-Madison located in Stoughton, Wisconsin designed by Martinsons Zeck, Inc.

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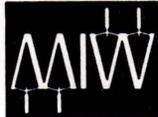
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NORBERT J. HYNEK
Executive Vice President

TO: MEMBERS OF WISCONSIN SOCIETY OF ARCHITECTS
AMERICAN INSTITUTE OF ARCHITECTS

We are pleased to announce that Sight & Sound International, Inc. is one of eight projects selected for "Excellence in Masonry". A representative from Computerized Structural Design, Inc. describes the project as follows:

"We are delighted to have received notification that the Sight & Sound International, Inc. project has been selected by Masonry Institute of Wisconsin for their Excellence in Masonry program.

We served as consulting engineers to the contractor for this negotiated construction project. Both the contractor and the owner provided strong input relative to the use of masonry for their project to convey both the warmth and feeling of permanency that masonry does provide. We felt that the experienced masons who were involved in constructing this project did an outstanding job of constructing the curved walls which were used and which were an important feature that the owner wanted to achieve for his building entrance.

We wish to convey our sincere thanks to all of the participants who helped to create this fine home for Sight & Sound International, Inc."

Congratulations to Computerized Structural Design, Inc. for "Excellence in Masonry".

Very truly yours,

MASONRY INSTITUTE
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Norbert J. Hynek
Executive Vice President

ifying the need for new, such as the Campus Planning Committee and the Campus Space and Remodeling Policies Committee. These important campus committees and other faculty members and academic departments require the assistance of professional staff to develop the statistical data upon which building programs are developed, and to assist in translating the program goals into spatial proposals. The Department of Planning and Construction of the Madison Campus is charged with that responsibility and provides the staff assistance. The staff is able to detect changes in student population in a manner that allows for a prediction of future space needs. Other times the staff is able to develop long range plans to assist the various schools and colleges in seeking funding for orderly facility development.

The Department is not only interested in new facilities, but seeks to assist in assessing the value of existing facilities to accommodate new uses. New technology is constantly forcing adaptations of existing spaces to accept new laboratory equipment, or processes, or to adjust to new teaching tools and methods. The concept that a dynamic University makes facilities obsolete before they are in use seems to be the "norm". Attempting to get the jump on the techniques is a quest of the staff, as it must also be for consultants used by the University.

The staff is charged with preparation of the definitive building programs by working closely with the faculty, and other interested and involved members of the campus community. Material used by the system administration of the University of Wisconsin system is developed at the campus level, and staff then work with other administrative units in presentations to the Board of Regents and the committees of the legislature, such as the State Building Commission of the Joint Finance Committee.

The staff of the department in wisconsin architect/january, 1982

cludes architects that develop the projects necessary to continually update and modify the existing facilities to meet new needs, adjust to new codes, accept new classes, or for a myriad of other reasons. Assisting in the development of the programs and projects for the campus within the department are additional specialists, and these include landscape architects, planners, mechanical engineers, interior architects, computer specialists, program administrators and writers, plus the very necessary secretarial assistance. Within this group of professional staff are a number of Wisconsin Society of Architects members, including staff architects Emma Macari, Jim Kennedy and Horst Lobe, and those within the remodeling program, John Paulson and Richard Grismer. Developing, coordinating programming, designing, supervising are all tasks that in some measure fall upon the shoulders of the professional staff at the University. The University has a competent, well-educated, dedicated staff whose leadership exists not only in their chosen occupation but in the many assignments that these architects have undertaken in the Wisconsin Society of Architects, in the national activities of the American Institute of Architects, and on various state and municipal boards and commissions.

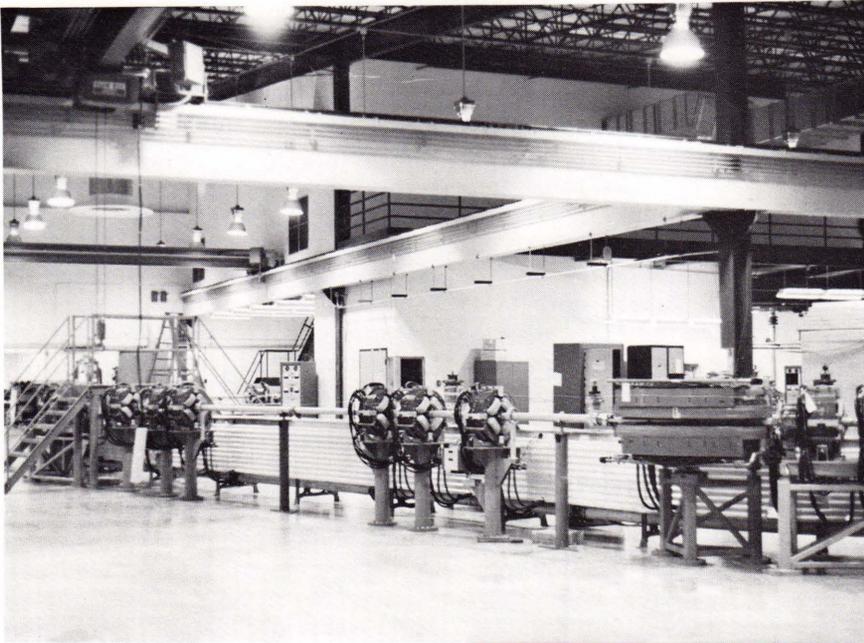
The recent growth of the campus can be seen in a series of facilities that have responded to programs and to national challenges or public interest areas. The decades of the sixty's witnessed an unprecedented growth in the social sciences and humanities. National funding programs supported new facilities such as those that spurred the construction of the Humanities Building for music, art and history, for Van Hise Hall for languages, new facilities for Chemistry instruction, and a major library expansion program. The Memorial Library by Flad and Associates, the Harry Steenbock Library for the College of Agriculture and Life Sciences by Strang Partners, the Kurt F. Wendt library for the College of

Engineering also by Strang Partners, and the Helen C. White Library as an undergraduate library in the humanities and social sciences by Fitzhugh Scott met the long neglected needs for book and periodical collections and reader spaces. Some specialized library expansion needs were met by an addition to the Law Library by Sample-Potter and a modest replacement structure at Birge Hall by Potter, Lawson, Pawlowsky provided a new home for the Biology Library.

The successful launch of "Sputnik" by the U.S.S.R. touched off a national concern for education in the physical and applied sciences. Programs sponsored by the National Science Foundation and the National Aeronautics and Space Agency prompted construction of buildings for computer sciences, meteorology and engineering research. All of the programs were ones that the University of Wisconsin had developed strong positions of academic leadership in, but now new space was needed to accommodate the growing numbers of students interested in these fields of study and research.

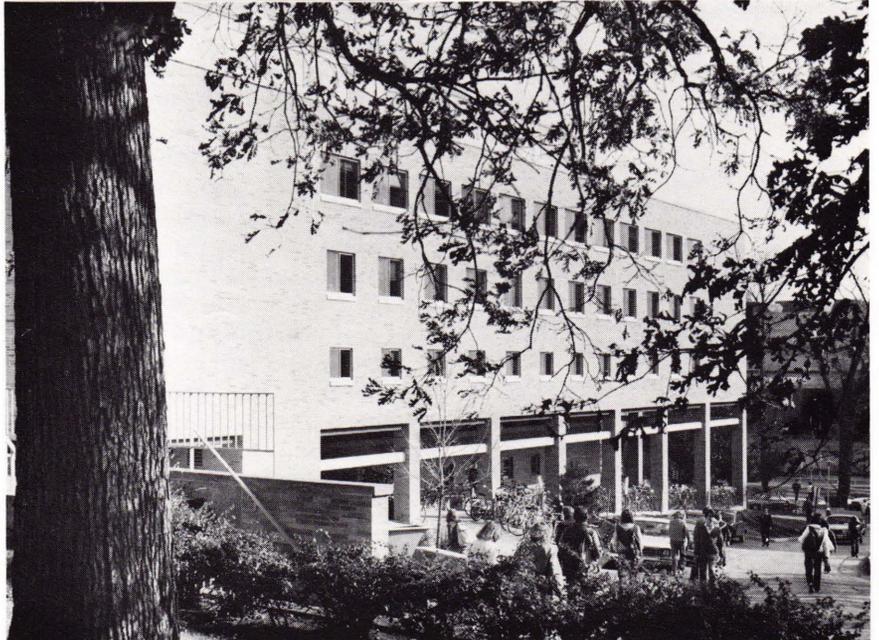
The seventies witnessed a growing concern for the health of the nation, and nationally funded programs for physicians' training and nurses' training along with programs in cancer research and treatment, brought national grants totalling almost \$22,000,000 to assist in the construction of the new medical center, coupled with the remodeling and reuse of the old hospital and related facilities at 1300 University Avenue.

The nations concerns were shaped by commitments to emerging nations in the latter half of the seventies, and our technology began to concentrate on ways to improve agricultural production, to work with people of other nations in selecting proper crops and harvesting techniques. The University responded to this concern of "feeding the world" and enrollments in agricultural programs also reflected this.



4. Interior of the Physical Sciences Laboratory showing the Aladdin accelerator and storage ring costing approximately 4.5 million dollars, under construction.

5. Addition to the Law Library by Madison architects Sample & Potter Inc.



6. The library and herbarium addition to Birge Hall as a replacement for an old animal quarter facility and a part of a major remodeling project in Birge Hall by Madison architects Potter, Lawson, Pawlowsky.

Two projects in the College of Agricultural and Life Sciences heralded this new commitment. The departments of agronomy and horticulture shared in a new addition to their building to provide new laboratories and teaching areas for the plant sciences. At the same time, critically needed laboratories for the department of agricultural engineering were nearing completion. This building, by Milwaukee architects, Miller, Waltz and Diedrich, (now Miller and Meier) will have new electrical power labs, new materials lab, hydraulic lab, as well as other support areas. Young agricultural engineers will have the opportunity to work on agricultural equipment, to experiment with new harvesting, planting, reaping devices, to work on manure disposal problems and to wrestle with the many problems associated with efficient feeding of farm animals. This soon to be occupied building of 14,000 gross square feet had a total project budget of \$1,275,000. The building was designed to include an additional floor at a future time. The additional floor, primarily designed for faculty offices and classroom spaces will enable the department to move completely to this site, vacating a building on Henry Mall for other occupants.

The late Edward Broun Fred, a distinguished bacteriologist, later Dean of Agriculture and then President of the University, lent his name to the building, housing the Department of Bacteriology. A recent addition to the E. B. Fred Hall, by Bowen and Kanazawa, Architects, of Madison, houses four new research laboratories, two on each floor. Each laboratory is complete with cold rooms, instrument rooms, laboratory supply areas, prep rooms and chemical storage areas, providing facilities for advanced work in bacteriology. A unique feature of this facility is that the lower floor of the building houses the University's west campus electrical substation. The building has 20,440 gross square feet, and the total project cost was \$2,430,000.

The need for new facilities will
wisconsin architect/january, 1982

continue on the campus, and in many cases this will be met by additions to existing facilities, as in the case of the buildings just mentioned. Some instances have already occurred, and more will follow in the future, where existing facilities will have to be updated or adapted. One recent example of building reuse was the program to update the red brick building on the shore of Lake Mendota that had originally housed the pump station for the lake water supply on campus. A phased program was instituted to update some laboratories, to provide new entrances and elevators, to remove the old pumping equipment, tanks and concrete saddles, and to insert a new floor for offices and a conference room. A final phase of construction is yet to come when a hydraulic flume and related experimental facilities for hydraulic engineering will be constructed. This work has been designed by Architects Engineers Inc. of Madison. Upon completion approximately \$2,000,000 will be invested in the facility.

The diversity of project types can be illustrated by several off-campus facilities. The largest experimental farm, approximately 2,000 acres, is located northeast of Madison in Arlington. A recent addition to the farm facilities is a small field laboratory facility for the Departments of Plant Pathology and Entomology, located just off Highway 51 in Leeds. This facility of only 4,200 gross square feet was designed by the Madison architectural firm of Root and Brink for a project cost of \$173,000. A field laboratory, such as this, enables the research faculty member to have adequate equipment and facilities close at hand where he can both efficiently conduct specific phases of his work near the fields and to have the space available to work with graduate students at the actual field conditions.

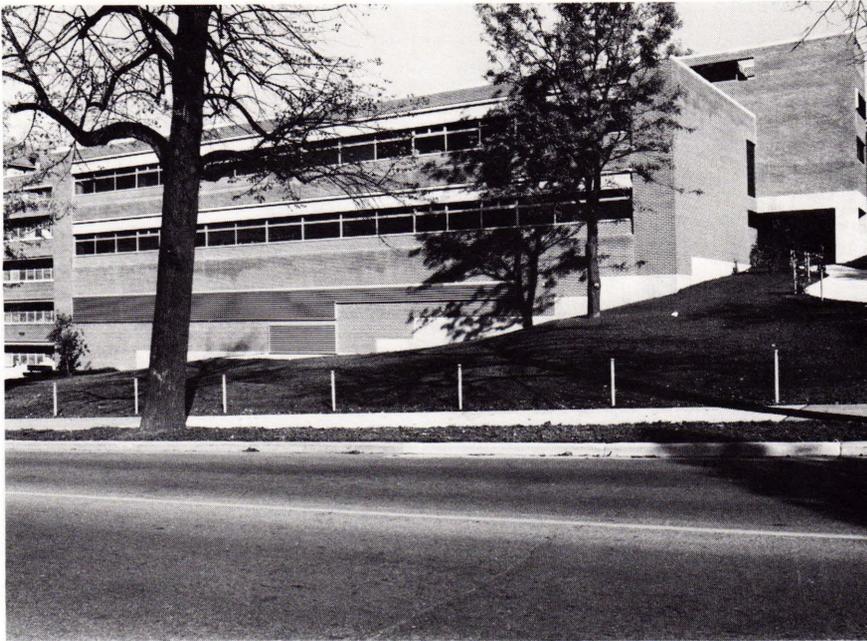
Just south of Madison, outside of Stoughton, the University's Physical Sciences Laboratory sits in an agricultural setting. Yet this pastoral environment houses one of the most sophis-

ticated research machines operated by the University. Known by the anachronism "Alladin", the new accelerator facilities were constructed by funds supplied by the National Science Foundation and the State of Wisconsin, while the four and a half million dollar accelerator machine facility is National Science Foundation funded, from which the project received its name. Institutions from around the country will be involved in using the electron generating apparatus for their own specific research projects. The accelerator and storage ring were all constructed by the staff of the laboratory to a design initiated by the research staff. The staff of the lab had considerable prior experience with a smaller accelerator and ring located to the north of the main headquarters building. Martinsons/Zeck provided the design talent for the facility, and created a unique building to meet the unusual design requirements for space, for staff and for shielding. This 33,850 gross square foot building was constructed at a project cost of \$1,240,000.

A dynamic University must continue to build and remodel as it meets its responsibilities for teaching, for research, and for public service. Setbacks have occurred during the institutions, such as the recent veto of the building program. Yet in a society where education is held essential, where young people seek knowledge as a stepping stone to their careers, and where others seek to find answers to many questions, the society will respond; not always as rapidly as some might wish, or in a magnitude that others might desire.

As one goes about the task of working on the University campus, one must remember the words of Eero Saarinen who issued a challenge to those who share the tasks of University development:

"Universities are to our time what monasteries were to the middle ages. They are oases in our desertlike civilization. They also have about the only beautiful pedestrian spaces that are left to us.

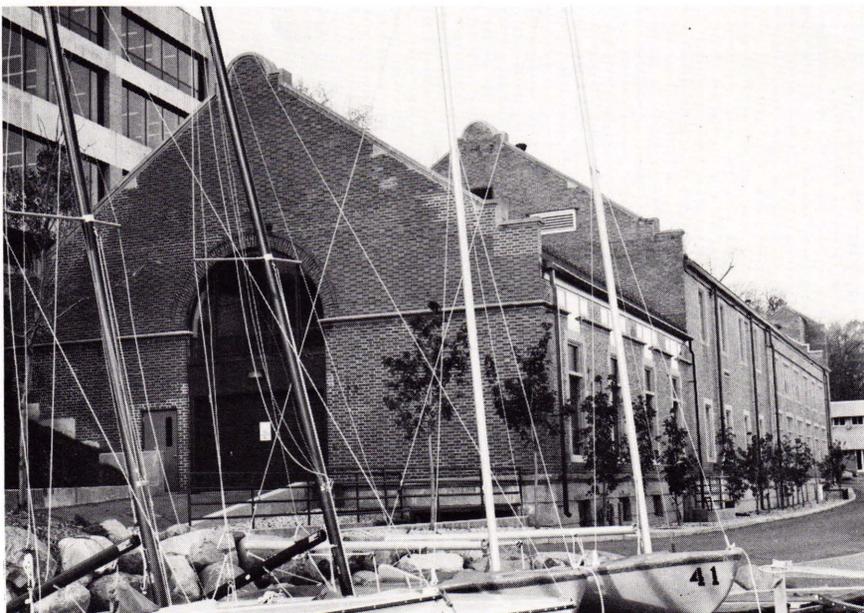


7. The addition to the Bacteriology Building by Madison architects Bowen Kanazawa (now Bowen, Williamson, Zimmerman, Architects and Kanazawa Architect).

8. The addition for Agricultural Engineering by Milwaukee architects Miller, Waltz, Diedrich (now Miller and Meier).



9. The old Lake Water Laboratory and Pumping Station recently remodeled for Water Chemistry and Hydraulics nestled along the shore of Lake Mendota by Architects-Engineers Inc. of Madison.



Legislative Insert

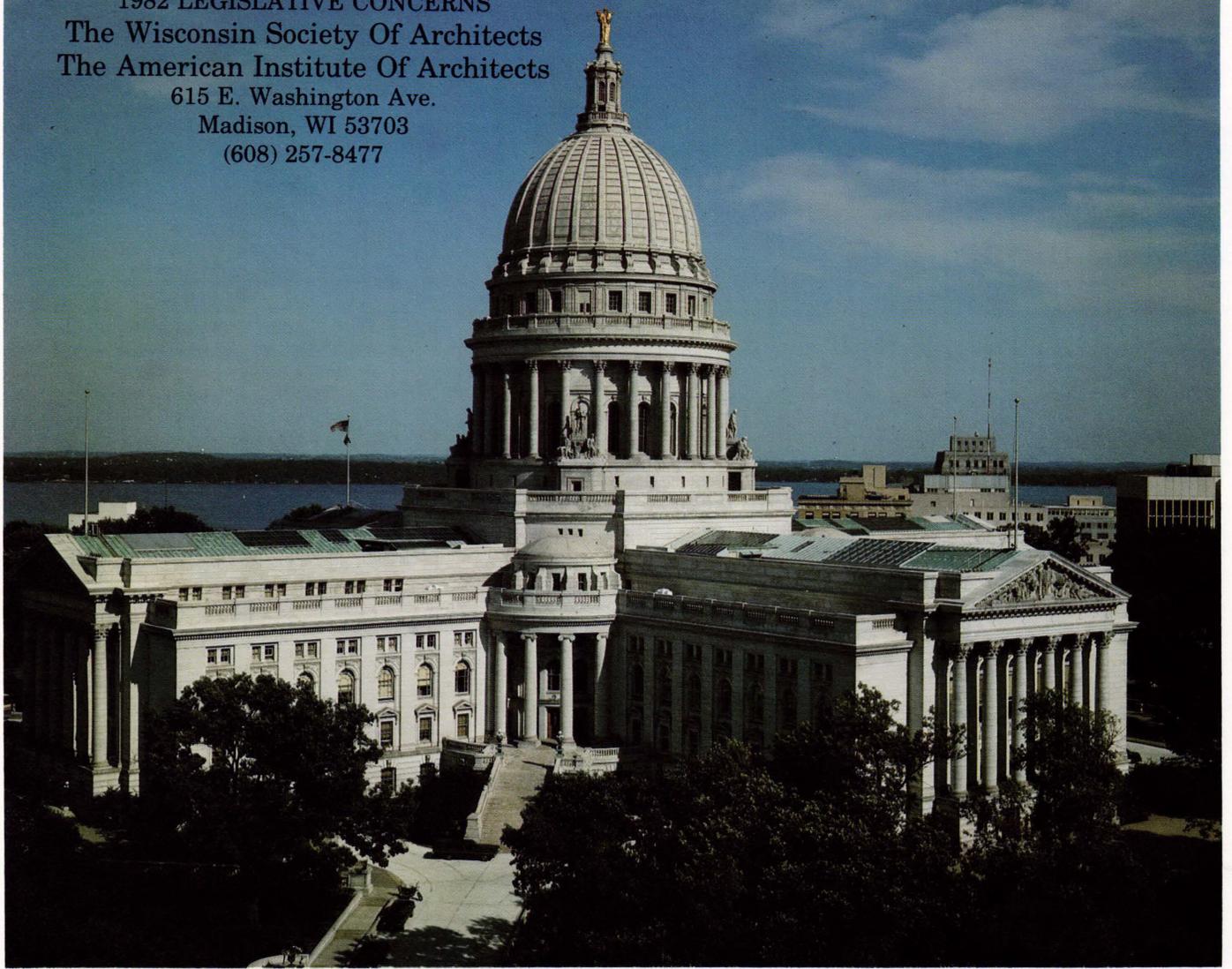
This month's "Centerfold" is a four page Legislative Brochure which will be distributed to members of the Wisconsin Assembly and Senate, as well as to other public administrators and officials.

The purpose of this brochure is primarily to educate public officials as to the WSA's position on a number of issues. Another purpose is to maintain their awareness of the goals and viability of the WSA in the legislative arena. If there is a public official who you would like to have receive this brochure, please contact the WSA office.

Thanks to Jim Potter, AIA for photographic assistance.

wisconsin architect/january, 1982

1982 LEGISLATIVE CONCERNS
The Wisconsin Society Of Architects
The American Institute Of Architects
615 E. Washington Ave.
Madison, WI 53703
(608) 257-8477



To: The People,
Legislators,
And Public Officials
Of Wisconsin

The 700 members of the Wisconsin Society of Architects of the American Institute of Architects (WSA) have concerns and interests we wish to have considered by the people, the legislators, and Governmental officials of Wisconsin.

We are concerned and professionally involved in conservation, energy, environment, adequate housing, adequate health facilities, and the reuse and rehabilitation of existing buildings. We feel that much can be done to achieve efficient use of energy. These efforts include activities on both the part of the public and private sectors. While Wisconsin has already begun such efforts, there is much to be done if we are to achieve significant energy savings and maintain the national energy conservation leadership that Wisconsin has earned.

The WSA is committed to assisting those persons in Government involved in resolving our immediate problems and in formulating long-range plans to meet Wisconsin's physical and social needs. As architects, we have a professional and technical insight into current public issues, and we are anxious to share our experience and skills with you in our joint attempts to resolve these problems.

The Wisconsin Society of Architects stands ready to assist and participate in the legislative and administrative process. We hope that you will find the following information helpful in your evaluation of several issues which we feel you will be considering during the next year.

Brian F. Larson, AIA, President

Wisconsin Society of Architects

The Wisconsin Society Of Architects Supports Legislation That Will Allow The Licensing Boards To Pursue Their Statutorily Mandated Duties



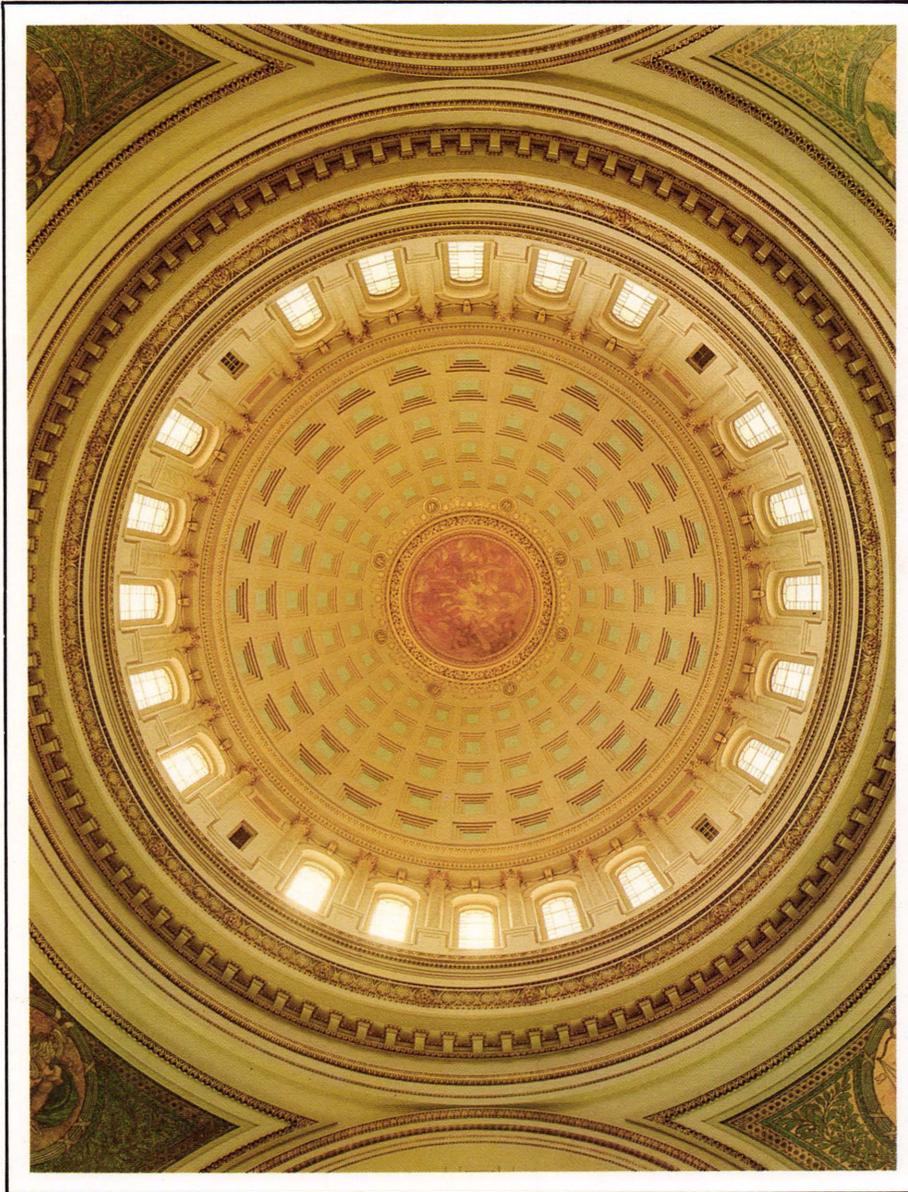
In 1967 the Wisconsin Legislature consolidated 13 occupational licensing boards for the express purpose of centralizing routine clerical functions while maintaining within the individuals boards authority to promulgate rules, establish standards of professional conduct, and provide examination to perspective licensees.

A bill introduced late in 1981 (AB 878) proposes to disenfranchise these individual boards from all of their historic statutory responsibilities and duties, with the exception of acting as a hearing officer on matters of discipline.

Also pending before the Wisconsin Legislature are two bills (SB 446 and AB 609) which attempt to re-create a balance between the professional staff of the Department of Regulation and Licensing for providing a centralization of routine clerical functions and the historic responsibility of the individual Licensing Boards to deal with matters pertaining to professional conduct, examination, and retention of licensing. Investigation by the WSA indicates that inactment of AB 878 will only provide a basis for growth in the administrative staff of the Department of Regulation and Licensing, without any discernible increase in the quality of service being rendered by that Department. On the other hand, SB 446 and AB 609 will dissipate the current imbalance existing between the Licensing Board and the Department and will allow the Licensing Boards to pursue their statutorily mandated duties.

The members of the WSA solicit your support of SB 446 and AB 609.

The Wisconsin Society Of Architects
Supports Legislative And Administrative
Actions That Will Consolidate And Improve
Governmental Functions



In September, 1977, the Department of Health and Social Services (DHSS) and the Department of Industry Labor and Human Relations (DILHR) submitted a grant proposal to the DOA Management Improvement Fund to obtain assistance in improving inter-departmental coordination in the development, promulgation and enforcement of health and building standards. The grant was authorized and in the final investigation report completed in December of 1978 there was a recommendation that all standards relating to the construction of buildings should be consolidated under the enforcement responsibility of DILHR and that those standards relating to the operation and maintenance of facilities should remain within DHSS

The Wisconsin Society of Architects recognizes that the state is a necessary party in the promulgation of construction plans and specifications. The WSA strongly supports actions by either the legislature or the administrative agencies which would resolve overlapping construction responsibilities between DHSS and DILHR which have historically created conflicting codes and standards, as well as duplication of plan examination, standards development and clerical and administrative support.

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In The Built Environment



The members of the Wisconsin Society of Architects are committed to a policy of energy conservation through building modifications, use of renewable energy resources, passive solar design and active solar technologies. To achieve this goal, the WSA encourages consideration and use of any method to achieve energy efficiency - passive, active or hybrid solar systems, for example. The members of the Wisconsin Society of Architects stress that realistic energy cost figures can be based on life cycle costs.

The architectural community does not want to be a part of the energy problem . . . it wants to be the solution. For example, a typical office building constructed before 1973 consumed about 200,000 British thermal units per square foot annually. That same building is being designed today to consume about 50,000 B.T.U.'s per square foot per year.

With the built environment accounting for more than 1/3 of energy consumption in Wisconsin the importance of conservation in this area cannot be overstated. The members of the Wisconsin Society of Architects are committed toward the potential energy savings that are available in the "Built environment", which includes such facilities as office buildings, schools, hospitals, factories, homes, auditoriums, and warehouses.

(Photos by James Potter, AIA)

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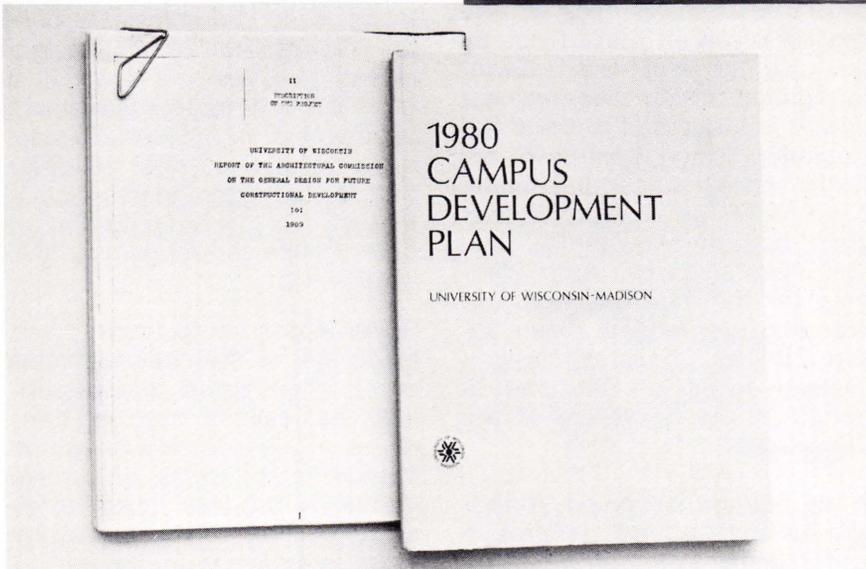
“On existing campuses, there is the challenge of building proud

buildings of our own time that are in harmony with the outdoor space and with the existing buildings of other times.”



10. The field laboratory facility for the departments of Plant Pathology and Entomology at the Arlington Experimental Farms of the University of Wisconsin-Madison by Madison Architects Root & Brink.

11. The Steenbock Memorial Library of the College of Agricultural and Life Sciences at the University of Wisconsin-Madison by Madison architects, Weiler, Strang, McMullin and Associates (now Strang Partners Inc.).



12. Planning Documents – the original 1906-09 Plan prepared by Paul P. Cret, FAIA, Warren Powers Laird, and Arthur Peabody, FAIA, University Architect and later Wisconsin's first State Architect, a mimeographed document that accompanied series of drawings, and the recently adopted 1980 Campus Development Plan.

All Photos By
Gordon D. Orr, Jr., FAIA

DILHR's Petition For Modification Process

by Larry Litchfield, P.E.

Mr. Litchfield is Deputy Chief Engineer at DILHR - Safety and Building.

Recently, several questions have been raised regarding DILHR's Petition for Modification procedures. Such questions are:

"Where does DILHR get the authority to grant modifications to the administrative code?"

"Why is a petition process needed?"

"Why is there a fee for the review of a petition?"

"With all the complicated code changes, is the Department 'pushing' the designer towards the petition process more often?"

The purpose of this article is to answer these questions and generally explain the petition process.

The authority for the modification process is outlined in State Statute Section 101.02(6)(e) through (i). In simple terms, the statutes indicate that any person affected by an order of the Department may petition for a hearing on the reasonableness of any order. The current procedure is to submit a written-notarized petition form (SB-8) and a fire chief's position statement (SB-8A) itemizing the code requirement being petitioned. In addition, the petitioner must list what will be provided in lieu of complying exactly with the rule. Typically the Department is looking for an equivalent degree of health, safety or welfare as compared to the requirements of the code. In order to support the arguments presented in petition requests, the petitioner is encouraged to submit additional supporting information such as calculations, photographs, national code provisions, etc. In particular, the Department is looking for

items that have been provided into the design of the building that are in excess of the minimum requirements cited in the code. For example, if a petitioner wishes to use a one-hour fire rated wall where a two-hour rated wall is required and the building is sprinklered (and not required to be by the State Code), the Department may consider the sprinkler system as the equivalent degree of safety desired.

Once the petition forms are received, the petition is assigned to one of the senior staff members who will prepare a summary of the request. This procedure has been compared to the preparation of a court brief that an attorney prepares for the court before a case is submitted for trial. The petition reviewer compares the request for modification with all state code requirements, model code requirements, national codes and standards and with previous petitions. Quite often, we find that similar petitions have previously been processed on the topic, therefore simplifying the procedure. As the case with about ten percent of petitions processed, the petition may be processed based on precedence by the reviewer. After the reviewer formulates his/her recommendation, it is forwarded to the Chief Engineer, Ergun Somersan, for further review and endorsement. The Chief Engineer will then discuss the petition with the Division Administrator, John Wenning for the final decision. Mr. Wenning has recently been authorized by Secretary Lowell Jackson to act on petitions on behalf of the Secretary of the Department.

If the petition is denied, further appeal through administrative and judicial avenues are avail-

able.

As you can see, the petition process requires several hours of staff time to fairly analyze the request. Since the Bureau operates on a program revenue type funding (the Bureau operates entirely from the fees received and does not receive any other funds from the state's general revenue sources), a fee must be charged to try to recoup the staff hours required to process the petition. Actually the current \$216 fee does not cover the cost of the entire operation, therefore the difference is derived from the plan review fees. Since the petition review is quite often directly related to a building plan, this overlap of fees is justified. For calendar year 1980, the Department lost over \$130 average cost per petition processed.

With the tight economy and energy situation, greater demands are being made by the owners in the design of their facilities. Sometimes, these demands result in a direct confrontation with a building code requirement. Without the petition process, the building official would have no alternative except to enforce the letter of the code. With the petition process, the owner, designer and the Department can most often come to mutual agreement via the petition process. This applies not only to new buildings but also to the remodeling-alteration of existing buildings, especially buildings with a historical significance.

Several comments have been made that as the code becomes more complicated, the Department has caused more petitions to be processed. However the number of petitions processed by the Bureau has remained almost constant for the last several years as shown in the table.

Number of Petitions Received Versus Plans Received

Year

	1975	1976	1977	1978	1979	1980
Number of Petitions Processed	321	271	357	322	373	360
Total Number of Plans Received	9,165	10,793	12,293	12,947	13,081	11,599
Percent of Plans With Petitions	3.5	2.5	2.9	2.5	2.9	3.1

After reviewing the table, it can be determined that several factors affect the amount of petitions received and not just the complexity of the code. Other factors include: the type of building plans submitted, i.e. alteration of existing buildings typically result in more petitions; the economy, a tight economy tends to produce more conservative designs with a greater possibility for a code conflict; and the resourcefulness of the design professional, an ill-informed designer may create problems for his client that may result in a petition request. However, there are many reasons for a petition request, probably just as many as the number of requests made.

Hopefully, this article has answered your questions regarding DILHR's Petition for Modification process. We did not explain the process in great detail, therefore if you have any further questions, please call our office for further details. My telephone number is 608-266-0675. We strongly urge that if you determine you must petition a code requirement, please call us to discuss the problem before submitting. Quite often, other alternatives are available that may eliminate the need to request a Petition for Modification. Petitions normally take between two to six weeks to process, therefore, if you are under the gun for time, please keep this in mind.

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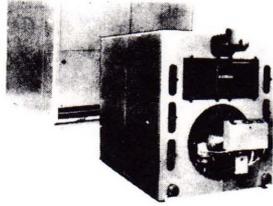
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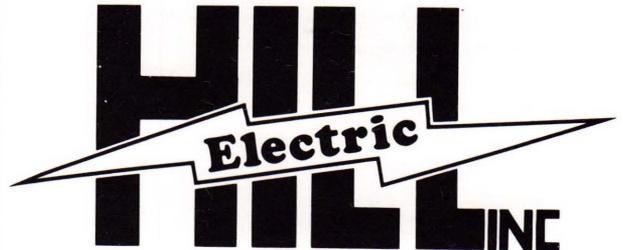
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(Most) Everything You Ever Wanted To Know About Payment Performance Bonds . . . But Were Afraid To Ask

by James G. Plunkett, AIA

A surety bond is nothing more than a guarantee. There are usually three parties involved. One of the parties is called the principal . . . this is the person who owes some duty or responsibility to another. Another party is the obligee . . . this is the party to whom the duty is owed. The third party is the surety . . . this is the entity that guarantees that the principal will do his duty on behalf of the obligee.

Conceptually, there can be as many different types of bonds as there are types of agreements requiring a guarantee. In the construction industry, there are generally five types of bonds which are recognized and may come into play in any given situation, i.e. the Payment Bond, the Performance Bond, the Bid Bond, the Maintenance Bond, and Lien Bond. This article will attempt to provide further information with reference to Bid Bonds, Payment Bonds and Performance Bonds.

THE BID BOND

Under the terms of a Bid Bond, the surety assures the owner that the contractor will carry out the terms of the contract if it is awarded to him. If the contractor fails to enter into the contract, the surety becomes liable for the difference between his bid and the amount of the alternate contract with another contractor, up to the dollar limit (the penal sum) of the bid bond. The costs of bonds is covered later in this article.

THE PAYMENT BOND

It is common for any owner to require the contractors to pay their bills. These bills may be due and owing laborers, materialmen, or subcontractors who could otherwise file a mechanics lien against the project. Simply stated, under the terms of the

payment bond the surety guarantees that the contractor will pay these bills and the surety is responsible for paying the bills if the contractor fails to do so. It is extremely important to note that the obligation of the surety to make these payments is expressly determined by the contract between the surety and the owner (the bond), and therefore all of the terms of the bond should be understood and complied with. The payment bond is usually purchased in conjunction with a performance bond.

THE PERFORMANCE BOND

Under a performance bond, the surety guarantees to the owner that there will be faithful performance of the underlying contract between the owner and the contractor. Again, as with the Payment Bond, the terms of this guarantee are specifically established in the bond and it is absolutely important that the terms of the bond be complied with.

STATUTORY BONDS

Performance and Payment Bonds can be considered to be in two different categories . . . Statutory and non-statutory. Statutory bonds are bonds that are required by law. Each state may have different provisions in its laws pertaining to payment and or performance bonds. Generally Statutory Bonds are the type of bonds that are required on public projects.

WISCONSIN STATUTORY BONDS

Current Wisconsin Law requires Performance Bonds on all contracts with the state involving \$2,500 or more and all other public works contracts involving \$500 or more. (See Wis. Stats. 779.14 et. seq.) This same law specifically provides that a contract cannot be made unless the

prime contractor gives such a bond, issued by a surety company who is licensed to do business in the state of Wisconsin. This law further provides that any claims under this bond must be made not later than 1 year after the completion of work under the contract. **Wisconsin AIA Document A312** is the form of Bond which has been developed by the WSA for use on public projects in Wisconsin and which complies with the statutory requirements for this type of bond have been developed because suppliers, materialmen, subcontractors, and laborers do not generally have lien rights against publically owned projects in Wisconsin.

WISCONSIN-PRIVATE SECTOR BONDS

There is no similar requirement for payment/performance bonds under Wisconsin Law for privately owned projects. However, such bonds are sometimes used in the private sector. Under Wisconsin Law a properly executed Payment Bond on a private job may result in parties not being able to file liens on the project. The **Wisconsin AIA Document Wis A311** for Private Improvement Performance Bond and Labor and Material Payment Bond which are available for use in Wisconsin.

WHY USE THE WISCONSIN FORMS

AIA has a form (A311) which includes the Performance Bond and the Payment Bond. This is a general form which does not recognize the distinction discussed previously in this article between public and private projects. This AI form has been modified to comply with Wisconsin statutes which have been discussed previously in this article and which apply both to private

and public projects. These Wisconsin forms have been adopted in an attempt to fully comply with the current Wisconsin Statute. In fact, they have been modified within the past 12 months to reflect recent changes to the statutes. In order to fully comply with Wisconsin Statutes, these forms are recommended. For instance, the Wisconsin Statutes pertaining to public improvement indicate that a claim on a performance bond must be filed not later than 1 year after the completion of the work under the contract. However, the AIA form requires that the claim be brought within 1 year following the date in which the Principal ceased work on the contract. This may sound the same . . . but it's not, and the difference may lead to protractive litigation. The Wisconsin version of the Performance and Payment Bond is also a modification which has been undertaken to bring the bond form in full compliance with the applicable Wisconsin Statutes.

PERFORMANCE VERSES PAYMENT BOND

Some confusion has arisen over the fact that there are **two** bond forms one for Payment Bonds and one for Performance Bonds. As discussed above, they provide two different types of guarantees. However, it is strongly recommended that both types of bonds be required. Consider a situation where only a performance bond has been required and the contractor fails to make payment to a subcontractor who then files a lien against the owner. It is conceivable that the bond company would have no liability before the contractor's failure to make payment. Why? Because there was no payment bond, which is the form of bond which really guarantees that subcontractors, materialmen, suppliers, etc. will receive payment. It is recommended that both the payment and performance bonds be used.

FEEES

How much does a Bid Bond, Payment Bond, and/or Performance Bond cost? As in any other situa-

24

tion where there is a purchase, the price is negotiable and there are no hard or fast rules. Generally, surety companies provide Bid Bonds to the clients at no fee, or for a minimal charge (for example \$100/year for all bid bonds). Payment and Performance bonds aren't free. The fee for these bonds is usually based on a percentage of the contract price. One rule of thumb generally used is that the fee for these bonds is 1% of the contract price. Some surety companies charge 1% of the contract price up to the first \$100,000 and $\frac{3}{4}$ of a percent on the balance. Interestingly, the fee is normally the same whether or not there is a Performance Bond, a Payment Bond, or both. In other words, a combined Payment/Performance Bond can normally be obtained at the same fee as buying just one.

1956 FORMS

Have you ever read the fine print on a Payment/Performance Bond and noticed that included in the scope of coverage is hay for the horses or Kerosene for the lamps? If you have, you are using an obsolete form. Don't laugh, contact with claims representatives for surety companies indicates that in many instances the bond forms which are being used are antiquated, outdated, and do not conform to current statutes and or procedures. The results can be catastrophic. There is an easy remedy . . . update your Bond Forms, just as you update the other forms that you use in your office.

NOTICE AND TIME OF SUIT REQUIREMENTS

All bond laws and bonds have strict claim notice and suit requirements which must be complied with in order to have the surety held liable. Simply stated, failure to comply with these time requirements means loss of the claim.

EXERCISING BOND REMEDIES

It cannot be overstressed that these bonds are created by statutes and attorneys, and as such

must be strictly complied with in order to perfect any remedy. This article is not attempting to provide you with a handbook for perfecting your remedies, but to make sure that all understand that failure to comply with notice requirements, to make timely claims, or to in any other way comply with the terms and conditions of the bonds or statutes can result in the surety not being liable on the claim.

INSURANCE ADVICE

Most Errors and Omissions Liability Policies for architects specifically exclude from coverage any comment, action, direction or advice given by the architect to the owner regarding insurance or bond coverages. In other words, an architect who gives a client insurance advice does so without coverage for any errors, omissions, or negligence in quality of advice given.

RECOMMENDATIONS

The recommended procedure is to advise the owner to consult with his insurance advisor in making determinations regarding bid security, bonding, contractor's liability, owner's liability, etc. This performs a professional service calling matters pertaining to bonding and insurance to the attention of the owner, without providing "professional guidance" as to what bonds and or insurance are necessary for the individual project. Consider using AIA Document G610 "Owner's Instructions for Bonds and Insurance" as well as the Payment and Performance Bond forms previously discussed in providing this service. Copies of all of these documents can be purchased from the WSA office in Madison. Document orders can be made using the WSA's WATS line (1-800-362-3912).

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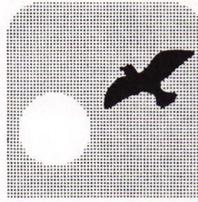
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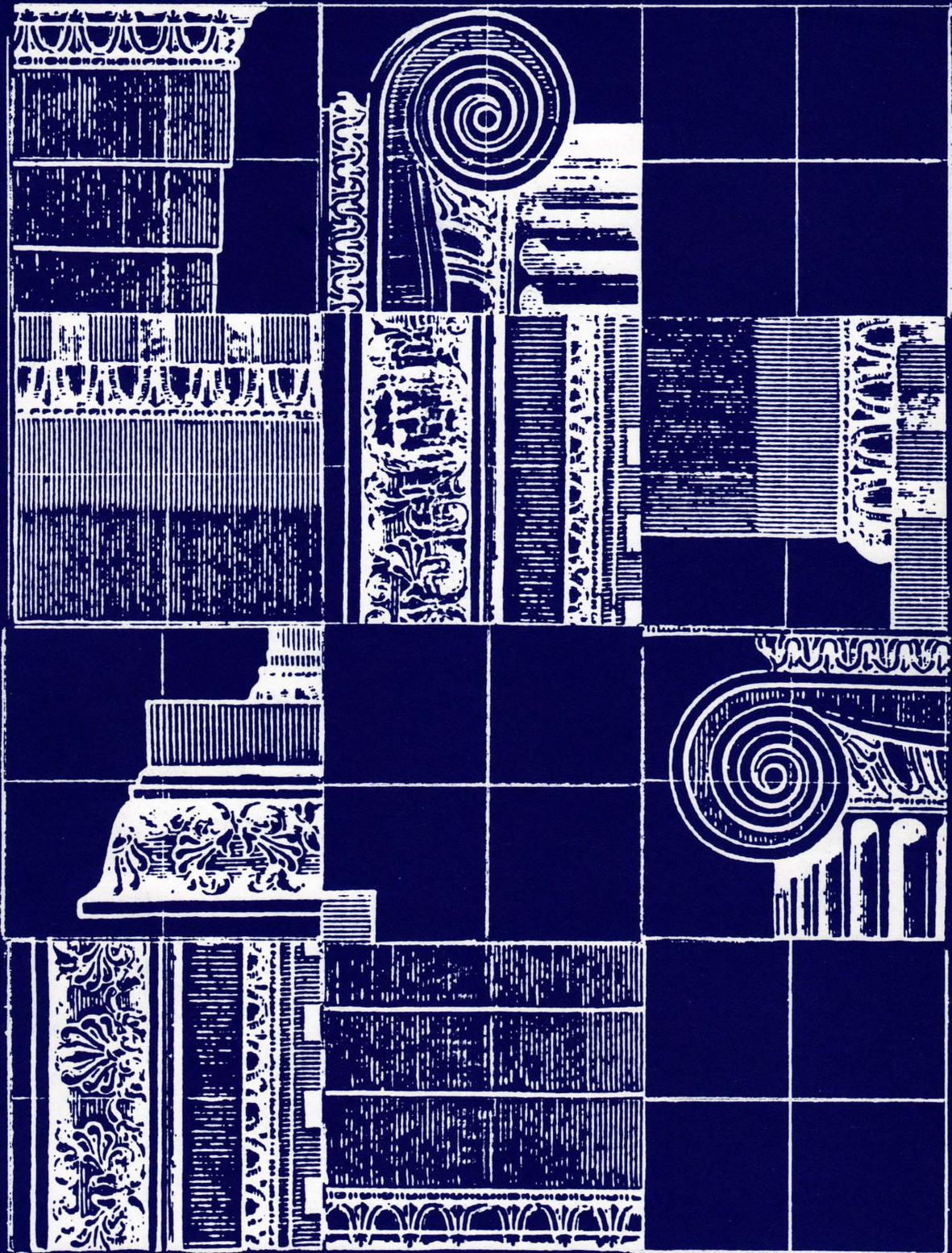


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