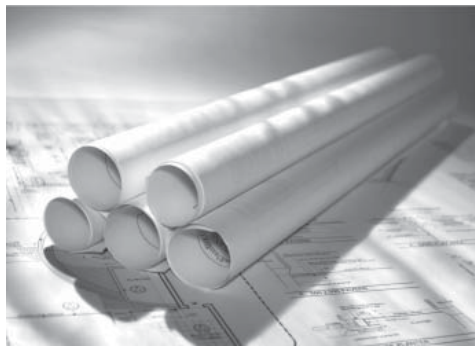




CASE Clarifies Purpose of Coordination and Completeness Guideline

Reacting to concern that this extremely popular publication in the industry will be portrayed as a standard, despite its title of "Guideline", the National Guidelines Committee took steps to assure the purpose of the document. They have added a page to the publication (over and above the previous disclaimer) to help clarify its purpose. The issue had been raised that lawyers and courts could view this publication as a de facto standard. Lawyers are free to bring any document into evidence. This one is no exception. At the same time, courts are free to attach any weight (or none) to the document it chooses. Any newspaper or magazine article or scholarly tome may be brought in and offered as "persuasive" evidence. As can literally any publication produced by any trade association. The Coordination guidelines are no different. The Coordination document has not been passed into law or codified in any jurisdiction... nor is it intended to be. The publication states up front "failure to comply with these guidelines practices does not necessarily equate with a departure from the professional standard of care, and compliance with these practices does not necessarily constitute adherence to that standard." In other words, its purpose is to assist the structural engineer to achieve a desired level of quality and develop a specific quality management plan. Anyone who holds this out as a standard could be confronted with any number of similar documents on the same topic that may or may not agree with it. ■



ACEC's Guide To Professional Liability Insurance

Professional liability insurance is one of the most important insurance policies purchased by an engineering firm as part of its risk management program.

This guide is the most comprehensive document on professional liability insurance available to the engineering community and is available for just \$29. Call ACEC Publications – (202) 347-7474. ■

Corps Lays Out \$15 Billion Construction Plans

Don Basham, Chief of the Engineering and Construction for the Army Corps of Engineers (USACE), outlined for ACEC members the Corps' \$15 billion F.Y. '05 military and civil works programs. Both have remained at stable funding levels for the past several years.

The Corps anticipates a \$11.2 billion military program, including \$738 million for engineering, \$416 million for Superfund and \$375 million for environmental projects.

According to Basham, the civil works program faces challenges in the coming years from declining Congressional appropriations and the considerable requirements on our nation's water resources. Basham estimates that the Corps F.Y. '05 civil works appropriations will be close to the \$4.5 billion it received last year.

Basham stressed that the Corps will continue to rely on private contractors to execute most of its work. Although the Corps workforce has declined in the past decade by 20 percent, its program has grown by 70 percent.

"We are contracting out about 75 percent of our military planning, engineering and design work, and about 50 percent in the civil works area...about \$1 billion in A/E fees annually," said Basham.

Basham also underscored his agency's commitment to working with ACEC to enhance the role of QBS in selecting design-build teams.

ACEC and the Corps have undertaken a joint project that would allow federal agencies to select design-build teams based on qualifications, a move that would significantly reduce the costs associated with pursuing design-build projects. Both organizations are working towards passage of legislation next year. ■

GSA Reveals Construction Plans

In exclusive "Market Forecast" events at ACEC headquarters, representatives of the General Services Administration (GSA) met with ACEC members. With \$587 million in new construction and nearly \$1 billion for repair and alterations to existing facilities, GSA's F.Y. '05 appropriations are likely to exceed \$1.5 billion, according to David Eakin, the agency's chief engineer.

Eakin underscored his agency's commitment to Qualifications-Based Selection for engineering services, and stated that between 50-60 percent of its projects were procured using a design-bid-build approach.

Basham stressed that the Corps will continue to rely on private contractors to execute most of its work, and underscored his agency's commitment to working with ACEC to enhance the role of QBS in selecting design-build teams. ■

OSHA Helpful Websites

<http://www.osha.gov/as/opa/spanish/index.html>

OSHA en Español homepage

<http://www.firstgov.gov>

A web site for all agencies of the federal government

<http://www.sba.gov>

The U.S. Small Business Administration's home page

<http://www.business.gov>

The U.S. Business Advisor home page

<http://www.businesslaw.gov>

Legal and regulatory information for small businesses by state

<http://www.regulations.gov>

A site to enable small business owners to find all federal regulations that are open for comment, to read them and to submit their views.

<http://www.assistancecenters.net>

For help with understanding environmental regulations that relate to the operation of your business

<http://www.irs.gov/businesses/small/index.html>

This Internal Revenue Service web site offers industry and profession-specific tax information and guidelines.

<http://www.dol.gov/elaws/firststep>

This resource tool gives, in just three minutes, a customized list of the labor laws that apply to a particular establishment.

<http://www.sba.gov/espanol>

This Spanish-language website created by the U.S. Small Business Administration is aimed at reaching the growing Hispanic business community with a business tool to help current and aspiring owners start and grow their businesses successfully.

<http://www.cdc.gov/niosh>

NIOSH, a research agency in the U.S. Department of Health and Human Services conducts research and makes recommendations to prevent work-related illness and injury.■

QBS, Government Competition Tops ACEC's 2005 Procurement Agenda

A major priority of ACEC's Procurement Advocacy Committee is the advancement of legislation that allows federal agencies to select design-build teams based on qualifications as opposed to "best value."

Committee member Jim Blake noted during a recent Committee meeting that, if successful, the initiative would tremendously benefit the engineering industry as it would "reduce the up-front costs associated with design-build proposals."

Competition from federal agencies was also discussed at the meeting, particularly from agencies such as the Bureau of Reclamation and the US Geological Survey. The committee vowed to press forward

with legislative proposals to further restrict the ability of these agencies to compete with the private sector. The committee also discussed needed reforms to the federal competitive sourcing initiative and will work with the Administration to advance these reforms.

The session also featured a breakfast meeting and fundraiser for Rep. Tom Davis (R-VA), the chairman of the House Government Reform Committee. Davis, who has long been a champion of the engineering industry and Qualifications-Based Selection, briefed attendees on key procurement priorities before his committee.■



Reverse Auction Threat Defeated By ACEC Kentucky

ACEC/Kentucky recently defeated regulatory changes that would have authorized the use of reverse auctions. This is the latest chapter of ACEC's ongoing effort to eliminate reverse auctions throughout the nation.

Kentucky had issued a new regulation to create an online bidding process where engineering firms would have had to underbid one another for state projects. The practice, known as reverse auctions, effectively undercuts consideration of qualifications in the selection process, despite ample evidence of cost savings and other benefits associated with Qualifications-Based Selection (QBS).

ACEC/Kentucky representatives met with the Governor to explain the problems with using reverse auctions, and mobilized its members for a strong showing at a public hearing on the issue.

The organization also launched an aggressive letter-writing and phone campaign which led the Governor's office to withdraw the regulations from consideration.■

