

Volume XXXVII, No. 4 January-February, 2005

American Council of Engineering Companies/Maryland

***AWARDS BANQUET &
GENERAL MEMBERSHIP MEETING***

Thursday, February 24, 2005

*The Engineers Club
11 West Mount Vernon Place
Baltimore*

Open Bar – 6:00 PM

Dinner – 7:00 PM

“Excellence in Engineering”

*Honoring recipients of the ACEC/MD
Engineering Excellence Awards and their projects.*

*In addition, we will be presenting this year's President's Award to long-time supporter
of the engineering profession Carl Scheffel,
and the ACEC/MD 2005 Community Service Award to Johnson, Mirmiran &
Thompson's Jennifer Hodorovich.*

Bring your spouse, associates and friends, and join us in congratulating the award winners on their impressive accomplishments!

For more information, or to make reservations, contact the ACEC/MD office.

President's Message

by Fred Wagner, PE

I hope everyone had a safe and happy holiday. I certainly wish everyone a happy and prosperous New Year.

It's hard to believe that for the second time since I've been President, we've seen Mother Nature at her worst. First was the quadruple hurricane hit in Florida, which now pales in comparison to the tsunami that hit south-east Asia. Needless to say the engineering profession will play a major role in returning a sense of normalcy to the people in these hard hit areas. Our thoughts and prayers are with those families as they try to rebuild and recover from such devastation.

I want to thank all of you who attended our January 20, 2005 CEPAC Luncheon. This was a tremendous opportunity to meet with your legislators. The General Assembly session has certainly begun in a very challenging atmosphere.

In conversations with legislators, we are very encouraged that the technical change to the Certificate of Merit Law required to return the law to its original intent will be acted on favorably by the General Assembly. Elected officials that considered the legislation in 1998 agree that the bill was indeed intended to cover engineering firms, not just individuals. Your ACEC/MD Legislative Committee will continue to be diligent in pushing this important piece of legislation.

We are also very supportive of MDOT's proposed legislation that would remove impediments to their ability to bring major roadway projects to fruition.

Presented in this issue is our business agenda for 2005. We are as a group aggressively pursuing these issues. It is your participation and energy that makes a difference. In order for our organization to have the maximum impact, it is critical that everyone do their part.

Let me take this opportunity to welcome the leadership class for this year. We have an outstanding group and look forward to another successful year. The program is specifically tailored for professionals in our industry and is very informative. I look forward to interacting with this group and getting to know them. While they learn, ACEC/MD also learns from them. We are excited about introducing another group to ACEC/MD and hopefully generating interest for them to become future Directors and Officers of ACEC/MD.

I encourage you to attend our February 24th General Membership Meeting and Awards Banquet. At this meeting we will announce our Engineering Excellence Award winners, as well as the Presidents Award and Community Service Award winners. I look forward to seeing you all there.

Not that I'm anxious for spring, but one more reminder to set aside the dates of June 22 – 24, 2005 for ACEC/MD's annual conference, which will be held this year at the

Chesapeake Bay Hyatt Regency Golf Resort, Spa and Marina in Cambridge. Mark your calendar and plan to join your colleagues and clients at ACEC/MD's future events.

ACEC/MD Rolls Out its 2005 Business Agenda

ACEC/MD kicked off the 2005 General Assembly session by presenting the ACEC/MD Business Agenda at the December 9, 2004 Legislative Breakfast, held at the Engineers Club. On hand to provide a unique perspective was Fraser Smith, News Director of WYPR Radio. With 27 years as a reporter and editorial writer for the Baltimore Sun, Mr. Smith offered insight into the impact of the 2004 election on the 2005 General Assembly Session and the 2006 General Election in Maryland.

In his comments, he described the recent conflict between the Baltimore Sun and Governor Robert Ehrlich as a "journalistic version of mutual destruction." Mr. Smith also commented that he expects that Governor Ehrlich will continue to return to his no new tax pledge that was the hallmark of his campaign.

Mr. Smith portrayed Comptroller William Donald Schaefer as a major player in today's political arena. To be effective, Governor Ehrlich needs his vote on the three-member Board of Public Works.

At the national level, Mr. Smith predicts that Senator Paul Sarbanes will run for another term. He does, however, consider former head of the NAACP Kweisi Mfume to be a

strong candidate for a Senate opening. Additionally, according to Mr. Smith, due to redistricting, Congressman Ben Cardin could be vulnerable.

The meeting also marked the announcement of ACEC/MD's newest initiative to raise political action funds. To increase ACEC/MD's impact in the political arena, CEPAC Chair Tom Mohler (Rummel, Klepper & Kahl) encouraged member firm principals to contribute to ACEC/MD's political activism. Due to strict state campaign limits in Maryland, it is often imperative that individuals contribute funds. The suggested contribution is \$100 per principal.

ACEC/MD's 2005 Business Agenda is as follows:

I. Certificate of Merit

The Maryland General Assembly overwhelmingly supported, in 1998, House Bill 188. House Bill 188 was proposed and enacted for the purpose of requiring a claimant in an action against a licensed professional(s) to file a certificate from a court qualified expert attesting that the licensed professional failed to meet an acceptable standard of care. A qualified expert is defined as a licensed professional in the state of Maryland or a comparably licensed or certified professional under the laws of another jurisdiction, who is knowledgeable in the accepted standard of care in the same discipline as a licensed professional against whom the claim is filed. The statute has functioned and been employed in numerous cases since 1998. In April 2004, the Maryland Court of Appeals rendered a decision that interpreted the language in the certificate as applicable only to licensed individuals. The affect of this decision was to eliminate the application of the

Certificate of Merit provision for firms who employ licensed professionals performing the services that give rise to a lawsuit. ACEC/MD firmly believes that the intent of the legislature was to include, not just individuals, but also firms for whom they work. Therefore, ACEC/MD supports a minor technical amendment to the law that would protect firms, as well as individuals, under the Certificate of Merit statute.

II. Adequate Transportation Funding and the Repayment of Funds Transferred From the Transportation Trust Fund

The need for maintenance and system preservation, as well as operating costs, continues to increase each year. This need reduces the state of Maryland's ability to fund new capital projects to meet the growing demand for transportation. While over the next 20 years, the population of Maryland is expected to grow 20% from 5 million to 6 million, the vehicle miles of travel will grow by over 40%. Transit trips will grow by over 60% and passengers at BWI are expected to double. To meet these highway, transit and air transportation demands, the Maryland Transportation Trust Fund must have adequate revenue. In 2003 the Transportation Task Force identified a program to achieve a minimum funding level. To address only two-thirds of the identified needs during the next six years, the Task Force and MDOT recommended a level of funding at \$300 million per year.

During the 2004 legislative session, a transportation funding package of \$173 million per year for road and transit projects was approved. As we look to the 2005 session, we know that there is more that must be done. ACEC/MD strongly urges the elected leaders

of state government to come up with a method of adequate short and long term funding for the Transportation Trust Fund that would preserve and upgrade the transportation infrastructure of the state. Also, repayment of the \$315 million previously transferred from the Trust Fund must be assured.

III. Affordable Health Care

Due to double digit inflation providing health care for employees is now the most costly employee benefit offered by firms. Employers and their employees are finding it more difficult to afford health care. Any increase in health care costs are ultimately passed on to employers who in turn pay for the increases or pass them on to their employees. By making group coverage more costly, it has become unaffordable to many employers and their employees. While realizing the perceived benefits of Health Care Reform, it has eliminated a program for member firm employees that was both comprehensive and affordable. ACEC/MD opposes any mandates imposed by the state on health care including group plan mandates and the paying of a tax in lieu of insurance.

IV. Small Business Contracting

ACEC/MD understands the importance of nurturing and developing our state's small businesses. Small businesses are the backbone of the state's economy. Many of the member firms of ACEC/MD participate in the benefits of the small business program at the federal level; however, Maryland's size standard of 100 employees and gross sales of business not exceeding an average of \$2 million in the most recently completed three fiscal years, prevents most of the federally eligible small business firms from

participating in the benefits of the Maryland program. The federal small business standard for professional design firms is \$4 million in revenues per year. Maryland's standard of \$2 million for design professionals equates to firms employing only 15 to 17 employees. Firms with more employees would typically be ineligible for the program because typical revenue for a firm of that size would be in excess of \$2 million. ACEC/MD feels that this is an injustice that should be rectified. A size standard consistent with the federal standard would be more appropriate for design professionals. ACEC/MD urges the state to consider modifying the recently enacted size standard to better reflect the federal size standard for corresponding services.

V. Job Site Safety Third Party Liability

An issue of significant concern for design professionals (i.e. consulting engineers, inspectors and architects) is exposure to a specific class of third party liability claims filed on behalf of individuals, most often employed in construction, who sustain an “accidental, personal injury, arising out of and in the course of employment.” See W.C. Law Section 9-509. In these incidents the injuries in question are not attributable to the plans, designs or activities of the design professional [282 Md.50, Kreiger v. Greiner].

Nonetheless, the number of these third party liability suits is increasing and they represent a significant expense, the cost of which is passed on to clients very often taxpayers (i.e. federal, state and local governments). During the last two years third party liability claims against design professionals have increased by thirty percent (30%).

We are recommending that the Maryland General Assembly enact legislation that limits third party claims consistent with the policy of *Krieger v. Greiner*, that design professionals are not liable as a third party for job site injuries, “unless responsibility for construction safety practices is specifically assumed by contract, the provisions of which were mutually negotiated, . . .” See, Revised Code of Washington (RCW) Sec. 51.24.035, Immunity of Design Professional and Employees.

Qualifications Based Selection (QBS)

ACEC/MD strongly supports the use of the QBS method of procuring design, inspection, and surveying services, as called for in both state and federal law, when state or federal funds are used to construct a project. Endorsed by the American Public Works Association (APWA), the American Water Works Association (AWWA), the American Bar Association (ABA), and numerous professional associations, Qualifications Based Selection (QBS) is the preferred method of selecting engineering and architectural services. This method allows the owner to choose, by objective criteria, the firm most qualified to provide the necessary services.

Thanks to the Firms that have Gone the Extra Distance

On Behalf of the Profession

On behalf of the ACEC/MD Executive Committee, we would like to thank the ACEC/MD member firms that have generously donated to ACEC/MD’s Political Action Committee (CEPAC) in 2004.

The goal of raising \$25,000 per year established at the beginning of the election cycle is not overly ambitious, it is just the reality of being able to gain access to the important legislative leaders that often control the purse strings to our businesses. In order to optimize ACEC/MD's efforts on behalf of the profession, we need 100% participation.

We would like to extend our thanks to the following firms that have taken the extra step to ensure that ACEC/MD's voice is heard in Annapolis.

A. Morton Thomas & Associates

Buchart-Horn

Century Engineering

Constellation Design Group

Daniel Consultants, Inc.

DMJM+HARRIS

EBA Engineering

EBL Engineers

Edwards & Kelcey

Faisant Associates

George, Miles & Buhr

Gipe Associates

Greenhorne & O'Mara

Greenman-Pedersen

HNTB Corporation

Indam Engineers

Johnson, Mirmiran & Thompson

KCI Technologies

KIBART

Leach Wallace Associates

Moffatt & Nichol Engineers

Mueller Associates, Inc.

Parsons, Brinckerhoff, Quade & Douglas

Rickert Engineering

RJM Engineering

Rummel, Klepper & Kahl

Sabra, Wang & Associates

Schlenger/Pitz & Associates

Schnabel Engineering

SITE-Blauvelt

Whitman, Requardt & Associates

Whitney, Bailey, Cox & Magnani

Williams Associates-Engineers

A Renewed Focus on Educational Clients

Realizing the importance of further developing liaison relationships with clients in the vertical arena, ACEC/MD's Executive Committee has expanded the purview of the

University System Committee to include county school systems. Chaired by John Furman of HEERY International, the reconstituted committee will now be called the Educational Facilities Committee. In addition to client interaction with the University of Maryland System, Morgan State, Towson, Coppin State Universities and community colleges, the committee will now focus on expanding ACEC/MD's presence with county school systems. Previously the responsibility of ACEC/MD's County Government Liaison Committee, the realignment to include secondary schools in the Educational Facilities Committee will allow for a better utilization of ACEC/MD's member firm representatives. If your firm is interested in having a participant on this committee, please contact the ACEC/MD office.

DGS Presents its Draft Capital Budget

At the recent Maryland Department of General Services (DGS) Liaison Committee meeting, DGS officials outlined their list of pending fiscal year 2005 & 2006 capital projects. While many of the projects require legislative approval, the program represents a substantial increase over recent years.

FY2005 Pending Projects:

Department of Natural Resources-Pocomoke Shad Landing State Park Septic System Upgrade

Estimated Construction Cost - \$3,000,000

Start A/E Selection – Delayed – DNR coordinating with Snow Hill

Department of Public Safety & Correctional Services-Maryland Correctional Training
Center-192 Cell Medium Security Housing Unit

Estimated Construction Cost - \$19,000,000

Start A/E Selection – (Proposed) 2005 – awaiting program

Department of Public Safety & Correctional Services-Public Safety Training Center-
Simulated Urban Environment

Estimated Construction Cost - \$2,000,000

Start A/E Selection – (Proposed) IQC Assignment – awaiting program

Department of Public Safety & Correctional Services-Public Safety Training Center-Rifle
Range Modifications

Estimated Construction Cost - \$1,227,000

Start A/E Selection – (Proposed) IQC Assignment – awaiting program

Department of Public Safety & Correctional Services-Public Safety Training Center-
Mock Prison/Courtroom

Estimated Construction Cost - \$3,900,000

Start A/E Selection – (Proposed) 2005 – awaiting program

The MD School for the Deaf projects will be developed under a single A/E design contract.

Maryland School for the Deaf – Frederick Campus – New Elementary & Student Support Services Building

Estimated Construction Cost - \$17,000,000

Start A/E Selection – (Proposed) January 2005 – program pending

Maryland School for the Deaf – Frederick Campus – New Family Education / Early Intervention Building

Estimated Construction Cost - \$4,300,000

Start A/E Selection – (Proposed) January 2005 – program pending

New FY2006 Projects:

Department of Health & Mental Hygiene – New Forensic Medical Center – Baltimore City

Estimated Construction Cost - \$29,200,000

Department of Housing & Community Development – State Archeological Equipment Facility – Crownsville, Anne Arundel County

Estimated Construction Cost - \$2,000,000

Start A/E Selection – (Proposed) IQC Assignment

Department of Juvenile Services – 48 Bed Housing Unit - Cheltenham Youth Facility –
Prince George’s County

Estimated Construction Cost - \$17,000,000

Department of Natural Resources – Madonna Forestry Office Replacement – Harford
County

Estimated Construction Cost - \$2,400,000

Start A/E Selection – (Proposed) IQC Assignment

Department of Natural Resources – Expand Administration Building/Visitors Center –
Point Lookout State Park – St. Mary’s County

Estimated Construction Cost - \$670,000

Start A/E Selection – (Proposed) IQC Assignment

Department of Public Safety & Correctional Services – New Warehouse – North Branch
Corr. Inst. – Allegany County

Estimated Construction Cost - \$4,900,000

Department of Public Safety & Correctional Services – Demolition for New Balt. City
Detention Center

Estimated Construction Cost - \$5,000,000

Start A/E Selection – (Proposed) IQC Assignment

Department of Public Safety & Correctional Services – 150 Cell Juvenile Facility –
Baltimore City

Estimated Construction Cost - \$40,000,000

Department of Public Safety & Correctional Services – 800 Bed Women’s Detention
Center – Baltimore City

Estimated Construction Cost - \$86,000,000

Department of Public Safety & Correctional Services – Fire Safety Project @ DC
Building – Patuxent Institution – Howard County

Estimated Construction Cost - \$5,600,000

Department of Veteran Affairs – Expand Burial Capacity @ Crownsville Veterans
Cemetery – Anne Arundel County

Estimated Construction Cost - \$2,600,000

Department of Veteran Affairs – Expand Burial Capacity @ Cheltenham Veterans
Cemetery – Prince George’s County

Estimated Construction Cost - \$2,600,000

Morgan State University – Montebello E-Wing/Power Plant Demolition – Baltimore City
Estimated Construction Cost - \$780,000

Start A/E Selection – (Proposed) IQC Assignment

St. Mary's College of Maryland – Anne Arundel Hall Reconstruction – St. Mary's

County

Estimated Construction Cost - \$13,400,000

ESB Offers Unique Membership Opportunity

Celebrating their 100th anniversary, the Engineers Club at the Garrett-Jacobs Mansion is offering a unique opportunity for current members of Associate Societies, which are members of ESB, to join the club for an initiation fee of only \$100.

This special offer is only available for individuals that sign up for membership at the Happy Hour being presented by the Associate Society Council on Friday, February 18, 2005.

So, if an individual is employed by an ACEC/MD firm and they sign up for membership in the club on Friday, February 18, 2005, 6:00 – 8:00 pm, at the complimentary Happy Hour, they can join for only \$100, a \$650 savings over the regular initiation fee.

Don't miss this once in a lifetime opportunity!

New Members

Fred Wagner, ACEC/MD President, has announced the election of the following firms to membership in the Council.

Regular Member:

Froehling and Robertson, Inc.

7798 Waterloo Road

Jessup, MD 20794

Telephone: 443-733-1011; FAX 443-733-1015

Rep.: Robert L. Mashewske

Website: www.FandR.com

Brief History and Activities of the Firm: Froehling and Robertson, Inc., (F&R) founded in 1881, is a multi-disciplinary engineering firm providing a full range of geotechnical and environmental engineering services, construction materials testing and construction monitoring. F&R also maintains a full-service analytical chemical laboratory, a fleet of drilling equipment, as well as soil and construction material testing laboratories. Engineering activities provided by the firm include sub-surface exploration and analyses, stormwater management assessment, slope stability, design recommendations, retaining wall studies and other analyses. Environmental services provided by the firm include Phase I and Phase II studies, safety monitoring services, hazardous materials detection and abatement specifications, as well as other services. The firm also provides construction material testing, including non-destructive testing, materials laboratory testing, and contract drilling services.

Joint Council Member:

Kim Engineering

315-G Howard Avenue

Rockville, MD 20850

Telephone: 301-610-0577; FAX 301-610-0281

Rep.: M. Sunny Kim

Brief History and Activities of the Firm: Kim Engineering, Inc. is a privately-owned civil and geotechnical engineering. The firm is a minority business enterprise. Prior to establishing his own firm, M. Sunny Kim worked for Schnabel Engineering from 1986 to 1990, and Bechtel Corporation from 1990 to 1993. The firm's engineering activities are geotechnical engineering services for commercial and residential buildings.

We welcome these firms as members of ACEC/MD. Be sure to add their information to your roster. The next time you see one of their representatives, please take the time to let them know we're glad they have joined the Council!

Member News

ASSOCIATED ENGINEERING SCIENCES, INC. (AESI) has announced that *William T. Sprague, II, PE* has rejoined the firm's Civil Engineering Department.

EBL ENGINEERS is pleased to announce the addition of Electrical Engineer *Kenneth M. Roberts, PE* and *Rashid Nadeem, EIT* to its staff.

JAMES POSEY ASSOCIATES, INC. is pleased to announce that *Stephen J. Hudson, PE, CPD* has been elected President and Managing Principal, and that *W. Carl Hossfeld, Jr., PE* has been elected Chairman.

In response to its expanding transportation services in the Mid Atlantic,

GREENHORNE & O'MARA (G&O) announces that *Simon Simon, PE* was promoted to fill the newly-created position of Vice President, Structural Engineering, Corporate.

KCI TECHNOLOGIES announces the following:

- The firm has appointed *Michael Z. Yang, Ph.D., PE* as head of the Mid Atlantic Region's Geotechnical Discipline, and *Karl Kalbacher, PG* as a Senior Geologist within the firm's Geo-Environmental Division.
- Following the promotion of *Thomas G. Sprehe, PE* to Environmental Manager for the Mid Atlantic Region, *Timothy Wolfe, PE* assumed leadership of the region's Environmental Engineering Division.
- The trustees of KCI's ESOP appointed KCI Senior Vice President *Charles A. Phillips, Jr., RPLS*, Site/Buildings/Telecommunications Market Manager, and *Patricia J. Mitchell*, Vice President of Global Sales and Operations for IBM Global Services to the firm's 2005 Board of Directors.
- *Marianne Kiernan* has been promoted to the position of Vice President.
- *Harvey M. Floyd* is now the ACEC/MD representative for the firm.

STV, INCORPORATED has been named Employer of the Year by the Women's Transportation Seminar (WTS).

THE TRAFFIC GROUP, INC. announces that *Renata Haberkam* is now the ACEC/MD representative for the firm.

URBAN ENGINEERS has relocated its Baltimore office to:

Parkway Center 1
Suite 200
7104 Ambassador Road
Baltimore, MD 21244
Phone 443-780-0030
Fax 443-780-0031

WHITNEY, BAILEY, COX & MAGNANI, LLC is pleased to announce the following:

Mark Shafer, PE has been promoted to Class B Principal. Mr. Shafer is a Senior Vice President who currently serves as the head of WBCM's Marine-Industrial division.

Joseph O'Neil, PE has been promoted to Senior Vice President. Mr. O'Neil is the Branch Office Manager of WBCM's Camp Hill, Pennsylvania location.

Gene Merkel has been promoted to Vice President. Mr. Merkel serves as the Director of Inspection Services for WBCM.

Todd Lang, PE, AICP has been promoted to Vice President. As a supervisor in WBCM's Transportation Department, Mr. Lang oversees transportation planning and design projects.

Chris Calaf, CCNA, CCA, MCP has been promoted to Vice President. Mr. Calaf is the Director of Information Services at WBCM.

Jim Prosser, PE has been promoted to Vice President. Mr. Prosser is a Process Engineer who serves in the Marine-Industrial division of WBCM.

Lyle Aaby has been promoted to Vice President. Mr. Aaby serves as the Director of Construction Services for WBCM.

Professional Development

February 3, 2005 *Advanced Thermal and Moisture*

February 4, 2005 *Roof Asset Management*

Columbus, Ohio. For more information, contact the Roof Consultants Institute at 800-828-1902 or www.rci-online.org.

February 9-10, 2005 *Traffic Safety Conference*

Linthicum, MD. Presented by the Maryland SHA, Federal Highway Administration and the University of Maryland Transportation, Technology Center. For more information, call 301-403-4623 or ttc@eng.umd.edu.

February 16, 2005 *Basic Drainage*

College Park, MD. For more information, contact the MD T2 Center at 301-403-4623.

February 23, 2005 *Construction Management/Design Build in Maryland*

Baltimore, MD. For more information, contact Lorman Educational Service at 888-678-5565.

April 6, 2005 *Concrete 2005 – 5th Annual Conference for the Maryland Transportation Industry*

Frederick, MD. Presented by Maryland SHA, Federal Highway Administration and Maryland Ready Mix Concrete and Promotion Council. To register, call Tom Evans at 301-694-4899 or tom@marylandconcrete.com.

Seeking Employment

The following individuals are seeking employment and have a complete resume on file in the ACEC/MD office. Please phone 410-539-1592 if you are interested in obtaining a copy.

1. Junior **Mechanical Engineering Student**, also pursuing a Math minor, at Lafayette College seeks a summer internship position. Individual

possesses skills in AutoCAD, AutoDesk inventor (3D Modeling), Excel, and Word.

2. Freshman at Virginia Polytechnic Institute is searching for an internship in the Baltimore area for the summer of 2005 in the **civil engineering** discipline.

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