

CFR The Commercial Flooring Report

For the Commercial Floor Covering Industry

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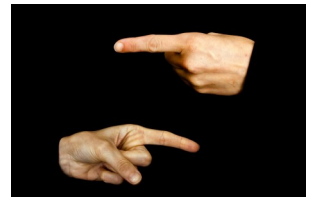
YOU CAN'T HAVE IT BOTH WAYS

Commercial flooring claims are becoming more and more involved, complex, contentious and expensive. The failure of the flooring or the installation for whatever reason always creates issues and generates defensive positions taken by all parties. Working on these projects requires a great deal of knowledge, research and review of documents relative to the project, the installation and the products used.

We're going to look at a situation where a laminate flooring expanded and lifted up but only in the units it was installed in that had long runs of the material. In this case that length was 33 feet. Units that were less than this had no problems. The flooring contractor was perplexed because they had to trim the planks about the width of a saw blade, which is 1/8 inch. The manufacturer's instructions stated the flooring material could be installed in runs up to 39 feet without issue and this installation was well within that limit.

The lab test on the never installed planks from the job site revealed the laminate planks did move in the length, which verifies the condition being experienced at the installation site, however, the laminate material falls within the requirements of the test which allows a maximum of 0.90mm—just over 1/32 inch in one plank. The test specimens are very small, cut from full length planks, in order to obtain reliable results in a reasonably short period of time. The achieved results cannot be scaled-up to large flooring elements. The tested planks do move. The movement seen in the testing, when considered for the laminate flooring installed, and calculated for a full length plank, is enough to create the condition in the long runs of planks being experienced.

The manufacturer said in a conversation that the product is stable and won't shrink but their literature contradicts this and says that it will and does. You can't defend your position and argument if the science doesn't back up you up or your literature. You can't have it both ways.



This statement, taken directly from the manufacturer's information, confirms the laminate flooring does in fact move.

"movements of distension and shrinkage (is) typical of this type of flooring."

"Both the perimeter joints and expansion joints as specified are designed to absorb the dimensional movements of swelling and shrinkage experienced by the laminate floor as a result of normal moisture variation occurring in the rooms where it is installed."

The flooring, admittedly, inherently expands, and contracts and did so beyond the expansion joints.

Legal explanation of this situation as per our construction attorney associates —“Typically, the written manufacturer’s specifications ultimately incorporated into the contract documents will prevail – especially where the contract documents contain a “merger” or “integration” clause, or the representation is seen as salesperson’s “puffery.” However, to the extent an authorized representative makes a specific representation that contradicts the specifications, and the purchaser reasonably relies on that representation to the purchaser’s detriment, the manufacturer could potentially be bound by that representation. This is a nuanced legal issue that is largely dependent upon the specific underlying facts, and readers should confer with legal counsel to advise on the viability of that legal position. Simply put, be wary of statements made by manufacturer’s representatives that seemingly contradict the manufacturer’s specifications. The only sure-fire way to ensure those representations are binding upon the manufacturer is to **GET IT IN WRITING** within the purchase order, and more desirably, within the manufacturer’s specification itself.”

That information, as shared with you, is in the manufacturer’s information on the product. In this particular situation all we were looking for was consideration from the manufacturer for the repairs that had to be made to the flooring and to take the onus off the flooring contractor for any wrongdoing the GC might accuse them of.

Let’s look at another situation where the problem was shrinking luxury vinyl plank flooring. This issue is so pervasive in the industry that it has reached epidemic proportions. I’ve written about this and mentioned it several times, but every week we get calls from flooring contractors, retail dealers and even residential consumers about their new luxury vinyl tile or plank floors changing dimensionally on their floors.

In this case the luxury vinyl plank flooring was installed in a new luxury apartment complex where it was glued directly to a gypcrete substrate. Within a matter of months, the planks began to shrink in the length and the width. In some apartments the gap created by the shrinking material was ¼ inch wide. The flooring was well adhered to the substrate, the flooring had been acclimated prior to installation and all the apartment units had and continue to have the HVAC system operational. The “manufacturer” of the flooring sent out a representative who told the owners that shrinking is normal with vinyl plank flooring and that it can be corrected by using an acrylic caulk to fill in the gaps. The gaps



THE COMMERCIAL FLOORING REPORT

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were caulked by the owners of the complex at a cost, so far, of over \$15,000. The manufacturer graciously offered under \$3,000.00 towards the caulking, and recommended the caulk to use, as an accommodation. Really?! Are you kidding me?! So, we put the vinyl planks down, they shrink, indicating they are dimensionally unstable and the fix to the defect is to fill the gap?! Mind you the planks most often continue to shrink. And what if they expand? What happens to the caulk then? And how about when the caulk comes out?



This is one of the most ridiculous things I've ever heard. If your product shrinks, you have a problem and caulking the gaps is not a fix for the inherent defect in the material. We're not talking about ceramic tile here folks, it's a vinyl tile product. The "manufacturer" who doesn't make the product, told the owner that grouting gaps is a common fix in the industry. Wow, I don't have words I can print here to respond to that.

I can say this, the repair job shouldn't be considered a common "fix." How about you should have made the product correctly in the first place. Instead of telling us how to fix the problem why don't you fix it, and make a dimensionally stable product instead?

As a manufacturer you had one job – to make a flooring product that can be trusted to maintain its shape and form and perform as expected. After the fact, it's not anybody's job to fix your problem that you shouldn't

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See Page 6 Regarding
Excess Inventory Offer

be considered a common “fix.”

And here’s yet another one of these beauties.

This is a response to a claim for a shrinking luxury vinyl tile product by a large flooring manufacturers technical person to a commercial flooring contractor. You’ll love this one.

“Tile installed over excessive moisture will grow slightly and later when the slab dries will return to its original size creating a uniform gap. Excessive moisture can also affect the bond of the tile and cause the tile to peak/curl at the edges which makes the tile appear to be shrinking.” Read that over and think about what’s being said here. Doesn’t sound like a stable product to me, how about you? Mind you, these are waterproof products.

“Note: lighter colored tile is more prone to moisture related movement due to the amount of pigments needed in the manufacturing process to obtain the lighter shades.”

Now, if you read this CFR newsletter regularly, you know I get a little excited from time to time because of the stupidity spewed by people who don’t know what they’re talking about and seem to pull their comments out from where the sun don’t shine. The previous comment takes the prize - hands down. If you know anything about luxury vinyl tile and plank, you’ll understand that it’s a layered product. It essentially consists of a polyurethane topcoat, wear layer, print film which is actually a picture of what the product is supposed to be such as wood or stone, and a core layer. This can vary in products with additional types of core layers, a stabilizing layer, a layer to minimize expansion and contraction, a vinyl backing and a cushion layer. Whatever the makeup, they all use a print layer for the picture. Note, I said the print layer for the picture. There is NO pigment involved in this. It doesn’t matter if the picture is light or dark, colored, looks like wood, a pattern, stone, polka dots, little animals or anything else you can imagine. This has nothing at all to do with movement of the material. Did you just read where I wrote that there is often a vinyl stabilizing layer or a fiberglass stabilizing layer? That’s what’s supposed to keep the product dimensionally stable. To tell a flooring contractor that the lighter colored tile is more prone to moisture related movement, due to the amount of pigments needed in the manufacturing process to obtain lighter shades is insane! Pigments are used to color paints, dyes or the like. They have nothing to do with compromising the integrity or the stability of luxury vinyl tile or planks. This claims analyst also wrote that colored acrylic caulk can be used to fill the gaps. Where is this s..t coming from?

This same large manufacturer, where this claims analyst handles your complaints, says they don’t accept our reports because we aren’t certified. Obviously, they don’t train their own people about the products they sell and, maybe, manufacture. They should be teaching their Technical Specialists so they don’t spew bullshit like this.

We don’t go looking for these stories, they come to us. I’m just sharing what we get involved in with you. This is what you’re up against and it ain’t pretty. The inmates are running the asylum – and it’s getting worse. There’s so much junk vinyl flooring product on the market today that it’s not even funny. But the market continues to be flooded with products you know nothing about. Beware of this and do business with manufacturer’s who make their products and stand behind them and who you have built relationships with. And don’t complain about the price. You get what you pay for and if you pay a low price for junk then don’t whine when it fails on the floor.

Everyone is looking for someone else to blame instead of doing what you should be doing as your responsibility. That goes for everyone in the chain from the manufacturer to the installer.

When you need an honest answer to your flooring questions, problems and solutions, call us. We're the experts with the answers, always. You may not hear what you want but it will always be honest, and we can always tell you what has to be done to fix the failure.

LGM is the voice of the industry, for those who are beaten down by those who do it.

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