



GSA Top Official Unveils \$11B Construction Program

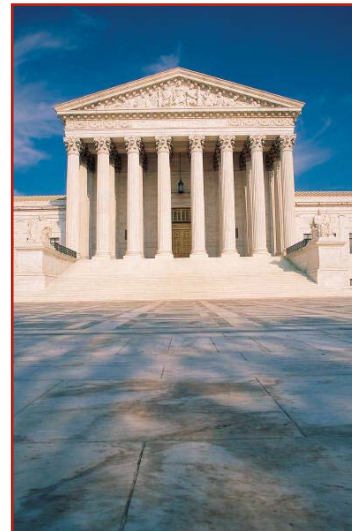
David Eakin, of the General Services Administration (GSA), detailed his agency's ongoing \$11 billion dollar Capital Program during the Market Forecast Series event held this week.

Eakin, the agency's chief engineer, encouraged ACEC members in attendance and online: "We need your best. Ninety-five percent of all GSA's funding is turned right back to you. We manage. We don't do the work in-house."

Eakin said the agency's Capital Program includes construction of 25-35 new courthouses or annexes; 15-20 new laboratories, 10-20 new border stations, and more than 100 renovation projects. In addition to the current program, GSA has plans for an additional 100 new courthouses estimated to cost \$6 billion, Eakin said.

He also emphasized the 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 delivery approach.

Eakin encourages engineering companies to contact one of GSA's eleven regional offices to learn about specific opportunities available through the Capital Program. www.gsa.gov



House Passes ACEC/CASE-Supported Bill to Curb "Junk" Lawsuits

The House passed legislation in early November that seeks to curb so-called "junk" lawsuits, part of a continuing legal reform agenda advocated by ACEC and other business organizations.

Introduced by Rep. Lamar Smith (R-TX), the Lawsuit Abuse Reduction Act (H.R. 420) would establish mandatory sanctions for filing frivolous lawsuits in violation of Rule 11 of the Federal Rules of Civil Procedure.

The Act would abolish Rule 11's current "free pass" that allows lawyers to avoid sanctions by simply withdrawing

frivolous claims within 21 days after a motion for sanctions has been filed.

Additionally, a "Three Strikes and You're Out" provision mandates a one-year suspension of a law license to practice in a federal court after a lawyer has filed three or more lawsuits deemed frivolous in the same federal court.

ACEC is urging Congress to pursue a broader tort reform agenda that includes asbestos liability reform, liability caps to control health care costs, and Good Samaritan protections. ■

Supreme Court Wetlands Cases of Interest to ACEC/CASE Members, Private Clients

The U.S. Supreme Court announced this week that it will render decisions on two wetlands cases that could significantly alter the extent to which the federal government can regulate the nation's wetlands.

ACEC client groups, including home builders and other developers, have argued for many years that federal agencies have overreached in their regulation of activities in and around wetlands. While the 1972 Clean Water Act gives federal agencies the authority to protect "waters of the United States", that authority has been extended to include adjacent wetlands; much uncertainty and dispute has arisen over the proper definition of "adjacent."

A 2001 Court decision introduced the concept that a "significant nexus" must exist between a wetland and a body of water, but continued uncertainty remains.

The Supreme Court agreed to hear two Michigan cases in which the Sixth Circuit Court of Appeals applied a broad interpretation of the Corps' jurisdictional authority. Both cases involve questions over the extent to which impacted wetlands are adjacent to larger bodies of water.

ACEC has been supportive of past efforts in Congress to address this issue. Congress attempted to weigh into the wet-

lands debate during the last major effort to reauthorize and update the Clean Water Act in the mid 1990s. While legislation passed in the House to create a more certain and definable process for identifying and regulating wetlands, it met heavy opposition from the environmental community and their supporters in the Senate. Since then, most of the action has taken place in the courts.

The case will be argued in early 2006 and a decision is expected by next July. ACEC is currently evaluating its next steps to support industry and client interests related to these cases. ■



CASE Risk Management Program Delivers

The second successful Convocation has proven structural engineering firms are serious about loss prevention and are willing to do something about it. Convocation attendees learned how to negotiate onerous language out of their contracts, the steps to take when a disaster hits their project, how to interpret their liability insurance policy and much more. The RMP with its Convocation, publications, webinars, electronic newsletters, flash drives and web page (www.acec.org/rmp) continues to be the premier advocate and purveyor of risk management information for structural engineering firms. Thanks to the firms noted below that have sponsored and supported the CASE Risk Management Program (RMP):

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