

THE FIRST WORD

June, 2008

2008 Legislative Session Ends On High Notes Huge Victory Securing Stable Transportation Funding

The 2008 Legislative Session drew to a close on Friday, May 23rd capping a very successful year for ACEC OKLAHOMA.

The hectic final days of the session weren't without their challenges, but overall the "good bills" passed and the "bad bills" were left on the table.

Here's a recap of the 2008 Session:

TRANSPORTATION FUNDING – While it was a session-long issue, the final package wasn't complete until Wednesday, May 21st, just two days prior to adjournment, when the House and Senate Leadership along with Governor Henry agreed to a comprehensive package to fund ODOT for many years to come.

The first part of the package was the removal of the "trigger," which was a top priority for all of the transportation groups. As you know, the "trigger" required a growth in state revenues of 3% for ODOT to receive the full \$50 million annually set forth in HB 1176. If the "trigger" wasn't met, then ODOT only received a \$17.5 million increase. Since Oklahoma had not met the 3% growth target in the past two years, ODOT was facing having to make drastic cuts to the current 8-Year Work Plan.

In removing the "trigger," the Legislature and Governor guaranteed a stable funding stream for ODOT.

The second part of the package was a guaranteed \$30 million per year increase to ODOT, replacing the \$17.5/\$50 million under the previous "trigger" program. Again, this allows ODOT stable funding on which they can make accurate planning for future projects.

The third part of the agreement was to increase the funding "cap" of HB 1176 from \$250 million to \$370 million. While it will take a few years to reach this new "cap", eventually ODOT will receive a guaranteed \$370 million per year.

Finally, the fourth part of the agreement was \$300 million in capital improvement bonds which effectively will make-up for the compounding of funds which ODOT lost when the state didn't reach the 3% growth "trigger" for the past two years. The bonds will be issued in \$150 million increments, with the first issue coming in 2009 and the second in 2010.

Overall, this package is simply OUTSTANDING!!!!

Many people and groups worked very hard on securing this package, and we would be remiss if we didn't give credit where credit is due, beginning at the very top. ODOT Director Gary Ridley and Assistant Director Mike Patterson, other senior ODOT staff, and Secretary of Transportation Phil Tomlinson lead the way working with Legislative Leaders and the Governor. Former Secretary Neal McCaleb and the TRUST Coalition lead by McCaleb, Tom Love and Kell Kelly spearheaded a strong, effective statewide grassroots campaign which drove public support to make transportation funding the #1 public issue in the state.

And finally, thanks to YOU, the ACEC OKLAHOMA members!!!! You answered the call by contacting your State Representatives, Senators, and the Governor urging them to act now to address Oklahoma's critical transportation funding crisis.

It took a consolidated effort from many different angles to see this through, and ACEC OKLAHOMA members should be proud of the part we played in this effort.

STATE BOARD OF LICENSURE STATUTE UPDATE

– The State Board of Licensure update of the current statutes received nearly unanimous legislative support and has been sent to the Governor for signature.

While most of the changes are updates and clarifications of current language, one significant change is that the Board
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2008 Legislative Wrap-Up (Cont)

now has statutory authority to allow for the use of “electronic signatures” in lieu of the traditional “wet” signature.

The Board will not have to write Rules to allow for and specify how “electronic signatures” may be used. The rulemaking process will begin shortly, and ACEC OKLAHOMA will be monitoring and participating in the writing of the new Rules.

ODOT ON-DEMAND SERVICE

CONTRACTS – As reported over the past few months, the Federal Highway Administration (FHWA) had expressed some concerns regarding ODOT’s interpretation of current Oklahoma statutes regarding On-Demand Services Contracts. After months of discussions, it was decided that only statutory clarification would settle the “friendly” disagreement. To that end, ODOT and ACEC OKLAHOMA shepherded a bill to clarify the language.

While the final version of the bill differs from what was originally proposed, the final bill gives ODOT and the Commission the authority to write and adopt Rules detailing how and when On-Demand Service Contracts can be used, set “caps” on contract dollar amounts, and specify the types of projects for which they can be used.

The bill has been signed by the Governor. In the next few weeks ACEC OKLAHOMA will work closely with ODOT and FHWA to write the final Rules.

LEED CERTIFICATION FOR STATE

CONSTRUCTION – Legislation was passed that directs the Department of Central Services (DCS) develop a high-performance certification program for new construction or renovations of public buildings.

In the long run, DCS was given some flexibility in the bill to allow for each project to be evaluated individually rather than a blanket requirement that “all” buildings meet LEED standards.

The bill is awaiting the Governor’s signature.

DESIGN/BUILD & CM-AT-RISK FOR SCHOOLS

– ACEC OKLAHOMA has been watching this bill closely throughout the session which would have allowed school districts to use the D/B or CM

project delivery systems, but would remove the requirement that school districts select Construction Managers from the pre-approved list maintained by the Construction and Properties Division of DCS.

ACEC OKLAHOMA and other construction industry groups were concerned that some public school districts may not have background or expertise to fully assess the qualifications and/ or expertise of individuals claiming to be competent construction managers.

Eventually, the bill was sent to a Conference Committee which failed to report the bill out prior to the end of the session.

We would expect that this issue will come up again next session.

CONSTRUCTION INDUSTRIES BOARD

– Since the inception of the Construction Industries Board, a registered Professional Engineer has been an appointed member of the Board. This year a bill was introduced to restructure the Board by reducing the number of members including the required Professional Engineer.

After talking with the sponsors of the bill as well as the interested construction industry groups regulated by the Board, ACEC OKLAHOMA did not oppose the removal of the required Professional Engineer. All agreed that while the concept of having a PE on the Board was valid at the time of the creation of the Board, now some years later in practical application, a PE member was not necessary.

The Board will continue to call on the Professional Engineers for input and expertise, but will do so on an “as needed” basis.

The bill is awaiting the Governor’s signature.

That’s the wrap on the 2008 session. Overall it was a good year. Some good and great legislation was passed while, at the same time, there was nothing that really hurt the profession and industry.

If you have any questions about any of the above, or any other legislative issues from the past session, please do not hesitate to contact ACEC OKLAHOMA.

And again.....THANKS for all of your support and efforts during the session.

Slate of Officers Nominated for 2008-09 ACEC OKLAHOMA Board

The ACEC OKLAHOMA Nominating Committee developed the list of candidates for Election to the 2008-09 ACEC OKLAHOMA Board of Directors. Immediate Past Chairman Jim Stewart Chaired the Committee which included Past Chairmen Jerry Farrar and Don Vick.

Nominated to serve on the 2008-09 Board are:

Chairman-Elect

Tom Hendrick
Wallace Engineering –Structural Consultants, Inc.
Tulsa

Vice Chairman - Membership

Jim Benson
Poe & Associates
Oklahoma City

Treasurer

Stacy Loeffler
BKL, Inc.
Tulsa

Vice Chairman - Business Practice

Alan Soltani
The Benham Companies
Oklahoma City

Vice Chairman - Education/P.R.

Chuck Mitchell
Crafton Tull Sparks & Associates, Inc
Tulsa

Steve Ford, Zahl-Ford, Inc., Oklahoma City automatically assumes the position of Chairman of the Board having served as Chair-Elect this past year.

Mike Homan, Terracon, Inc., Tulsa and Darold Davis, Garver Engineers, Tulsa, continue on the Board as ACEC National Director and Immediate Past Chairman respectively.

The election of Officers will take place at 9:00am, Friday, June 13th at the Annual Meeting in Branson, MO. Those not able to attend the meeting but wishing to vote may do so in writing or by e-mail to ACEC OKLAHOMA no later than Wednesday, June 11th.

Welcome New Members

ACEC OKLAHOMA is excited to welcome three new member-firms to the Council.

Carol S. Paulsgrove, PLLC, is a one-person firm based in Newcastle. Carol Paulsgrove is the firm principal which provides electrical engineering consulting and design.

O.J.C. Co. of Tulsa is a 3-person Civil/Structural engineering firm providing services for water & sanitary sewer; bridges and roadway; and general structural design. Otis C. Courtright and Nancy Doutey are principals of the firm.

Figg Engineering Group is a one-person firm in Blanchard providing design, management, and construction engineering services for signature bridges. Jim Keeley is the principal of the firm which is a branch of the firm based in Tallahassee, FL.

We welcome these three new member firms, and look forward to having them as active members of ACEC OKLAHOMA.

Have you made your 2008 ACEC/PAC Contribution?

www.acec.org/advocacy/pac.cfm

In Memory Victor R. Schuelein

ACEC OKLAHOMA is saddened to report the passing of Vic Schuelein of Edmond on April 28, 2008.

Schuelein was a 1956 graduate of the University of Oklahoma with a degree in Mechanical Engineering. After graduation and serving in the Naval Civil Engineering Corps for two year, he entered private practice engineering.

Vic was a long time member of ACEC OKLAHOMA through various firms including Schuelein & Halpain, and more recently Schuelein & Associates until the time of his passing.

We extend our deepest sympathies to his wife of 51 years, Ina, and their family.

PRESIDENT'S MONTHLY UPDATE

June 1, 2008

David Raymond, ACEC President & CEO

Congress has been out for a long Memorial Day holiday ("the country is safe when Congress is out") and will be coming back next week to tackle a climate change bill and other issues.

However it looks like major infrastructure spending bills may be postponed until after the November election, substituted by Continuing Resolutions to maintain spending at current levels. We remain focused in the remaining months on shoring up the highway trust fund, incentives for engineering students in the education bill, and various regulatory measures on federal programs.

As much as Congress and the public is now in campaign mode, ACEC is as well, trying to influence the discourse on priority issues and supporting various candidates through our PAC programs.

General

- ACEC/Montana achieved its 2008 ACEC/PAC fundraising goal, becoming the 5th state to do so, joining Tennessee, Metro Washington, Kentucky, and Wisconsin.
- ACEC's Chairman and President met with the ENR Editorial Board at McGraw Hill to reinforce industry priorities on various business issues.
- A new feature in *Engineering Inc.* – "Coalitions Update" – highlights the activities of CASE, COPS, CAMEE, Small Firm Council, and Design Professionals Coalition.

Government Affairs

- ACEC/PAC and ACEC/Georgia hosted a fundraiser for U.S. Senator Johnny Isakson (R-GA).
- Secured language in final version of the SAFETEA-LU Technical Corrections bill to strengthen the application of QBS to transit projects.
- Supported House-passed legislation to extend expiring tax provisions that encourage development of renewable energy sources and energy efficiency, and extend the research and development tax credit through the end of 2008.

- Briefed key state and local government organizations, the National Governors Association, the U.S. Conference of Mayors, and the National Association of Counties on the negative impacts of House and Senate wetlands legislation.
- Co-hosted National Public Works Week reception honoring House Transportation Committee Chairman Jim Oberstar (D-MN) and Senior Republican John Mica (R-FL).

Institute for Business Management

- Hosted five online seminars: *Negotiating Better Engineering Contracts: A Win-Win Situation*, Gary Bates; *Calculating Carbon Footprints – Potential Business for Engineering Companies*, Mark van Soestbergen; *Strategic Planning for Your Company's Next "Bus Drivers"*, Greg Churchman; *Strategizing Winning Proposals From Value Proposition to Differentiation... on Deadline*, Clare G. Ross; *Project Life Cycle Cost Estimating: Choosing The Right Tools at Every Stage*, Joseph Phelan.
- Held inaugural offering of *Recognizing the Snares and Pitfalls in Construction Industry Contracts*, featuring James C. Brown II, PE, and Justin L. Weisberg, Esq., PE, May 29-30, in Chicago, IL.
- Bookstore offered special month-end promotion: free ground shipping from May 23 – 31.
- Contracts Central, ACEC's one-stop internet location for contracts and risk management resources, now also carries state-by-state practice information and recent court decisions.

Mark Your Calendar!!!!

**ACEC Fall Conference
October 19-22
Montreal, Canada**

**PSMJ Project Management Bootcamp
Co-sponsored by ACEC OKLAHOMA
October 23-24, 2008
Oklahoma City**