SBCA
Structural Building Components Association
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POLICY RE: COMPONENT DESIGN SOFTWARE PRODUCTS

Committee: Component Manufacturers Roundtable

Approved Component Manufacturers Roundtable 07/27/2002;
Updated and Ratified by the Board of Directors 10/03/2002;
Edited to replace all WTCA references to SBCA 2/23/2012;
Approved and Re-affirmed by the SBCA Board 7/25/2012;
Reviewed and Re-affirmed in the CM/Supplier Roundtable 07/22/2014;
Reviewed and Re-affirmed by the Board of Directors 02/28/2019

POLICY: The construction industry is not best served, and the component manufacturing industry will be harmed, if Software Products are leased to, sold to, licensed to or used by any person or entity that does not design, manufacture and sell components. The Software Products should therefore only be used by licensed component manufacturers for their own design, manufacturing and sale of structural components. Excluded from this policy would be any sale and design or any strictly design companies who sell and design components only for a particular component manufacturer under contract or any design companies who design components only for a particular component manufacturer under contract. In such cases the licenses to use the Software Products should contain appropriate restrictions on their end-use.

BACKGROUND: The issue is whether the construction industry is best served, and whether component manufacturing industry is harmed, through the licensing of Component Design Software Products ("Software Products") to a person or entity other than a Component Manufacturer for its own design, manufacturing and sale of structural components.

DISCUSSION: The component manufacturing industry has grown due to the fact that the products component manufacturers design and manufacture meet the needs and demands of the building construction industry. Product acceptance and the growth of the industry are attributable to the tremendous abilities of the industry participants to design and manufacture trusses and components creatively, efficiently and cost effectively.

In achieving the goal of providing builders and contractors with safe and economical products, each component manufacturer utilizes a unique combination of component design, raw material selection, manufacturing equipment, specifically trained labor and specifically defined manufacturing procedures. SBCA component manufacturer members have a unique set of experiences, are uniquely trained in the context of these experiences, and possess the requisite technical expertise to undertake their scope of work professionally in the context of their unique manufacturing environment. Utilizing Software Products without a sufficient understanding of the unique skills and characteristics of each manufacturer could negatively impact actual performance or the perception of performance of components in the marketplace in very significant ways. The impact could also include reduced safety for truss plant workers, component installers and consumers.

Truss and component manufacturers are furthermore required to stand behind the products they manufacture and warrant that the products conform to the design and otherwise comply with industry standards and building code requirements. Not only is this a legal requirement, but also a matter of meeting customer expectations. The warranty provided by the component manufacturer includes that the product has been adequately designed as well as properly manufactured. Component manufacturers may also be called upon to indemnify and hold harmless customers and others from any property damage or bodily injury caused by the products they manufacture. If the design parameters for components are determined by and the components are designed by someone other than the component manufacturer, the component manufacturer will most likely be left with the following issues:

1. No legal or effective way to insure that the design work is ultimately done correctly in the context of producing the manufactured product that must conform to the design and application requirements of the construction project, and

2. The certainty that those persons doing the design are adequately capitalized and insured in case there are problems resulting from their designs.

There is also a great deal of intellectual property tied up in the design and manufacturing of components. If the value of such intellectual property is allowed to diminish, which is almost certain if persons or entities other than component manufacturers are designing trusses and components, the likelihood of further investment in enhancing current technology and developing new technology with respect to the design of trusses and components will diminish as well. Ultimately, the reduction in value of intellectual property could lead to the reduction in value of component manufacturing commerce overall.