



# Looking Forward to 2021: Trends, Risks, and Planning

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# Objectives

“

First we shape our buildings;  
thereafter, they shape us...

-Winston Churchill

”

With the changes and challenges of 2020 in mind, and thinking about forecasts for new issues in 2021, how does a design firm get ready for the coming years?

This course will discuss the ever-changing impact of the pandemic and study strategies for helping design professionals guide their firms, their clients, and their communities in preparing for what's to come.

# Learning Objectives

## Participants in this session will:

- 1** Discuss how design professionals can assist their clients and communities in reducing the risk of exposure to and transmission of diseases;
- 2** Consider guidance from sources like the CDC, OSHA, and other governmental agencies;
- 3** Identify innovative designs and materials being used to reduce the risks presented by different modes of disease transmission; and
- 4** Review important components of readiness plans, including special considerations and accommodations that may be required.



# Reopening Safely: General Concerns



General concerns whenever an office is re-opened after a prolonged closure:

Building readiness

Equipment performance

Supplies

# Reopening Safely: COVID-19

## Safe Practices, Safe Results



Wash your hands  
with soap and water  
for 20 seconds



Shaka not handshake



Stay home  
when sick



Wear a face covering  
and physical distance  
more than 6 feet



COVID-19 specific  
concerns for re-opening  
an office:

Hazard assessment

Office policy\*

Response plan

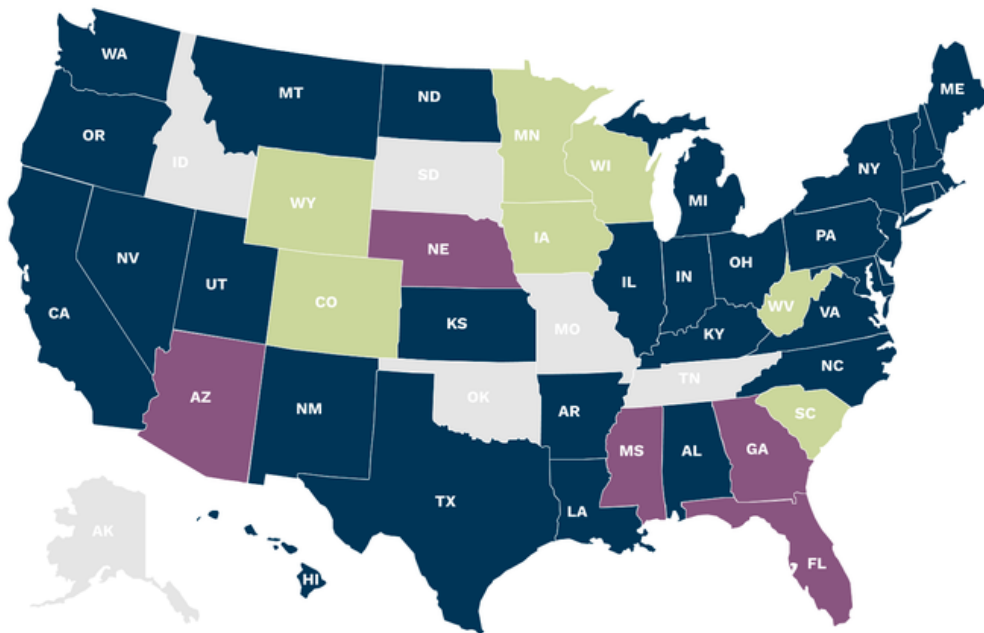
\*make sure your office policy is reasonable and non-discriminatory; and clearly communicated to employees, clients, and other appropriate parties.



# Resources

## Statewide Mask and Face-Covering Mandates

- Broad public outside/inside mask mandate
- Required for certain industry employees only
- Required inside business/public buildings
- No mask mandates



Source: MultiState. Data as of December 14, 2020. As of this date, 32 states require members of the public to wear masks broadly in public spaces, including outside; 7 states require masks in certain facilities; and an additional 5 states require masks for employees of certain industries.

## Standards, laws, and guidelines

- VT
- NH
- MA
- CT
- RI
- NJ
- MD
- DE
- OSHA
- CDC
- EPA
- EEOC
- SBA
- State/local resources

# Design Trends



## “Human Parking Spots”

Image Source: SF Gate



## “Separate Greenhouse Dining”

Image Source: Mediamatic Eten

# Design For Distancing

Baltimore City Requirements



## Framing + Vision

### PRIORITY WAS GIVEN TO CONCEPTS THAT

- Are inclusive, healthy and equitable
- Focus on the concept of “physical distancing” vs. “social distancing”—we still want people to gather, but to gather safely
- Support a return to thriving business
- Create spaces that people actually use
- Employ clear, helpful messaging (in appropriate languages for the host community)
- Embrace the best practices, energy and warmth of pedestrian-oriented cities
- Reflect and amplify the existing character of the surrounding neighborhood
- Are executable in a very short time frame
- Are unique, warm, engaging, and safe
- Surprise, delight and reimagine

**Some of the key issues  
Design Teams were  
asked to consider.**



## Key Considerations

### ALL SUBMITTED DESIGNS WERE REQUIRED TO

- Be temporary (while considering the possibility of permanent installation)
- Be low-cost (installation budget of \$30K to \$100K)
- Address the needs of food service, retail, and other service industries
- Be situated outdoors in public space (i.e. the sidewalk, closed streets, parking spaces, vacant lots, parking lots)
- Be people-focused (those using the streets, parks, public spaces and especially those patronizing local businesses)
- Both incorporate public health guidelines and communicate how to use spaces in order to maintain those guidelines
- Support the safety of users, and communicate that safety is being considered
- Consider a range of users and groups and support their safe interaction (from young children to seniors; from single person to large family, differently abled patrons, etc.)
- Prioritize durable, reusable, and sustainable materials and construction methods that allow pieces to be disassembled and reconstructed elsewhere
- Prioritize visibility, legibility, and easy compliance to the greatest extent possible

# Touchless Thermometer

Spintouch RapidScreen Temperature Screening System



**RapidScreen**<sup>™</sup>  
TEMPERATURE SCREENING SYSTEM

Stop the spread of COVID-19 and other infectious diseases with our 100% contactless, fully automated temperature screening kiosk. RapidScreen is the fastest and most accurate system on the market.

LEARN MORE

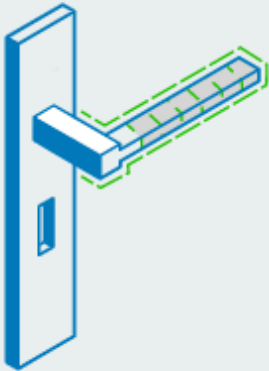
# Self Cleaning Surfaces

SafeHandles films

## Create a Self-Cleaning Facility

### Constant Protection

When you apply protective SafeHandles films to any door handle, you get the peace of mind that bacteria are already being killed. Our SterRoll, ADA die cut and heat shrink film transform door handles, push plates and hand railings from a breeding ground for grimy and damaging bacteria into a true SafeHandle. 24 hours a day, 7 days a week for up to 6 months you have the confidence filthy hands aren't leaving behind germs.



[SEE SAFEHANDLES IN ACTION >](#)



# Air Purification Technology

Needlepoint Bipolar Ionization System (NPBI)



Engineering Air for a Cleaner World™

## GPS-DM48-AC™

### *Auto-Cleaning Needlepoint Bipolar Ionization Air Purification Device*

The world's first auto-cleaning, lightweight duct-mounted NPBI electronic air cleaner. The maintenance free unit is designed for indoor or outdoor duct mounting and can handle up to **4,800 CFM or 12 tons**.





# Standard of Care Defined

## Standard of Care for Professionals

Exercise the degree of skill and care ordinarily exercised by other design professionals practicing under similar circumstances.

\*Failure to meet this standard of care constitutes professional negligence

# AIA Rules of Conduct

(American Institute of Architects)

## Sample Rules pertaining to health and safety:

### E.S. 1.5

Design for Human Dignity and the Health, Safety, and Welfare of the Public: Members should employ their professional knowledge and skill to design buildings and spaces that will enhance and facilitate human dignity and the health, safety, and welfare of the individual and the public.

\* Please note, these obligations can be heightened by other Rules of Conduct, for instance Rule 4.202, which obligates Members to ensure those under their supervision also conform to the code of conduct.

# ASCE Code of Ethics

(American Society of Civil Engineers)

## Canon 1.

Engineers shall hold paramount the safety, health and welfare of the public and shall strive to comply with the principles of sustainable development in the performance of their professional duties.

# NSPS Code of Ethics

(National Society of Professional Surveyors)

## Pledge

I pledge:

...

To place services before profit, honor and standing of the professional before personal advantage, and the public welfare above all other considerations.

# Project Agreement Strategies

## Contract Tips

Managing risk in your agreements.

- 1** Clear scope of services
- 2** Avoid warranties or guarantees
- 3** Consider the impact on scheduling and budget

# Addressing COVID-19 Concerns



## Seek Specificity and Clarity

Be specific when addressing COVID-19 related issues in your Contract. For instance:

- specifically identify COVID-19 related closures as a force majeure event in your contracts;
- if you're being asked to design with COVID-19 related issues in mind, identify the specific standards and recommendations your services will be conforming to.



# Warranties & Guarantees

## Avoid Warranties & Guarantees

Warranties and guarantees can raise your standard of care and obligate you for damages beyond those proximately caused by your negligence in the rendering of your professional services. These may present an uninsured liability under the terms of your Professional Liability insurance.

# General Warranty Disclaimer

Sample Language

“

The [Design Professional] makes no warranties, either express or implied, with respect to services provided under this Agreement.

”

# Warranty Disclaimer

AIA E204-2017 §6.1



The Owner, Contractor, and [Design Professional] acknowledge that achieving the Sustainable Objective is dependent on many factors beyond the Contractor's and [Design Professional]'s control, such as the Owner's use and operation of the Project; the work or services provided by the Owner's other contractors or consultants; or interpretation of credit requirements by a Certifying Authority. Accordingly, **neither [Design Professional] nor Contractor warrant or guarantee that the Project will achieve the Sustainable objective.**



# Right to Rely

## Establish Your Right to Rely

Clarify that you have the right to rely upon information furnished by or on behalf of the Owner. Otherwise, you may be inadequately compensated for any changes that result from an unforeseen condition.

When using new materials or equipment, clarify that you have the right to rely upon any representations or information furnished by supplier's or manufacturer's of such materials or equipment.

# Right to Rely

AIA E204-2017 §2.5.2

“

The [Design Professional] may be unable to determine whether the material or equipment will perform as represented by the manufacturer or supplier...In the event the Owner elects to proceed with the use of such materials or equipment, the [Design Professional] shall be permitted to rely on the manufacturer's or supplier's representations and shall not be responsible for any damages arising from failure of the material or equipment to perform in accordance with the manufacturer's or supplier's representations.

”

# Consequential Damages

## Waiver of Consequential Damages

Having your Client waive their right to consequential damages, or agreeing to a mutual waiver of consequential damages can help you manage your exposure in the event a claim arises.



# Waiver of Consequential Damages

AIA B101-2017 §8.1.3

“

The [Design Professional] and Owner  
**waive consequential damages** for  
claims, disputes, or other matters in question,  
arising out of or relating to this Agreement...

”

## LEED Safety First Pilot Credits:

Cleaning and disinfecting  
your space

Create and implement a policy and procedures that follow green cleaning best practices to support a healthy indoor environment and worker safety.

Re-enter  
your workplace

Assess, plan for, and evaluate re-entry taking into consideration sustainable requirements in building operations and human behavior to minimize the spread of COVID-19.

Building water system  
recommissioning

Take steps to address water quality and reduce the risk of exposure to degraded water quality (e.g. develop and implement a water management plan, coordinate with local water and public health authorities, communicate risks with building occupants).

Managing indoor air  
quality during COVID 19

Ensure indoor air quality systems are operating as designed and determine temporary adjustments to ventilation that may minimize the spread of COVID-19 through the air.

Pandemic planning

Help cities and communities prepare for, control and mitigate the spread of disease during a pandemic that poses a high risk to people. Provide education and training for community partners and other stakeholders.

Social equity in  
pandemic planning

Consider equity implications across all phases of the pandemic preparedness, planning and response process.

# Case Law

Project Owner seeks damages for lost tax credit after project fails to achieve LEED Silver Certification Level.

Project Owner alleged:

“

In failing to comply with this contractual requirement [to construct in conformance with Silver Certification Level according to the LEED Rating System], Shaw Development will suffer damages in the amount of a \$635,000 tax credit.

”

# Scheduling and Budget

## Scheduling and budget considerations

These considerations can be directly incorporated into the agreement.

Additional services

Extra training for new/innovative designs or materials

Special installation requirements

Constraints in product availability

Specification of new materials/process

Costs associated with inherent uncertainties of something new

# Cyber Security

## Three Ways to Avoid COVID-19 Vaccine Scams

While vaccination details are getting worked out, here's what you can be sure of:

- You can't pay to put your name on a list to get the vaccine. **That's a scam.**
- You can't pay to get early access to the vaccine. **That's a scam.**
- Nobody legit will call about the vaccine and ask for your Social Security, bank account, or credit card number. **That's a scam.**

Ignore any vaccine offers that say different, or ask for personal or financial information.

Learn more at

[ftc.gov/coronavirus/scams](https://www.ftc.gov/coronavirus/scams)

[consumerresources.org/beware-coronavirus-scams](https://www.consumerresources.org/beware-coronavirus-scams)



## Beware of COVID-19 vaccine phishing emails and other scams.

- Don't open unsolicited email from people you don't know.
- Be wary of third-party sources spreading information about COVID-19. Refer to the official CDC website for updates on COVID -19.
- Hover your mouse over links to see where they lead.
- Don't click links in emails. If you think the address is correct, retype it in a browser window.
- Be wary of attachments in any email.
- Don't supply any personal information, especially passwords, to anyone via email.

# Resources

In consultation with your attorney and other(s), as appropriate, the following sources are a good starting point in thinking about how to reopen safely:

## OSHA

- <https://www.osha.gov/Publications/OSHA3990.pdf>

## CDC

- <https://www.cdc.gov/coronavirus/2019-ncov/community/resuming-business-toolkit.html>
- <https://www.cdc.gov/coronavirus/2019-ncov/communication/print-resources.html>

## EPA

- <https://www.epa.gov/pesticide-registration/list-n-disinfectants-coronavirus-covid-19>

## EEOC

- <https://www.eeoc.gov/coronavirus>

## SBA

- <https://www.sba.gov/blog/covid-19-resources-small-businesses>

## State and local resources

- Vary. *See also* <https://www.multistate.us/issues/covid-19-policy-tracker>

Thank you for your time!

# QUESTIONS?

**This concludes The American Institute of Architects  
Continuing Education Systems Program**

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