

# Newsletter

**THE**  
**FACILITATOR**  
The Newsletter for facility management professionals

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## President's Podium – The Best Laid Plans . . .

Did you ever wonder how situations tend to snowball and get worse before they get better? This is despite all of the preventive maintenance and planning that goes on. Let me relate some situations that have occurred at the Jewish Community Campus.

Passover is a holiday during which Jewish people celebrate their exodus from Egypt. Religious Jews observe this holiday by following special dietary restrictions, such as eating unleavened bread (matzah) rather than leavened bread. They use special dishes for Passover only, and prior to the start of the holiday, they dispose of food not considered kosher for Passover. Thus, our food inventory is considerably reduced.

Thus, the Passover holiday is a good time for us to perform preventive maintenance on walk-in cooler and freezer. This requires removing the entire foodstuff to a freezer then shut the units down and thoroughly clean and inspect them. Necessary repairs

Three weeks after we completed this routine, the compressor motor malfunctioned on the freezer truck and repairs were made. Despite our conscientious preventive maintenance program, problems developed.

Due to the unusual winter and spring weather, we were late in starting up the outdoor pools. Usually this is done in April. We have an extensive checklist and procedure, which includes thorough cleaning and inspection of the pools. No problems were expected because we replaced caulking and painted the pools.

As one comes to expect the unexpected, it was found that the caulking failed and the deep end peeled. Spring rains created tension within me, as these repairs require perfect conditions. I have learned to accept the fact that I can't change the weather.

## Contents

[President's Podium](#)  
[Environmental](#)  
[June Program](#)  
[July Program](#)  
[Facility World Workplace](#)  
[August Meeting](#)  
[Doug Underwood](#)  
[Member Profile](#)  
[New Members](#)  
[How Well Do You Know Your CFM?](#)  
[Question of the Month](#)  
[Quick Pix](#)



### Mark Your Calendar

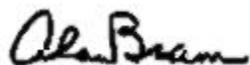
**May 18, 2004**  
Tour of Kansas  
Speedway

**June 3, 2004**  
Annual Golf Outing  
Painted Hills Golf  
Course

**July 20, 2004**  
So You Want to  
Build a Building  
Christ Community  
Church

Last November, we began a small remodel that was to be complete by February. and the project is still in the works. I am not going to bother listing what has gone was just about everything.

These are typical events in the life of a facility manager. It is hard to imagine what it would be like without thorough planning and preventive maintenance programs.



Alan Bram, President  
Kansas City IFMA Chapter



## **Environmental Due Diligence**

By Dave England,

One of the overall objectives of an environmental manager is to evaluate the environmental impact of a particular real estate, corporate, or lending transaction. A company does not want to purchase a piece of property, business, or company for \$10 million only to incur \$20 million in environmental liabilities. Unfortunately, the potential environmental liabilities of such transactions are not so simple or clear. Nonetheless, the buyer, investor, or lender should analyze how environmental liabilities may affect the value of the deal.

### Types of transactions for which environmental due diligence should be performed

#### **Purchases of Real Property**

For almost all purchases of real property of any substantial value, an appropriate due diligence should be performed. Single-family residences typically receive little, if any, environmental review. Multi-family residential structures usually involve a substantial enough investment and potential risk of incurring environmental liabilities that basic environmental assessments are typically performed.

Industrial and some commercial operations typically receive the greatest level of scrutiny.

#### **Leasing of Real Property**

Leasing of property in the United States has been construed to make the lessee the "owner" under environmental statutes and, therefore, as liable as the Landlord. In many cases, the same environmental due diligence performed before purchase

will be appropriate before leasing it.

### **Equity investments such as mergers with other companies or acquisitions of another company's stock**

Mergers and acquisitions and other stock transactions may involve environmental liabilities as well. A merger with another company typically makes the surviving company liable for all of the liabilities of the non-surviving company. Undiscovered actual or potential environmental liabilities may have a dramatic effect on the deal to proceed at all or the price for going forward.

### **Joint ventures or partnerships**

Joint ventures and partnerships may also create risks of incurring environmental liabilities. The structure of the deal should be reviewed to determine the potential liability. Partners or joint ventures may become liable for the environmental liabilities of the partnership or joint venture. Limited partners should consider the potential for general partnership participation. The limited partner's counsel should carefully review the state law under which the limited partnership is being formed.

In most jurisdictions, the limited partnership law may well provide the same protection that a corporate shareholder would receive, so long as the limited partner does not participate in the management of the partnership.

### **Most other investments in real property or contractual arrangements involving real property**

Environmental due diligence should be performed before investing in real property, either directly or otherwise entering contractual arrangements involving real property. Examples are licenses to use real property, easements over real property, or contracts to manage real property. At least one court has opined that an easement owner is liable for contamination of the land on which the easement is located.

### Standards for performing environmental site assessments

The Phase I and Phase II assessment method for performing environmental site assessments grew out of the superfund liability scheme and the standard set forth in the statute is the innocent landowner defense. To successfully assert this defense, the person must show he had no reason to know of the environmental problem. To demonstrate he had no reason to know, he must establish that he undertook at the time of acquisition:

**"All appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice in an effort to avoid liability."**

Courts in analyzing this defense are directed by the statute to consider the following:

- The relationship of the purchase price to the value of the property if uncontaminated
- Commonly known or reasonably ascertainable information about the property

- The obviousness of the presence or likely presence of contamination at the p
- The ability to detect such contamination by appropriate inspection; and
- After receiving the Environmental Assessment Report from the environment and legal advice on the potential environmental liabilities from the Environm Attorney, the business people at the company must then make decisions about transaction that properly responds to and manages any environmental risk id risk management approaches can be taken to respond to actual or potential er liabilities.

**A. “Walk the Deal” – do not close the transaction**

The first is to simply “Walk the Deal”, that is, not close the transaction. A p merger partner may not consummate the union; a bank may not loan money may not acquire a new subsidiary; or a real estate developer may not acquir

**B. Representations and Warranties**

If the deal goes forward, contractual provisions are typically a major part of respond to potential environmental risks. Representations and warranties ca effective tool for obtaining information on potential environmental concern: the groundwork for future litigation if undisclosed environmental problems discovered.

**C. Indemnities**

Indemnities may protect a party for losses and coverage of attorney’s fees a if sued. Buyers will typically seek an environmental indemnity from the sell conditions existing at the time of closing. Some sellers may seek an indemn buyer so the seller can “Walk Away” from the property with no more conce indemnities are given for pre-closing conditions to the buyer and for conditi after closing to the seller.

Consideration should always be given to how these indemnities will be func do not become so much worthless paper. Holdbacks, escrows, letters of crec may be ways to solve this problem.

Indemnities often are limited in time and amount. A variety of other issues, to cover in this article, are important to consider when drafting indemnities.

One should keep in mind, that at least under United States law, one cannot s liability to the government from one party to another by contract. Even if in company generally is still liable to the government.

**D. Environmental assessment and reporting requirements**

Environmental assessment and reporting requirements and the time allowed them are often spelled out in agreements and should be carefully drafted kee the property being acquired and its uses.

**E. Covenants**

All sorts of covenants can be inserted in contracts as well. For example, ren be required before closing or the former owner may be required to continue plant after closing until environmental permits can be transferred to the new

**Escrow of Part of the Purchase Price**

Escrows can be used for several purposes, as mentioned above. Examples include back up indemnities, or to pay for operational or structural changes, such as of air pollution control devices or construction of a wastewater treatment plant to ensure compliance with environmental regulations or permits.

### **Insurance**

Insurance is typically unavailable to cover environmental liabilities. Older comprehensive general liability policies may cover environmental liabilities on the state in which the property or operation is located.

### **Segregating Assets or property out of the transaction**

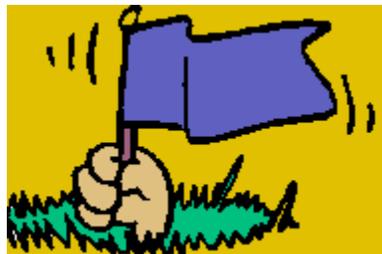
Another approach to managing risk is to segregate the problem land, operation or company out of the deal. For example, the problem area of land can be taken out of the deal. In some instances, an option may be given on the problem property to be acquired under fixed terms once it is remediated. Care should be taken in how such options are drafted to avoid having the option holder construed as “Owner” or “Operator” for liability purposes.

Certain locations in a corporate or multiple-site property transaction may be excluded from the deal.

**The corollary to this is to avoid “deal sweeteners” that seem sweet at the time but become bitter environmental problems with extremely expensive liabilities.**

*Dave England is Corporate EHS Officer for Alcatel Americas in Plano, Texas. He can be reached at 3015, or by email at [dave.England@usa.alcatel.com](mailto:dave.England@usa.alcatel.com).*

## **June Program Review**



2001 KC IFMA Education

B  
Gladfelter E

Wow, what a day! The weather was great, the golf was great and the food was great. We had over 130 players this year and 33 sponsors, including 22 Corporate Sponsors. We thank all sponsors for their generous support of the Education Endowment. We also thank everyone who donated prizes, our volunteers (too numerous to mention), and the Painted Hills. Steve Price and Jess Hernandez had all the answers and knew exactly what needed to be done and when.

We have not come up with a final accounting yet, but as soon as Jim Wilkinson and I are together, we will let you know how much we raised this year. Look for an accounting next newsletter, along with an announcement of all the winners.

Finally, I want to thank our committee. Each member either chaired a sub-committee assigned a specific task related to this year's outing. They all performed exceptionally well. They are:

Rick Bond  
Marc Conner  
Greg Coussens  
Sam Davidson

Linda DeTienne  
Jim Funderburke  
Scott Quarterson  
Teena Shouse

Believe it or not, we are already beginning preparations for the 2002 outing. We need your input from you on things that could be done better so that we can improve on next year's outing. Send any comments you may have to me at [ggladfelter@gegrp.com](mailto:ggladfelter@gegrp.com). We are also looking for volunteers for next year, so contact me at the same address if you are interested.



***First Place Team in First Flight was (l to r)  
Rick, Bond, Teena Shouse, Pete Johns and Greg Musick.***



***Second Place Team in First Flight was (l to r)  
Larry Maxfield, Janet Smith, Tony Mannella and Sam Davidson.***



*First Place Team in Second Flight was (l to r)  
Jack Tinnel, Steve Peters, Marc Connor and Clayton Burklund.*



*Second Place Team in Second Flight was (l to r)  
Wendy Hageman, Kati Corry, Steve Sweetin and Shannon Healy.*



*While unconfirmed at press time, this team is*

***Believed to have won First Place in the Third Flight:  
Becky Beilharz, Linda Atha, Lisa McNeil and Bob Radford.***

## **July Program Preview** **Breckon Sports Center Tour**

By 1

Please make sure you set aside on your calendars (and PDA's) Tuesday, July 10th "TOUR OF FIRSTS". We're calling it a "TOUR OF FIRSTS" because this July "tour will start at 7:30 a.m. and be completed by 9:00 a.m. at Kansas City's first m concrete domed "Breckon Sports Center" at Park University in Parkville, Missou

This recently-completed \$4.5 million two-domed sports facility is a multiple arra allowing common areas to accommodate simultaneously held sporting events and located space for offices, concessions and restrooms.

In order to limit the University's amount of valuable land needed for this project, architect, Fredrick "Rick" Crandall from Mesa, Arizona, made the decision to rec into the existing hillside - next to Park U's existing sports facility. By doing so, tl quarried during the excavation process was creatively incorporated as part of the beautiful new exterior walls and walk paths designed for this complex.

Learn more and see for yourself this "Kansas City First". Registration will begin the Breckon Sports Center's front entrance. A variety of scrumptious breakfast tre fruits, coffee, tea and ice-cold fruit juices await your arrival.

Between 8:00 and 8:10, Mr. Paul Rounds, Park University's Vice President will c detail, the multiple benefits and potential this new facility brings to Park Univers "A Session" and tour of the facility will follow.

When: Tuesday, July 10th  
7:30 a.m. – 9:00 a.m.

Where: Breckon Sports Center  
Park University  
On 6th Street  
Parkville, MO 64152

Map: <http://www.park.edu/about/map>

Parking: Free

Directions: From Johnson County: I-635 North to Hwy. 9 West to Parkv on Hwy. 9 past Park University's mai the Hwy will curve to the right, go ¼ right on 6th Street. Proceed another ½ entrance of the Sports Center.

From the East: I-70 West to Broadway. Cross Broad the Hwy. 9 Exit to Parkville. Then fol directions above to Park University.

From the North: I-29 to I-635 South to Hwy. 9 West to Then follow the directions above to P University.

Cost: \$15.00 for members  
\$20.00 for non-members

RSVP: Call the IFMA Program line at 913-906-6000, ext. 1144 by July 6th  
Speak clearly and/or spell your name.



**IFMA World Workplace 2001  
Kansas City  
September 23-25, 2001**

The international convention of IFMA members will be held in Kansas City this year with an expected draw of 8,000 attendees. There will be 80 educational sessions and an estimated more than 200 vendors displaying their products and services over the three-day period.

The Kansas City Business Journal has ranked World Workplace as the 7th largest convention to be held in Kansas City during 2001. Attendees will be facility management professionals from all across the nation and from international locations such as England, France, Germany, Canada, Mexico and more.

For more information, check out the IFMA web site at [www.ifma.org](http://www.ifma.org).



**MAKE PLANS NOW TO ATTEND THE**

Sign up early to join your IFMA friends and cheer the Royals on to victory over the White Socks. IFMA has reserved the Royal Pavilion, a private area beyond the level. We will have our own private entrance, concession area, toilet facilities, picnic tables, TV's and individual seats to watch the game. A dinner of chicken, burgers, hot dogs

beans, potato salad and dessert is included. Soft drinks are also included with the price. You will have access to the public ballpark, but visitors to our area are not

When: Tuesday, August 21

Time: Gates open at 5:30 P.M.  
Game starts at 7:05 P.M.

Who: You and your guest

Where: Royals Kauffman Stadium, near gate C

Costs: \$35.00 per person, meal included

Parking: Lots H or J, cost not included

RSVP: **REQUIRED** (no exceptions), no later than August 1  
Tickets will be distributed at the entrance gate

**Unclaimed tickets WILL be billed!**

## **UTILITIES COUNCIL - DOUG UNDERWOOD GOLF TOURNAMENT**

The Utilities Council and the IFMA Foundation each year jointly sponsor a golf tournament on the Saturday preceding World Workplace. The proceeds of the tournament are used to fund a scholarship, which is awarded each year at World Workplace (WWP) and pay for the recipient to attend WWP. Additionally, a student luncheon during WWP is funded with the proceeds.

This year's tournament will be held at Dub's Dread Golf Club in Kansas City, Kansas on Saturday, September 22 with a shotgun start at 8 a.m.

This is a great opportunity for companies to sponsor holes and gain national exposure. Facility Managers from across the country. It is also a great opportunity as players can talk with FMs from across the country in a relaxed and fun setting. If you would like to sponsor a hole, contact Richard Jackson at IFMA national. If you wish to play, there is a sign up on the national's website. You do not need a foursome to sign up.

I look forward to seeing many of you on the course. If you have any questions or need assistance, please contact Rick Bond.



### *Member Profiles*

**Name:** Becky Beilharz

**Education:** University of Kansas (life-long Jayhawker!)

**Family:** 1 nephew and 2 nieces (ask to see my pictures – I'm told I'm as bad as a grandmother)

**Facility/Work Place:** My house, dress code option: PJ's and slippers

**Job Responsibilities:** Facility planning consulting that includes workspace analysis, space forecasting and reconfigurations.

**Current Challenge:** Balancing my work load with my real life

**Proudest Accomplishment:** The success of my own business

**What improvements you'd like to see in the FM profession:** That facility management becomes more proactive, even leading edge, than reactive.

**The worst movie I'd admit to paying to see was:** Nurse Betty

**My ideal choice of a vacation spot would be:** Somewhere with a little bit of Hawaii, Colorado and Europe

**The funniest pronunciation I've heard of my last name was:** You couldn't imagine and I couldn't begin to describe

**As a youngster, the majority of my relatives thought I would grow up to be a:** Swim Coach or Athlete

**The one thing I wish were still in style is:** Saddle shoes

**Being the only member profile for this month leaves me:** Gullible

# Welcome!

## Meet our New Chapter Members!

We have missed listing some of our new members this year, so allow us to introduce you now!

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## How Well Do You Know Kansas City?

To help us prepare for the 8,000+ visitors to Kansas City during the 2001 IFMA Workplace, September 23-25, let's study a little about our fine city.

This will be the first of a three-part Q&A tool designed to test your historical knowledge of KC.

### Part I

1. Name the presidents that stayed at the Coates House.
2. Where was Harry Truman when he died?
3. Who was the Kansas City-born songwriter who created such tunes as "What's Pussycat?" and "Do You Know the Way to San Jose"?
4. How many miles of wire hold the 152,000 Christmas lights of the Plaza?
5. What geological force caused the Missouri River to bend at Kansas City?
6. Where in Kansas City is there a miniature Statue of Liberty?
7. Where was the original site considered for KCI?
8. What former Kansas Citian starred in "Public Enemy", "Secret Six", and "Heavenly Creatures"?
9. What 5,500-pound plastic beast guards Quality Hill?
10. What four colors light up the KCPL Tower at night?
11. What was the "Gettysburg of the West"?
12. Which direction does the Scout face?
13. What Kansas City area native won 31 Oscars?
14. What was considered Kansas City's first skyscraper?
15. What national convention was in KC when the Kemper Arena roof collapsed?

[Back to Top](#)

International Facility Management Association's  
**World Workplace 2001**  
Will be held in Kansas City!

Plan now to be a part of this outstanding conference.

**September 23-25, 2001**

For more information contact  
Becky Beilharz at (913)362-1040 or  
Teena Shouse at (913)315-3046.



### CFM'S KNOW - DO YOU?

Following is a question which might appear on the CFM (Certified Facility Manager) exam. Can you answer it?

**Which is generally not covered in a Cost Plus (GMP) construction contract?**

- A. Change orders generated by the owner
- B. Re-work required by regulatory inspectors
- C. Changes in the scope of the work
- D. Errors and omissions of the architect/engineer

*Answer to last month's question: C. Non-slip quarry tile with tile coverings on wc*

### **Answers to Kansas City Quiz - Part I**

- 1. Harrison & Cleveland
- 2. Research Hospital
- 3. Burt Bacharach
- 4. 48 miles
- 5. Glacier
- 6. Liberty Memorial
- 7. Richards and Gebart
- 8. Jean Harlow
- 9. The Hereford
- 10. White, green, red and amber
- 11. The Battle of Westport
- 12. Northeast
- 13. Walt Disney
- 14. New York Life Building
- 15. AIA

### **Quick Pix**

*What a great day of fun was had at the annual IFMA Golf Tournament Painted Hills!*



*Greg Gladfelter gives last minute instructions to the registration volun*



*Players bought entries into the chipping and putting contests, mulligan opport chances, and registered for prizes.*



*Teena Shouse explains to Pete Johns that he cannot buy 18 mulliga*



*Each player received a Gift Bag full of donated prize items.*

*Players lined up in their carts for the start of the tournament.*





*Larry Maxfield came oh so close to that \$10,000 hole in one prize.*



*He earned the respect of his team members with that shot.*



*Greg Coussens, Course Volunteer, felt the shot deserved at least a bu*



*Rick Griffin and John Harter looked innocent enough as they monitored a clo  
contest.*



*But the course contained some hazards, like when Water Gun Harter sprang  
and surprised approaching players.*



*Not everyone was able to elude Harter's water gun!*

*Superb door prizes awaited the golfers.*



*Players enjoyed the banquet following the tournament.*





*Darrell Cox from the Fagan Team won our \$50 gift certificate as part of the Workplace Promotional Flier.*



*Marc Connor, Alan Bram, Greg Gladfelter and Teena Shouse awarded prize contests.*



*Connor and Bram drew for door prizes.*



*Call my name!*

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