

# ACEC INSIGHTS

AMERICAN COUNCIL OF ENGINEERING COMPANIES OF MASSACHUSETTS

The Engineering Center • One Walnut Street • Boston, MA 02108 • T: 617/227-5551 • F: 617/227-6783 • www.acecma.org WINTER 2017

## Despite Ongoing Debate Over Regulation of Stormwater in Massachusetts, Communities Should Begin Work Under New Small MS4 General Permit

by Emily Scerbo, PE, Municipal Stormwater Senior Technical Specialist, and Janet Moonan, PE, Project Manager, Tighe & Bond



Later this year, communities in Massachusetts will be required to submit their Notices of Intent (NOI) to apply for coverage under the National Pollutant Discharge Elimination System (NPDES) General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts (hereafter referred to



as the “Small MS4 General Permit”). This permit regulates the discharge of stormwater pollutants through the municipal drainage system and prescribes the ways in which cities and towns must minimize stormwater pollution.

Since April 2016 when this permit hit the Federal Register, regulated municipalities, environmental groups, and other regional advocacy groups have lobbied, petitioned, and filed appeals to influence the way that this permit will be implemented. In short, environmental groups had hoped for progress improving water quality through stronger requirements, while municipalities and industry are seeking relief from the onerous requirements of this unfunded federal mandate.

There are two legal issues that may impact the Small MS4 General Permit program. The first is the multiple challenges filed against the Environmental Protection Agency’s (EPA’s) permit. The second is the recent efforts by the Baker-Polito administration, and the

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## President’s Message

Mark Bartlett, 2016–2017 ACEC/MA President



On behalf of the ACEC/MA Board of Directors, Happy New Year! Over the past few weeks, as I’ve asked friends and colleagues for their opinion of the year 2016,

responses have varied along a spectrum from positive “great year” sentiment to negative “good riddance” sentiment. However, one common theme, without a doubt, is the universal surprise over the significant political shift in Washington D.C. The “post-election wrap-up” program hosted by ACEC/MA in November was well attended, and our political experts were excellent speakers. Discussion started with “how did this happen?” and shifted to “what can we expect next?” The answers to this latter question are still floating out there,

and as we head into 2017, you can be assured that our organization, ACEC/MA and our parent, ACEC National, will be on the job and vigilant, looking out for the business interests of our members.

You should participate. Get involved in our Government Affairs Committee (GAC) which meets monthly. The state’s new Legislative Session started this month, and our chapter’s GAC activity will pick up significantly as a result. You may be surprised to learn that according to House and Senate clerks, the state Legislature has started 2017 with more than 5,700 bills to consider! More than 3,700 bills were filed in House and more than 2,020 in the Senate. These bills will be steered to various committees and eventually scheduled for

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## TECET Engineers Week Career Fair RESCHEDULED TO FEBRUARY 27

Engineering and land surveying firms can take advantage of sponsorship and exhibition opportunities and will receive exhibit space where you can market your employment openings and internships to the more than 300 students and recent graduates with engineering degrees that the Career Fair typically attracts. Due to weather, this Career Fair was rescheduled to February 27. [CLICK HERE FOR MORE INFORMATION.](#)

A link to ACEC National’s YouTube videos has been added to our ACEC/MA website. [Click here](#) to view ACEC National Video content.

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## President's Message

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hearings. Our GAC members, with help from Rasky Baerlein Strategic Communications (our political affairs consultant) will screen these many bills to identify and act on those of greatest relevance to our engineering profession and to the interests of our member firms. I encourage you, as members of ACEC/MA, to get involved in this process.

In addition, I urge you to attend the 2017 ACEC National Convention in Washington, D.C., April 23–26. This year's convention speakers will include the leaders of three of the nation's largest design firms, who will discuss the opportunities and challenges for the engineering industry under the new Administration and Congress. [Click here](#) for more information on this great event. You can learn so much politically, while helping to support ACEC/MA positions on issues of interest to member firms' success, including infrastructure funding, fair business practices, and regulatory reform. While in D.C., you could join our Massachusetts Congressional delegation (this year's will be led by ACEC/MA President-Elect Michael Scipione) to advocate for infrastructure funding for transportation, energy and water.

Looking back on the year 2016, ACEC/MA continued to support or oppose Massachusetts Senate and House bills that affect our industry in response to our concerns these include: (1) MassDOT announced a second salary cap increase; (2) ACEC/MA worked with the MBTA to eliminate retainage on professional services contracts; (3) our discussions with the MBTA resulted in the agency agreeing to move away from a proposal to implement prompt pay discounts; and (4) ACEC/MA was invited to participate in Governor Baker's signing ceremony of Executive Order 569 to establish an integrated climate change strategy. Generally, ACEC/MA continues partnership through meetings with, and responses to requests from our state agencies including MassDOT, MBTA, MassPort, MWRA, DCAMM and MassDEP. Issues of concern that our partnering committees continue to focus on include: procurement processes, project management and fee structures, salary caps, and helping these agencies to streamline project delivery and/or streamline regulatory effectiveness, depending upon the agency involved.

Going forward this year, our Building Engineering Committee (BEC) continues efforts to modify draft regulations proposed by

the Board of Registration of Architects that would adversely impact A&E firms operating in Massachusetts. We will continue to serve as co-chair of the Water Infrastructure Alliance, a broad-based group of business, industry, government and environmental organizations focused on more funding for water, sewer and stormwater management infrastructure. We will also continue to serve with the Massachusetts Climate Change Coalition. This year, we plan to support a new version of legislation that will go beyond the Governor's recently signed Executive Order, calling for a Comprehensive Adaptation Management Plan (CAMP). The objective is to pass legislation that would require the State to use "best science" to assess public safety, health and economic vulnerabilities; and develop an integrated plan to manage climate change impacts taking input from public-private stakeholders; and create programs to protect coastal areas and support regional and local planning, to ensure that state policy is consistent with "Smart Climate" science and practices.

As you can see, when it comes to political change and government affairs, a lot has been accomplished, and yet so much more needs to be done. So, as I've said many times at meetings or in messages, please get involved. Serve on one of our many business forums or practice area committees, sign up for training in one of our several ACEC/MA Leadership Education Programs, which have been a great success in 2016 and continue to be well attended. The value returned in these activities greatly exceeds your firm's annual cost of membership. If you've made it this far, thank you for your attention, as I know how busy we all are as practicing consulting engineers. Again, have a great and prosperous New Year, one free of political commercials, but full of political action. Be well.

P.S. Be sure to sign up now to celebrate this year's outstanding engineering achievements at our ACEC/MA 2017 Engineering Excellence and Awards Gala on Wednesday, March 15, 2017 at the Royal Sonesta Hotel, Cambridge. Tickets are now available. Last year ACEC/MA honored 29 outstanding engineering projects and several leaders. This year's event promises to be bigger and better with 35 project entries. The event will be hosted by co-emcees Carol Gladstone, Commissioner, Division of Capital Asset Management and Maintenance, and Leo Roy, Commissioner, Department of Conservation and Recreation.



## Stormwater

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between NPDES requirements and other state environmental initiatives and regulations; consideration of local social and economic factors; and embracing “the concept of integrated planning by working with local partners to establish a program that takes a holistic view of clean water requirements and implementation schedules.”<sup>3</sup> However, environmental groups are concerned that the state hasn’t provided sufficient funding or staffing for MassDEP to meet its current Clean Water Act obligations—so how can they take on this program?

Governor Baker announced a “budget commitment of \$4.7 million annually for staff, programming, and up-to-date monitoring and analysis of water quality data.”<sup>4</sup> However, in 2013 MassDEP initially estimated that “administration of the NPDES program would cost approximately \$9-\$10 million per year,” twice as much as the current budget commitment.<sup>5</sup>

In October 2016, the Joint Committee on Environment, Natural Resources, and Agriculture concluded their study and recommended that the proposed legislation be adopted and the bill was discharged to the committee on House Rules. It appears that delegated authority over Clean Water Act permitting could become a reality for Massachusetts. Plus, the election of Donald Trump as President of the United States may have tipped the scales in favor of MassDEP primacy for environmental groups under speculation of deep cuts to EPA programs and staffing.

### What’s Next?

Some things for cities, towns, and consultants to keep in mind when anticipating the Small MS4 General Permit effective date of July 1, 2017:

- Regulated communities should plan to start work on the current Small MS4 General Permit, which will remain in effect until MassDEP obtains primacy and then develops and issues a new General Permit.
- The process to obtain federal authorization of the NPDES program will take several years. It includes development of a Memorandum of Agreement (MOA), a program description and an Attorney General’s Statement. It requires a thorough review of applicable state laws and regulations and submittal of proposed laws and regulations; and a public comment period and hearing before EPA can issue their decision whether to grant authorization for one or more NPDES program components. State NPDES programs must be as stringent as the Federal NPDES program.
- For regulated communities to realize the promised benefits of MassDEP primacy, advocacy groups will need to stay vigilant to ensure a sufficient long-term funding commitment. This is needed to provide crucial technical support staff, permitting speed and efficiency, and shared resources and guidance materials.

### Conclusion

Given the long road to resolution of permit appeals and to Massachusetts primacy, stormwater consultants should continue to move forward with local stormwater

management programs. Below are some key actions and reminders for the next year:

- **Establish a budget and secure funding for FY18.** Communities may need assistance to understand the Small MS4 General Permit requirements each year, develop a Fiscal Year 2018 budget to complete Permit Year 1 activities, and secure funding for work to begin on July 1, 2017.
- **Don’t miss regulatory deadlines.** A final Annual Report under the 2003 General Permit is due to EPA and MassDEP by May 1, 2017. The NOI for coverage under the new General Permit must be submitted by September 29, 2017.
- **Consider delaying your written Stormwater Management Plan.** EPA plans to generate a partially-complete written SWMP based on each community’s NOI. Consider waiting for EPA’s template before writing your own plan. The written SWMP must be complete at the end of Permit Year 1 (June 30, 2018).

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*Janet is a Tighe & Bond Project Manager with over 10 years of experience developing comprehensive water, wastewater, and stormwater plans and supporting Massachusetts municipalities with implementing local, state, and federal environmental permits. In addition, Janet previously work at EPA Region1—Boston in the NPDES program. You can reach Janet at [JSMoonan@tighebond.com](mailto:JSMoonan@tighebond.com) or 781/708-9826.*

### NOTES:

1. *Massachusetts Coalition for Water Resources Stewardship (MCWRS). EBC’s Water Resources Program Highlights Complex Debate. URL: <https://mawaterresourcescoalition.wordpress.com/2016/12/06/ebs-water-resources-program-highlights-complex-debate/>*
2. *MCRWS.*
3. *April 29, 2016 Press Release. “Baker-Polito Administration to File Legislation Seeking Water Protection Delegation.”*
4. *Ibid.*
5. *MassDEP. Massachusetts Department of Environmental Protection Report to the General Court of the Commonwealth on the Topic of NPDES Authorization. July 1, 2013.*

## ACEC/MA Writing Tip of the Quarter

Your ACEC/MA Newsletter Board of Editors thought it might be useful and fun to share writing tips with our members. Welcome to our first quarterly writing tip! Your feedback and suggestions for future tips are welcome.

**Use or Utilize?** One word that is consistently overused, and used incorrectly in our industry, is the word “utilize.” The word “utilize” should only be used when you are using something in a novel or new way—a way that is outside of its intended use. For example, you can use a dictionary to look up a word, but you can utilize it to raise the height of your computer monitor. Use “use,” not “utilize”—it’s a perfectly good word and only one syllable, making it easier for the reader. If you are unsure, it is always appropriate to use “use.”

# Public Outreach Practices to Help Your Construction Project

By Joseph Sgroi, Communications Specialist, City Point Partners



A proactive public outreach program is essential to the success of both public and private sector construction projects. The days of “act now and ask for forgiveness later” have come and gone.

Investing in proactive practices can avert needless and costly delays as well as any negative publicity. A client’s reputation can be either made or lost before the first shovel hits the ground and the implications of a negative project outcome can last long after the last truck has left the neighborhood. Proactive public outreach can foster good relations with impacted neighborhoods and develop strong community ties that will not only serve a contractor through a particular project, but also will earn trust for future projects.

Every construction project has stakeholders. A stakeholder can be defined as any constituent local to the project whose life may be impacted. Construction projects can often be invasive to these stakeholders’ lives. Construction can cause traffic delays, reduce parking, hinder access or visibility to a place of business, and create noise and dust levels which can be an annoyance to people living and working near a construction site. When upset, these stakeholders sometimes seek relief by complaining to the city and their local elected officials or to the police. This can lead to costly project delays while the issue is being resolved. One of the purposes of proactive public outreach is to both diminish and get ahead of these complaints by providing information early to stakeholders. If stakeholders know when, for how long and to what degree a disturbance to their daily lives is coming, they can prepare for it and make plans to avoid it. The following five practices can be used to lay the groundwork for effective public outreach to constituents:

## 1. Identifying Stakeholders

The first and most important step in any successful outreach program is stakeholder identification. A successful public outreach program identifies and engages project stakeholders at the earliest stages of a project. From transit system riders or highway drivers to drivers impacted by road closures, every project has stakeholders. Stakeholders also include abutters and neighbors, civic groups, local officials, the disabled community, local media and project advocates.

Developing a comprehensive database of stakeholders will make further outreach efforts more effective. This can be done by first researching and identifying the residential and

commercial abutters and neighbors to the project work. It is also important to research the demographics of the neighborhood to identify how to best reach out to certain groups. This includes researching the different languages that may be used in the neighborhood and if there are elderly or people with disabilities. Identifying local media such as newspapers and television access stations will be important for getting information out to the community.

Another crucial step is identifying the local public officials and developing a relationship between the local government liaison and the public outreach team. When constituents contact their local politician they will want to know why their road is closed or why access to their business has been impeded due to construction. General contractors can help resolve these issues faster if the public outreach team has established a direct link of communication with their local government officials.

## 2. Open House

Having an Open House kick-off meeting before construction starts is an excellent way to let members of the community communicate their issues. An Open House can be used to help further identify key stakeholders for the stakeholder database, lets the stakeholders meet and interact with the general contractor and helps to build trust. The meeting should provide an overview of construction, let people know how to communicate with and get further information about the project, and allows them to ask questions and raise concerns.

## 3. Electronic and Social Media

Using social media, such as dedicated project Facebook and Twitter accounts, can be a highly effective tool to communicate construction updates to stakeholders. A 2015 University of Colorado study of community outreach tools used on accelerated highway construction projects surveyed 40 state transportation agencies to examine best outreach practices and found that social media ranked among the highest in both effectiveness and frequency of usage in achieving communication goals. Social media can be more effective than even variable sign boards and temporary static signage in creating traffic avoidance and decreasing impatient behavior of drivers.<sup>1</sup>

Having a dedicated website and project email address are also useful ways to provide accurate information about the project. After receiving an email address from project stakeholders, the public outreach team can keep stakeholders informed of project progress via email updates

as well as by letting them know how to find out more about the project on social media.

## 4. What about stakeholders who don’t use electronic or social media?

Not everyone uses social media and English may not be the primary language of some stakeholders, but effective outreach connects with everyone in the community who is affected by the construction project. Placing flyers in a neighborhood can be an effective tool to connect with those who may have been missed by electronic media. If the stakeholder research you collected showed that multiple languages may be used in a particular area, make sure the flyers are translated as well. It may also make sense to set up and provide a project hotline for stakeholders to call so that issues or emergencies can be resolved over the phone. This hotline number should also be provided on all neighborhood flyers. Also, further meetings in the neighborhood should be held to provide updates as necessary. All meeting dates should be shared with the local press, such as television and newspapers, to connect with these stakeholders.

## 5. Traditional Media

Traditional media is important. Providing consistent project information in the form of press releases and interviews to local and regional newspapers, reputable news and civic blogs, and public access television and radio stations is an excellent way to shape the message and image of a project.

A targeted public outreach program is not a luxury but a necessity for all projects large and small. Even on small road projects, a project specific Twitter account could easily be set up to let stakeholders get updates on how construction may affect their commute. Flyers can be distributed in a neighborhood where early morning or overnight work may be occurring to let residents know who they can contact if there are problems. Local newspapers and television access channels will often be more than accommodating on covering an update concerning a road or bridge closure. These methods are sure to create more informed neighbors, businesses and drivers who will turn into happier stakeholders. Happier stakeholders are ultimately likely to cause fewer problems on construction projects.

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1. Minooei, Farzad et al. (2015). *Community Outreach Tools and Strategies for Accelerated Highway Construction Projects*. Retrieved from the University of Colorado Website: [http://www.colorado.edu/tcmsites/default/files/attached/files/community\\_outreach\\_tools\\_project\\_report.pdf](http://www.colorado.edu/tcmsites/default/files/attached/files/community_outreach_tools_project_report.pdf).

# What your clients want you to know about your next shortlist presentation

By Rich Friedman, Friedman & Partners



Shortlist presentations could be called “stress list presentations” for the amount of angst they cause AEC and environmental consulting firms.

The timeframes are short and the preparation is long. What’s worse is that many firms do the hard work required (opportunity research and selection, prepositioning, and thoughtful, client-centered proposal writing) to routinely get shortlisted still struggle to win the big show.

How can you improve your win rate? In this article, we’re going to the source: your clients. In the numerous loss debrief interviews I’ve conducted on behalf of my clients over the years, I’ve heard many recurring themes.

(If you’re in the fortunate position of having plenty of sole source work or master service agreements, this intel can also help you make a stronger case for your ideas, internally and with clients.)

## What clients see

- Firms that have rushed their preparation—and it shows
- A tunnel-vision focus on RFP and shortlist presentation specifics without addressing other perspectives or hot-button issues
- Principals who spend more time discussing themselves and the firm than the client’s needs and how they’ll measure success
- Teams that spend too much time walking through designs or case studies that don’t resonate
- Unfocused presentations that fail to effectively deliver key messages (and include too many slides!)
- Uncomfortable PMs who read from notes while avoiding eye contact
- Teams that lack energy, passion or synergy

## What they think

*“One thing that stood out about Firm X was how focused they were on our university, understanding the campus, and considering the outside influences on the project. Coming down, studying our campus and other data, and composing a few thoughts on approaches showed a level of commitment. It was clear that research had been done.”*

*“There might have been some of lack of hunger/passion. They weren’t super high energy.”*

*“For the Project X interview, nobody liked the Principal, Frank. He started off by talking about how he joined the firm and why. It was a bit negative in tone and self-serving. The odd thing is that he had been with Firm Y a long time. We were curious why he’d include that.”*

*“[The losing team] did not connect with the audience. It didn’t feel conversational. It didn’t seem like they were trying to engage our committee. [The winning team] came across as ‘coming from the heart’ versus reading from a script. They conveyed a strong desire to collaborate with us.”*

*“Many of the committee members almost felt like the project would be put into the meat grinder at one end and spit out at the other end. It didn’t feel like they’d be collaborative. It wasn’t clear how they were going to manage the planning aspects, and it was similarly sketchy on the research side.”*

*“There were three people [presenting]. Woman #1 was excellent. Woman #2 was very good. The gentleman wasn’t very impressive. I felt like he interrupted them. I didn’t feel comfortable with their synergy. He wasn’t dynamic. The other firms enveloped you in this process.”*

## What to do about it

Know your prospects. A focused BD effort means tracking and pursuing clients instead of projects—not belatedly chasing “free food” opportunities and making reactive, late-to-the-game efforts to land a project. When you get to know your client in advance, you can change the game. That’s what happened to one principal who received a university RFP with criteria so specific that hardly any firm (including his!) could meet it. He called his campus contact and told him why the RFP would be challenging to meet. The client ultimately changed that RFP requirement and the principal gained insight about the client’s goals that he used to formulate a winning project team.

Research the committee. Don’t be the team who proposes to rehabilitate and preserve an old building to a selection committee that wants to level it. (This team knew they were toast just minutes into their presentation.) As soon as you can, find out who is on the committee. Often, there are influencers and issues to address; the committee may be weighted towards facilities people, or may include trustees, for example. If you haven’t met them, talk to people who know them. Use Google and LinkedIn to learn who they are and what’s important to them. Look at their previous role, skills endorsements, publications, associations and interests.

Prepare what you can. The more you can do upfront, the better. If your team has not worked together before, it can be difficult to quickly build esprit de corps, define your message and plan your content. Before the shortlist is announced, think about who will present and what your message is. You can refine later to meet interview requirements. Have your strategy and goals figured out. Also vet your potential teaming partners early on. Doing your due diligence can help you avoid being stuck with local partners or subcontractors that are not dynamic, lack chemistry, or—in the case of one firm—have a negative reputation with the client.

Select the right people. Most clients require that the PM be involved in the presentation, and this is cause for pause. PMs are notorious for being hit or miss in front of clients. Some of them are great, some are coachable and others are better left at home. Before you put them in front of the client, ask yourself: Can they do this presentation, and do it well? If not, select another PM or get them coaching.

Ditch your formula. Every client, project and selection team is different. Simply repeating what worked last time or playing it safe can be a recipe for disappointment. For example, when studying their wins and losses, one firm realized that when they felt confident in an opportunity, they had a conservative approach. Yet when they stretched to compete with the big boys, they were bold and took risks—and won some of those projects as a result.

Deliver the experience. Sometimes firms get so interested in their design or engineering solutions that they don’t convey what it would be like to work with them. Play up the responsiveness, the collaboration, the communication, the expertise in the market—whatever your real differentiators are. Most important, have a conversation with your client. Share your passion and ask for the work. Hunger does not equal desperation. It stimulates enthusiasm, and that is contagious.

For your clients, it’s simple: who do they want to spend the next year (or two or three) with? Read this, absorb this and brainstorm what your firm can do better to show them you’re the best choice.

*Rich Friedman is President of Friedman & Partners, a marketing and management consulting firm serving the AEC industry. He can be reached at [rich@friedmanpartners.com](mailto:rich@friedmanpartners.com) or 508/276-1101.*

## 2016 Class of Fellows

At the 2016 Fall Conference in Colorado Springs, ACEC inducted nine new members into the ACEC College of Fellows. This year, Joel Goodmonson, PE, LEED AP, FACEC, founding principal and executive vice president of Architectural Engineers, Inc., joined ranks from the Massachusetts chapter.

Per ACEC, the College of Fellows is a distinguished class of engineers selected by their peers as deserving recognition for exemplary contributions to the profession. Election to the College of Fellows is administered by the Committee of Fellows, which also coordinates all Fellow activities and programs.

The bylaws of ACEC, which establish the principle of membership as a fellow of ACEC,



*Joel Goodmonson (second from left) became a Fellow at the 2016 Fall Conference.*

recognize members who have, by their special service, elevated the standards of our engineering profession. Goodmonson was recognized for his wide and varied leadership within ACEC, as well as an enduring commitment to engineering practices within his community.

### The full 2016 College of Fellows includes:

- Kyle Anderson, PE, PTOE FACEC, Felsburg, Holt & Ullveig, Omaha, Neb.
- Thomas Blackburn, PE, GE, FASCE, FACEC, Blackburn Consulting, Auburn, Calif.
- Mary Erchul, PE, FACEC, Ghirardelli Associates, Irvine, Calif.
- Sergio Girau, PE, FACEC, Linfield, Hunter & Junius, Metairie, La.
- Bert Parker, PE, FACEC Garver, North Little Rock, Ark.
- Gregg Spagnolo, PE, FACEC, North Arrow, Washington, D.C.
- Charles Craddock, PE, FACEC, Clark Dietz, Champaign, Ill.
- Charles Huddleston, PE, SE, FACEC, Schemmer Associates, Omaha, Neb.

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**Firm Representative:** Peter Spawn, Vice President  
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**Firm Description:** TRC's 200 engineers, planners and scientists in Massachusetts support the transportation, energy, real estate and manufacturing sectors. They provide services in natural resource permitting, hazardous building materials, contaminated site issues and air quality. They also plan and engineer upgrades to the electric grid.

### Non-Resident Members:

#### Burns & McDonnell Engineering Company, Inc.

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203/284-8590

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**Firm Representative:** Jeff Buckley, Project Manager

**Firm Description:** Burns & McDonnell is a fully integrated engineering, architecture, construction, environmental and consulting firm with a multidisciplinary staff of more than 5,300 professionals worldwide. With annual revenues of \$2.5 billion, Burns & McDonnell has more than 35 offices nationwide as well as international project offices.

#### CME Associates, Inc.

333 East River Dr, Suite 400  
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860/290-4100  
[www.cmeengineering.com](http://www.cmeengineering.com)

#### Firm Representative:

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**Firm Description:** CME is a growing engineering firm specializing in Bridge and Highway Design and Project Management. CME is recognized for its advance knowledge of ABC, Alternative Contracting Methods, and emerging technologies. CME works with clients and peer firm partners to develop award-winning design solutions to the area's most complex projects.

#### Affiliates:

#### PMA Consultants LLC

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<http://pmaconsultants.com>

**Firm Representative:** Megan Murphy

**Firm Description:** PMA Consultants is a Hispanic-owned, international construction consulting firm and recognized leader in program, project, and construction management. They specialize in owner representation, project controls, claims management and project risk management.

# What Has ACEC/MA Done For You Lately?

## Winter 2017

*With the support of our member firms, ACEC/MA works hard to protect and promote your business in a variety of ways. In addition to our robust programs, here is an account of our recent actions.*

### MASSACHUSETTS AGENCIES

- ACEC/MA's Transportation Agency Liaison Committee (TALC) partnering groups are meeting with MassDOT Highway, MBTA and Massport on a range of issues to help agencies streamline project delivery. TALC hosted key leaders from the agencies over the past few months discussing such issues as cost estimating, project scheduling, developing MBTA project scopes of work, and quality assurance.
- Our ACEC/MA DCAMM Partnering Committee continues to meet with the Division of Capital Asset Maintenance and Management (DCAMM) Deputy Commissioner and key staff on contract issues and design specifications.
- MassDOT Highway Division and ACEC/MA held a successful 3-session Project Management Partnership Training program, with 12 MassDOT Highway and 12 consulting firm project managers working and learning together.
- Recent Member Briefings with key public agency leaders include ACEC/MA's Energy and Environmental Affairs Committee (EEAC) with the Program Manager of the state's Dam and Seawall Repair and Removal Fund, Building Engineering Committee with the Massachusetts School Building Authority and the Designer Selection Board Executive Director, and Private Sector Committee (PSC) with the Chief of Environment, Energy and Open Space for the City of Boston.

### LEGISLATIVE AND REGULATORY

- ACEC/MA continues to advocate for changes to draft regulations proposed by the Board of Registration of Architects that would adversely impact A&E firms.
- Through TECET, The Engineering Center Education Trust, ACEC/MA participates in meetings of the Board of Registration of Professional Engineers and Professional Land Surveyors.
- ACEC/MA continues to co-chair the Water Infrastructure Alliance, a broad-based group of business, industry, government and environmental organizations focused on the needs for more funding for water, sewer and stormwater management infrastructure.
- At the beginning of the 2017–2018 legislative session, ACEC/MA filed a bill that would enable land surveyors and engineers to work with Dig Safe to mark utility locations earlier in project development.
- ACEC/MA continues to support or oppose Massachusetts Senate and House bills that affect our industry.

### PROFESSIONAL PRACTICE

- On March 15, ACEC/MA will honor 35 outstanding engineering projects and several individual leaders at our 2017 Engineering Excellence and Awards Gala, with co-emcees DCAMM Commissioner Carol Gladstone and DCR Commissioner Leo Roy.
- ACEC/MA's 2017 Odyssey Leaders Program for firm leaders begins on March 1, 2017. At press time, 10 seats are still available. Massachusetts firms with 100 or fewer employees are eligible for Workforce Training Grant funding to assist with tuition.
- ACEC/MA held a successful MBTA Update with the MBTA's General Manager and two Assistant General Managers for Capital Programs Delivery and Capital Program Oversight at CDM Smith highlighting opportunities and challenges for the consultant community.
- Plans are underway for our February BIM and CAD for Senior Firm Leaders, March 28 Private Sector Design Build program and our April 6 State Markets Conference, along with our April Effective Writing Program at GEI Consultants.
- Our Leadership Education Committee held another successful 3-session Genesis Program in January and early February.

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## ACEC/MA NEWS AND NOTES

### 2017 National Compensation Matrix for DOT Requirements Now Available

The 2017 National Compensation Matrix (NCM) is now available for use in evaluating 2016 executive compensation costs as part of state DOT audit requirements. Engineering consultants are responsible for demonstrating that claimed compensation costs are reasonable, and otherwise allowable, in compliance with FAR (Federal Acquisition Regulations). To meet this requirement, consultants may either: (a) prepare an executive compensation analysis in accordance with procedures set forth in Section 7.5 of the AASHTO Uniform Audit & Accounting Guide, or (b) use the NCM, a tool that establishes compensation amounts presumed reasonable for certain executive positions based on an engineering consultant's gross revenue levels. In odd-numbered years, the NCM is updated by applying an escalation factor based on a national survey reporting trends in compensation costs. That escalation factor was 3%, consistent with prior years. No other changes were made to the NCM; all of the compensation levels for each position were escalated by this 3% factor. The NCM is developed based on A/E industry executive compensation surveys. One of the most important actions you can take to support the long-term viability of the NCM is to participate annually in one or two of those surveys. The surveys rely on A/E firm participation, and the NCM in turn relies on those surveys. This process is the direct result of joint work by AASHTO and ACEC national. To access the 2017 NCM, go to AASHTO's web page on their [Internal/External Audit Subcommittee Link](#) and then scroll down to the 2017 National Compensation Matrix and Instructions.

### ACEC National Working on H-1B Visa Issue; Join Us in Washington in April to Help

Recognizing the challenges our firms face in finding qualified technical professionals in specialized areas, ACEC has long advocated for increasing the number of H-1B visas allocated

each year by lottery. Unfortunately, we are up against a potential Trump Administration executive order on H-1B visas, along with several bills that have, or will be, introduced in Congress with some restrictions on H-1B visas. These are primarily with respect to salaries, and especially when the firm is a heavy user of H-1Bs (more than 15% of their employees are on H-1Bs). There are currently 65,000 H-1B visas allocated each year, with an additional 20,000 granted to those with master's degrees or Ph.Ds. ACEC has long advocated for increasing those numbers and will continue to be very active in pushing Congress to lift the cap on H-1B visas to give our members more opportunities to hire the best and brightest from abroad. You have the chance to share your views on this issue with our congressional delegation during the April 23–26 [ACEC 2017 Annual Convention and Legislative Summit](#) in Washington, DC. Let [agoodman@engineers.org](mailto:agoodman@engineers.org) know if you can join us.

### State Auditor Suzanne M. Bump Issues New Report on Water Infrastructure Needs

On January 17, 2017, State Auditor Suzanne M. Bump called on state and local leaders to collaborate on a holistic approach to meeting the Commonwealth's water infrastructure needs. Bump made the announcement as her office's Division of Local Mandates (DLM) released a study on the status of municipal water systems in the Commonwealth, which found that communities report total unmet water system spending needs of at least \$17.8 billion over the next twenty years. ACEC/MA provided input to a draft of the report before it was released. [Click this link](#) to view the report.

### ACEC/MA Resource Page on the FY2018 Budget Process

Massachusetts government is funded on a fiscal year basis. Fiscal Year 2018 runs from July 1, 2017 – June 30, 2018. [Click on our budget page](#) for updates on the FY2018 budget process where the newest actions are listed first.

### The Governor's FY2018 Budget Proposal, January 25, 2017

Governor Baker released his proposed FY18 budget which totaled \$40.5 Billion and boosts state spending by \$1.655 Billion, while also calling for reforms to the health insurance market and tax policy changes. This is the first budget in state history to exceed the \$40 billion mark and relies on a forecast of \$27 billion in tax collections next year and an additional \$187 million in taxes via a series of tax modernization proposals. The Baker-Polito Administration budget proposal for Fiscal Year 2018 (FY18), is known as [House 1](#).

In addition, Governor Baker filed legislation eliminating the Department of Public Safety and creating a new office to take over some of its functions.

- The reorganization plan establishes an Office of Public Safety and Inspections to be housed within the Executive Office of Housing and Economic Development's Division of Professional Licensure. The Department of Fire Services would assume the department's fire-related functions and the new office would take responsibility for all other responsibilities.
- The current Department of Public Safety falls under the Executive Office of Public Safety and Security. Under Baker's plan the fire services department would remain under that secretariat while the Department of Public Safety's other functions would shift to the housing and economic development secretariat.
- Governor Baker filed his plan under the authority of Article 87 of the state Constitution. Under this article, executive branch reorganizations require a legislative hearing within 30 days of filing, and must receive an up-or-down vote from the Legislature, without amendment, within 60 days or the action takes effect.

[➔ continued on page 10](#)

### The Aldrich Center—where history and technology meet on Beacon Hill...



Two blocks from the State House and overlooking Boston Common, the newly refurbished Aldrich Center is the perfect venue for your next event. This historic building accommodates private functions, business meetings, and receptions for up to 75.

For information or reservations, contact Rich Keenan, Aldrich Center Manager at 617/305-4110 or [rkeenan@engineers.org](mailto:rkeenan@engineers.org)

**Aldrich Center**  
ONE WALNUT STREET  
Beacon Hill Boston, MA

### UPCOMING ISSUES OF *INSIGHTS*

*Insights* is published four times a year—fall, winter, spring and summer. Watch for our Spring issue in which we continue to focus on regulations, technology and other impacts to our industry. If you would like to contribute an article to *Insights* or have ideas for new topics, please contact Allison Hopkins at [allison.hopkins@tetrattech.com](mailto:allison.hopkins@tetrattech.com) or [DJWhitney@tighebond.com](mailto:DJWhitney@tighebond.com).

## ACEC/MA NEWS AND NOTES *(continued from page 9)*

- The Department of Public Safety is a regulatory, licensing and inspection agency tasked with oversight of the state's elevator inspections, amusement ride inspections, construction-related permitting, the sanctioning of boxing and mixed martial arts events, and more.
- The reorganization "will enable the Commonwealth to consolidate licensing functions currently split across several secretariats, thereby increasing efficiencies, eliminating redundancies, and improving customer service by creating one-stop shopping for the vast majority of license approvals," Baker wrote in a letter that accompanied his bill. "It should also save the Commonwealth approximately \$800,000 in FY2018."
- Baker's bill would also make technical changes to the laws governing the department, and would "change the distribution of agencies under the undersecretaries within the Executive Office of Public Safety and Security to more closely align with their areas of expertise," Baker wrote.
- The House referred the governor's bill (HD 3749) to the Committee on State Administration and Regulatory Oversight. The public hearing on the bill is expected to be held no later than February 24.

### ACEC/MA Signs on to National Infrastructure Letter to President

ACEC/MA is part of a broad-based coalition organized by the National Association of Manufacturers that signed on to a letter to President Trump voicing support for greater investment in infrastructure. The text of the letter, sent on February 1, 2017 [can be found here](#).

### Board of Registration of Architects—Proposed Regulations

ACEC/MA's Building Engineering Committee continues to review and comment on draft changes to 231 CMR, the regulations of the Board of Registration of Architects, to make sure that the concerns of ACEC/MA members are incorporated into proposed changes. ACEC/MA commented on sections 2 and 3 at a September 21 public hearing. Stay up to date on the proposed changes [here](#).

### ACEC/MA and MassDOT Highway Project Management Partnership Training Held

In January, the MassDOT Highway Division and ACEC/MA held a three part joint Project Management Partnering Training program at MassDOT's new Research and Materials



*Highway Project Management Partnership Training. Photo: Caroline Dzialo, TECET*

Laboratory in Hopkinton. The program's purpose is to foster a culture of teamwork between MassDOT Highway Division Project Managers and Consultant Project Managers to produce successful transportation projects. Twelve consultant project managers and twelve MassDOT Highway Division project managers participated in three interactive sessions lead by MassDOT Highway and firm leaders.

MassDOT Highway Division and consulting firms' project managers solve project challenges at the January 2017 ACEC/MA and MassDOT Project Management Partnership Training.

### ACEC/MA Government Affairs Update

#### New Legislative Session Started January 4

The Massachusetts House and Senate convened on January 4, 2017 to officially begin the new 2017-2018 legislative session. The full-time Legislature meets regularly over the two year period with formal sessions concluding on July 31, 2018. With strong Democratic veto-proof majorities in both the House and Senate behind them, Speaker Robert DeLeo (D-Winthrop) and Senate President Stanley Rosenberg (D-Amherst) were re-elected to their respective positions without opposition. In the coming weeks, they will appoint chairs, vice-chairs and members of the various joint legislative committees. Once the committee structure is in place, the House and Senate will begin the process of referring bills to committees for consideration and starting public hearings on all non-budgetary bills.

Additionally, the debate over the Fiscal Year 2018 budget began with Governor Baker's filing of his budget proposal on January 25, 2017. The House and Senate will then file their respective versions of the budget in April and May, aiming to agree upon a consensus budget to send to the Governor before the start of FY18 on July 1, 2017.

### Our Work for Member Firms Last Session:

During the 2015-2016 legislative session, ACEC/MA had a strong legislative agenda and worked closely with Rasky Partners, Inc. to maintain ACEC/MA's reputation as an active and involved engineering, land surveying and design community advocate on Beacon Hill. With more than 6000 pieces of legislation, Massachusetts filed by State Senators and State Representatives, ACEC/MA focused on bills that would have had a direct impact on design professionals. Some bills would have had a negative impact, costing member firms and taxpayers millions of dollars. These bills range from preventing public agencies from contracting out for private sector design services, to bills proposing to impose burdensome regulations. ACEC/MA and our lobbyists tracked these bills, developed briefing sheets and written testimony, met with legislators, testified at public hearings, and kept key legislators informed about the impact these bills would have on design professionals, on construction projects and on taxpayers. Thanks to the vigilance of ACEC/MA, none of the bills we opposed became law in 2016. We expect some of the bills we opposed to be refiled again in 2017. ACEC/MA will continue to work to defend our member firms against harmful legislation and work for passage of legislation to help infrastructure.

### Engineers and Land Surveyor's Day

#### Save the Date: May 23, 2017 (NEW DATE)

ACEC/MA, BSCES and MALSCE co-host an annual Engineers and Land Surveyors Day at the State House on May 23 in Boston. Members attend appointments to advocate for the industry. We provided Issue Briefing sheets on key issues.

### Join an ACEC National Committee

ACEC National Committees recommend legislation, provide guidance and oversee the performance of ACEC programs. [Sign up here](#).

### Join an ACEC/MA Forum or Committee

ACEC/MA Committees recommend legislation in Massachusetts, brief you on public policy issues, provide leadership education and guidance and oversee the performance of ACEC/MA programs. [Sign up here](#).

## UPCOMING EVENTS – SAVE THE DATE

### TECET Engineers Week Career Fair

February 27, 2017

Register by 2/22 to Exhibit

Wyndham Boston Beacon Hill, 5 Blossom St, Boston, MA

[Click here for more information.](#)

### ACEC/MA Emerging Leaders Program

March 1, 2017

Waltham Woods Conference Center, Waltham, MA

[Click here for more information.](#)

### Engineering Excellence & Awards Gala

March 15, 2017

Royal Sonesta Hotel Boston

[Click here for more information.](#)

### ACEC/MA Design Build Breakfast Program

March 28, 2017

VHB, 101 Walnut St., Watertown, MA

[Click here for more information.](#)

### ACEC/MA Effective Writing

April 26, 2017

GEI Consultants, Inc., 400 Unicorn Park Drive, Woburn, MA

[Click here for more information.](#)

### ACEC/MA State Markets Conference

April 6, 2017

MHA Conference Center, Burlington, MA

[More information soon.](#)

### ACEC 2017 Annual Convention and Legislative Summit

April 23–26, 2017

Washington, DC

[Click here for more information.](#)

### Engineers and Land Surveyors Day at the State House

May 23, 2017

Boston, MA

[More information soon.](#)

ACEC/MA Committee/Forum Meetings on [www.acecma.org](http://www.acecma.org).

Follow us on Twitter at <http://twitter.com/ACECMA>

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