

Report on the Appeal of Judlau-White JV of the Chief Engineer's Denial of Claim

by William Perry, PE, President/Founder, Perry Associates, LLC and Michael P. Sams, Esq., Kenney & Sams, PC



Left to right:
William Perry,
PE, President/
Founder, Perry
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Sams PC

The Project

Contract #85015: Replacement of Two Bridges on Revere Beach Parkway/Route 16—The Woods Memorial Bridge over the Malden River, and Bridge No. M-12-017 over the MBTA

The Parties

Owner: Massachusetts Department of Transportation

General Contractor: Judlau-White JV

Subcontractor: Saugus Construction Steel

Supplier: A.R.C. Enterprises, Inc.

The Dispute

MA DOT applied a steel price adjustment credit to the contract which Judlau-White, Saugus and A.R.C. disputed on the basis of being contractually unsupported.

Background

In 2015, the Massachusetts Department of Transportation ("the Department") and Judlau-White JV entered into Contract #85015 which provided for replacement of two bridges on the Revere Beach Parkway/Route 16. The bid documents for the project contained a Notice to Contractors section which provided information about the project to prospective bidders, including a statement that the contract contained price adjustments for steel. The Notice to Contractors listed base prices for those items of steel subject to price adjustment.

The plans and specifications for the project required the use of Grade 50W structural steel in replacing the two bridges. However, the Notice to Contractors did not include a base price for Grade 50W. The Notice to Contractors included base prices for other types of steel, including for example, Grade 50 steel.

The Department has an internal process for establishing and updating base prices for different types of steel on a monthly basis, which

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UPCOMING EVENTS

MassDEP and PFAS: Addressing an Emerging Contaminant through Science and Policy
June 03, 2020

Using Artificial Intelligence to Help Manage Your Roads
June 10, 2020

Early Detection of Construction Phase Issues: The Use of Construction Documents to Identify Potential Problems Before They Become Disputes
June 16, 2020

FHWA-NHI-130053 Bridge Inspection Refresher Training
September 29 – October 1, 2020

FHWA-NHI-130055 Safety Inspection of In-Service Bridges
November 30 – December 10, 2020

Further Details Inside



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President's Report

by Richard Maher, PE, Managing Associate, Perry Associates, LLC



Public Policy—Infrastructure.

COVID-19 has created many challenges, but it has also created new opportunities in the development, maintenance, and funding of our infrastructure. Prior to COVID-19,

issues such as congestion pricing, fare collections, and gas tax were being analyzed and relied upon. The impact of COVID-19 has now complicated the budgetary variables we once relied upon to determine project viability. New innovations and fast track-projects will have to be developed to meet these challenges.

In early March, the Massachusetts House passed the Transportation Revenue Bill and the Transportation Bond Bill, which both currently reside in the Senate. Since House passage, COVID-19 has commanded everyone's attention, however our infrastructure needs have not gone away.

On Thursday May 21, 2020 MBTA Board approved a \$2.29 billion fiscal year 2021 budget. This provides a slight increase over the previous year to continue maintenance and construction. The Massachusetts Water Resources Authority Board continues to meet virtually to discuss a draft fiscal year 2021 capital investment plan.

MassDOT continues to innovate by using the Design-Build procurement process for a series of planned projects listed in the table on page 5.

BSCES encourages its members to participate in the Commonwealth's public comment period process for agency plans and budgets. BSCES members have the expertise and foresight to provide invaluable project information including how they are best accomplished.

Please reach out to your local and state and federal officials with key points to support:

- Infrastructure investment is a key to emergency response (before, during and after)

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Report on the Appeal of Judlau-White

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is based on the steel mill price lists and the producer price index published by the US Department of Labor, Bureau of Labor Statistics; however, such base prices are not accessible to bidders unless they are included in the bid documents. In other words, if the Department did not include the base price in the bid documents—as was the case here—there was no way for the bidders to know what base price the Department would use for a price adjustment.

For the months of January, February, and November 2016, the Department calculated price adjustments for the required Grade 50W structural steel used on the project, which resulted in a total credit to the contract in the amount of \$128,749.69. Although there was no base price for Grade 50W steel listed in the Notice to Contractors, the Department calculated the price adjustment for the Grade 50W steel, using a base price of \$0.48/pound, which was the base price listed in the Notice to Contractors for Grade 50 steel.

The \$128,749.69 credit was eventually applied by the Department to Judlau-White's contract, and subsequently passed from Judlau-White through to Saugus; and ultimately credited against amounts owed to A.R.C. Enterprises, Inc. ("A.R.C."), the steel supplier.

Application of the credit was disputed

After being made aware of the Department's intentions to adjust the contract price for a steel price adjustment, and prior to its issuance, A.R.C. appealed to the Department to reconsider its position. Within its appeal letters, A.R.C. cited the relevant contract provisions and provided examples of other contracts that had similar contractual ambiguities, for which the Department had not applied steel price adjustments. A.R.C. also provided information regarding, among other things, the physical differences between Grade 50 and 50W steel, attempting to further show why the price adjustment credit was inappropriate. Despite the additional information A.R.C. provided, the Department applied the credit it had calculated and adjusted the contract price by \$128,749.69.

At this stage in the process, A.R.C. engaged Perry Associates, LLC to assist A.R.C. with structuring, articulating and further supporting its request for the Department to reverse its application of the steel price adjustment credit.

In December 2016, A.R.C. submitted an updated package, requesting that the Department reconsider its position and further articulated and supported its primary arguments that:

- The applicable statute M.G.L. c. 30, Section 38A, states that a base price needs to be listed in the bid documents when a project is advertised, for each material subject to a price adjustment. In this case, the Department failed to include a base price for Grade 50W steel. A.R.C. argued that this fact, and the applicable statutory language, prohibits the Department from taking a credit on contract materials for which no base price was included in the contract.
- There are physical differences between Grade 50 steel and Grade 50W steel, which results in different base prices. Thus, the base price for one type of steel should not be used to calculate a price adjustment for another type of steel.

In January 2017, the Department's District Highway Director (DHD), rejected A.R.C.'s request for reconsideration, noting that:

- The contract provisions state that price adjustments apply to "all structural and reinforcing steel"
- Although the Department agreed that a base price for Grade 50W was not included in the Notice to Contractors, that the normal bidding process allows for questions to be asked, and that no question was asked regarding this issue, which would have been the proper forum for clarifying this, the Department's "obvious error."

The Contractor appealed

The Contractor appealed centering the dispute over the \$128,749.69 credit that the Department applied to the Contract, based on a price adjustment for Grade 50W Steel, which lead to implementation of the Department's three-step claim resolution process

Disputing the DHD's rejection of A.R.C.'s request for reconsideration, A.R.C. subsequently filed its Notice of Claim in February 2017, and proceeded to Step 1.

In April 2017, a meeting was held with the Department, Judlau-White, Saugus and A.R.C. in which the Notice of Claim was discussed. Subsequent to the meeting, and in conjunction with the Department's District Claims Engineer

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(DCE), the DHD again rejected the claim, reiterating its prior argument that that price adjustments apply to “all structural and reinforcing steel”, but also noting that the price adjustment provisions are mandatory, and that there are no “opt-in or opt-out” provisions.

The Chief Engineer provided the Department’s written denial of the claim that the price adjustment for Grade 50W Steel was improper, based on the determination made by the Claims Committee

As A.R.C. continued to dispute the DHD’s rejection of its claim, A.R.C. subsequently filed its written request for determination by the Department’s Claims Committee and proceeded to Step 2. In September 2018, the Department’s Chief Engineer provided the Claims Committee’s determination. The Committee had denied the claim and based its denial on the following:

- The applicable statute M.G.L. c 30, Section 38A. As to the statute, the Committee stated that it requires that the Department make steel price adjustments and that the Department does not have the authority to waive these requirements.
- Division I, Section 5.04 of the contract documents. As to this section of the contract documents, the Committee, stating that the Contractor should have noticed the base price for Grade 50W steel was omitted in the bid documents, that the Contractor did not ask for clarification of the error in the bid documents, and cannot take advantage of any apparent error or omission in the plans or specifications. The Committee viewed the Department’s error as an “obvious” one.

The claim proceeded to the Department’s Administrative Law Judge

As A.R.C. disputed the Department’s Claims Committee’s rejection of its claim, A.R.C. subsequently filed a Statement of Claim to the Office of the Administrative Law Judge (ALJ) and proceeded to Step 3.

At this stage, A.R.C. engaged the law firm of Kenney & Sams, P.C. (“K&S”) to provide legal assistance in support of its pursuit of the claim, further bolstering its legal arguments, and presenting the case during the hearing.

Within the Statement of Claim and subsequent filings, K&S addressed and rebutted the Claims Committee’s position. Specifically, K&S argued, among other things, as follows:

- The Department is bound by the clear and unambiguous terms that are set forth in the bid documents. Here, the terms set forth in the contract documents were clear and unambiguous: there was no base price for Grade 50W steel and only for other types of steel, including Grade 50.
- To the extent there was any ambiguity in the contract documents—which A.R.C. refuted—the ambiguity had to be construed in A.R.C.’s favor based on applicable principles of contract interpretation under Massachusetts law. In other words, to the extent the contract documents were ambiguous as to the Department’s ability to impose a credit on Grade 50W steel (which was not listed in the contract documents), the language needed to be construed against the Department, not against A.R.C.
- The Department cannot unilaterally alter the terms of the bid documents, again based on applicable principles of contract law in Massachusetts.
- The Department’s failure to include a base price for Grade 50W steel in the contract documents was not an “obvious error” in the project’s plans or specifications. Indeed, the Committee had taken the position that the Contractor knew that Grade 50W steel was required on the project but did not seek clarification of an obvious error through a bidder’s question. The Committee further stated that the requirements of Division I, Section 5.04 of the contract documents, indicated that the Contractor could not take advantage of an apparent error or omission. K&S rebutted the Committee’s position, highlighting among other things, the following: the project was bid on July 14, 2015. The lack of the required base price for Grade 50W steel was not discovered by A.R.C., Saugus or the JV prior to the bid date. In fact, it was also apparent that none of the other project bidders discovered the missing Grade 50W base price as there were no related question submitted by any of the project

bidders. It was not until the fall of 2016, over one year after the bid date, when the Department expressed its intention to withhold a credit, that A.R.C., Saugus and the JV became aware of the issue.

- In October 2018, the Department issued new Contract Special Provisions, in recognition of the conflicts and ambiguities within the previous provisions.
- Neither A.R.C., Saugus nor the JV, can be held responsible for errors they had not discovered prior to the bid. In addition, neither A.R.C., Saugus nor the JV can be held responsible for errors made by the Department or the project designer, Stantec.

In short, although A.R.C. did not dispute that the Department could not waive a statutory requirement set forth in M.G.L. c. 30, Section 38A, the statute did not give the Department cart blanche rights to impose credits on materials that were not specified in the contract documents as subject to a credit. Here, in making its adjustment, the Department stepped outside the bounds of the Contract, which is unacceptable.

Based upon the Statement of Claim, additional filings and the testimony heard from both parties, the Administrative Law Judge recommended that the Contractor’s appeal be allowed, and the Department return the credit of \$128,749.69 back to the Contract. This recommendation was subsequently approved and issued by Secretary Pollack.

The ALJ ruled that the Department failed to include a base price for Grade 50W steel in the bid documents, as required by M.G.L. c. 30, Section 38A. However, and despite this failure, the Department calculated and applied a price adjustment for Grade 50W steel using a base price included in the Contract for a different type of steel. The ALJ subsequently concluded that the Department’s position is inconsistent with the Contract terms and the requirements of the statute. The ALJ further stated that bidders are entitled to rely on the integrity of the public bidding process and the presumption that the Department, which is charged with statutory compliance, has complied with all statutory requirements.

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Why is this important for all BSCES members?

This case demonstrates that when arguing a dispute within a legal arena, the contract provisions will be strictly interpreted. As with all contracts, the parties are responsible for complying with its provisions. Within Massachusetts, as with many states, there are also state statutes that govern public construction projects and impose certain obligations on the parties. Professional and legal assistance is often the key to successful resolution of disputes—regardless of whether it is a complex dispute, or a dispute that may appear as a simple “no brainers.”

In this case, the Department failed to meet its statutory requirement of including a base price

for each material subject to price adjustments. Accordingly, the Contract provisions did not allow the Department to take a steel price adjustment credit on a grade of steel that it had not identified in the contract documents as subject to a price adjustment. The Department was not justified in stepping outside the bounds of the contract, without an amendment or change order.

This case also demonstrates the importance of the bidder's entitlement to rely on the integrity of the public bidding process and the presumption that the awarding authority has complied with all of the statutory requirements it is obligated to follow. All bidders must be allowed to base their bids on a complete set of

plans and specifications, ensuring that all bids have a common basis and can then be evenly and fairly compared to each other to determine the lowest responsive bid. This is what ensures the “fairness” in the process. If bidders are required to anticipate and incorporate requirements outside of the published plans and specifications, awarding authorities would have the upper hand and an unfair competitive advantage over bidders—and bidders would have no way of understanding which bids incorporate which requirements, making a fair comparison virtually impossible.

This article first appeared in the November 2019 issue of the Construction Industries of Massachusetts' CIM Construction Journal.



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President's Report

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- The decline in DOT revenue warrants Federal Emergency Relief
- Backlogged projects should take advantage of reduced traffic and ridership volumes
- ASCE 2017 Report Card overall grade of D+ across 16 categories of infrastructure

Quoting Tip O'Neill, "All Politics is Local." Encourage your elected officials to support infrastructure funding and fast-tracking projects. Since 1848, BSCES members have provided knowledge and support to the Commonwealth's leaders and communities.

BSCES always welcomes new member participation and are currently seeking member participation in our Newsletter, Fundraising, and Program Committees. Please contact us at bsces@engineers.org for more information of how to be get involved or support BSCES.

BSCES is continuing to progress through the changing times by introducing the BSCES Lunchtime Zoom Webinar Series. These webinars are being offered as a no cost member benefit. Please consult the [BSCES events webpage](#) for an updated list of Events, including the Lunchtime Series webinars.

This issue of *BSCESNews* is focused on the Government Affairs & Professional Practice Committee and has a theme of Public Policy—Infrastructure. Be sure to read page 7 featured group article written by AnaCristina Frago from WPS.

I would like to thank our Society Sponsors especially Perry Associates, LLC, which is sponsor of this May newsletter. Please be sure read the article submitted by Perry Associates for publication in this issue of *BSCESNews*. Entitled "Report on the Appeal of Judlau-White JV of the Chief Engineer's Denial of Claim" this article can be found on page 1.

MassDOT Planned Projects Using the Design-Build Procurement Process

Project Number	Description	Project Location / Official Estimate	Advertised Date (RFP)	Notice to Proceed (NTP)
608335	I-90 Superstructure Replacements (EB&WB) over Woodland, Cordaville, Parkerville, and Flanders Roads	Southborough–Westborough / \$48M	02/29/2020	08/19/2020
606783	Bridge Reconstruction / Rehab I-90/I-95 Charles River, Charles St, MBTA/CSX & 3-Ramp G Bridges	Newton–Weston / \$160M	11/2020	05/2021
608049	Corridor Improvements on Route 79 / Davol Street	Fall River / \$82M	10/2021	05/2022
607977	Reconstruction of I-90/I-495 Interchange	Hopkinton–Westborough / \$295M	11/2021	05/2022
606475	Replacement of I-90 Elevated Viaduct including Interchange Reconstruction	Allston / \$700M	02/2022	10/2022
602659	Reconstruction of Rte. 20 from Richardson's corner to Route 12, including Rehab of Little River and French River Bridges	Charlton–Oxford / \$62M	03/2022	08/2022
609466	Bridge Replacement I-495 (NB&SB) over Merrimack River (South Bridge)	Haverhill / \$80M	04/2023	10/2023

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Would you like to contribute to the newsletter of the oldest civil engineering society in the country? The BSCES Newsletter Editorial Board is seeking members who are willing to write articles for publication in *BSCESNews* or to join the Editorial Board.

Typically 400 to 900 words, *BSCESNews* featured articles are about technical topics or professional matters of interest to civil engineers. The June 2020 issue of the newsletter for example, will highlight the ASCE Coasts, Oceans, Ports and Rivers Institute Boston Chapter and feature one or more articles on the theme of Emergency Preparedness.

Editorial Board members meet monthly via conference call to plan upcoming issues of the newsletter. They also solicit, write and/or review newsletter articles.

For more information on how you can become a *BSCESNews* contributor contact BSCES Newsletter Editorial Board Chair Sean Horan at Sean.Horan@gza.com or BSCES Association Manager Rich Keenan at rkeenan@engineers.org or at 617/305-4110.

Historic New England Infrastructure: The Old North Bridge

by Michael Sullivan, PE, Sr. Project Manager & Business Development Lead, CME Associates, Inc.

Those who know me personally know that in addition to my love of bridge engineering, I also have a passion for history, especially local New England history. As such, I have decided to start a new portion of our beloved BSCES newsletter that bridges the gap (pun intended) between engineering and history and highlights interesting and historic infrastructure right here in our backyard. Moving forward, *BSCESNews* will feature a local piece of infrastructure and explore its historic significance or significance to the engineering profession. Many of these structures have been designed and maintained by fellow members of BSCES, the oldest such civil engineering organization in the nation! Some of the future projects to be highlighted are on the ASCE National Historical Landmark list.

Last month was the 245th anniversary of the battle of Lexington and Concord, which occurred on April 19, 1775. Therefore, I could think of no better piece of infrastructure to start the series than to highlight the Old North Bridge, a historic and iconic bridge that played a pivotal role during the day's battle. On that day, British regulars had advanced on Concord to seize stores of weapons and ammunition and it was at this bridge that local minutemen put a halt to the British advance by organizing the first American military movement on British regulars, providing the British with their first casualties and precipitating the British retreat back to Boston (queue the U.S.A chants!).

The existing bridge spans the Concord River and is located at Minuteman National Park which is managed by the National Park Service. The current bridge is actually the eighth bridge at this location and is a historic representation of the bridge constructed at the time of the battle. This most current iteration of the bridge was constructed in 1956 and while the bridge is not historic itself, is considered a contributing structure illustrating the commemorative importance of the place.

The first documented bridge constructed at the site was in 1654 to connect different farms in the town. The battle bridge in place in 1775 was actually the 3rd documented bridge at the site and was constructed in 1760. Wooden bridges constructed in this era had very short life spans due to the rapid decay of the timbers used and the battle bridge was replaced in 1788. In 1793, that replacement bridge was dismantled with some of the timbers being utilized in a new bridge at a different site. Between 1793 and



Photo of the South Elevation of Old North Bridge taken April 25, 2020

1874 no bridge actually existed at the site. In 1874, in anticipation of the centennial commemoration of the battle, a new bridge was commissioned and designed by architect William Ralph Emerson, cousin to Ralph Waldo Emerson, who's infamous "Concord Hymn" poem and "shot heard round the world" is inscribed on the 1837 obelisk memorial adjacent to the bridge. The centennial bridge did not last long and was destroyed by floods in 1887. A new bridge was constructed that year and that one was also washed out by a flood in 1908. The 1908 bridge was actually a concrete pile bridge and that too was destroyed by flooding from Hurricane Diane in 1955 (like many bridges here in Massachusetts) which led to the construction of the current bridge designed by Whitman and Howard Engineers.

How did modern architects and engineers know what the battle bridge looked like and how did they create their representation of the bridge? While no plans or sketches of the battle bridge exist, an engraved drawing of the battle titled, "The Engagement at the North Bridge in Concord," was recorded by Amos Doolittle and Ralph Earle a few days following the battle to document the historic event. The image shows a simple arched pile bent bridge with post and rail guards along each side. In addition to that image, a document survives which accounts for the construction of the project dating back to November 7, 1760. The document provides information on cost, materials used, and the labor of those who

participated in construction. Unsurprisingly, of the 28 men who provided labor during construction, at least two were enslaved. It is certainly humbling to wonder how many of our nation's historic structures may have been erected through the use of slave labor.

The current bridge is supported by 18 piles, three at each pile bent. The superstructure framing members include pile headers and fillers, horizontal sash girts and diagonal bracing, stringers, deck planking, rails, rail posts and bracing. While the current bridge has the appearance of a historic structure, there are actually many modern construction techniques used including concrete abutments (with masonry facing), steel fasteners, and pile anchors. All lumber used on the bridge is southern long leaf pine. The current bridge was rehabilitated in 2005 to fix areas of deterioration and to ensure future generations have access to this wonderful representation of our shared history.

I would like to thank Margaret Coffin Brown, a landscape architect with the National Parks Service who provided background on the bridge and supporting documents. Have any BSCES members worked on this structure? I would love to hear from you! Also, if members have ideas, recommendations, or future article topics for historic infrastructure they would like to see highlighted in our monthly newsletter, please feel free to reach out to me at msullivan@cmeengineering.com.

Featured Group

Government Affairs and Professional Practice Committee

by AnaCristina Fragoso, Geotechnical Engineer, WSP and Government Affairs & Professional Practice Committee Chair

The BSCES Government Affairs and Professional Practice Committee (GA&PP) serves to extend the reach of our professional engineering expertise to those who develop and administer public policy affecting the built environment. Our goal is to educate and inform individuals in the public policy realm about issues that are important to our membership, to our communities, and to our Commonwealth. Toward that end, the GA&PP Committee participates in a number of activities throughout the year to engage state and federal legislative officials, as well as officials in the executive departments.

One of our key activities during the year is Engineers and Land Surveyors Day at the State House, which would have occurred on May 14, but was cancelled this year due to the COVID-19 pandemic. This event provides BSCES, ACEC/MA and MALSCE members with opportunities to speak with their state legislators and/or their staff in a structured environment, with prepared materials explaining issues of interest to our profession. For those of our members who have participated in the past, you know how important this event is for BSCES and the engineering community as a whole. While the 2020 State House day was cancelled, there are upcoming opportunities to advocate for infrastructure funding in the next few months. When we contact you with some legislative action alerts, take the opportunity to make sure your voice is heard as the Massachusetts House and Senate deliberate important legislation affecting our lives and livelihoods.

Another of our key events is the American Society of Civil Engineers (ASCE) Fly-In, which is essentially a national version of the Engineers and Land Surveyors Day. ASCE Members from across the country participate in the ASCE Fly-In in Washington, DC to speak to their Congressional representatives. This year's event, which was scheduled for March 11–12, was canceled due to COVID-19. Usually participants attended small group briefings with the staffs of their members of Congress and the Senate. Like Engineers and Land Surveyors Day at the state level, meetings are scheduled for the participants. ASCE provides briefing materials and position papers. We dedicate an entire day to presentations on the issues before Congress concerning the civil engineering industry. For

those interested in next year's event, the application process for the 2021 Legislative Fly-In will open in October 2020.

As for the state of infrastructure federally, ASCE continues to highlight the D+ grade given in 2017. Due to the COVID-19 pandemic, it is expected that there will be urging to make infrastructure priority number one and advocating for more sustainable solutions while addressing needs. There are some indicators that, while everyone is aware of the need to increase the level of investment on infrastructure, the perception is that many in congress lack the bravery needed for the will to raise taxes for that purpose. Although infrastructure is definitely a landmine issue, the recent pandemic may increase awareness and the willingness to act in order to further help stabilize the economy.

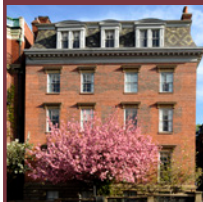
We continue to represent the voice of BSCES at the Regional Transportation Advisory Council, which is an independent body that brings public viewpoints and advice on transportation planning to the Boston Region Metropolitan Planning Organization, MPO, of which Secretary Pollack is the head. Its membership includes municipalities, professional organizations, transportation advocacy groups, neighboring MPOs, and state agencies. BSCES is also now a presence in the working transit group that will likely hold a voting chair by next year and hears the needs and voices of regional transportation companies and municipalities directly. The MPO has issued the first draft of amendments to the Long-Range Transportation Plan (LRTP); a 20-year vision Destination

2040, including the Transportation Investment Plan (TIP) for 2021-2025; as well as the Massachusetts Capital Investment Program (CIP), and is open and extending comments for Public Review. For any interested, you can visit the MPO Boston website and locate the documents. Currently, the DOT has a new Capital Investment Plan for the year 2021 only, since the pandemic has changed many planned items. Currently, 13 Projects have been pushed towards future plan years to accommodate the uncertainty in revenue intake for the state. Voting for adoption of the amendments will occur in June. There are currently no contingency plans for delays on either projects or budgets due to the shutdown.

The primary focus of BSCES's GA&PP Committee has always been and continues to be the legislative and regulatory process of government. Throughout the year, the GA&PP Committee tracks legislative and regulatory initiatives, reviewing new proposals to determine their impact on the civil engineering profession and the built environment. Currently, the committee is tracking several initiatives including funding for water resources infrastructure, sustainability and resiliency, and public private partnerships (P3) initiatives in the water resources domain.

If any of our activities sound interesting to you, we would welcome your participation! The GA&PP Committee is always looking for new members. Anyone interested can contact me at ac.fragoso@wsp.com or at 617/459-8513.

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Recent News and Updates

Last Chance to Submit Nominations for BSCES Employer Recognition and Section Award

Do you know a worthy award recipient? If so, then download, complete and submit the 2020 BSCES Employer Recognition and/or Section Awards nomination forms contained in this newsletter by the Monday, June 1, 2020 submission deadline. The Large and Small Employer Recognition Awards are given to those organizations who exhibit exemplary support of ASCE and BSCES. The BSCES Section Awards are given to individuals who have made significant contributions to the civil engineering profession and their communities. Please see the awards nomination forms for further details.

2020 BSCES Sustainability in Civil Engineering Award Nomination Deadline is June 1

The BSCES Committee on Sustainability is accepting nominations for the 2020 Sustainability in Civil Engineering Award until Monday, June 1, 2020. The purpose of this award is to recognize civil engineering infrastructure projects that embody the principles of sustainability espoused by the BSCES Committee on Sustainability, ASCE, and the Institute for Sustainable Infrastructure (ISI). For more information, please see the insert at the end of this newsletter.

Register for a Free BSCES Lunchtime Webinar

Having taken the COVID-19 risk mitigation measure of canceling or rescheduling a number of spring events, BSCES leaders are pleased to

offer a series of free lunchtime webinars. The first in this series was the May 13 webinar entitled Engineering Consulting: Market Updates Executive Lunch Session, which was hosted by the BSCES Engineering Management Group. Lunchtime webinars will be occurring on a weekly basis throughout the month of June. Look for upcoming webinar listings on the [BSCES events page](#). Due to technology constraints, participation for each webinar is limited to 100 so register early.

ASCE Election Information

ASCE is in the midst of their annual election lasting through June 1. If you have not already done so, [be sure to vote](#) for 2021 president-elect and any Region 1 contests. Also, on this year's ballot are ASCE constitutional amendments that would grant dues-paying affiliate members the right to vote in future elections and streamline some articles of the Constitution. ASCE 2020 President Kancheepuram Gunalan has written a [letter to members](#) explaining the Board's rationale for these amendments, which required two votes of approval by the Board of Direction before they were placed on the ballot.

Stay Connected and Engaged with COVID-19 Resource Page

As the widespread coronavirus outbreak continues to impact daily life, you can still reach out to the ASCE community. The Society's COVID-19 Resource page has online tools and tips to work from home or office more effectively, as well as different ways to use free time you might have. This includes discussion threads

with other members, career advancement opportunities and fun activities for families. [Click here](#) for more information.

#DonateYourPPE if You Have Surplus Equipment

Join the movement to #DonateYourPPE and donate any surplus personal protective equipment to hospitals. [Click here](#) to find out what materials are needed and where to donate.

Structures Congress 2021 Call for Proposals

SEI invites abstracts and sessions on topics of interest to structural engineers at every level of their career. Emphasis is on presentations that support advancing the structural engineering profession including leadership development, innovation and novel project solutions, emerging technologies, resilience, sustainability, functional recovery, Global Climate Change, and innovative research with practical applications. Implementation of these topics to the full life-cycle of structures including design, analysis, fabrications, construction, testing and maintenance welcomes. To learn more, [click here](#).

Take Advantage of ASCE's Mentor Match

[Mentor Match](#) is a tool that brings together mentors and mentees to develop workplace and technical abilities, find a proper work/life balance, resolve dilemmas and in the process perhaps even become friends.

SEND US YOUR NEWS! Looking to strengthen the community that is BSCES, the BSCES Executive Committee and Newsletter Editorial Board has decided to expand the content of this *BSCESNews* Recent News and Updates column by including more member news. Have you recently been recognized for a professional accomplishment, passed the Professional Engineer Exam, received a promotion, or changed employers? If so, send your news items to BSCES Association Manager, Rich Keenan, rkeen@bsces.org.

Upcoming Events

For more information and to register for events, please visit www.bsces.org

To register online for an event at the BSCES member rate you must login using your BSCES assigned username and password.

If you do not know your BSCES member login information, call 617/227-5551.

FHWA-NHI-130053 Bridge Inspection Refresher Training

Sponsored by the Program Committee

Tuesday, Sept. 29 – Thursday, Oct. 1, 2020
AECOM, Boston, MA

8:00 AM – 4:30 PM

The major goals of this course are to refresh the skills of practicing bridge inspectors in fundamental visual inspection techniques; review the background knowledge necessary to understand how bridges function; communicate issues of national significance relative to the nations' bridge infrastructures; re-establish proper condition and appraisal rating practices; and review the professional obligations of bridge inspectors. This course is based on the "Bridge Inspector's Reference Manual," 2002 (updated 2006), with reference to the AASHTO Manual as defined by the National Bridge Inspection Standards regulation.

Please see the Insert at the end of this month's newsletter for further details.

FHWA-NHI-130055 Safety Inspection of In-Service Bridges

Sponsored by the Program Committee

Monday, Nov. 30 – Friday, Dec. 11, 2020
Hilton Garden Inn Worcester, Worcester, MA

8:00 AM – 4:30 PM

This two-week course is based on the 2015 FHWA "Bridge Inspector's Reference Manual" (BIRM) and provides training on the safety inspection of in-service highway bridges. Satisfactory completion of this course will fulfill the training requirements of the National Bridge Inspection Standards (NBIS) for a comprehensive training course. This course is not geared towards fracture critical, underwater, or complex structures. All participants must show that they passed either of the following pre-requisite courses: FHWA-NHI-130101, Introduction to Safety Inspection of In-Service Bridges or FHWA-NHI-130054 Engineering Concepts for Bridge Inspectors.

Please see the Insert at the end of this month's newsletter for further details.

continued on page 10

Rescheduled Date!

Thursday, November 12, 2020

31st Annual Francis M. Keville Dinner

Sponsored by the CI and T&DI Boston Chapters

Revere Hotel Boston Common, Boston, MA

5:00 PM Reception

6:30 PM Dinner

ASCE Webinars

ASCE WEBINARS

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Are you planning to take an ASCE webinar? Sign up with the code WEBBOSSEC and 20% of your registration fee will be donated to the Boston Society of Civil Engineers Section/ASCE.

For a full listing of ASCE Webinars, [click here](#).

Suggest a Seminar Topic

Is there an engineering topic that you would like BSCES to feature in an upcoming seminar? If so, members of the BSCES Program Committee would like to hear from you.

Charged with developing technical training programs that address members' professional development needs, the Program Committee oversees the Society's National Highway Institute training, spring and fall Professional Engineer Refresher Courses and other topical workshops. If you have a technical topic that you would like the Program Committee to consider, send your suggestion to BSCES Program Committee Chair Jeff Lewis at jlewis@garofaloassociates.com or BSCES Association Manager Rich Keenan at rkeen@engineers.org.

2019–2020 BSCES Sponsors

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Upcoming Events *(continued from page 9)*

BSCES FREE LUNCHTIME ZOOM WEBINAR SERIES

Having taken the COVID-19 risk mitigation measure of canceling or rescheduling a number of spring events, BSCES leaders are pleased to offer a series of free lunchtime webinars. These programs will be occurring on a weekly basis throughout the month of June. Listed below are webinars confirmed to date. Due to technology constraints, participation for each webinar is limited to 100 so register early.

MassDEP and PFAS: Addressing an Emerging Contaminant through Science and Policy

Wednesday, June 3, 2020

ZOOM WEBINAR

12:00 PM – 1:00 PM

Stephanie Cooper, Deputy Commissioner, Policy & Planning, Massachusetts Department of Environmental Protection

The class of chemicals known as PFAS have been used widely in manufacturing and consumer products – from foam used to fight fires to non-stick cookware. These ubiquitous chemicals present health risks to certain groups and PFAS contamination, particularly of drinking water, is a national issue. Here in Massachusetts, the state is taking a variety of actions to address PFAS, including developing protective regulations and offering statewide testing of drinking water. Tune into this webinar to learn more about the state's approach for addressing PFAS in drinking water, wastewater, and soil and groundwater. [Click here to register.](#)

Using Artificial Intelligence to Help Manage Your Roads

Sponsored by the Transportation & Development Institute Boston Chapter

Wednesday, June 10, 2020

ZOOM WEBINAR

12:00 PM – 1:00 PM

William J Scully, PE, Vice President Municipal Transportation & Infrastructure Services, Green International Affiliates, Inc.

Erik Atkins, PE, Transportation Design Group Leader, Green International Affiliates, Inc.

Stew Frick, Senior Partner Success Leader, RoadBotics, Inc.

The webinar will review the concepts of pavement management planning and demonstrate how new technology has enabled local public works departments to more effectively and consistently manage their roadway systems. The new approach will be shown as well as several local case studies presented. [Click here to register.](#)

Early Detection of Construction Phase Issues: The Use of Construction Documents to Identify Potential Problems Before They Become Disputes

Sponsored by the Construction Institute Boston Chapter

Tuesday, June 16, 2020

ZOOM WEBINAR

12:00 PM – 1:00 PM

David M. Ponte, PE, Managing Director, Nautilus Consulting, LLC

Cost and schedule “surprises” are more efficiently managed through the early identification of issues. This presentation will provide practical guidance to Owners, Design Professionals and Contractors on how the wealth of underutilized data which is contained within standard construction phase documentation such as RFIs, PCOs, and submittals as well as underlying schedule information can be utilized to provide an early warning of potential issues thereby allowing project participants an opportunity to avoid and/or mitigate potential cost and schedule impacts. [Click here to register.](#)

Classifieds

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Stantec's New England transportation group is hiring a civil engineer with 5 years of experience in roadway/highway design.

stantec.com/careers



Design with
community in mind

2020 Employer Recognition Awards

The Boston Society of Civil Engineers Section of the American Society of Civil Engineers Awards Committee invites you to nominate an organization to receive the Small Employer Recognition Award or the Large Employer Recognition Award. Please see the following awards description for nomination instructions. To be eligible to receive this award your award nomination must be received by the BSCES Awards Committee no later than **Monday, June 1, 2020**.

As a means of fostering the members of the civil engineering profession, the Boston Society of Civil Engineers Section/ASCE has established an award to recognize those employers who commit to providing exceptional opportunities to their engineers. Special recognition will go to those organizations who exhibit exemplary support as evidenced by:

1. Encouraging technical and professional growth through continuing education, training, mentoring, project experience, participation in development of technical papers or presentations, and other means.
2. Tackling staff quality-of-life issues in the modern workplace.
3. Contributing to the community to make a positive impact.
4. Encouraging active participation in professional societies such as ASCE/BSCES.

Members who want an organization to be considered for recognition should provide a letter demonstrating the firm's commitment to its engineers. Firms nominated shall be actively participating in BSCES via sponsorship, employee membership, contributions to the newsletter, etc. Letters shall include the total number of employees in the firm, number of BSCES members, and cite specific examples of its employees being actively involved in BSCES.

The awards committee will review the nominations and select an exemplary small employer and a large employer in the Section. Organizations with less than 50 employees are eligible for the Small Employer Award. Awards will be presented at the 171st BSCES Annual Awards Dinner. Successful recipients will be considered for endorsement as potential (future) applicants for the ASCE Employer Recognition Award. No organization will be eligible to receive the award in consecutive years.

Complete and return this nomination form and attachment to the BSCES Awards Committee no later than Monday, June 1, 2020 to be eligible for the award.

Name of Organization: _____

Nominator/Title: _____

Address: _____

Telephone: _____ Email: _____

Signature: _____ Date: _____

Organization: _____

Contact Person: _____

Title: _____

Office Address: _____ Website: _____

Telephone: _____ Email: _____

Please attach a brief (no more than two pages) narrative describing why the organization meets the criteria described in this nomination form.

Please complete this form and the additional pages and return it via email, fax, or mail to bsces@engineers.org, 617/227-6783, or BSCES Awards Committee, Boston Society of Civil Engineers Section/ASCE, The Engineering Center, One Walnut Street, Boston, MA 02108-3616, respectively. For questions, contact BSCES Awards Committee Chair Christopher Hersey at 617/590-5546 or Vice.President2@BSCES.org.

Thank you for your continued support of ASCE and BSCES.

2020 Individual Section Awards

Each year, BSCES presents awards to deserving individuals in the Section or in the community who are nominated by their peers in recognition of their service. Here is your opportunity to nominate a co-worker, friend, or someone who you think deserves special recognition. Please see the following awards descriptions and nomination instructions.

The Nominations Deadline is **Monday, June 1, 2020**. The Awards Committee will review all nominations and present a list of candidates for selection by the Board of Government. Awards will be presented at the 171st BSCES Annual Awards Dinner.

I would like to nominate _____ For the:

_____ **CITIZEN ENGINEER AWARD:** This award is presented to a BSCES member or registered professional engineer for outstanding public involvement in local or national legislation, education (at any level), non-profit volunteer organizations, community activities, or similar activities improving the image of ASCE, BSCES and the civil engineering profession.

_____ **HORNE/GAYNOR PUBLIC SERVICE AWARD:** This award is presented to a BSCES member or registered professional engineer for unpaid public service in a municipal, state or federal-elected or appointed post for philanthropic activities in the public interest.

_____ **GOVERNMENT CIVIL ENGINEER AWARD:** This award is presented to a BSCES member who is serving as a paid public sector engineer at a federal, state, or municipal agency, department, or authority in Massachusetts.

_____ **CLEMENS HERSCHEL AWARD:** This award recognizes an individual who has published a paper, not necessarily published in the BSCES Journal, that has been useful, commendable, and worthy of grateful acknowledgment. If nominating for the Clemens Herschel Award, please attach the name of the paper and names of all authors, if co-authored.

_____ **JOURNALISM AWARD:** This award is presented to a journalist or other author who has published one or more articles, papers, books, social media blogs, or film for a non-technical audience that raises awareness of the contributions of the civil engineering profession.

_____ **PRE-COLLEGE EDUCATOR AWARD:** This award is presented to a member of the K-12 educational community who integrates engineering topics, particularly civil engineering, in a manner that benefits the profession and may promote students to pursue an engineering career. The Public Awareness & Outreach Committee reviews these nominations and recommends the recipient to the Board.

_____ **COLLEGE EDUCATOR AWARD:** This award is presented to a member of the academic community who inspires and encourages civil engineering students through exceptional teaching and mentorship. Educators empower students to realize full potential and exemplify the profession in their classroom. Candidates shall be actively teaching in a classroom setting at a college or university in New England.

_____ **YOUNGER MEMBER AWARD:** This award is intended to recognize a BSCES member, 35 years of age or younger on February 1 in the year of the award, who has made an outstanding contribution to BSCES and/or the civil engineering profession.

_____ **ENGINEER OF THE YEAR AWARD:** This award is presented to a BSCES member, with 15 years or more professional experience, who has exhibited extraordinary leadership in the form of managerial leadership, technical excellence, professional integrity, and mentorship of other engineers.

_____ **PROJECT OF THE YEAR AWARD:** This award is presented to a BSCES member and her/his project team who has served in a major role on an innovative, challenging, unique, and/or complex project located in the Commonwealth of Massachusetts. The majority of the work should have been completed by engineers located within Massachusetts.

To submit a nomination, complete this form and return it by the nomination deadline via email, fax, or mail to bsces@engineers.org, 617/227-6783, or BSCES Awards Committee, Boston Society of Civil Engineers Section/ASCE, The Engineering Center, One Walnut Street, Boston, MA 02108-3616, respectively.

Name and Company Address of Nominee(s)*:

Is this a re-nomination? Yes _____ No _____

**Please attach a brief (no more than one page) explanation of the candidate's qualifications for nomination.*

Your Name: _____ Daytime Telephone: _____ Email: _____

NOTE: *If you nominated someone last year who was not selected, you may re-nominate the individual(s).*

QUESTIONS: *Contact BSCES Awards Committee Chair Christopher Hersey at 617/590-5546 or Vice.President2@BSCES.org.*



2020 SUSTAINABILITY IN CIVIL ENGINEERING AWARD

Call for Entries

The purpose of the Sustainability in Civil Engineering Award is to recognize civil engineering infrastructure projects that embody the principles of sustainability espoused by the BSCES Committee on Sustainability, ASCE, and the Institute for Sustainable Infrastructure (ISI). Such projects prominently and creatively incorporate the five sustainability indicators of quality of life, leadership, resource allocation, natural world, and climate risk. Awards will be offered in two categories differentiating project scale.

Eligibility

To be eligible, a project must demonstrate adherence to the principles of economic, social and environmental sustainability as identified by ASCE/ ISI criteria for sustainable infrastructure. **The project must have been designed by a team of civil engineers based in Massachusetts, and must have been constructed within the last five years.**

Rules for Submission

1. Entries for the award must include:
 - A completed Entry Form ([BSCES Sustainability Award Form](#))
 - A printout of the Envision™ project assessment scoring table from the ISI website completed by an Envision Sustainable Professional (ENV SP).
2. **Entries must be submitted no later than June 1, 2020.** The winner will be announced at the BSCES Annual Awards Dinner event in 2020. Entries may be submitted electronically to bsces@engineers.org.

2019 BSCES Sustainability in Civil Engineering Award Winners

- 2019 Small Project Category: Massachusetts Department of Conservation and Recreation (DCR)/ The Lawrence and Lilian Solomon Foundation, *Greenough Boulevard Greenway Expansion*

Through a \$1.8 million public/private partnership completed in 2016, the project included enhancing public safety along the river, providing a fully accessible multi-use path next to the river, reclaiming parkland and enhancing the scenic value of the Charles River Reservation, improving the environmental quality of the Charles River, and maintaining Greenough Boulevard as a fully functional parkway.

- 2019 Large Project Category: NB Development Group, LLC, *Boston Landing Station*

Through a public-private partnership completed in 2017, NB Development Group funded and managed the design and construction of the approximately \$20 Million station in close collaboration with the MBTA and MassDOT. In November 2017, the project earned the Envision Silver Award from the Institute for Sustainable Infrastructure. The station is the first transit project in New England to achieve Envision verification, recognized in the Quality of Life category.

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Tufts University – Department of Civil and Environmental Engineering
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Weston & Sampson
WSP USA

FHWA-NHI-130053

Bridge Inspection Refresher Training

Tuesday, September 29, 2020 – Thursday, October 1, 2020

AECOM, 1 Federal Street, 8th Floor, Boston, MA
Tuesday through Thursday, 8:00AM – 4:30PM

The major goals of this course are to refresh the skills of practicing bridge inspectors in fundamental visual inspection techniques; review the background knowledge necessary to understand how bridges function; communicate issues of national significance relative to the nations' bridge infrastructures; re-establish proper condition and appraisal rating practices; and review the professional obligations of bridge inspectors. This course is based on the "Bridge Inspector's Reference Manual," 2002 (updated 2006), with reference to the AASHTO Manual as defined by the National Bridge Inspection Standards regulation.

Core course topics include inspector qualifications and duties, bridge mechanics, record keeping and documentation, fatigue and fracture in steel bridges, traffic safety features, safety, National Bridge Inventory (NBI) component ratings, superstructure type identification, inspection techniques and case studies for decks, superstructures, bearings, substructures, channels and culverts, and a mock bridge inspection classroom exercise. Optional topics include inspection of truss gusset plates, adjacent box beams, and post-tensioning tendons.

Registration Deadline: Tuesday, September 1, 2020

Registration Fees: \$900 Members, \$1,100 Non-Members

Registration fee includes course materials, continental breakfast, breaks, and lunch

Information/Registration:

Attendance for this program is limited to 30 participants. Individuals who attempt to register after the course is closed will be added to a waiting list.

Reservations will be accepted on a first-come first-serve paid reservation basis. Payment must be received with registration to secure a slot. Register to attend this course and pay by credit card online at <http://bit.ly/BridgeInspectionRefresher2020>. To register online for an event at the BSCES member rate you must login using your BSCES assigned username and password. If you do not know your login information call 617/227-5551. You can also register for this event by mail or email. To do so, download and complete a [BSCES Event Registration Form](#) and follow the submission instructions. Cancellations or no shows after September 1, 2020 will be billed.

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Tighe & Bond, Inc.
TranSystems
Tufts University –
Department of Civil and
Environmental Engineering
VHB
Wentworth Institute of
Technology
Weston & Sampson
WSP USA

FHWA-NHI-130055

Safety Inspection of In-Service Bridges

Monday, November 30, 2020 – Friday, December 11, 2020

Hilton Garden Inn Worcester, 35 Major Taylor Boulevard, Worcester, MA
Monday through Friday, 8:00 AM – 4:30 PM

This 10-day course is based on the 2015 FHWA “Bridge Inspector’s Reference Manual” (BIRM) and provides training on the safety inspection of in-service highway bridges. Satisfactory completion of this course will fulfill the training requirements of the National Bridge Inspection Standards (NBIS) for a comprehensive training course. This course is not geared towards fracture critical, underwater, or complex structures. Mid-term and final examinations based on course content will be administered to participants.

Please note: To take this course participants must show that they have passed one of the following pre-requisite courses: FHWA-NHI-130054 *Engineering Concepts for Bridge Inspectors*; FHWA-NHI-130101, *Introduction to Safety Inspection of In-Service Bridges*; or FHWA-NHI-130101a *Prerequisite Assessment for Safety Inspection of In-Service Bridges*. A FHWA/NHI certification of completion with the participant name on it will be required to be presented to BSCES preferably at time of registration or no later than Friday, September 25, 2020. Please forward your prerequisite certificate in the form of a PDF document to bsces@engineers.org.

Registration Deadline: Friday, September 25, 2020

Registration Fees: \$2,000 Members, \$2,200 Non-Members

Registration fee includes course materials, continental breakfast, breaks, and lunch

Information/Registration:

Attendance for this program is limited to 30 participants. Individuals who attempt to register after the course is closed will be added to a waiting list.

Reservations will be accepted on a first-come first-serve paid reservation basis. Payment must be received with registration to secure a slot. Register to attend this course and pay by credit card online at <http://bit.ly/SafetyInspectionBridges2020>. To register online for an event at the BSCES member rate you must login using your BSCES assigned username and password. If you do not know your login information call 617/227-5551. You can also register for this event by mail or email. To do so, download and complete a [BSCES Event Registration Form](#) and follow the submission instructions. Cancellations or no shows after September 25, 2020 will be billed.