



SAN DIEGO INTERNATIONAL CHAPTER INC.  
AMERICAN CONCRETE INSTITUTE

# THE WHOLE NINE YARDS

ISSUE 170 JULY/AUGUST 2010  
PUBLISHED MONTHLY  
Website: [www.aci-sandiego.org](http://www.aci-sandiego.org)

## SAN DIEGO INTERNATIONAL CHAPTER AMERICAN CONCRETE INSTITUTE

### “CASH IS KING, SWING FOR GREEN”

ANNUAL GOLF TOURNAMENT

FRIDAY, OCTOBER 1, 2010



**LOCATION:** Twin Oaks Golf Course – 1441 N. Twin Oaks Valley Road,  
San Marcos

**TIME:** Registration 10:30 AM  
Shotgun Start 12:30 PM

**FEES PER PLAYER:** \$165.00 per person (includes golf w/cart, three drink tickets & dinner)

**PAYMENT:** Check or Credit Card

**EARLIER BIRD SPECIAL:** All entries received on or before Friday August 13, 2010 will be eligible for our early bird raffle prize: to the Rancho Bernardo Inn for a one night stay with a round of golf for two.

**DINNER COST & TIME:** For those that want to come to dinner only \$50.00 per person (includes Dinner, one drink & one raffle ticket) time 5:30 PM

**ECONOMIC RECOVERY SPONSORS:** (Reverse side of flyer) The San Diego International Chapter, American Concrete Institute invites you to be a sponsor of our Annual Golf Tournament. You can be a sponsor, as well as play in the tournament. Your company will have sign recognition on the golf course the day of the tournament, so be sure to send your business card with your sponsorship donation.

Custom made flags for your assigned hole. **Extra purchase of one flag is \$50.00.** You keep them after golf tournament! E-mail your company logo to [concreteaci@cox.net](mailto:concreteaci@cox.net) by September 10, 2010.

Sorry, last year's flags cannot be reused!

**FORMAT:** Four Man Scramble / Pink Ball Shamble  
Hand Wedge is a free toss of the ball.

**NEW THIS YEAR:** *You can now have your shirts customized with your company logos for \$80 per foursome. All logos need to be in eps format and if they need to be digitized by Apex Marketing, it will cost an additional \$50 per foursome. See below to indicate shirt sizes for each player.*

*Please have your logos to Heather Caya by September 1, 2010 at [concreteaci@cox.net](mailto:concreteaci@cox.net)*

*Company Logos will be placed on the right sleeve of shirt*

*Note: Shirts are not oversized and can not be exchanged for different sizes day of event!*

**STIMULUS PRIZES:** ACI 2010 Grand Prize: Flat Screen TV, Cash Prizes *‘cause cash is king!!!*



SAN DIEGO INTERNATIONAL CHAPTER
AMERICAN CONCRETE INSTITUTE

CASH IS KING, SWING FOR GREEN
ANNUAL GOLF TOURNAMENT
FRIDAY, OCTOBER 1, 2010

For more details call 619-579-1940
PAYMENT MUST BE RECEIVED TO CONFIRM RESERVATION!!!!
NO CANCELLATIONS

Please return this portion with PAYMENT by MONDAY, SEPTEMBER 20, 2010 to:
ACI San Diego, P.O. Box 713110, Santee CA 92072, E-mail concreteaci@cox.net, or FAX (619) 258-5839

Company Name/Contact/Phone

Name(s)

E-Mail Address (REQUIRED)

Number of Players \$
Dinner \$
Economic Stimulus Sponsorship \$
Economic Stimulus Sponsorship with Hole Flag \$
Customized Shirts (\$80 per foursome when you provide us with eps digital logo) \$
Add \$50 if you your logo digitized by Apex Marketing \$

Construction Bail Out Package -- > (5 Mulligans, 5 Hand Wedges, 10 Raffle Tickets for \$50) \$
Best deal and only one per team!

Ala carte menu:

Mulligan (1 for \$5; 5 for \$20 - limit 5 per team) \$
Hand Wedge (1 for \$5; 5 for \$20 - limit 5 per team) \$
Raffle Ticket (1 for \$5; 5 for \$20) \$

TOTAL \$

I would like to contribute a prize or gift Number for Dinner Reservations

METHOD OF PAYMENT: Check enclosed (payable to ACI, San Diego) OR Visa MasterCard American Express

Acct. # Zip Code on Card Exp. Date Security Code 3 digits

Signature

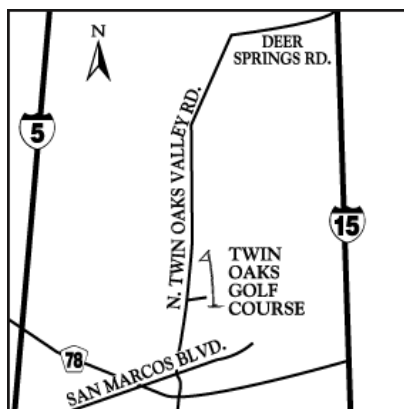
If you are doing the Customized Shirts please indicate shirt sizes for all players:
Sizes consist of Small, Medium, Large, Extra Large, and Extra Extra Large

Player 1 Player 2

Player 3 Player 4



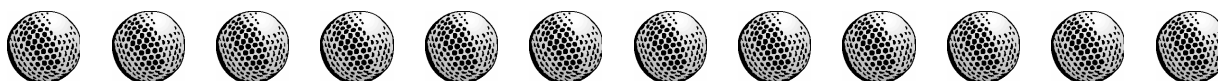
**ACI ANNUAL GOLF TOURNAMENT  
FRIDAY, OCTOBER 1, 2010 – TWIN OAKS GOLF COURSE**



- From Highway 78, head north on Twin Oaks Valley Road approximately two miles.
- Turn right into Twin Oaks Golf Club entrance.

**ATTIRE POLICY:**

Men must wear collared shirts. Golf shorts must be at least med-thigh in length. Please no cut-offs, blue jeans, sweat pants, gym shorts, tee-shirts or tank tops. Twin Oaks Golf Course is a Non-Metal Spike facility.



**Available Stimulus Package Sponsorships**

Dinner Sponsors	4 available	\$400.00
Beverage Cart Sponsors	4 available	200.00
Closest-to-the-Pin Sponsor	2 available	200.00
Hole Sponsor (T-box sponsor)	18 available	200.00
Hole Sponsor with Flag	18 available	250.00
Hole Exhibitor to promote your business	18 available	300.00
(Includes hole sponsor, designated hole to set up your booth) Note must bring your own table, chair, and canopy For an extra \$50 the golf course will provide a chair and canopy for your convenience.		
Longest Drive Sponsor	2 available	200.00
Straightest Drive Sponsor	2 available	200.00
Putting Contest Sponsor	2 available	200.00
Golf Ball Sponsor	2 available	300.00
Raffle Sponsor	5 available	200.00

**Sponsorships must be received by SEPTEMBER 20, 2010**





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So, where does all this “Stimulus” money go?

Great question!

Last year our tournament raised over \$13,000 for the San Diego Chapter!

You probably know that this event is the financial backbone for the San Diego Chapter of the American Concrete Institute (ACI).

ACI’s vision statement includes, “to be a catalyst and collaborator in the development of concrete knowledge and improvement of concrete construction worldwide. Through communication, cooperation, and collaboration, ACI will facilitate the formation of a unified global concrete knowledge community, with an organized worldwide body of knowledge on the design, construction, use, repair, and maintenance of concrete products, structures, and facilities.”

In other words, we provide knowledge and information for the best use of concrete to all those involved in the concrete construction industry on a local level – in San Diego County. The proceeds from this tournament allow us to underwrite technical seminars throughout the year for engineers, students, contractors and all stakeholders in the industry. And it provides substantial funds for our annual scholarships which are awarded to the engineering schools at UCSD and SDSU.

On behalf of our chapter, the committee members thank you for participating in this year’s event!

Committee members:

Bob Ashby – Grace Construction Chemicals  
Charlie Carter – Christian Wheeler Engineering  
Charlie Gregg – Hanson Aggregates  
Frank Gerberdine – Apex Marketing  
Phil Harris – Hanson Aggregates  
Victor Klemaske – TB Penick and Sons  
Pancho Koneval – The Euclid Chemical Company  
Quinn McGuire – The Euclid Chemical Company  
Jim Tkach – Morley Construction Company  
Bob Vildibill – Professional Services Group

Heather Caya – Chapter Executive Secretary

**ACI SAN DIEGO CHAPTER MESSAGE**

Thank you to all that made it to our ACI San Diego Mixer at Seau's the Restaurant in Mission Valley and a special thanks to all of our sponsors for the event.

**Sponsors:**

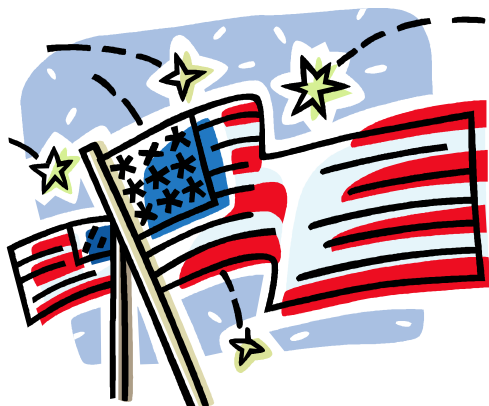
- Hanson Aggregates
- Morley Construction
- T.B. Penick & Sons
- CNCA
- Euclid Chemical
- Barrier-1
- Solomon Colors

Everyone who attends our annual awards dinner knows that Jeff Ferris with Propex puts together a first class video presentation of the winning projects. Those videos are now posted on our website [www.aci-sandiego.org](http://www.aci-sandiego.org). I encourage everyone to visit our website and view these videos. They showcase the amazing concrete work being installed in San Diego. Also, take the time and tell your owners and contractors about the videos, I'm sure they would love to see their projects highlighted in these amazing clips.

Our Annual Awards Dinner will be May 6, 2011 at the Catamaran Hotel and Resort. Look for more information November 2010 when we call for project entries.

Please join us on October 1, 2010 for Annual Golf Tournament "Cash is Green, Swing for Green", please see the attached flyer.

*Charlie Gregg*  
2010-2011 President



***Have a Safe Labor Day!***

**SAN DIEGO CHAPTER 2010 PROGRAMS**

<b>September</b>	<b>Dark</b>
<b>October 1, 2010</b>	<b>ACI Annual Golf Tournament</b>
<b>October 19, 2010</b>	<b>Bill Phelan on "Whats new in the Admixture Industry"</b>
<b>November 16, 2010</b>	<b>Alan Nevin-Director of Economic Research of MarketPoint Realty "The Future of our Local Economy"</b>

**JOB OPPORTUNITIES**

**Inspectors / Technicians**

MTGL is looking for experienced soil / materials technicians and inspectors. We are looking for qualified applicants to assist us with our up and coming projects.

The following is a list of positions currently available.

- Soil Technicians / Concrete Technicians
- Special Inspectors
- Non-Destructive Testing Technicians
- Reinforced Concrete Inspector
- Reinforced Masonry Inspector
- Structural Steel Inspector
- Pre-Stress / Post Tension Inspector
- AWS / CWI -QC1
- Fireproofing Inspector

MTGL is a certified laboratory, and offers excellent pay and benefit programs. Call (858) 537-3999 or Toll Free (888) 844-5060. Set up an appointment and see what we have for you.

**Southern California Soil & Testing, Inc.**, has provided services throughout southern California for 50 years and we're seeking experienced lab and field personnel to fill the following open positions:

- Caltrans Certified Materials Testers
- ACI Technicians
- AWS Inspectors
- NDT Technicians

SCS&T offer a competitive compensation and benefit package, and a great working environment. For immediate consideration please forward resumes to [jobs@scst.com](mailto:jobs@scst.com) or phone 619-280-4321.



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## ACI San Diego Chapter – October 19, 2010 Program

### “Chemical Admixtures: Today and Tomorrow”

**William S. Phelan** – Senior Vice President of Marketing and Technical Services for  
The Euclid Chemical Company



**William S. Phelan** is Senior Vice President of Marketing and Technical Services for The Euclid Chemical Company. He has been with Euclid for 33 years. He received a B.C.E. from the University of Detroit.

He is an Honorary Member and Fellow of the American Concrete Institute, Chairman of ACI 212, “Admixtures”, A Member of ACI Committee 302, (Chairman 1980-1988), “Guide for Concrete Floor and Slab Construction” a member of ACI 117, “Tolerances”, and ACI 308, “Standard Practice for Curing Concrete”. He is also a member of the Strategic Development Council Board of Directors (ACI). He is one of the selected Distinguished Leaders of the Industry Winner for 2007 from The Concrete Industry Board, Inc. in New York City. He is The CANMET-ACI International Conference Winner for 2006 for “Development and Use of Chemical Admixtures in North America”. He is The Samuel A. Face Jr. Award Winner for 2005 – The “Sam Award” for outstanding accomplishments in and contribution to The Art & Science of High Quality Horizontal Concrete Construction. His seminar at the World of Concrete is: “*Using Chemical Admixtures to Achieve Better Concrete*”. He is a member of ASTM C09.22, “*Materials Applied to New Concrete Surfaces*,” ASTM C09.23, “*Chemical Admixtures*,” and ASTM C09.47, “*Self-Consolidating Concrete*.”

Mr. Phelan has been published in Concrete Construction Magazine, Concrete International Magazine and Structures Magazine. His articles include:

- “*Low Shrinkage and Shrinkage Compensating Concrete Benefits*,” Structure Magazine, October 2008
- “*Admixtures and Aggregates: Key Elements in “Athletic Concrete” – Revisited*,” Concrete International, September 2004
- “*Slaying the Curling Dragon*,” Concrete Construction, January 2002
- “*Admixtures and Aggregates: Key Elements of Athletic Concrete*,” Concrete International, April 2000
- “*Planning leads to high-performance floor*,” Concrete Construction, December 1999
- “*Admixtures and HPC: A Happy Marriage*,” Concrete International, April 1998
- “*High-Performance Concrete for Wear Resistant Floors*,” Concrete Construction, October 1997
- “*The Pre-Slab Conference – Essential for a Successful Floor*,” Concrete International, October 1994

#### ***Chemical Admixtures: Today and Tomorrow***

ACI 212.3R – 10, “Chemical Admixtures for Concrete” will be published in the fall. The categories have been expanded from six (6) groups to thirteen (13). We will cover flowing concrete (7 ½” – 10” slump), Self-Consolidating Concrete, Admixtures for very high early strength, extended set control admixtures, shrinkage reducing admixtures and corrosion inhibiting admixtures. We will review successful projects with mixes containing two or more of these admixtures. We will also highlight the key requirements of high performance concrete and the admixtures and mixes required for them.



**ACI San Diego Chapter – October 19, 2010 Program**

**“THE FUTURE OF OUR LOCAL ECONOMY”**

**William S. Phelan** – Senior Vice President of Marketing and Technical Services for  
The Euclid Chemical Company

**Place:** Handlery Hotel 950 Hotel Circle North, San Diego, CA 92108 619-298-0511

**Directions:** **Please visit:** <http://www.handlery.com/sd/>

**Cost:** Member - \$40.00 Non-Member - \$45.00 Walk-in Member or Non-Member - \$45.00  
Student ACI Member - \$5.00 Student Non-ACI Member - \$10.00

**Vendor Tables (6’ table) \$50.00 – Members \$100.00 – Non-Members**  
All vendor prices include one person’s entry fee

**Time:** Registration 11:30 AM-12:00 PM  
Lunch & Presentation 12:00 PM-1:00 PM

**Reservation:** MUST be received by **Friday October 8, 2010**  
Heather at: Phone - 619.579.1940; Email – [concreteaci@cox.net](mailto:concreteaci@cox.net); Fax – 619.258.5839

**PAYMENT MUST BE RECEIVED TO CONFIRM RESERVATION!!!!!!**

**Mail to: ACI, San Diego P.O. Box 713110 Santee, CA 92072**

**“Chemical Admixtures: Today and Tomorrow” October 19, 2010**

PrintNameofallAttendees: \_\_\_\_\_

Phone \_\_\_\_\_ E-mail for Receipt with payment of credit card \_\_\_\_\_

Reservation Quantity Members \_\_\_\_\_ Reservation Quantity Non-Members \_\_\_\_\_ Vendor Member \_\_\_\_\_ Vendor Non-Member \_\_\_\_\_

**PAYMENT:**

\_\_\_ Check (payable to San Diego-International Chapter)

\_\_\_ Visa \_\_\_ MasterCard \_\_\_ American Express Card # \_\_\_\_\_

Security Code \_\_\_\_\_ (found on the back of the card) Exp. Date \_\_\_\_\_

Mailing Address of Credit Card \_\_\_\_\_ Zip \_\_\_\_\_

Signature \_\_\_\_\_

**Cancellation:** Heather 619/579-1940 - Please CANCEL your reservation(s) at least 24 hours in advance if you are UNABLE to attend. NO SHOWS WILL BE INVOICED.



Com **TONY CANNARIATO**  
President



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The Euclid Chemical Company

**Quinn McGuire**  
Southwest Regional Manager

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Oceanside, CA 92056  
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Fax: 760-295-2170  
E-Mail: qmcguire@euclidchemical.com  
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**Avram Ninyo**  
Principal

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Principal Engineer

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Charlie.Phil.Harris@Hanson.com

Mike Archibald VICE PRESIDENT - REGIONAL MANAGER

**San Diego**  
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Construction Company

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marchibald@morleybuilders.com  
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Phone: 619.579.1940  
FAX: 619.258.5839



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## ***ACI PUBLICATIONS***

For more information or to order any of the following publications call 248.848.3800.

### **National Green Building Standard and Commentary**

#### **Combo Pack**

This standard provides the “green” practices that can be incorporated into new homes, including high-rise multi-family buildings, home remodeling and additions, hotels and motels, and the site upon which the green homes are located. It provides builders with a means to achieve basic, entry-level green building, or achieve the highest level of sustainable “green” building that incorporates energy savings of 60 percent or higher. The Standard can be used by any builder for their individual projects, or be the basis for a local community or state green building program. The commentary provides valuable insight to the intention and implementation of the practices and provisions found in the Standard. The Commentary is a useful resource for any designer or builder using the ICC 700-2008 as a rating system for developing or renovating residential properties of all types to reduce their relative environmental impact. \$72.95; Order Code: NGBSPACK.EM. ACI does not offer discounts on industry publications.

### **PCI Design Handbook**

This newly released seventh edition design guide for precast and prestressed concrete provides easy to follow design procedures; numerical examples; and both new and updated design aids. It provides the designer with comprehensive and efficient procedures for the safe design of both architectural and structural precast and prestressed concrete products. This edition includes new and updated information on shear-friction; blast design; stadium riser design; ledge hanger steel design; and impacts of ACI 318-08. Included is a CD-ROM that contains a searchable PDF version of the entire handbook and many references. \$390.00; Order Code: PCIDH.EM. ACI does not offer discounts on industry publications.

### **214.4R-10: Guide for Obtaining Cores and Interpreting**

#### **Compressive Strength Results**

This guide summarizes practices for obtaining cores and interpreting core compressive strength test results. Factors that affect in-place concrete strength are reviewed so sampling locations that are consistent with objectives of the investigation can be selected. Strength correction factors are presented for converting the measured strength of non-standard core-test specimens to the strength of equivalent specimens with standard diameters, length-to-diameter ratios, and moisture conditioning. This guide provides direction for checking strength compliance of concrete in a structure under construction and methods for determining equivalent specified strength to assess capacity of an existing structure. \$49.50 (ACI members \$30.00); Order Code 214410.EM.

### **332-10: Residential Code Requirements for Structural Concrete and Commentary**

This code covers the design and construction of cast-in-place concrete for one- and two-family dwellings and multiple single-family dwellings (townhouses), and their accessory structures. Among the subjects covered are the design and construction requirements for plain and reinforced concrete footings, foundation walls, and slabs-on-ground, and requirements for concrete, reinforcement, forms, and other related materials \$61.50 (ACI members \$37.00); Order Code 33210.EM.

### **357.2R-10: Report on Floating and Float-In Concrete Structures**

This report addresses the practical experience and engineering considerations for the design and construction of floating concrete structures. Recommendations for design loads and design criteria are presented. Design procedures and methods of analysis are discussed to better understand design considerations unique to floating marine structures. Also, construction execution, materials selection and inspection, maintenance, and repair techniques are discussed. \$69.50 (ACI members \$42.00); Order Code 357210.EM.

### **546.2R-10: Guide to Underwater Repair of Concrete**

This guide covers the repair of concrete structures in the splash zone and underwater portions of structures located in lakes, rivers, oceans, and groundwater. Concrete deterioration, investigation and testing procedures, preparation, materials and methodology, and inspection procedures are described. Design considerations and references for underwater repair of concrete bridges, wharves, pipelines, piers, outfalls, bulkheads, and offshore structures are identified. \$63.50 (ACI members \$39.00); Order Code 546210.EM.

### **548.10-10: Specification for Type MMS (Methyl Methacrylate Slurry) Polymer Overlays for Bridge and Parking Garage Decks**

This Specification covers materials and procedures for polymer overlays for new construction and for repair and rehabilitation of bridge and parking garage decks. Methyl methacrylate slurry (MMS) polymer overlay incorporates a methyl methacrylate-based primer, binder, and top coat with selected filler and aggregate to produce a flexible, skid-resistant, and water-resistant overlay. This Specification includes requirements for chemical components, aggregates, storage and handling, surface preparation, surface profile, mixing, placement, finishing, quality control, and quality assurance. \$34.50 (ACI members \$21.00); Order Code 5481010.EM.



**Student Access to the MCP On-Line:**

ACI has had a program for the last several years which offered the Manual of Concrete Practice (MCP), exclusive of ACI 318, ACI 318 Metric, ACI 350, ACI 350 Metric, and ACI 530, to students *free of charge* via the ACI website. This complimentary service gives students immediate access to over 175 documents. The Faculty Network provides the connection between the chapter and the students. Members of the faculty network in your area can be found by visiting the ACI website, [www.concrete.org](http://www.concrete.org), and clicking on Students button and choosing Faculty Network from the drop down menu. To get access to this service, the faculty will need the User ID and Password on the attached page. Instructions are included as well. Please take a few moments and be sure to provide this information to Faculty Network members in your area. **The password for 2010-2011 will take effect on Wednesday, September 1, 2010 and remain active until August 31, 2011.** This program is a wonderful opportunity for your chapter to reach-out to the faculty and students in your jurisdiction and form stronger ties. And the best part is that it does not cost your chapter anything to provide this service.

**June & July**  
**New Members of ACI San Diego**

Cisneros	Felipe	Geotechnics
Deppe	Jim	
Engler	David	
Valdez	Steve	Geotechnics
Levinson	Charles	
Zamarron	Adan	
Leonard	William	
Rios	David	Old Castke Precast
Miller	Jim	Old Castke Precast
Babcock	David	Pirnie
Mitchell	David	
Mangusing	Stuart	
Sanders	Charles	Port of San Diego

*Thank you for your Support!!!!!!!!!!!!!!*



WE WANT YOU!

OCTOBER 1, 2010

FOR ACI SAN DIEGO'S ANNUAL GOLF  
TOURNAMENT

CASH IS KING, SWING FOR  
GREEN!

DON'T BE LEFT OUT!

SIGN UP TODAY

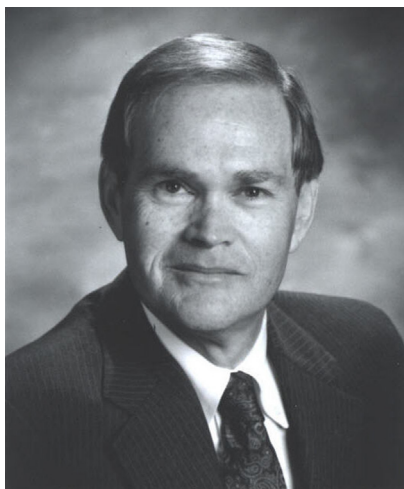
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**ACI San Diego Chapter – November 16, 2010 Program**

**“THE FUTURE OF OUR LOCAL ECONOMY”**

**Alan Nevin** - Director of Economic Research of MarketPointe Realty Advisors



**Alan Nevin** is the Director of Economic Research of MarketPointe Realty Advisors. Alan has been an instructor at **UCSD Extension** since 1980 and is the school’s senior advisor for its real estate and land use curriculum. He is also co-founder of the **UCSD Economics Roundtable** and is a regular guest lecturer at University of San Diego’s **Burnham-Moores School of Real Estate**.

He holds bachelor and MBA degrees from American University in Washington, D.C. and a master’s degree in statistical research from Stanford University.

Alan concentrates on four areas within the firm:

- Real estate investment advice;
- Valuation of real estate portfolios for families and businesses;
- Litigation support for the legal community and
- Market feasibility studies.

Today he will present his thoughts on the future of our local economy and the real estate market.



**ACI San Diego Chapter – November 16, 2010 Program**

**“THE FUTURE OF OUR LOCAL ECONOMY”**

**Alan Nevin** - Director of Economic Research of MarketPointe Realty Advisors

**Place:** The Butcher Shop 5255 Kearny Villa Road, San Diego, CA 92123 858-565-2272

**Directions:** Located just off HWY 163 & Clairemont Mesa Blvd. From South: Take 163 North to Clairemont Mesa Blvd East. Take the first two rights. We are on the left side of the street.  
From North: Take 163 South to Clairemont Mesa Blvd East. Cross the 163 overpass and take the first right. Once again we are on the left side of the street.

**Cost:** Member - \$40.00 Non-Member - \$45.00 Walk-in Member or Non-Member - \$45.00  
Student ACI Member - \$5.00 Student Non-ACI Member - \$10.00

**Vendor Tables (6’ table) \$50.00 – Members \$100.00 – Non-Members**  
All vendor prices include one person’s entry fee

**Time:** Registration 11:30 AM-12:00 PM  
Lunch & Presentation 12:00 PM-1:00 PM

**Reservation:** MUST be received by **Friday November 12, 2010**  
Heather at: Phone - 619.579.1940; Email – [concreteaci@cox.net](mailto:concreteaci@cox.net); Fax – 619.258.5839

**PAYMENT MUST BE RECEIVED TO CONFIRM RESERVATION!!!!!!**

**Mail to: ACI, San Diego P.O. Box 713110 Santee, CA 92072**

**“The Future of Our Local Economy” November 16, 2010**

PrintNameofallAttendees: \_\_\_\_\_

Phone \_\_\_\_\_ E-mail for Receipt with payment of credit card \_\_\_\_\_

Reservation Quantity Members \_\_\_\_\_ Reservation Quantity Non-Members \_\_\_\_\_ Vendor Member \_\_\_\_\_ Vendor Non-Member \_\_\_\_\_

**PAYMENT:**

\_\_\_ Check (payable to San Diego-International Chapter)

\_\_\_ Visa \_\_\_ MasterCard \_\_\_ American Express Card # \_\_\_\_\_

Security Code \_\_\_\_\_ (found on the back of the card) Exp. Date \_\_\_\_\_

Mailing Address of Credit Card \_\_\_\_\_ Zip \_\_\_\_\_

Signature \_\_\_\_\_

**Cancellation:** Heather 619/579-1940 - Please CANCEL your reservation(s) at least 24 hours in advance if you are UNABLE to attend. NO SHOWS WILL BE INVOICED.

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*ACI ARTICLES*

*Getting paid for changes before construction is over,  
Part 2*

Pamela J. Scholefield, Esq.

The changes caused by delays to the subcontractor during the submittal stage and during the equipment manufacturing process (lead time) typically are not be part of the original schedule of values. The subcontractor incurs extra costs for the increase in labor, volatile markets such as fuel and copper, additional rental on its jobsite trailer, as well as other increased general conditions. Even though the subcontractor has been properly paid to-date on the original value of its subcontract, it has had to foot the bill for the increased costs by having to pay its suppliers for the more expensive materials.

Before you zone out and stop paying attention, keep in mind that many contracts you may have seen or signed probably either used an AIA 201 for their general conditions, this includes some public works contracts. Also, despite a contract not physically looking like an AIA document, many people use provisions in their custom written contracts similar to what I am about to go over. Most contracts can be confusing, boring or just dry reading, and I will be the first to admit this.

But, contracts can also help you or hurt you; it is all about understanding your contract rights and obligations. The subcontract was the AIA A401- 1997 standard form of agreement between contractor and subcontractor with the AIA A201-1997 general conditions of the contract for construction governing the prime contract and the subcontract.

Changes to the subcontractor's work are covered in section 5.2 of the A401, and allow the Contractor to order changes in the Subcontractor's work. Before beginning the changed work, the subcontractor is required to submit written claims "for adjustment to the subcontract sum and subcontract time" for the changed work within the requirements of the "subcontract documents." The "subcontract documents" include the A201 and prime contract to the extent they apply to the subcontractor's work.

Despite the change orders not being signed before the changed work was performed, there is ample documentation to support the argument that the work was ordered by the contractor in writing under A401, section 5.2, and was also ordered under A201, section 7.3 as a construction change directive. A construction change directive is "a written order prepared by the architect and signed by the owner and architect, directing a change in the work prior to agreement on adjustment, if any, in the contract sum or contract time."

In many cases, did the contractor, architect, or owner issue formal written construction change directives? Probably not. It is not unusual for the parties to conduct themselves in ways that don't fit neatly into the formal procedural requirements stated in the contracts. But, new plans would have had to been issued by the architect and passed down from the contractor to the

subcontractor. Plus, the architect formally approved the revised submittals reflecting the changes, and the contractor released revised equipment for production.

This may be enough to be deemed to be in compliance with the intent and purpose of the requirement for the issuance of written orders and directives under both A401 and A201. The amount the subcontractor is entitled to for the changed work is vague in the A401, which states that the subcontract sum and subcontract time shall be "adjusted accordingly." Thus, looking to A201, payments for changed work performed before an agreement as to the cost of the change is dictated by A201, subsection 7.3.6, which reads like a time and materials contract. Then, under subsection 7.3.8, any amounts not in dispute for the cost of the change in work would be included in a payment application along with a change order reflecting the amount not in dispute.

The typical problem is that no one on the owner's end of the equation has done anything to approve, or for that matter disapprove, the cost of the changes submitted by the subcontractor. To add to the analysis of what happens here, under A401, section 5.3, the changes are considered a "claim" by the subcontractor. And, the claims procedures found under A201, section 4.3.2 require that the contractor submit claims within 21 days after the claimant first recognizes the condition, giving rise to the claim. But, under A401, section 5.3, the subcontractor must submit its claim to the contractor in time for the contractor to comply with the timing in the prime contract, but "not less than two working days preceding the time by which the contractor's claim must be made."

Whew! No wonder so many people hate reading contracts! If you made it this far and are still paying attention, give yourself a pat on the back for hanging in there. In this case, the change orders submitted by the subcontractor probably would suffice as notice of its claims. Where does all that leave us in helping this subcontractor get paid for these changes?

The answers to these questions, and more, will be addressed in my next article. Until then, realize that there are contract provisions that can help you, if you know when to apply them.

*General disclaimer The information in this article is based upon California law and is for general information only. Any information or analysis presented here is intended solely to inform and educate the reader on general issues. Nothing presented or referenced to, regarding facts, documents, or applicable laws, constitutes legal advice. Before acting or relying on any information, including any information presented here, consult with a qualified attorney for your specific situation.*



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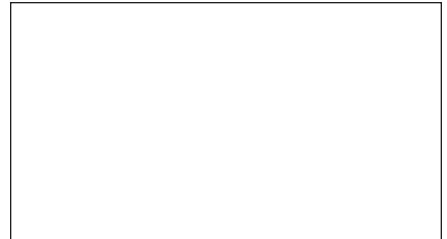
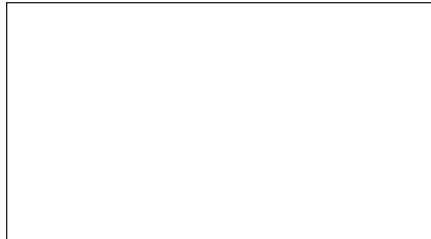
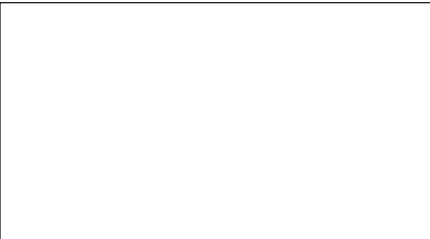
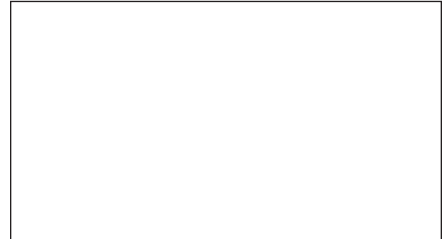
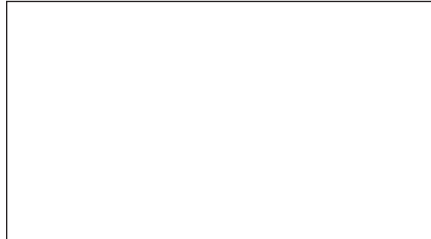
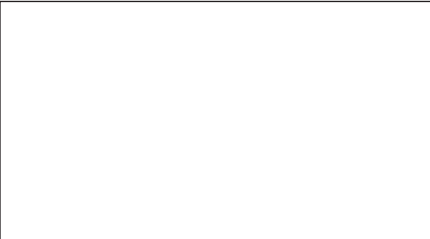
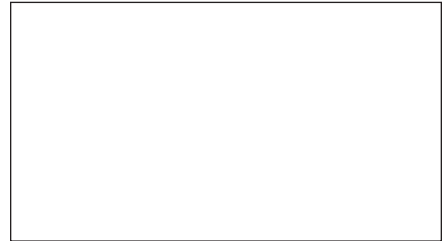
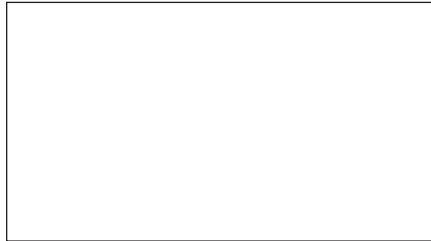
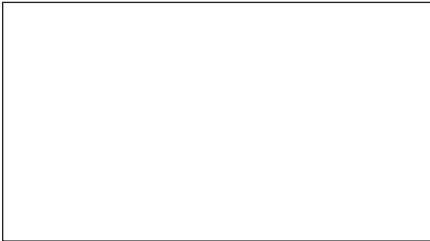
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**Duane J. Gee, P.E.**  
Senior Engineer

**Structural Technology Consultants**



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duane@stcsd.com





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***ACI SEMINARS***

ACI SAN DIEGO HAS SOME GREAT  
EVENTS COMING UP  
DO NOT MISS OUT SIGN UP TODAY

OCTOBER 19, 2010

**“CHEMICAL ADMIXTURES:  
TODAY AND TOMORROW”**

WILLIAM PHELAN AS SPEAKER  
HANDLERY HOTEL  
PLEASE SEE FLYER

NOVEMBER 16, 2010

**“THE FUTURE OF OUR  
LOCAL ECONOMY”**

ALAN NEVIN AS SPEAKER  
THE BUTCHER SHOP  
PLEASE SEE FLYER

**KEEP ON EYE FOR OUR  
ANNUAL AWARDS  
SUBMITTALS  
IN NOVEMBER**

***ACI SAN DIEGO IS NOW  
OFFERING***

***THE FLATWORK  
FINISHER  
CERTIFICATION  
REVIEW WITH EXAM***

*NEXT SESSION IN OCTOBER 2010*

*PLEASE CONTACT HEATHER CAYA 619-579-1940*



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## **ACI 2010-2011 MEMBERSHIP ROSTER**

The San Diego International Chapter - American Concrete Institute is updating the Membership Roster, and would like to invite you to use this as a source of advertisement for your firm. The Roster will consist of three parts: Roster of Members, Business Directory, and Business Cards.

The Roster will be distributed electronically for those members that have a current e-mail on file and for members with no e-mail address the Roster will be available to you on our website at [www.aci-sandiego.org](http://www.aci-sandiego.org). Should you wish to have a hard copy of the Roster please contact Heather Caya at (619) 579-1940 or by e-mail at [concreteaci@cox.net](mailto:concreteaci@cox.net).

To defray the cost of the Membership Roster, ACI is offering its members, and their firms, the opportunity to advertise their business card(s). **We are offering you a special rate of \$85.00 per card, which would not only advertise your card in the Roster (which will appear on our website with a link to your companies website), but also in the newsletter for one year.** Your participation in the Roster will provide your firm an excellent medium for the promotion of professional services to potential clients.

To advertise in the 2010-2011 Membership Roster you can pay by check or credit card. Simply fill out the form below, and return it with your **business card** and payment to the address above. You may also e-mail it to [concreteaci@cox.net](mailto:concreteaci@cox.net) or fax it 619-258-5839. **Deadline is SEPTEMBER 30, 2010.** If you have any questions, please call Heather Caya at 619.579.1940.

It is our goal to make the Roster a usable source of reference to the ACI members; therefore if you have made any changes in your business or home address please let Heather know. On behalf of the San Diego Chapter of American Concrete Institute we would like to thank you for your support of this publication.

**Charlie Gregg**

**ACI San Diego President**

**Please send us your updated information on the Roster Update application found on page 12 of this newsletter. NOTE we will not advertise any personal information in our Roster.**

**Return by SEPTEMBER 30, 2010**



### ROSTER UPDATE

LAST NAME	FIRST	MIDDLE
HOME ADDRESS		STREET
CITY		
STATE	ZIP	TEL. NO.
ARE YOU AN ACI NATIONAL MEMBER? <input type="checkbox"/> YES <input type="checkbox"/> NO		
BUSINESS ADDRESS (STUDENTS: LIST SCHOOL HERE)		
COMPANY NAME		
STREET		
CITY		
STATE	ZIP	TEL. NO.
JOB TITLE		
PHONE	FAX NO.	
EMAIL ADDRESS		

### SEND MAIL TO

HOME  BUSINESS

Grade of Membership]

Member • Individual

Affiliate

Student

Organizational

#### PRINCIPAL OCCUPATION

(Please check only one)

- 1  Designer Engineering
- 2  Research Engineering
- 3  Materials Engineering
- 4  Architecture
- 5  Construction
- 6  Management
- 7  Sales & Technical Service
- 8  Education
- 9  Student
- 10  Plant Engineering
- 11  Quality Control
- 12  Other

#### EMPLOYERS PRINCIPAL BUSINESS

(Please check only one)

- 1  Architectural & Engineering Firms
- 2  Contracting Firms
- 3  Prestressed, Precast or Concrete Products
- 4  Ready-Mix Concrete
- 5  Manufacturers & Supplies
- 6  Research Institutes
- 7  Utilities
- 8  Construction Equipment & Accessories
- 9  Testing Laboratories
- 10  Government (US Federal, State, Local)
- 11  Government (Foreign)
- 12  Educational Institutions
- 13  Trade Associations/ Technical Societies
- 14  Other

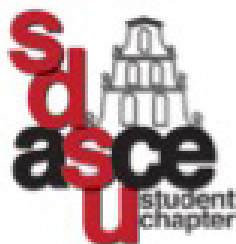
<b>FOR OFFICE USE ONLY</b>
DATE REC'D
NUMBER



# 22<sup>ND</sup> ANNUAL SDSU ASCE SOFTBALL TOURNAMENT

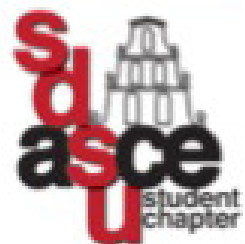
## DOES YOUR FIRM HAVE WHAT IT TAKES?

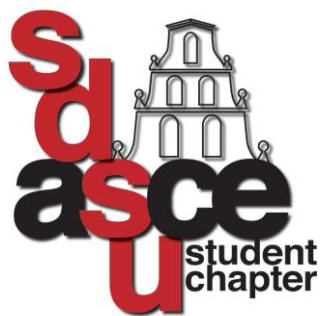
- Represent your firm while supporting future civil engineers
- BBQ lunch will be provided
- Fierce competition among fellow engineers



October 16, 2010 @ 8 AM

Hourglass Park  
10440 Black Mountain Road  
San Diego, CA 92126





## American Society of Civil Engineers San Diego State University Student Chapter

Presents...

### The 22<sup>nd</sup> Annual ASCE SDSU Softball Tournament

Dear Softball Team Captains:

It is with great pleasure that the ASCE Student Chapter at San Diego State University would like to invite you, your company, and your friends and family to attend the 22<sup>nd</sup> Annual ASCE SDSU Softball Tournament. We will be hosting this year's tournament at **Hourglass Park** in Mira Mesa on **Saturday, October 16, 2010** from 8:00AM to 5:00PM.

As you may or may not know, this annual tournament is our chapter's largest fundraiser and we greatly appreciate the support of the local engineering community. It is **you** who make achieving our yearly goals possible; these goals include supporting bi-weekly chapter meetings, funding multiple outreach projects, and allowing our chapter prepare for and compete in the Pacific Southwest Regional Conference (PSWRC) held at the California State University, Los Angeles in Spring 2011.

The cost of the tournament is **\$450 per team**. If your company would like to make an additional donation to assist our chapter in the many challenges of the PSWRC, it would be greatly appreciated. There are 16 spots available and will be filled on a first-come, first-served basis, so we recommend that you register your team as soon as possible. **If your firm does not have enough players to fill your team roster, we will help coordinate with other firms that are in the same situation to create a joint team.** We have arranged for umpires on each field at all times, planned for a large BBQ lunch, and will be awarding trophies to the top three teams.

In order to properly plan for this incredible event, we ask that you **RSVP as soon as possible**. The first 16 teams to RSVP and whose checks are received will be officially registered, whereupon a payment confirmation and registration packet will be sent out. The packet includes the official tournament rules, directions to Hourglass Park, a T-shirt order form, and a release of liability form that **ALL** players must sign. **All checks/registration fees must be received no later than Friday, September 10<sup>th</sup>.**

Please make checks payable to **ASCE SDSU** and mail to:

Brett Patterson  
3043 Pacific Palm Way  
San Diego, CA 92117

For additional information or to RSVP, please contact me at [brettpatterson2@gmail.com](mailto:brettpatterson2@gmail.com). Please come support San Diego's future civil engineers and show off your skills on the field at the 22<sup>nd</sup> Annual ASCE SDSU Softball Tournament. We look forward to seeing you out there! Thank you for your support.

Brett Patterson, President  
American Society of Civil Engineers  
San Diego State University Student Chapter  
(619)758-5670



**2010-2011 OFFICERS and TRUSTEES**

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