

# ACEC

AMERICAN COUNCIL OF ENGINEERING COMPANIES

100 Years of Excellence

ACEC of Delaware

# Newsletter

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*Pictured: (left) ACEC Delaware President Scott Rathfon, Delaware Senator Tom Carper, and ACEC National Chairman Ted Williams*

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**Summer Greetings to You  
and Your Family!**

from ACEC Delaware

# A Message from the President



Scott F. Rathfon, P.E.  
President, ACEC Delaware

A big “Thank You” goes out to those of you that attended the May Annual Meeting/Dinner. Not only did we take care of some business, like approving the 2013 Budget

and electing officers for 2012 - 2013, but we had two very informative presentations. The first from national ACEC Chairman Ted Williams about what ACEC National is doing for our Member Organizations and the second from Senator Tom Carper about what Washington is working on of interest to the engineering industry.

I am not going to take the time to repeat what Ted presented since the PowerPoint presentation was made available to all members. But I will emphasize that it is quite a list of accomplishments and we should all be confident in the fine job our national organization is doing for us.

It was also refreshing to hear Senator Carper’s view on the importance of infrastructure spending and a robust Transportation Trust Fund. Unfortunately, even being a Senior Senator in Washington, he is only one voice and we need to keep the pressure on other key political figures as much as possible.

That brings me back to something that I have realized more and more over the last couple years, which is the importance of the National PAC. A robust PAC does help ACEC get a seat at the table and have a position in the wording that is developed for the various bills that may affect our industry. Please consider contributing to the National PAC and help us reach our goal for 2012!

Not to sound too greedy, but I would also like to encourage contributions to our Delaware PAC. Unlike the National PAC that only allows personal donations, the ACEC-Delaware PAC can accept company contributions. So please contribute and also encourage your companies to contribute to this PAC. This local PAC will strengthen the ACEC – Delaware position in Dover.

Enough about money and politics! The other item I would like to encourage is greater participation by our members in some of our various committees. The primary focus of our committees is to foster greater relationships between the private engineering community and the public sector. We need to continue to show the public sector that we are in this together and that we should all be out in front on the major issues that not only impact our industry, but also have an impact on our society as a whole.

Thank you for your time and patience, have a great summer, and I hope to see you at future meetings!

*Scott*

# Our Programs | 2012



Laura A. Anderson, P.E.  
Chair, Program Committee



On Tuesday, May 22, we had our 2012 Annual Meeting and Program at the Cavalier Country Club in Newark.

Fifty members attended this event. ACEC National Chairman Mr. Ted C. Williams, P.E., ExEng., FACEC, opened the program With a PowerPoint presentation, showing the attendees what ACEC national has done in Washington, DC to save the members many hundreds of thousands of dollars each year.

Delaware's senior Senator Thomas Carper was our guest speaker at the meeting and he told the members what they are doing in Washington D.C. and gave examples of how they are saving hundreds of millions of taxpayers' dollars by cutting down the waste and unnecessary expenditures.

Our next program will be on Wednesday, September 26. We will send you the information about the program around August 27.



ACEC Delaware President Scott Rathfon leads the Annual meeting and election



Senator Tom Carper likens infrastructure funding to moving water from one glass to the other



ACEC National Chairman Ted Williams tells what ACEC is doing to help the industry





# Annual Meeting Networking



# Your Officers for 2012-2013

On May 22, 2012, at the Annual meeting, the members unanimously elected following officers for the year 2012-2013:

President: Mr. Scott L. Rathfon, P.E.  
Vice President: Mr. Mario J. Gangemi, P.E.  
Treasurer: Mr. Michael A. Angelo, P.E.  
Secretary: Mr. Mike Riemann, P.E.  
National Director: Mr. Ted F. Januszka, P.E.

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## Your Membership Committee



David B. DuPlessis, P.E.  
Chair, Membership Committee



To: All Members

For your information, on the following 11 pages you will find our current ACEC Delaware By-Laws. We ask that you read this and keep a copy in your file.

You will also find below an article about the “Benefits of Participation in BIT” — the Business Insurance Trust.

Thank you,

*Dave*



May 28, 2008

## **BY-LAWS**

- Article 1 - The Council
- Article 2 – Membership
- Article 3 – Dues and Assessments
- Article 4 – Government of the Council
- Article 5 – Officers
- Article 6 – Meetings
- Article 7 – Committees
- Article 8 – Purchased Services and Employees
- Article 9 – Indemnification
- Article 10 – Amendments
- Article 11 - Use of Council Name and Emblem

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### **Article 1 – The Council**

- 1.1 American Council of Engineering Companies – Delaware (ACEC-DE) is a statewide organization representing individuals or firms providing Engineering services to the public. ACEC-DE is a member organization of the American Council of Engineering Companies (ACEC).
- 1.2 **Purpose.** The purposes and objectives of ACEC-DE shall be as set forth in the Articles of Incorporation, included but not limited to:
- (a) Protecting the public welfare;
  - (b) Ensuring that ethical professional standards worthy of an independent consulting engineer are maintained;
  - (c) Advancing the value of the consulting engineer to the public, and educating the public regarding the work of the consulting engineer.
  - (d) Promoting harmony, cooperation and mutual understanding among independent consulting engineers engaged in private practice;
  - (e) Promoting the professional and economic welfare of its members;
  - (f) Acting as a clearinghouse and information center on all matters of a mutual interest to its members;
  - (g) Providing a forum for interaction with others.
- 1.3 **Location.** The Headquarters Office shall be located as determined by the Executive Board.
- 1.4 **Emblem.** The design and specification of the emblem of the Council shall be as prescribed by the Executive Board.
- 1.5 **Seal.** The Executive Board has had prepared a suitable corporation seal. This seal shall be in the charge of the Secretary, who shall be responsible for affixing the seal to appropriate official documents.
- 1.6 **Consulting Engineer.** A consulting engineer is an independent professional engineer who performs one or more of the disciplines of professional engineering services for clients on a fee basis. Consulting engineers are qualified by education, ability and experience to provide competent engineering services and must be registered as professional engineers in each state where they practice. Consulting engineers have no ownership affiliations with manufactures, materials suppliers, contractors or others which prejudice or subordinate their professional or ethical judgment.
- 1.7 **Land Surveyor.** A land surveyor is an independent professional who perform land surveying for clients on a fee basis. Land surveyors are qualified by education, ability and experience to provide competent land surveying services and must be registered in each state where they practice.

## **Article 2 – Membership**

### **2.1 Qualifications**

**2.1.1 Members:** Members shall be Professional Engineers or Professional Land Surveyors who are practicing Engineering or Land Surveying under their own name; or firms practicing Engineering or Land Surveying. Members shall meet the following qualifications:

- (a) Registration in good standing, as a professional engineering and/or land surveyor in the State of Delaware ~~are~~ as an individual, or a Certificate of Authorization to practice as a corporation;
- (b) Engagement solely in the professional practice of consulting engineering and/or land surveying and offering services to more than one client;
- (c) Maintenance of an office in the State of Delaware, practicing as an individual, a partnership, or a corporation engaged in consulting engineering and/or land surveying;
- (d) They shall not place themselves in a position which would conflict with the independent practice of consulting engineering and/or land surveying;
- (e) They shall have high professional repute and ethical standards.

**2.1.2 Affiliate Members:** Affiliate members are individuals or firms with an interest in ACEC-DE. Affiliate members shall include but not be limited to the following:

#### **2.1.2.1 Professions:**

- (a) Land Surveyors
- (b) Architects
- (c) Landscape Architects
- (d) Geologists
- (e) Lawyers
- (f) Accountants
- (g) Realtors

#### **2.1.2.2 Support Services:**

- (a) Reproduction and graphics
- (b) Insurance
- (c) Equipment Suppliers
- (d) Material Suppliers
- (e) Constructors



2.1.2.3 **Others:**

- (a) Consulting Engineers who do not maintain an office in Delaware.

2.1.3 **Voting and Holding Office**

2.1.3.1 Only members may vote or be Officers of ACEC-DE.

2.1.3.2 Affiliate Members will not be Officers of the Council and will not vote. Affiliate Members shall be represented on the Executive Board through the Chairman of their Standing Committee.

2.2 **Application.** Application for membership shall be presented on official forms, and shall proceed as follows:

- (a) The Membership Committee shall investigate the application and forward it to the Executive Board with a recommendation.
- (b) Approval of the Executive Board shall be by ballot with all but one of the ballots required in the affirmative for approval.

2.3 **Resignation.** Separation from ACEC-DE of an individual or a Member Firm may come about either through resignation or expulsion. Any individual or Member Firm may resign membership in ACEC-DE by giving written notice only to the Executive Board. The resigning individual or Member Firm shall be responsible for any and all outstanding dues or other ACEC-DE or ACEC-related charges existing on the date of resignation notice.

2.4 **Expulsion.** A Member Firm or Affiliate Member may be expelled from membership in ACEC-DE on the grounds that its conduct or policy is detrimental to the honor or interests of ACEC-DE and its purposes, or because such Member Firm or Affiliate Member has ceased to meet the qualifications for membership set forth in Section 2.1. Expulsion on these grounds shall be by three-fourths majority vote of the Executive Board; with the exception of any member of the Executive Board who is representative of the Member or Affiliate Member whose expulsion is under consideration and only after the Firm or whose expulsion is under consideration has had the opportunity to be heard by the Executive Board. The action of the Executive Board shall be final and no appeal from such action may be taken to any court of record or other hearing body, including the membership of ACEC-DE and ACEC, or the Executive Board of ACEC. Member or Affiliate Members waive any claim against ACEC-DE, its Members, officers, and other employees for damages or otherwise, arising out of any hearing or expulsion proceeding under this paragraph.

2.5 **Termination.** Upon resignation or expulsion from ACEC-DE, a Member or Affiliate Member shall lose all right and interest in any funds or other assts of ACEC-DE.

## 2.6 **Life Membership**

### 2.6.1 **Qualifications:**

- (a) Life member shall be sixty (60) years or older.
- (b) Life member must be a principal, partner, or officer of the firm that is a member at the time of his/her retirement, and the firm must be a member of ACEC-DE for five years or more continuously prior to his/her retirement, or life member can be an executive committee member or a committee chair or a joint committee chair and is an engineer.
- (c) Life member should not have any affiliation with manufacturing, contractors or other organizations which prejudice or subordinate a person's professional and/or ethical judgment.
- (d) Life member may not perform more than five hundred (500) hours of consulting work for the firm from where he/she has retired in the immediate past.

2.6.2 **Duration:** Person can be a life member as long as he/she is "fully retired" or resigns on his/her own or is removed by the Executive Board.

2.6.3 **Dues:** There shall be no dues payable to ACEC-DE by the life member.

2.6.4. **Other Fees:** Life member will pay all other fees, as an example: program fee, (Currently \$35 per person).

2.6.5 **Benefits:** Life member will enjoy all benefits of ACEC-DE including but not limited to newsletters, program invitations, information, e-mails, etc.

### 2.6.6 **Executive Board/Committees:**

- (a) Life member cannot be a member of the Executive Board and will not hold any office of ACEC-DE.
- (b) Life member may attend the Executive Board Meeting as an observer and contributor and will not vote on any matters being decided by the Executive Board.
- (c) Life member can be a non-voting member of any committees established by the Executive Board.
- (d) Life member can be the Legislative Director with the approval of the Executive Board.

2.6.7. **Voting on General Matters:** Life member shall not have any vote on general matters including but not limited to budgets, by-laws, election of the Executive Board members/officers.

**2.6.8 Membership Process:**

- (a) A person may apply for ACEC-DE life membership via the ACEC-DE life membership application form sent to the Membership Committee or in the absence of such committee, to the Executive Board.
- (b) The Membership Committee will make a recommendation for review to the Executive Board or if the Executive Board receives the application, the Board will review the application.
- (c) Executive Board will review the application on a case-by-case basis.
- (d) Application must be approved/disapproved by the majority vote of the Executive Board.

**Article 3 – Dues and Assessments**

**3.1 Entrance Fee.** The Entrance Fee, if any, shall be established by the Executive Board.

**3.2 Annual Dues.**

- (a) The Annual Dues for full membership in ACEC-DE will be for its fiscal year from July 1 to June 30.
- (b) The ACEC-DE Executive Board shall recommend the ACEC-DE annual dues for approval by the membership. The annual dues shall be established by the membership each year at the annual meeting in May. Initial dues for the new Members shall be pro-rated from the date of admission into ACEC-DE.
- (c) ACEC National dues shall be established by the ACEC Board of Directors for its fiscal year from July 1 to June 30.
- (d) The annual dues for ACEC-DE and ACEC National will be billed on a calendar quarter basis in January, April, July and October and will be payable by the Members within thirty (30) days of receiving the bills. ACEC-DE will remit the collected National dues to ACEC National. Each member that is a member of an ACEC organization in another state or territory may pay ACEC National dues directly to ACEC.
- (e) The ACEC-DE Executive Board shall also recommend the annual dues for Affiliate membership for approval by the membership. The membership shall establish the annual Affiliate membership dues at the annual meeting in May.
- (f) The Affiliate membership dues shall be billed in July on an annual basis and will be payable by the Affiliate members within thirty (30) days of receiving the bills.

- 3.3 **Assessments.** Assessments may be levied by three-fourths majority vote of the Executive Board followed by a favorable majority vote of all members voting by mail ballot or roll call vote.
- 3.4 **Failure to Pay Dues or Assessment.** Any member more than 6 months in arrears in paying dues or Assessments shall be deemed to have resigned pursuant to Section 2.3
- 3.5 **Reinstatement.** Eligible former members rejoining within two years from the date membership was discontinued upon settlement of all outstanding accounts, may be reinstated. Former members seeking membership after more than a two year lapse, upon settlement of all outstanding accounts, shall be processed in accordance with Article 2.

#### **Article 4 – Government of the Council**

- 4.1 **Executive Board.** The government of ACEC-DE shall be vested in and the business of ACEC-DE conducted by the Executive Board in the interest of the Member Firms. The Executive Board shall consist of the President, Vice President, Secretary, Treasurer, and National Director to ACEC.
- 4.2 **Meeting of the Executive Board.** The Executive Board shall meet at the call of the President or at such time as the Board may designate. Special Executive Board at the request of the President or any two members of the Executive Board. A minimum of 24-hour notice shall be given before any meeting.
- 4.3 **Quorum and Voting Power of the Executive Board.** The majority of the Executive Board shall constitute a quorum for the transaction of all business. Each member of the Executive Board shall have one (1) vote. Unless objected to by any member of the Executive Board, certain actions or transactions of the Executive Board may be voted on by a phone or fax poll by the President.

#### **Article 5 – Officers**

- 5.1 **Officers.** The Officers of ACEC-DE shall consist of a President, a Vice President, a Secretary, a Treasurer, and a National Director to ACEC.
- 5.2 **Power and Duties** of Officers shall be as follows:
- (a) **President.** The President shall have the responsibility of general management of ACEC-DE's affairs. The President shall preside over all meetings of ACEC-DE and of the Executive Board. The President shall be an ex-officio member of all committees except the Nominating committee. The President shall be the Alternate Director to ACEC.
  - (b) **Vice President.** The Vice President, in the absence of the President, shall assume the duties of the President. Unless otherwise designated by the



President, the Vice President shall be Chairman of the Membership Committee.

- (c) **Secretary.** The Secretary shall be responsible for the normal duties of an elected secretary except those specifically assigned to the Executive Director. Certain duties of the Secretary may be performed by the Executive Director under the direction of the Secretary when approved by the Executive Board unless otherwise designated by the President; the Secretary shall be Chairman of the Program Committee.
- (d) **Treasurer.** The Treasurer shall direct the receipt and disbursement of all funds of ACEC-DE and see that all funds are kept on deposit in a bank designated by the Executive Board. The Treasurer shall keep accurate account of all funds, expenditures, and receipts, and shall report cases of failure to pay Dues or Special Assessments to the President. Certain duties of the Treasurer may be performed by the Executive Director under the direction of the Treasurer when approved by the Executive Board. Unless otherwise designated by the President, the Treasurer shall be Chairman of the Finance Committee.
- (e) **National Director to ACEC.** The National Director to ACEC shall submit reports on all matters to be discussed and actions taken at the meeting of the ACEC Board of Directors, including the National Director's own expressed views and votes thereon. The Executive Board may instruct the National Director to ACEC with respect to the official position to be taken and expressed by the National Director at meetings of the ACEC Board of Directors on motions, proposal, or policies at such meetings. The National Director to ACEC shall have been a prior officer of ACEC-DE.

5.3 **Elections.** The officers shall be elected by the membership and installed at the Annual Meeting of ACEC-DE. The Officers shall serve for a term of one (1) year or until their successors have been elected and qualified. An Officer may succeed himself or herself for not more than one (1) additional term. If there are more than two candidates for any office, the candidate receiving the greatest number of votes shall be elected. No Member shall have more than one elected officer in any one year.

5.4 **Vacancies.** In the event of a vacancy in the office of Vice President, Secretary, Treasurer, or National Director to ACEC, the office shall be filled by appointment of the President for the remainder of vacancy. In the event of a vacancy in the office of President, the office shall be filled by majority vote of the Executive Committee.

## Article 6 – Meetings

- 6.1 **Annual Meeting.** The May meeting of each year shall be considered the Annual Meeting of the membership of ACEC-DE at which all annual reports shall be read and the Executive Board for the ensuing term of office be elected and inducted.
- 6.2 **Regular Meetings.** Regular meetings of ACEC-DE shall be held at approximately bimonthly intervals except during the summer months. The normal bi-monthly meeting schedule will be September, November, January, March and May.
- 6.3 **Voting at Meetings.** Members shall be entitled to one vote for each ACEC index number as reported for dues purposes. The total voting power of a Member may be cast by any representative of the firm present.
- 6.4 **Quorum.** A Quorum shall consist of not less than twenty-five percent (25%) of the voting power of ACEC-DE.
- 6.5 **Special Meetings.** Special meetings may be called by the Executive Board, the President, or by written petition of not less than three Members.

## **Article 7 – Committees**

- 7.1 **Creation.** Upon election and induction, the President shall annually designate the chairpersons and outline the duties of all committees. Committees shall report to the Executive Board. The Executive Board may discontinue any committees, except standing committees, and may appoint other committees from its own membership or otherwise.
- 7.2 **Standing Committees.** The following committees shall be considered Standing Committees of ACEC-DE: Membership Committee, Finance Committee, Program Committee, Education/Public Relations Committee, Affiliate Committee, Nominating Committee, and Legislative Committee.
  - (a) **Membership Committee** shall acquaint eligible firms with the advantages of membership, and by property means endeavor to secure their application for membership; shall investigate the eligibility of applicants; and shall submit their recommendations to the Executive Board.
  - (b) **Finance Committee** shall consist of three members, two of whom shall be members of the Executive Board, and shall annually audit all accounts and make a report and such other reports as the Executive Board may require.
  - (c) **Program Committee** shall provide and arrange for programs, location, and notification for all meetings and shall encourage and promote attendance of all members of all ACEC-DE meetings.
  - (d) **Education/Public Relations Committee** shall inform the public and members of ACEC-DE as to the purposes, aims, policies and existence of ACEC-DE and shall promote the goodwill of groups and organizations with whom the membership associates professionally. Liaison with other

engineering societies shall be within the responsibility of the Education/Public Relations Committee.

- (e) **Affiliate Members Committee.** This committee shall consist of all Affiliate Members of ACEC-DE. The Associate Members may organize themselves and may recommend a Chairperson to the President of ACEC-DE.
- (f) **Nominating Committee** shall be comprised of three (3) past Presidents or National Directors and shall advise the membership at the Annual Meeting of its nominations of candidates for office of ACEC-DE.
- (g) **Legislative Committee** shall monitor pending and proposed State and Local legislation and advise the Executive Board and/or membership of developments and action required by the Council.

## **Article 8 – Purchased Services and Employees**

- 8.1 **Authorization.** The purchase of services and the employment of individuals shall be the responsibility of the Executive Board, who may within budgetary limits, purchase professional, technical and non-technical services, including the services of an individual or firm to act as Executive Director of ACEC-DE.
- 8.2 **Executive Director.** The Executive Director shall manage and direct all activities of ACEC-DE as prescribed by the President or the Executive Board. The Executive Director shall employ and may terminate the employment of members of the staff necessary to carry on the work of ACEC-DE within the approved budget.

## **Article 9 – Indemnification**

- 9.1 ACEC-DE shall indemnify any and all of its current or former officers, staff or committee members against expenses actually and necessarily incurred by them in connection with the defense of any action, suite, or proceeding in which they or any of them are made parties, or a party, by reason of having been an officer, staff member, or committee member, to the full extent that such indemnification is permitted under laws of the State of Delaware.

## **Article 10 – Amendments**

- 10.1 **Initiation of Amendments.** Amendments may be initiated by any of the following:
  - (a) Petition signed by Members representing forty percent (40%) of the voting power;
  - (b) Simple majority of the total voting power of the members by mail ballot or roll call vote; or

(c) A majority of the Executive Board.

- 10.2 **Notice.** The Secretary shall send a copy of the proposal amendments to each Member least 30 days prior to the voting date in the case of amendments to the By-Laws and at least 45 days prior to the voting date in the case an amendment to the Certificate of Incorporation.
- 10.3 **Vote.** Amendments to the By-Laws and the Certificate of Incorporation shall require a two-thirds (2/3) majority of the total voting power of the membership by mail ballot or roll call vote, and shall become effective immediately unless stated otherwise in the amendments.

### **Article 11 – Use of Council Name and Emblem**

Members of all classes shall be authorized to use the name of the Council or its approved abbreviation ACEC-DE) after their names, and also to use the official Council emblem, name, or abbreviation on stationary, business cards, brochures, job signs, and as otherwise prescribed by the Council. The Council name, abbreviation, or emblem shall not be imprinted upon drawings, reports, specifications, calculations or other instruments of service prepared or used by Members. Any use of the Council name, abbreviation or emblem shall only be made to signify affiliation with the Council and shall not be made in any manner that could reasonably suggest that the member necessarily represents, or is the Council.

#### **Revisions**

Revised	May 2006
Revised	May 2007
Revised	May 2008





David B. DuPlessis, P.E.  
Chair, Membership Committee



# Benefits of Participation in BIT

*Created by Engineers for Engineers*

## ACEC

BUSINESS INSURANCE TRUST  
Business & Professional Liability Insurance

- Since 1983 the ACEC BIT Trustees - all fellow engineers like yourself - have been providing access to insurance coverage through our program broker/administrator, Marsh U.S. Consumer, tailored specifically to and enhanced for ACEC Member Firms.
- The ACEC BIT Trustees sponsor these programs and offerings, and exist solely to represent the best interests of our firms.
- The goal of the ACEC BIT is to provide the platform for ever improving coverage and products, and to provide valuable benefits to our membership.
- Nowhere else will you find in one place a more engineer-tuned program for your business and professional liability insurance, that is so well suited to the unique needs of our industry.

Please note: Marsh U.S. Consumer, a service of Seabury & Smith, Inc., is the insurance agent and administrator of the ACEC BIT Insurance Program. The ACEC BIT and its trustees direct the program on behalf of the ACEC members, and are not employed by Marsh U.S. Consumer.



The ACEC BIT selected Marsh U.S. Consumer to offer you this coverage after evaluating the best products for the unique needs of our engineering firms. If you would like to receive quotes for your Business or Professional Liability Insurance, please contact Jeff Connelly at 1-800-338-1391 ext 2421, 1-314-342-2421, or [jeffrey.connelly@marsh.com](mailto:jeffrey.connelly@marsh.com).



The Business Insurance Trust *truly* adds great value to your membership in the American Council of Engineering Companies. Here's how:

### **The ACEC BIT Deductible Assistance Program:**

Any firm that participates in the ACEC Business Insurance Trust may request return of its deductible cost from the BIT for property and automobile losses - up to \$1000 each time the firm has a processed claim.

### **The ACEC BIT Firm Loyalty Program:**

For firms that renew in the ACEC Business Insurance Trust, the BIT will pay that firm's ACEC Coalition dues, (Small Firm Council, CASE, COPS, CAMEE, or Land Development Coalition), up to \$150 per year.

### **The ACEC BIT Scholarship:**

This new program supports the ACEC College of Fellows Scholarship program and promotes the engineering profession. The ACEC BIT will sponsor at least one \$5000 Scholarship each year to be awarded to an outstanding engineering student.

### **ACEC and Member Organizations:**

The Business Insurance Trust shares its surplus funds with member firms through the programs described above, and also apportions funds to its ACEC National and State organizations. The success of the program and the low claims rate come back to legitimately help the budgets of these organizations — just ask Dave Raymond or your state's Executive Director.

To obtain more information on any of these ACEC BIT programs you may contact Marc Alper, BIT Chair Elect at 314-432-8600 or [marc.alper@alperaudi.com](mailto:marc.alper@alperaudi.com)

### **What they're saying...**

*"These added programs from the BIT are a genuine differentiator for my firm, and simultaneously provide great positive benefit to both ACEC and my state's member organization."*

Mr. Woody Germany, PE  
WGM Group, Inc. and BIT Trustee  
Missoula, MT

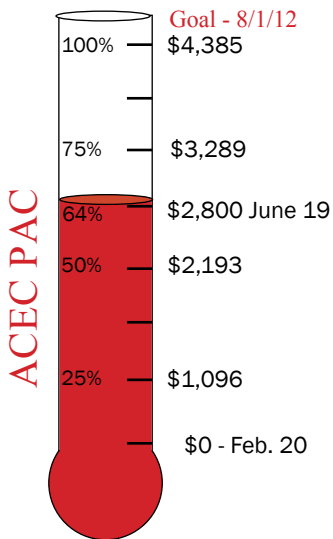
**[www.ACECBIT.com](http://www.ACECBIT.com)**  
**1-800-338-1391**



# Legislative Committee and PAC



Ted F. Januska, P.E., Chair  
ACEC Legislative Committee and PAC



## Visit to Our National Delegation

On Tuesday, April 17, 2012, president Scott Rathfon, Mike Riemann, Bruce Jones and myself visited the offices of Senator Tom Carper, Senator Chris Coons and Congressman John Carney in Washington, D.C. and presented three national issues for our engineering industry and provided our solutions.

For your information, these issues relating to meeting our Transportation, Water, and Energy needs and proposed solutions are provided at the end of this section.

*Ted*

## ACEC National PAC

Your ACEC national PAC is active supporting those senators and congressmen who understand our issues and are positive towards the solutions we propose.

For the sixth year in a row, we have met our national goal and become PAC Champion and have received an award.

For 2012, our goal in Delaware is to contribute \$4,385 to the national PAC fund. As of June 19, 2012, we have contributed \$2,800. We need \$1,585 and we need to complete our goal by August 1. Below is the contribution form for you. We have also provided you Fall 2012 Sweepstakes form for your contribution.

I appeal to each one of you to be active and contribute towards the future of our engineering industry. Your participation with \$25, \$50, \$75 or any amount will be appreciated.

## ACEC Delaware PAC Activities

Your Delaware PAC committee, Officers and Chairs are active and doing much work at the State legislature level to keep engineering issues and solutions in light with your State Legislators. We had organized a legislators' luncheon on May 8, 2012 at the Legislative Hall. We talked with legislators and presented engineering issues, funding ideas and networked with the Legislators.

## Financial Report — March 2, 2011 to May 31, 2012

### Receipts:

Contributions Received from Members	\$ 629
Fund Raising Event: Iron Hill Brewery	1,200
Fund Raising Event: Silent Auction Engineers	
Week Banquet	1,305
Total Funds Raised	\$3,134

### Payments:

Fund raising Event: Iron Hill Brewery	\$ 389
Fund raising Event: Silent Auction	160
Contributions to the campaigns of State Senators and House Members	1,100
Total payments	- 1,649
Balance on Hand: 5-31-2012	\$1,485



Ted F. Januska, ACEC Delaware PAC Chair, accepting the ACEC National PAC Champion Award at the Annual Conference in Washington D.C., in April

ACEC PAC national Contribution Form



AMERICAN COUNCIL OF ENGINEERING COMPANIES  
POLITICAL ACTION COMMITTEE

**Yes!** I would like to help ACEC/PAC support Members of Congress who will fight for the business interests of the engineering community.

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☐ **Millennium Club (\$1,000), or** ☐ **Congressional Club (\$500)**

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☐ \$5,000 ☐ \$2,500 ☐ \$1,000 ☐ \$500 ☐ \$250 ☐ Other \$ \_\_\_\_\_

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Partnership and sole proprietorship checks are permitted; however, federal law prohibits corporate checks and corporate credit cards. Contributions or gifts to ACEC/PAC are not deductible as charitable contributions for federal income tax purposes. Contributions will be screened and those from outside the restricted class (non-members) and those from individuals who have not given prior approval may be returned. Contributions are voluntary and amounts included herein are merely suggestions. An individual is free to contribute more or less than the guidelines suggest, but may not contribute more than \$5,000 per calendar year. Federal law requires that our committee report the full name, address, occupation and company name of each individual whose contributions aggregate in excess of \$200 in a calendar year.

**Mail to: ACEC/PAC**  
**Government Affairs Department**  
**1015 15th Street, N.W., 8th Floor**  
**Washington, D.C. 20005-2605**

**Email: [gknopp@acec.org](mailto:gknopp@acec.org) / Fax: 202-682-4376**

\* Chairman's Club members either contribute \$2,500 to ACEC/PAC, or contribute \$1,000 to ACEC/PAC and pledge an additional \$1,500 to be contributed throughout the year to directly support candidates.

# ACEC/PAC Fall Sweepstakes

Chance to Win One of Eight Prizes:

**Grand Prize: \$10,000**

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**ONLY 600 TICKETS TO BE AVAILABLE!**

**\$200 PER TICKET**

(Limit 5 per person)

Voluntary donation. No purchase necessary to enter or win.

Drawing to be held **Wednesday, October 17, 2012**  
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To enter with a purchase, please either (1) complete this form and send via fax to 202-682-4376, (2) email [ecoit@acec.org](mailto:ecoit@acec.org); (3) call ACEC/PAC at 202-347-7474; (4) send this form via mail to ACEC/PAC at 1015 15<sup>th</sup> Street, NW, 8<sup>th</sup> Fl., Washington, D.C. 20005-2605 (NOTE: Mail-in entries must be received by 10/12/12 to be considered for the drawing); or (5) at the ACEC/PAC table during the ACEC Annual Convention between 10/14/12 – 10/17/12 (NOTE: in-person entries must be made before 7 a.m. EST on 10/17/12) To enter without a purchase send an email to [ecoit@acec.org](mailto:ecoit@acec.org) titled "Free entry to Sweepstakes" with your first and last name, firm, complete address, daytime phone number, date of birth, and email address. Term: Promotion is open 4/10/2012 until 7 a.m. EST on 10/17/12 or until tickets are all sold. Partnership and sole proprietorship checks are permitted; however, federal law prohibits corporate checks and corporate credit cards. Contributions or gifts to ACEC/PAC are not deductible as charitable contributions for federal income tax purposes. Contributions will be screened and those from outside the restricted class (non-members) and those from individuals who have not given prior approval may be returned. Contributions are voluntary and amounts included herein are merely suggestions; the amount given, or a refusal to give, will not result in a benefit or disadvantage to an individual. An individual is free to contribute more or less than the guidelines suggest, but may not contribute more than \$5,000 per calendar year. Federal law requires that our committee report the full name, address, occupation and company name of each individual whose contributions aggregate in excess of \$200 in a calendar year. Entry into this sweepstakes constitutes acceptance of sweepstakes rules, which are attached to this Entry Form. Odds of winning depend on number of entries distributed. No purchase necessary to enter or win. Void where prohibited. Open to ACEC members who are US citizens and are at or above the age of majority in their state of residence. Sponsor: The American Council of Engineering Companies, located at 1015 15<sup>th</sup> St. NW, 8<sup>th</sup> Floor, Washington, D.C. 20005-2605





AMERICAN COUNCIL OF ENGINEERING COMPANIES

## Meeting America's Transportation Needs

### ISSUE

Congress needs to finalize a multi-year surface transportation bill this year that includes sufficient funding and program reforms that improve the delivery of projects to the public. Maintaining and improving transportation infrastructure is vital to economic recovery and sustained productivity. Enactment of a long-term bill is essential to giving state and local transportation agencies the financial certainty necessary to commit to the major improvement projects that our country needs.

The Senate took a tremendous step by passing MAP-21 (S. 1813), which sustains current funding levels plus inflation through FY 2013. The House should take up and pass the American Energy & Infrastructure Jobs Act (H.R. 7), which will provide transportation departments with five years of funding stability.

While the bills have different durations and revenue provisions, there is a great deal of similarity between the two. Both H.R. 7 and S. 1813 focus on consolidating federal programs, eliminating funding silos and giving states flexibility while refocusing on core national interests. The engineering industry strongly supports many of the program reforms in these bills, including integrated planning and environmental reviews, elimination of duplicative regulatory steps, accelerated project delivery decisions, and expanding the list of categorical exclusions. These changes will facilitate more efficient project delivery, reduce costs and bring project benefits to the public faster.

Both the House and Senate bills also include an expansion of the Transportation Infrastructure Financing and Innovation Act (TIFIA) program from its current level to \$1 billion annually. This additional investment, coupled with broader financing terms and conditions, will leverage even more state, local and private sector investment in transportation facilities, unleashing long-term infrastructure improvements and job creation opportunities.

H.R. 7 contains commonsense language – Section 1718 – that seeks to foster greater partnership with the nation's engineering firms in delivering needed transportation improvements to the public. Contracting out engineering and design services allows agencies to meet fluctuating workloads, demanding time schedules and varied technical needs without unnecessarily bloating government offices.

### KEY POINTS

- *Continued short-term extensions are untenable.* Budget forecasts show the balance of the Highway Trust Fund will be depleted at some point in Fiscal Year 2013, which will necessitate additional bailouts or lead to dramatic cuts in funding to states. A multi-year reauthorization bill that reforms and refocuses the federal program and provides additional revenues is the only way to put the Trust Fund on a sustainable path.
- *It takes too long and costs too much to deliver transportation projects.* Major highway projects can take 12-14 years from inception to completion because of burdensome review and permitting requirements, delays which dramatically escalate the total cost of the project.
- *Engaging the engineering industry is essential to better project delivery.* America's engineering firms bring the innovation and expertise needed help DOTs deliver projects to the public faster, better and with savings to the taxpayer.

### ACTION REQUESTED

- Support a multi-year authorization bill that at least maintains current funding levels plus inflation, supported by stable financing mechanisms for both highways and public transit.
- Retain Section 1718 of H.R. 7 to protect and strengthen procurement of private sector engineering services.



AMERICAN COUNCIL OF ENGINEERING COMPANIES

## Meeting America's Water Needs

### ISSUE

Projected investments in the nation's water and wastewater systems will fall short by as much as \$500 billion over the next 20 years from what is needed to repair deteriorating infrastructure and meet the mandates of the Clean Water Act and the Safe Drinking Water Act.

Funding for the federal government's principal mechanisms for supporting water and wastewater projects — the Clean Water Act State Revolving Fund (SRF) program (funded at \$1.47 billion in FY'12) and the Drinking Water SRF program (funded at \$919 million) — has failed to keep up with system needs, putting the quality, safety and security of the nation's water resources at risk. This creates enormous challenges for water utilities struggling to meet expensive federal mandates and security enhancements, and imposes economic hardship for communities and ratepayers.

Recognizing this challenge, proposals are emerging in Congress to supplement the SRF programs with new financial tools to leverage private capital for water projects. One such initiative — HR 1802/S 939 — would lift the state volume cap on tax-exempt Private Activity Bonds (PABs) for water and wastewater projects, enabling communities to raise an estimated \$5 billion a year in private-equity bond financing. Another initiative under consideration is the Water Infrastructure Finance and Innovation Act (WIFIA), which would provide low-interest loans and loan guarantees from the U.S. Treasury to local governments for water infrastructure projects.

The Senate has already passed a modified version of the PAB bill as part of the two-year surface transportation reauthorization bill. The WIFIA concept is gaining bipartisan support in the House — Representative Tim Bishop (D-NY) has introduced a comprehensive water bill (HR 3145) that includes a WIFIA provision, and House Water Resources and Environment Chairman Bob Gibbs (R-OH) is drafting new legislation that would include both WIFIA and PABs.

### KEY POINTS

- Like the nation's highways and airports, investing in water infrastructure is critical to supporting a growing economy.
- \$1 billion invested in water/wastewater creates up to 27,000 jobs and generates an estimated \$2.87-\$3.46 billion in total demand for goods and services.
- New financial mechanisms are needed to lower borrowing costs for communities and unlock private capital investments in water infrastructure.

### ACTION REQUESTED

- Cosponsor and support HR 1802 and S 939 to lift the state volume cap on PABs.
- Support the enactment of a WIFIA loan program to give communities an additional mechanism to fund water projects.
- Support an increase in appropriations for the water and wastewater SRFs, or at minimum, protect current funding levels.



AMERICAN COUNCIL OF ENGINEERING COMPANIES

## Meeting America's Energy Needs

### ISSUE

The demands of a growing population and a growing economy will require significant new sources of energy in the years to come. Both the US Chamber of Commerce and the Edison Electric Institute (EEI) estimate that America's energy needs will increase by as much as 30% over the next 20 years.

A robust, diverse and innovative approach to energy development is essential to our economic security. This will require expanded domestic production, transmission, and distribution of all energy sources – including coal, natural gas, petroleum, nuclear energy, hydropower, renewables, and biomass – as well as a new effort to modernize the infrastructure for energy delivery.

A number of initiatives are before Congress this year to promote a comprehensive energy agenda. Approval of the Keystone XL pipeline, linking oil sands production in Canada to refineries in Texas, together with an expanded effort to tap oil and gas resources from offshore and federal lands, will enhance access to these vital commodities from safe and reliable sources. Legislation is also pending in the House, HR 3307, as well as a companion bill to be introduced by Senator Charles Grassley (R-IA), to extend the production tax credit for electricity produced from renewable sources, such as wind, biomass, hydropower, and geothermal.

In addition to developing new sources of energy, expanding the nation's transmission grid is also a critical component of the nation's energy strategy. ACEC supports the Federal Energy Regulatory Commission's Order 1000, which would facilitate interstate electric transmission line development by requiring regional planning in the siting of such lines, a streamlined permitting process, and an allocation system to spread costs proportionately among jurisdictions.

### KEY POINTS

- The nation's energy security requires an "all of the above" strategy that expands the domestic production of both fossil fuels and renewable energy.
- A regulatory process led by FERC to facilitate the expansion and modernization of the nation's electrical grid is essential to efficient energy delivery.
- By offsetting the cost of developing and delivering wind, hydropower, geothermal, and other renewable energy, the production tax credit is critical to continuing the diversification of America's domestic energy supply.

### ACTION REQUESTED

- Support timely approval of the Keystone XL Pipeline and expanded domestic production of all energy sources.
- Support HR 3307 and companion legislation in the Senate to extend the Production Tax Credit for renewable energy sources.

We thank Ms. Jane Weinberg for her permission to print this article from “*Engineering Colorado Quarterly*”

# Meet

*... stay the course  
by being out in front of all major issues  
that have not only an impact on our business,  
but also an impact on our society as a whole.”*

ACEC National Chairman Ted Williams



***MEET** features a strategic partner of ACEC/CO. In this issue we introduce you to Ted Williams, ACEC national chairman. He shares his perspectives on the issues affecting the industry and offers advice for our future leaders.*

*ACEC/CO: Tell us how you got to where you are today as Chairman.*

TW: I became very involved many years ago at the State level serving as chairman of three different Committees before serving in each of the Officer positions. After serving as National director for three years and attending multiple National Conferences, I realized how important the National organization was to each and every firm of ACEC, whether large or small, whether involved in transportation, structural, electrical/mechanical, surveying, etc, and how each of us must be willing to volunteer for leadership roles. I placed my name in nomination for a Vice Chairman and after serving two years realized that I should take the opportunity to share my knowledge and leadership skills by placing my name in nomination for Chairman. I was lucky enough to be endorsed by the Nominating Committee and elected by the Board of Directors to become the 2012-2013 Chairman.

*ACEC/CO: What are the challenges for our industry in the near term and in the future? How can we, as an industry, respond to these challenges?*

TW: I believe that one of our major challenges for both industry and ACEC in the near term and future is the insourcing of design services by public agencies. We are constantly seeing incidents where agencies whether Local, State or Federal are trying to do more and more design services in house versus allowing the private sector to provide these services. We must continue our efforts to promote the use of the private sector in performing design services as it has been proven over and over again that the private sector can provide these services at a less overall cost as compared to the private sector.

*ACEC/CO: What are your thoughts on achieving sustainable and adequate infrastructure spending?*

TW: I truly believe that we can achieve sustainable and adequate infrastructure spending within the next five to ten years, but only if the general public joins the efforts of ACEC and other like organizations in demanding that adequate funding is provided to restore our infrastructure to the top in the world. It has been proven in the recent past when local referendums for infrastructure investment have been proposed, that voters will approve if the spending is targeted to projects that are necessary to maintain the quality life and support sound economic growth. ACEC has been a large supporter of these types of efforts and we must continue to do so in the future.

*ACEC/CO: How do you see the recovery of private sector development?*

TW: The private sector is showing signs of life in some areas of the Country I believe that we will continue to see a slow recovery over the next couple of years which will be more sustainable for our businesses versus fast growth that occurred over the previous decade.

*ACEC/CO: What is the new normal to look like?*

TW: The new normal is what we are currently experiencing. The demand by owners to provide services faster and more cost effective, with competition for new projects being extremely high. This will require our firms to take advantage of every new technology to perform our services. We will also need to become more involved with helping our clients secure funding/financing for there projects and be willing participants in P3 projects.

*ACEC/CO: Do you have any words of wisdom for the future leaders of our industry?*

TW: My advice is our future leaders of ACEC is to stay the course by being out in front of all major issues that have not only an impact on our business, but also an impact on our society as a whole. As we have stated, "what we do is all around you." ●



## **ACEC-led Coalition Defeats Proposed S Corp Tax Increase**

ACEC and its business coalition partners blocked a proposed tax increase on S Corporation owners.

The Senate was considering a proposal to pay for student loan legislation by increasing payroll taxes on the owners of small professional services businesses—including engineering firms—that are organized as S Corps.

ACEC expects this tax proposal to resurface during budget negotiations later this year and will continue to contest it.

## **Senate Approves ACEC-Backed Bill to Extend Export-Import Bank**

The Senate passed legislation on Tuesday to extend the life of the U.S. Export-Import Bank for three years and to raise the Bank's loan-guarantee limit from \$100 billion to \$140 billion. The President is expected to sign the bill.

In a letter to lawmakers last week, ACEC President Dave Raymond urged passage of the bill, stating that the Bank “has become increasingly important to U.S. engineering firms in the global marketplace.” To view Raymond's letter online go to [http://www.acec.org/advocacy/committees/pdf/export-import-bank\\_ltr050912.pdf](http://www.acec.org/advocacy/committees/pdf/export-import-bank_ltr050912.pdf).

## **ACEC Leaders Focus on Energy and Water Issues with Senator Carper**



Senator Tom Carper (D-DE) (left), a member of the Environment and Public Works Committee, recently discussed infrastructure issues with ACEC Chairman Ted Williams (center) and ACEC President Dave Raymond on Capitol Hill.



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