

THE FIRST WORD

April, 2005

"Reverse Auctions" Could Lead to Price Bidding for County Projects

The Oklahoma Legislative Session is past the halfway point, and many of the bills ACEC OKLAHOMA was monitoring early-on have gone by the wayside. The Legislature ended the first half of the session on March 17th. Now, the focus has shifted to those bills which did receive initial approval with the House now working Senate bills and vice versa.

While the tracking list is much shorter, there are still several very important bills which ACEC OKLAHOMA is closely watching, including:

*** House Bill 1754 by Miller & Garrison.** This bill authorized counties to use "Reverse Auctions" for the purchase of "all goods and services of any kind". ACEC OKLAHOMA believes that this would allow counties to "price bid" engineering, architectural, and land surveying services, and ACEC OKLAHOMA STRONGLY OPPOSES the bill.

We sent a Legislative Alert on Tuesday, March 29th to all members, and your response has been tremendous!!!! We met with Senator Garrison Tuesday afternoon, and he assures us, along with AGC and AIA, that he will not move the bill on the Senate floor until such time that all of the parties agree to the language in the bill.

ACEC OKLAHOMA's obvious concern the word "Services" and we explained to Senator Garrison our strong belief that including "services" would open the door for price bidding of professional services. He explained that it was not his intent to do that, and that he was willing to add an exclusion for professional services to insure that professional services are excluded.

The Government Affairs representative for the Association of County Commissioners of Oklahoma (ACCO) says that the bill is intended to only allow for the purchase of "supplies and equipment" by counties and that professional services are covered in another part of the county statutes as well as through ODOT requirements regarding roads and bridges design and construction.

ACEC OKLAHOMA is looking very closely into this, but is still not convinced that the specific "all goods and services

of any kind" language would not open many doors to interpretation.

ACEC OKLAHOMA will keep members up-to-date on all action regarding this issue, and again we thank you for your immediate action responding to our Legislative Alert.

*** House Bill 1218 by Newport.** This bill would redirect funds derived from the state motor vehicle tax to pay for road and bridge maintenance and improvements. The bill has passed the House and is awaiting action in the Senate Committee.

As currently written, during fiscal year 2006, the first \$5 million collected each month from the tax would go toward the state Highway Construction and Maintenance Fund. In FY07, the first \$10 million collected each month would go toward the fund, and starting in FY08 and continuing every subsequent year, the first \$15 million collected each month would go into the fund. All totaled, the change would deposit \$60 million, \$120 million, and \$180 million into the fund in fiscal years 2006, '07, and '08, respectively.

While House action was swift by the House Republican Leadership, the Senate will be a different story. Support in the Senate is not as strong since the bill redirects some of the State General Revenue Fund to transportation. In fact, there is some doubt that the bill will be heard in the Senate.

While very few disagree that increase funding is needed for transportation, there is a large division on how the increased funding should be sought. The House believes that HB 1218 will do the job through "growth revenues" without taking any funds away from other programs which are funded through the General Fund. On the Senate side, however, this is seen as possibly taking money away from education and other services dependent on the General Fund.

ACEC OKLAHOMA supports this and any other legislation effort to appropriately fund the Oklahoma Highway Construction and Maintenance Fund.

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Legislative Report (Cont)

* **House Bill 1511 by Worthen.** Would make changes to the practice of Landscape Architecture by further defining the "practice" of landscape architecture.

ACEC OKLAHOMA had some concerns regarding this legislation, but in working with AIA it was determined that there was no problem with the bill.

* **House Bill 1564 by Miller, Kenneth.** Would allow political subdivisions to use the Design/Build or Construction Management-At-Risk delivery systems without receiving prior approval from the Construction and Properties Division.

Under current statutes, D/B and CM at Risk can only be used on projects with the approval of the Construction and Properties Division (C & P). However, it's been determined that C & P has no jurisdiction or relationship with political subdivisions, so the bill removes C & P approval.

However, any political subdivision wanting to use D/B or CM-at-Risk would still have to following all of the other provisions of current statute, including all of the Qualifications-Based Selection requirements.

* **House Bill 1607 by Miller, Doug.** This is the State Board of Registration's update of the State Registration Law. There are many revisions within the bill which update the Statute to bring it in line with the model law and current practice.

ACEC OKLAHOMA supports the bill which is awaiting final action by the full Senate.

* **Senate Bill 413 by Crutchfield.** This would enact the so-called "Good Samaritan Act" for engineers, architects, and land surveyors by providing immunity from tort claims during certain specified emergency situations.

ACEC OKLAHOMA strongly supports this bill which is awaiting final action in the full House.

* **Senate Bill 558 by Shurden.** This bill was introduced at the request of the Construction and Properties Division and would add "other professionals" (our word, not theirs) to the Qualifications-Based Selection procedure in the State Consultants Act.

Current statutes define architects, engineers and land surveyors as "Design Consultants". This bill would add a definition for "Consultants" which would bring other professionals such as aerial mapping, appraisers, and scientists into the Act. ACEC OKLAHOMA supports these changes.

Construction and Properties Director David Brown tells ACEC OKLAHOMA that the state regularly has a need for these types of professionals that are not currently covered by the Act, and that the state would prefer to hire these professionals using Qualifications-Based Selection.

The bill, however, addresses several other issues which raised concerns on the Senate floor. The bill passed the Senate Committee, but failed on final action in the Senate. But, through a procedural move, the bill was reassigned to the Senate Appropriations Committee, which is "exempt" from the various calendar deadlines. So, the bill is technically still alive, but just barely.

Just to give a quick update on bills which we highlighted in the last newsletter which have now gone "dormant" for the session include:

House Bill 1472 by Benge which would have allowed the State Board to provide a "waiver of registration" for businesses without engineers on staff to use the word "engineering" in their company name. ACEC OKLAHOMA and the State Board strongly opposed this bill, which never received a hearing in the House.

House Bill 1659 by Covey would have created the State Office of Administrative Hearings to conduct all administrative hearings for all state boards, agencies, and commissions. The bill did not receive a hearing in the House.

House Bill 1972 by Perry would have created the Oklahoma Professional Geologist Practices Act, licensing "Professional Geologist" in much the same manner as engineers, architects and land surveyors. However, not all geologists were in agreement on the necessity of the bill, and the bill died in the House.

House Bill 2008 by Toure would have prevented the State Board the option of refusing to license a registrant or applicant who had been convicted of a Felony. ACEC OKLAHOMA strongly opposed this bill which did not receive a hearing in the House.

Senate Bill 0002 by Kerr would have modified the State Architectural Act by exempting cities of less than 5000 in population from the Act. ACEC OKLAHOMA opposed the bill which did not receive a hearing in the Senate.

That's the update!

Again, thanks for your quick action on HB 1754. We will update you as necessary on it and any other bill which demands immediate attention as the session heads toward the May 27th adjournment.

As always, if you have any questions, please feel free to give ACEC OKLAHOMA as call.

Wallace Engineering; Bucher, Willis & Ratliff Receive Engineering Excellence Awards

Wallace Engineering, Tulsa, received the 2004 Grand Conceptor Award in the ACEC OKLAHOMA Engineering Excellence Awards competition at the March 24th ACEC OKLAHOMA meeting in Tulsa.



Tom Wallace (left) accepts the 2004 Grand Conceptor Award from ACEC Chairman of the Board Don Vick

Wallace Engineering won the award for their panel assemblies and anchors used on the new Richard B. Fisher Performing Arts Center at Bard College in Annandale-on-Hudson, New York.

The Center offers an architecturally bold and dynamic environment for innovative artistic presentation. The \$62 million, 110,000 square-foot Center houses two theaters; four rehearsal studios for dance, theater, and music; and professional support facilities.

The panel assemblies were separate, unique, and complex elements that constantly changed in form and topography to meet the undulating surface of the design.

The project required the development of over 700 individual panel forms. Each panel had to interface with the primary steel structure and develop the shape of the surface. Additionally, the panels acted as the primary water and air barrier for the building surface.

ACEC OKLAHOMA's 2004 Honor Award was presented to Bucher, Willis, & Ratliff Corporation (BWR) for the Coffee Creek Channel Restoration project for the City of Edmond

In October 2000, Edmond experienced a 500-year rain event resulting in massive erosion and lateral migration of a regulatory floodplain placing public and private utilities as well as several residential homes in jeopardy.

BWR was selected to assess the situation, investigate and develop possible design options, prepare construction plans and bidding documents, provide limited construction management, provide as-builts, and prepare the Letter of Map Revision Request for FEMA including the modeling.



Bill Armstrong (left) accepts the 2004 Honor Award from Chairman Vick

ACEC OKLAHOMA congratulates Wallace Engineering and Bucher, Willis & Ratliff on these two outstanding entries. Both firms are planning to enter these projects in the national ACEC Engineering Excellence Awards competition, and we wish both firms the best of luck in the national competition.

APWA Spring Conference Set for May

The **APWA** (American Public Works Association) and **OWEA** (Oklahoma Water Environment Association) **Spring Technical Conference** will be May 9th, 10th, and 11th at the Reed Center in Midwest City.

The annual Golf Tournament will be held on Monday, May 9th at the John Conrad Regional Golf Course. Tuesday and Wednesday, May 10th and 11th, will feature the Technical Sessions and Exhibits.

All the details regarding the Conference are available at the APWA Oklahoma website (<http://www.apwaok.org>).

The conference and exhibit spaces are an excellent bargain and the **exhibit spaces will fill up pretty quick**. Anyone interested in attending or exhibiting at the Conference is invited to visit the APWA Oklahoma website or contact **Rita at 1-800-772-4678** for conference registration and/or exhibit space information.

ODOT/ACEC OKLAHOMA Partnering Conference Set for April 28th

The 4th Annual ODOT/ACEC OKLAHOMA Partnering Conference will be held on Thursday, April 28th at the Meridian Conference Center in Oklahoma City.

The Conference will feature several informative educational opportunities as well as group discussions of critical issues to both ODOT personnel and ACEC OKLAHOMA members.

Director of Transportation Gary Ridley will open the Conference with an update of legislative and regulatory issues important to the transportation community.

Former Secretary of Transportation Neal McCaleb will be the Keynote Speaker at the luncheon. McCaleb currently serves as the Chairman of the Oklahomans for Safe Bridges and Roads Coalition, the group responsible for the circulation of the initiative petition addressing funding needs of Oklahoma's transportation system. McCaleb will address the petition, now known as State Question 723, and give an overview of the campaign to gain voter approval for the State Question.

Registration information has been sent to all ACEC OKLAHOMA members. Registration is \$60.00 per person, which includes all meeting materials, continental breakfast, and the luncheon.

We look forward to seeing you at the ODOT/ACEC OKLAHOMA Partnering Conference, April 28th, in Oklahoma City.

Lunch & Learn Seminars Return

Beginning in April, ACEC OKLAHOMA will again be offering our series "Lunch & Learn" internet-based seminars. The seminars will begin at 12:30pm at locations in both Oklahoma City and Tulsa, lasting for 90 minutes.

The first will be held on April 20th, and the topic will be "Professional Liability Insurance - What You Need to Know & Why."

Registration information will be coming to an e-mail box near you soon.

St. John, U.S.V.I. Site for ACEC OKLAHOMA Annual Convention

As announced a few months ago, the ACEC OKLAHOMA Annual Convention will be held June 8-15, 2005 at the Westin Resort on St. John, U.S. Virgin Islands. The Convention will be held jointly with our sister states of Missouri, Arkansas, and Kansas.

If you are planning to go, NOW IS THE TIME TO MAKE YOUR HOTEL RESERVATIONS!!!! Our Special Room Rate of \$149.00 single/double is good through APRIL 4, 2005. After that date, rooms will be available on a "space available" basis only!

Of course, airline reservations should also be made as soon as possible. In recent weeks, air fares have dropped and we're hearing reports of fares in the \$600 per person range, which is a great airfare rate!!!

When making your air reservations, you can't fly directly to St. John, so you will fly to St. Thomas (STT).

The Westin Resort operates a private ferry service from the airport to the island of St. John, which is about 35 minutes from St. Thomas. When you make your hotel reservations, be sure to ask about the hotel's ferry service from the St. Thomas airport.

Below is reservation information for the hotel

MAKE YOUR HOTEL RESERVATIONS TODAY!!!!

If you have any questions, please give me a call.

HOTEL INFORMATION

The Westin Resort
Great Cruz Bay
St. John, U.S.V.I. 00831

Website: [http://www.westinresortstjohn.com/
welcome.htm](http://www.westinresortstjohn.com/welcome.htm)

\$149 - single or double

Reservations cut-off-date:
April 4, 2005

Reservations: 1-888-627-7206

Be sure to mention that you are with the "ACEC
MIDWEST" Convention