

AMERICAN SOCIETY OF PROFESSIONAL ESTIMATORS

# ESTIMATING TODAY

JULY/AUGUST 2018

**How to Estimate the  
Cost of Exterior Wall  
Blown In Blanket  
System (BIBS)**

**The Hit & Myth of  
ADA Compliance<sup>®</sup>**

**A Week in  
the Life of the  
Professional Estimator**



# ASPE

## BOARD OF DIRECTORS 2018-2019

### President

Marcene N. Taylor, CPE  
mtaylor@mticost.com

### First Vice President

Bruce E. Schlesier, CPE  
bruce\_schlesier@msn.com

### Second Vice President

Mel D. Cowen, CPE  
melcowen2590@att.net

### Immediate Past President

Doyle T. Phillips, FCPE  
doyle.phillips@nabholz.com

### Treasurer (Appointed)

M. Chris Morton, FCPE  
cmortoncpe@comcast.net

### Northwest Governor

Stacie Flynn  
staciewflynn@gmail.com

### Southwest Governor

Larry Hendrick, CPE  
lhendr6899@aol.com

### Central Plains Governor

A. Keith Parker, CPE  
keithparker@circlebco.com

### Southeast Governor

Carolyn Morones, CPE  
aspe.carri@gmail.com

### Northeast Governor

Greg Williamson, CPE  
gwilliamson@bondbrothers.com

## INDUSTRY DIRECTORS

Allan Hauck, Ph.D., CPC  
Department Head + Professor  
Construction Management  
California Polytechnic State University

Ann Ludwig, MPP  
Consultant

# CONTENTS



<b>ASPE National President</b>	<b>3</b>
<b>The Hit &amp; Myth of ADA Compliance®</b>	<b>4</b>
<b>Faces of ASPE: Phillip Salisbury, CPE</b>	<b>7</b>
<b>Chapter Scholarships</b>	<b>9</b>
<b>A Week in the Life of the Professional Estimator: Part 3</b>	<b>10</b>
<b>In Memory: Jules Kraut (1925 – 2018) Chapter I – Los Angeles</b>	<b>15</b>
<b>2018 Certification Program Changes</b>	<b>16</b>
<b>Faces of ASPE: Alan S. Jacobs, CPE</b>	<b>19</b>
<b>How to Estimate the Cost of Exterior Wall Blown In Blanket System (BIBS)</b>	<b>21</b>
<b>Critical Calendar</b>	<b>30</b>
<b>ASPE AND CERT: Two Organizations with Common Goals</b>	<b>31</b>
<b>Chapter Listings</b>	<b>32</b>



2525 Perimeter Place, Suite 103  
Nashville, Tennessee 37214  
615.316.9200 • ASPEnational.org

## CONTACT THE ASPE BUSINESS OFFICE

### Elaine Cersosimo

[ecersosimo@ASPEnational.org](mailto:ecersosimo@ASPEnational.org) • Operations • Annual Summit

### Jennifer Cochran

[jennifer@ASPEnational.org](mailto:jennifer@ASPEnational.org) • Membership • Social Media • Online Classes • PIE Exam

### Tina Cooke

[tina@ASPEnational.org](mailto:tina@ASPEnational.org) • Standards Committee • Website • Accounting

### Natasha Crumbliss

[natasha@ASPEnational.org](mailto:natasha@ASPEnational.org) • Education Committee • Annual Summit

### Cinder McDonald

[cinder@ASPEnational.org](mailto:cinder@ASPEnational.org) • Certification Committee & Program

# The Hit & Myth of ADA Compliance<sup>©</sup>



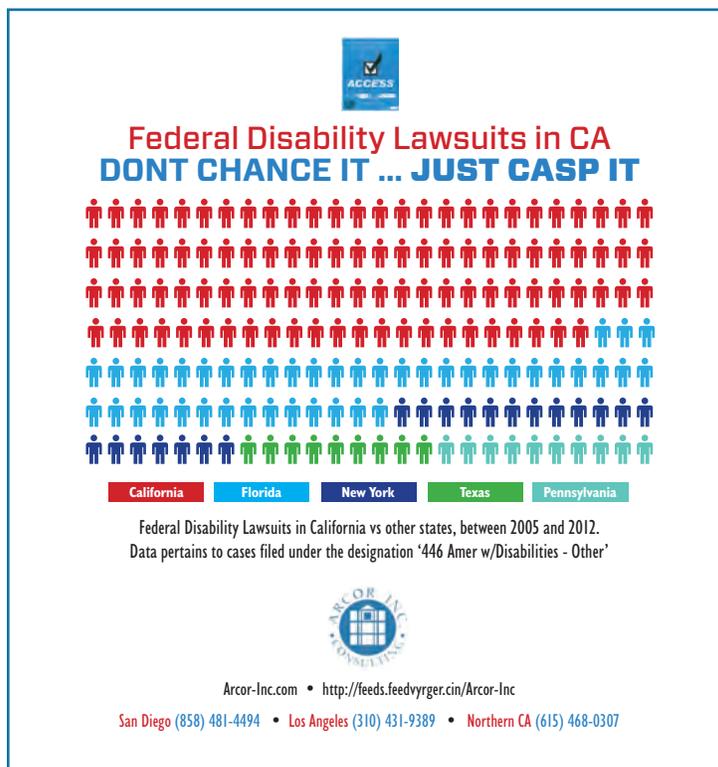
**Steven E. Schraibman**  
AIA, CPE, CASp  
Chapter 4 – San Diego

**There is an often misconceived notion amongst property and business owners that the whole nasty issue of ADA compliance will go away.** The belief goes something along the idea that some magic piece of legislation might come along that will drive the disabled access activists and serial plaintiffs into the barren wasteland of forgotten legislative missteps, and then they can then simply go on with the business of, well, making business.

In California, we are particularly susceptible to this myopic mirage; and every couple of years a “fix it” piece of legislation is passed and signed into law that is supposed to do just that – fix it. But in essence this never really happens; instead of focusing on the target, it simply moves the goal posts, leaving all the players to scurry and jockey for position. There are a multitude of reasons for this situation, much of which goes way beyond the scope of this article.

This issue is not about Democrat, Libertarian or Republican politics; it is simply about the American way. We do not discriminate. We are a nation of, to paraphrase Emma Lazarus’ immortal words emblazoned on the Statue of Liberty “...Give me your tired, your poor, your huddled masses yearning to breathe free...”

Steve Schraibman holds licenses as an Architect, General Contractor, Certified Professional Estimator (CPE) and Certified Access Specialist (CASp). With his qualifications and broad range of experience, he brings a multitude of related skills to the resolution of often complex problems that would ordinarily require the services of a number of experts. Please visit our website at [www.arcor-inc.com](http://www.arcor-inc.com) or call us to arrange a consultation. San Diego (858) 481-4494 Los Angeles (310) 431-9389 N. Cal. (650) 468-0307



**California leads in the number of lawsuits, comprising 42% of all ADA litigation in the union. In fact, the next four states combined still don't equal our level of litigation and there are several reasons for this, amongst which are the various damages that can be awarded to plaintiffs.**

We in California are not alone. There are a gaggle of other states in which business and property owners are apparently stymied by ADA dragons and demons, states like Texas, Florida, and Alabama to name just a few. The latest bill in California that attempts to squeeze its ungainly bulk into that misshapen mold is SB 1186, which was meant to reduce or even eliminate frivolous ADA litigation, except that the critical part, according to property owners and advocates, was left on the cutting room floor, namely the part about a notice period identifying alleged barriers at a property before a would-be plaintiff can sue.



To complicate matters, if you include the conflicts between the new (2010) federal ADA and the current California Accessibility code, a property owner runs the risk of being in violation of one statute if they are in compliance with the other.

So to sum up the situation, it would seem that the sane approach would be to get your property CASp certified. Don't wait... just CASp it.

This is not the first time where such a clause was omitted in the final bill, but in addition to this 'slap in the face,' another requirement crept in; namely Section 12 of SBI 186, which essentially requires a property owner to disclose (from July 1, 2013), in the event of a sale, refinance or lease, if the property has been CASp inspected.

**Section 12, Paragraph 1938 has been added to the Civil Code, to read:**

*"1938. A commercial property owner or lessor shall state on every lease form or rental agreement, executed on or after July 1, 2013, whether the property being leased or rented has undergone inspection by a Certified Access Specialist (CASp), and, if so, whether the property has or has not been determined to meet all applicable construction-related accessibility standards pursuant to Section 55.53"*

This essentially impacts all non-residential leases from July 1, 2013, onwards. Not only does this impact the property owners, but the property managers as well, in that a failure to advise clients correctly could have legal ramifications and potential loss of business implications.

The inspection must be carried out by a CASp – not just any other party, which includes consultants who might otherwise be knowledgeable in all things ADA, but do not have the CASp certification.

Properties inspected by a CASp consultant have to be brought into compliance with all applicable accessibility standards as identified in the CASp report. This means additional costs for the owner, something they might not have budgeted for.

One could also envision other potential issues, such as the responsibility falling back on the owner for non-compliance issues in the actual tenant space and the cost of defending against litigation and indemnifying the tenants. In the past, owners would often require that the tenant indemnify them against ADA barriers in the tenant space, but now an owner handing over a space that is identified as not being in compliance has additional legal exposure should they not correct the alleged access barriers.

If a potential tenant is looking at renting and finds two properties that are the same, the prospective tenant who is savvy would likely go with the property that affords them the least exposure, i.e. the property that has been CASp certified and the identified barriers to access have been addressed.

If one reads into the possibilities that may evolve out of SBI 186, it would appear that the long term implications seem to be leaning to all properties being CASp certified eventually, and hence, everything being compliant with all applicable accessibility standards. A similar situation can be found in residential real estate where an owner must get a termite clearance when selling a house.

In theory, this legislation all but eliminates the serial plaintiffs and their cadre, but for an unwary owner or property manager, this bill could spell disaster. So instead of things becoming simpler, they just got more complex. To complicate matters worse, if you include the conflicts between the new (2010) federal ADA and the current California Accessibility code, a property owner runs the risk of being in violation of one statute if they are in compliance with the other.

So what is an owner or property manager to do? Well, businesses in California have a valuable benefit, and it is called the CASp certificate. By having a property audited by a CASp inspector, not only is the property afforded certain "special legal rights" when it comes to litigation exposure, but the owner may have a window of time to address barriers that are more significant, and which carry a substantial fiscal impact.

So to sum up the situation, it would seem that the sane approach would be to get your property CASp certified. Don't wait...just CASp it. ▲



2525 Perimeter Place, Suite 103  
Nashville, Tennessee 37214  
615.316.9200 • [ASPEnational.org](http://ASPEnational.org)