

# Let the School District Beware!

*An offer of free roofing help for your school can be very costly. Several New Jersey schools found that out the hard way.*

*By Michael H. Cardwell, RRC*

In January 1997, the business administrator for the Edison Township School District in Middlesex County, N.J., was contacted by a roof consultant who offered to “look at some of your worst roofs and give our opinion” at no cost or obligation. Impressed, the business administrator arranged for the consultant to inspect the roofs. This simple offer of help set in place a chain of events that triggered a three-year investigation by the New Jersey Commission of Investigation, culminating in a recently released 118-page report entitled “Waste and Abuse: Public School Roofing Projects.” The report may be viewed online at [www.state.nj.us/sci](http://www.state.nj.us/sci).

The primary focus of the New Jersey report was a complex sales and marketing arrangement that resulted in “proprietary” specifications being written for school roofing projects. The specification section of the project manual is a precise statement describing the materials to be used and how they are to be installed. A proprietary specification is born when the project requirements call exclusively for the purchase of materials from a single manufacturer. The cost of these materials is often three or four times the cost of equivalent materials from standard manufacturers, while providing no significant difference in performance or warranty. The specifications often appear to open the way for alternate materials of equal quality from other manufacturers, but in reality, are laden with technical requirements aimed at thwarting competition.



*Many school districts have misspent tax dollars on roofing scams that started out sounding too good to be true. As a general rule, if a proposal seems too good to be true, it probably is.*

Salespersons representing themselves as roof consultants, who insist they can take over all the responsibilities for inspecting and designing the roof systems, often approach beleaguered maintenance supervisors and school business managers. Roofs are an ongoing problem for most schools, and an offer to help at “no charge” appears to be a win-win situation for the maintenance personnel and the school system.

The process of roof repair or replacement is complex and time consuming. Consideration must be given to the causes of failure of the existing roof system to insure these problems are designed out of a new system. The investigation should include core sampling to look at existing membranes and insulations, a careful inspection of the sur-

rounding walls and wall flashing systems, investigation of all penetration flashings and roof drains to insure they are properly installed. In addition, surveys, structural analysis, detailed design drawings, and written technical and administrative specifications are required. The breadth of the roofing industry, including multiple types of roofing systems, materials, configurations and warranties, demands that technical judgments be rendered. Finally, a competent installer must be retained, and a procedure established to make sure the roofing work is properly installed. The offer to take control of this complicated task at no extra charge is extremely enticing to busy, thinly spread school personnel.

In most proprietary specification scenarios the key players, those who perform the preliminary investigation, create the final design, prepare and administer the contract documents, and perform field inspections all have a financial tie to the manufacturer. It was the conclusion of the State of New Jersey Commission of Investigation that “school districts across the state have paid millions more than they should have for roof repairs and replacements, in part, because projects from start to finish were riddled with conflicts of interest and deception.”

While the New Jersey Commission focused on New Jersey schools, the problems they explored exist in most other states. Manufacturers, using similar tactics have

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drawn press attention in many different localities.

- The Detroit News ran a special investigation article on October 4, 1990, titled "Wasted Dollars, Broken Buildings," that detailed how the use of proprietary roof specifications resulted in highly inflated costs to the Detroit Schools.

- In September 1996, The Dayton Daily News ran an article describing the cost savings achieved in the Dayton area when proprietary specifications were replaced by open bidding.

- A roof consultant from Indiana wrote a letter to the Editor of Midwest Roofer describing three school projects in Indiana involving proprietary specifications. After the various school boards became aware of the high costs of the projects, they opened the specifications to other materials, got jobs of equal quality and saved money by hiring an independent designer.

Roofing industry publications, such as Roofer Magazine, Midwest Roofer (Midwest Roofing Contractors Association), and Interface (Roof Consultants Institute) have published numerous articles discussing closed or proprietary specifications dating back to 1989.

The proprietary specifica-

tion is well known within the roofing industry, but because of hidden financial ties between these manufacturers and others, including some roof designers, the building owner is often kept in the dark about the true cost of the project. In fact, specifications are often written by sales representatives favoring a given manufacturer's products and passed off as the work of an architect or consultant. Other roof material manufacturers are often reluctant to raise the issue, since they may re-label their products, which are then passed off as the materials called for in the proprietary specification.

Since most school systems lack the in-house technical expertise to evaluate roofing problems and design a response, how should they proceed in order to obtain quality roof solutions that are competitively priced? The New Jersey Commission of Investigation report should serve as a wake up call not to trust offers of free services of any kind, and red flags should be raised at the insistence that only one product can meet the roofing specification requirements.

If there is belief that a roof area requires repair and/or replacement, the district should seek proposals for a preliminary assessment from qualified roof designers. The designer should be able to demonstrate that he is qualified by presenting architectural, engineering, or roof consulting credentials that detail experience with comparable roofing projects. The designer should be free from financial ties to manufactures or contractors. References from clients with similar projects, roofing contractors, and other design professionals should be provided and checked.

Other considerations when choosing a designer are service oriented. Ask to see examples of roof assessment reports, specifications, and quality assurance inspections they have done in the past. Ask about accessibility to your consultant, particularly if the firm is not located in your immediate area.

After selecting a design professional who will be acting independently and on behalf of the school system,

the designer will develop adequate plans, drawings, and technical and administrative specifications that will comprise the project manual. The documents may specify a particular type of roof, but the specification must be openly structured to allow for alternate materials of equal or better quality. This open structure is a critical component that allows for competition in the selection of roofing materials. This competition often results in significant cost savings for the school system.

The installer will be selected by the school board through competitive bidding, based on the prepared documents. The contractor's proposal must include a bid on the designer's specifications and may or may not include a bid on an alternate approach. The designer will provide an unbiased report to the owner indicating whether or not the alternate materials meet the quality and design of the original specifications. The need for the designer to be free of commercial ties to any particular manufacturer or contractor is imperative when this evaluation is made.

Under ideal conditions, an independent third-party expert acting on behalf of the school district provides regular inspections of the workmanship. The sales representative may serve as a job site inspector, but only on behalf of his employer to insure the product warranty is protected during application. When a separate roof designer, contractor, and manufacturer are all looking over each other's shoulders, it helps to protect the owner from concealment of problems.

The state laws regulating publicly funded construction projects only partially protect a true competitive bidding process that provides the best value for tax dollars. Quality roofing solutions, reliable contractors, and ethical roof professionals are available. Diligence and sound reasoning must be used when committing scarce school funding to large expenditures like roofing. School boards, administrators, and building maintenance personnel will be better able to make wise spending decisions when they are aware of the strategies that often compromise fair competition.

After watching these "free consultants" operate during my 29 years in the roofing industry in three major cities and two states, both as a contractor and now as an independ-

## Roofing



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ent consultant, I have drawn the following conclusions.

- The manufacturers who offer free consulting services hire aggressive sales people who sell roofing products that are very highly priced and of no better quality than standard market products. The so-called higher quality of their products is an illusion shaped by the specifications that have been written by their company and can only be met by using their particular products.

- Manufacturers “certify” contractors to install their products. On projects using proprietary specifications, the contractor risks being shut out of future projects if he offers an alternative roof system. Thus, the manufacturer has blocked another path for the building owner to understand the true cost of the roofing project.

- Some of these manufacturers actually produce very few roofing products themselves, and often re-label products from other manufacturers and resell them at greatly inflated prices. Consequently, a third group who might possibly question the relative high cost of the project is reluctant to speak up because of business ties to those companies.

The bottom line is that when the “free consultant’s” sale goes through, the building owner pays a premium for a roof that could have been

purchased much less expensively from standard manufacturers using a paid independent roof design professional.

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