

Bill Quatman Advises “Rest Easy” Re: Electronic Plan Room Security

Attorney and Architect Touts Safety of Builders’ EPR

Bill Quatman, Esq., FAIA, DBIA, addressed seven misconceptions about electronic plan room security at an AIA Kansas City “Lunch & Learn” presentation entitled “Rest Easy: Understanding the Risks of Electronic Plan Rooms.” He delivered his remarks to an audience of about 50 fellow architects and construction industry professionals.

A partner at Shughart Thomson & Kilroy, P.C., a licensed Missouri architect, and past president of AIA Missouri (1996), Bill is well-qualified to address the subject. About 10 years ago, he recalled, he was among a group of architects asked by James L. “Skip” Hutton, Jr. (then-president of The Builders’ Association) to provide feedback on a proposed Builders’ EPR (electronic plan room) service.

“As architects, our immediate response was based on the fear of the unknown, that someone would alter or manipulate our drawings,” said Bill. “But as I’ve become familiar with the system and talked to people who have used it, I’ve become a believer in its safety, reliability, and convenience.”

Prior to Bill’s presentation, Robin Norris of The Builders’ Association provided an overview of the features and benefits available at www.buildersepr.com. The Builders’ EPR now has over 300 subscribers. Included in the service is free On Center PlanViewer software, which allows subscribers to view, download, and print a variety of formats.

“The Builders’ EPR is very user-friendly,” said Bill. “It should help contractors get more accurate estimates and detailed updates more quickly. Architects no longer need to keep plans in their lobby for contractors to pick up and bid on. Contractors can bid on drawings without leaving their office.”

Bill listed seven concerns he hears from architects and provided these responses:

1) *Someone will revise my drawings.* Is this a real risk or paranoia? Congress has passed strict criminal penalties including 18 U.S.C. 1030 that prohibit hacking, noted Bill. Under federal law, whoever intentionally accesses a protected computer without authorization and recklessly causes damage shall be punished by fine, imprisonment for up to 10 years, or both.

Bill stated that the risk of an electronic document being altered is no greater than the risk that a paper plan will be altered through erasure or correction fluid.

“The PDF and TIF images are essentially an electronic snapshot of the architect’s drawing,” he said. “While someone can add notes to their own document on their own system,



As the monitor indicates, **Bill Quatman’s** presentation was designed to help attendees “feel better” about making their plans and specs available for uploading to the Builders’ EPR. He is pictured with **Robin Norris** of The Builders’ Association.

they cannot alter the master document.”

2) *Someone will use my drawings on a different project.*

Bill advised that architects use a copyright notice on their drawings. “It is easy to do and free. You do not have to register your plans with the U.S. Copyright Office. You simply add Copyright 2008 and the name of your firm to every sheet drawn.”

Anybody who then misappropriates your drawings and uses them on some other project is liable for copyright infringement. You do not have to register the drawings until after the infringement occurs, he added.

Bill cited AIA Document B101 §7.2, according to which the architect and its consultants shall retain all common law, statutory, and other rights, including copyrights. He noted, “If you use this notice, your copyrights are your own.”

He also stated, “In my experience in 25 years of construction litigation, the majority of the copyright infringement cases have dealt with residential projects. We are typically not seeing people knocking off commercial building plans.”

3) *I will lose my copyrights.* Builders’ Association procedures do not require you to give up your copyrights, said Bill. You are simply allowing people to view your information and giving them a license to make prints for bidding. They may simply print copies of your copyrighted information for use on the particular project.

4) *Confidential information will be disclosed.* Bill noted that where the owner or governmental entity wants their information made available to a selected list and otherwise kept confidential, the architect needs to

be careful about allowing their plans to be uploaded.

He cited AIA Document B101 §10.8, according to which the architect who receives information designated as confidential by the client must (with exceptions) keep it in strict confidence and not disclose it to anyone else. The exceptions include those who need to know the content of such information in order to perform services or construction solely and exclusively for the project.

He cautioned those in the audience to be attentive to the possibility of clients providing “different language than this where they will restrict you from giving information to anybody or only under certain circumstances.”

5) *Some sheets are not posted.*

Although there is a risk that a sheet will be missed when documents are scanned, this risk is no greater than when someone is running paper sets, said Bill. He commended the Builders’ staff for their commitment to accurate scanning. He also suggested that architects use index sheets with their drawings and spec books so bidders will know if any sheets are missing.

He also stated, “If you are an architect and are really concerned about missing sheets, give the Builders’ a zip disk or CD with your TIF or PDF images on it.” Robin added that for the architect’s convenience, the Builders’ will send a courier to pick up the disks.

6) *There are transcription errors.* Free On Center PlanViewer software along with the use of TIFs and PDFs makes the Builders’ EPR “a very trustworthy process,” said Bill. He suggested that if architects are still concerned about the risk of transcription errors, they can provide the Builders’ with drawings (as TIFs or PDFs) and specs (as PDFs) on a CD or other media.

7) *Updated sheets and addenda are not posted.* By providing e-mail blasts to users who have indicated they are watching a particular project, the Builders’ EPR provides bidders’ list addenda in real time. “This is really more efficient than the old process of mailing addenda or providing notice to contractors to pick them up,” stated Bill.

“The Builders’ have been very smart about the way they have developed their EPR. I would encourage architects to participate in order to get better and more timely information out to bidders,” concluded Bill.

The “Lunch & Learn” was co-sponsored by The Builders’ Association and held at their Hutton Conference Center on May 30. ▲