

Executive Director's Annual Report – 2013-2014

Legislative and Government Affairs – The 2014 legislative session was a busy one because of the many bills we were monitoring that had captions so broad that they could have been amended to eliminate or significantly modify the practice law for engineering. There were 8 priority bills, with the big issue being the bill to exempt churches of 400 or less from the fire sprinkler requirements. Engineers' Day on the Hill estimated attendance was about 75. TSPE's Legislative and Government Affairs and ACEC's Government Advocacy Committees worked their way through over 1000 bills to determine which needed to be addressed this session, set priorities, and went to work on issue briefs.

ACEC and the Road Builders jointly presented a statement about the condition of the federal Highway Trust Fund which was distributed at E-Day. The Tennessee Road Builders Day on the Hill was the same as the engineers.

The **AE Board** addressed the issue of Qualifications-Based Selection enforcement (based on the rule adopted in 2013) at several meetings in the last year. The response to ACEC's question regarding whether it is illegal for a subcontractor to submit a price to a contractor was "no" – only the design professional with the contract directly with the state or local government is prohibited from submitting a price. In the spirit of the law, the AE Board recommended that subcontractors be selected based on QBS also. In separate comments, TSPE and ACEC discouraged allowing candidates to take the PE exam before completing 4 years of engineering experience – the AE Board has not taken a position on the issue yet. The AE Board went on record opposing some legislation which had the potential to impact public safety.

The ACEC Nashville Chapter sponsored the legislative reception on March 10. About 75 engineers attended, but only 36 legislators did (35 legislative staffers also attended). The Chapter decided not to sponsor the reception in 2015.

Transportation Committee Chair Kathy Ware started the process of developing working groups of members to work with TDOT on Quality Improvement in 13 different areas last year and Brad Winkler is following through for 2014-2015. There are almost 150 ACEC of Tennessee members involved!

Projects involving the **State Architect** have engineers participating in a variety of areas also:

- review of the standard contract documents – Ricky Bursi (OGCB), Rob Barrick (SSR), John Kenny (Facility Systems), and John Horst (Gresham), to name a few
- Quality in Construction – John Wimberly (I C Thomasson), Ricky Bursi (OGCB), Rob Barrick and Mike Rogers (SSR), and Carl Munkel (Gresham Smith) have been participating in meetings addressing issues related to all delivery methods used by the State Architect, General Services, the Board of Regents and UT.

Tennessee Engineers' Conference/Annual Meeting – Our grand experiment in 2012 of having a combined annual meeting with ASCE was a success, and we hope to build on it again this year. The 2014 Coordinating Committee and the education track groups have been developing a great conference with an interesting education program that we expect will draw over 300 engineers to the meeting on Sept 25-26. Based on feedback from 2013 participants, the meeting will begin at 8 am on Thursday morning with Ethics and there will be a total of 13 PDHs. The meeting brochure was mailed with both associations' newsletters. Registration is online and **it's not too late to register** - <http://events.r20.constantcontact.com/register/event?oeidk=a07e9c8kqz63f3d322&llr=fgatlfmab>

TPE PAC – The 2013 auction raised almost \$15,000. From July 1, 2013-June 30, 2014, TPE PAC took in a total of \$30,167, made contributions of \$12,250, and the current balance is \$44,840. ACEC of TN member firms' contributions (with their state dues) amounted to \$12,667. To see the TPE PAC reports, go to <http://www.state.tn.us/tref/> (click Searches in the left column then Search for Reports – the name is Tennessee Professional Engineers PAC).

It is an election year and PAC Chair Everett Cowan is getting the Trustees geared up to make campaign contributions based on specific criteria. A few contributions were made in advance of the primary election, but the bulk of the contributions will be made in late August.

Education – Offering the PE Civil exam review course in multiple TDOT locations started last August. The “live” sessions were in the Region 3 office in Nashville and they were simulcast to 4 other locations. Participation was up significantly because TSPE offered Fall and Spring reviews. Thanks to the instructors who consistently teach the course. Attendance was good at the Crow Friedman Group seminars across the state in December.

TSPE Membership – We invited new PEs to join TSPE and Judy followed up on delinquent and dropped members monthly.

Membership on July 1, 2013: 956 members (106 students, 106 life & 11 retired, 1 dues waiver)

Membership on June 30, 2014: 913 members (115 students; 104 life & 6 retired; 1 dues waiver; 16 6-mo free)

ACEC Membership – We invited new engineering firms to join ACEC and Judy followed up on delinquent member firms. I visited with members of the East TN Chapter in July 2013. The Membership Committee developed a new brochure and had a limited number printed; it had monthly conference calls. Judy encouraged ACEC member firms to update their employee numbers, so the July 2014 dues billings would be fairly accurate.

Membership on July 1, 2013 – 104 firms (3733 employees)

Membership on June 30, 2014 – 108 firms (3808 employees)

New Members July 1, 2013-June 30, 2014:

QK4 (4 employees)

Broadway Electric Service Corporation (4 employees)

Logan Patri Engineering, Inc. (4 employees)

Swift Creek, Inc. (2 employees)

Collier Engineering Company, Inc. (28 employees)

Structural Detailing, LLC (17 employees)

Wiser (81 employees)

Energy Land & Infrastructure (27 employees)

LG Environmental Engineering (1 employee)

GEOservices, LLC (83 employees)

Strategic Services Company, LLC (1 employee)

Dropped members July 1, 2013-June 30, 2014:

A-Tech Engineers (1 employee)

Civil Infrastructure Associates (6 employees)

JWS (2 employees)

Mazzetti (15 employees)

THY, Inc. (17 employees)

Summit Design & Engineering (1 employee)

TranSystems Corp (1 employee)

Partners – we ended the fiscal year with 14 Partners. For a list, please go to www.acectn.org or www.tnspe.org. We need your help in recruiting and retaining our Partners.

Engineering Excellence Awards Banquet – we had about 250 people at the March 11 event and everything went smoothly, because Judy did a great job managing the details. Kevin Dyson, former Tennessee Titan, was the guest speaker. To see the winners and photos from the event, go to <http://acectn.com/gallery/2014-award-winners/>. Thanks to Donna Corlew and the hard-working committee, Tiffany Henderson (for coordinating the multi-media presentation and program design), Brad Winkler (sponsorship recruiting, along with Judy, of course!) and Lellyett and Rogers (for printing the call for entries, the invitations, and the program). It takes a lot of people to put on and fund what is now a major production.

MATHCOUNTS – Jim Thweatt, Committee Chair, and Judy coordinated a successful state MATHCOUNTS competition and supported the chapters with their local competitions. As always there are many questions from parents, teachers, and coaches about the competitions. Thanks to Hal Balthrop for serving as moderator at the state competition and many others who assisted in a variety of ways. Jake Greear will be the TSPE Committee Chair and planning has already started for 2015.

TN Engineering Foundation – Revenue from the TEF luncheon was \$8,400 in 2013; the guest speaker was Mark Cate. College World Series winning Vanderbilt baseball coach Tim Corbin will speak in 2014, thanks to Steve Lane’s connection.

The TEF awarded scholarships to: Nicholas True from Chattanooga, a junior in mechanical engineering at UT-Chattanooga, won the \$4,000 Dorothy and Arthur Crouch Memorial Scholarship, which is primarily funded by the Nashville TSPE Chapter.

Three additional TEF scholarships of \$3,500 each were awarded to: Kevin Brown from Winchester, a junior in mechanical engineering at UT-Knoxville; Brandy Manka from Knoxville, a sophomore in civil engineering at UT-Knoxville; and Benjamin Morton from Nashville, a junior in mechanical engineering at Tennessee State University. Photos of the winners are at www.tnspe.org/Scholarships.htm

Judy and I provide staff support to the TEF and Judy spends a lot of time trying to get sponsors for both MATHCOUNTS and the TEF Luncheon. Without her fundraising efforts neither program would be successful. **It's not too late** to sponsor the Luncheon!

ACEC Scholarships – This was a great year for ACEC of Tennessee's scholarship winner, Nicholas True, a mechanical engineering student at UT-Chattanooga. Not only did he receive \$1,000 at the state level and a TEF scholarship, but he also won the ACEC scholarship of \$10,000! He gets a free trip to Hawaii! He won the TEF's Dorothy and Arthur Crouch Memorial Scholarship this year and the ACEC state scholarship in 2013 also.

Ethan Wade Johnson (Vanderbilt graduate student) also received a state scholarship of \$1,000.

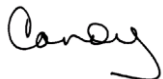
Communications – Thanks to Paula Harris, Barge Waggoner, and members of the PR Committee, ACEC of Tennessee now has a new website, which won an award from the Tennessee Society of Association Executives in July. Check out the new look at www.acectn.org. Judy is now the new webmaster! We continue to work with the PR committee to develop interesting guest articles for the newsletter (10 times/year) and other means of communication.

Judy also maintains the TSPE website, social media, and coordinates/edits *TSPE Today*, the quarterly newsletter. We distribute e-newsletters to members of both associations on an as-needed basis, which is usually once a month. Judy is making a concerted effort to keep the websites up to date. When you find something that needs to be updated, please let her know.

Leadership PE – Judy has been working with the Business Practices/Leadership Development Committee as it reinvents ACEC of Tennessee's Leadership program, to include partnerships with TVA, the Corps of Engineers, and the State of Tennessee. The new program, which will require more coordination by Judy and involvement by member firms, will be rolled out soon. The kick off session will be in January 2015.

Administrative Efforts – In addition to all of the above, Judy and I worked on a wide variety of things on a regular basis. We have to be good at multi-tasking!

- Judy continues to answer questions about the Tennessee Engineers' Conference with patience and attempts to resolve issues with the online registrations and sponsorships.
- Judy worked with the TSPE Awards Committee, coordinating voting and ordering the plaques.
- I attended the NSPE Meeting in Minneapolis last July and Washington, DC, last month.
- Judy did the usual tasks related to collecting delinquent dues, encouraging dropped TPSE members to renew, recruiting sponsors and exhibitors for the Tennessee Engineers' Conference and the EEA Banquet, and much more. She has also been soliciting advertising contracts for the 2014-2015 TSPE newsletters so that it could be mailed the first week in July with the Conference brochure.
- I attended the ACEC Convention and Legislative Summit in Washington in April, which included appointments with our members of Congress and Senate. I also attended the Fall Conference in Scottsdale, AZ. Judy and Chuck Saunders, ACEC of TN President Elect at the time, attended ACEC Orientation in Washington last fall.
- Judy continues to work with the 6 founding societies to schedule meeting throughout the year in Jack Wood Hall and the Board Room (she also collects the Board Room usage fee of \$350/year – SAME chose not to meet there).
- Judy gathered financial information from chapters of both groups so that the tax returns (990s and 990T) could be prepared and submitted last fall. She will be at it again soon.
- In lieu of replacing the server, which we used for back-up, we now subscribe to Carbonite for back-up.



Candy Toler, Executive Director

American Council of Engineering Companies of Tennessee and Tennessee Society of Professional Engineers

August 11, 2014

2014 Engineering Priorities – A Summary of Issue Briefs and Final Status of the Bills

HB 1649 by Representative Timothy Hill House Local Government Subcommittee – summer study

SB 1749 by Senator Frank Niceley Senate Commerce Committee

As introduced, HB 1649/SB 1749 would exempt churches from having to install fire sprinklers if the church capacity is less than 400, seating capacity is at least 250, and there is no water supply on the property.

TSPE and ACEC of Tennessee are opposed to HB 1649/SB 1749. Engineers have an obligation to protect the health, safety, and welfare of the public and adherence to codes is paramount to protecting people and property. Any reduction in fire protection requirements has the potential to place citizens of TN and their property at great risk. Churches are in the “assembly” category and the occupant load (occupants per square foot) is dense by comparison to other occupancy types. Visitors to the church for services, weddings, funerals, etc., may not be familiar with the building or its exits. For these reasons “assembly” occupancies are potentially greater fire risks. No matter the size of any gathering, our focus is on safety. This bill has the potential to compromise one of our most important tenets. To the extent that the underlying issue was the result of a design error, there are existing rules, regulations and laws in place that can be utilized to hold design professionals accountable for such errors.

KEY POINTS ■ Public safety is the prime consideration and a fire suppression system plays an important role in protecting the public.

UPDATE ■ CT met with staff of TN Advisory Commission on Intergovernmental Relations 5/6/14

HB 2210 by Representative Andy Holt House Business Utilities Subcommittee

SB 2199 by Senator Jack Johnson Senate State & Local Government Committee

As introduced, the bill directs the Comptroller to “prepare a report on how this state may ensure that all proven and acceptable piping materials be included in all bids for water and wastewater projects.”

TSPE and ACEC of TN are opposed to this bill. While this bill only directs a study as introduced, the caption of the bill is so broad that it could be amended to require engineers to justify the kinds of piping materials they think would be appropriate for a particular installation and “proving” that other kinds of piping would not be appropriate. While this may not be the intent of the bill as written, it appears to require the inclusion of all piping materials in a project, requiring different system designs for each piping material. This would significantly increase the design cost.

What is “proven and acceptable” is arguable and reasonable people can disagree. The bill potentially removes discretion from the engineer and the owner and it is not in the public interest. The engineer would still be liable if the design fails, not the pipe supplier.

The decision about which kind of pipe to use should be based on sound engineering judgment as to what is appropriate for

- Anticipated fluid pressure requirements of the piping system
- The depth of the installation
- Ability to safely transport the product (i.e. water, sewer, etc.) through the system
- Maximizing the ability to use different installation techniques, such as trenchless, which can cause less damage and disruption
- Allowing some standardization of materials which can improve reliability and decrease cost for installation and inventory carrying costs
- Allowing material that may be resistant to certain alkalinity in soils or other corrosive effects, and
- Comparative ability of various materials to withstand surges in pipelines

The life-cycle cost of the pipe must also be taken into consideration, not just the initial cost. Tennessee’s cities, counties, and other utilities would be best served by allowing decisions about the kinds of piping material used on a project to be made by professionals based on their experience and the specific circumstances of the project. It is incorrect to assume that, just because a pipe material meets national technical standards, it will also meet the needs of every project and community. Engineers rely on standards established by the American Water Works Association, ANSI and TDEC among others.

KEY POINTS ■ Protection of the public safety should be the prime consideration when piping material is selected. One-size does not fit all circumstances.

■ Selection of the appropriate piping material is the practice of engineering and should be left to the professionals to determine.

**HB 1517 by Representative John Tidwell
House Business & Utilities Subcommittee**

**SB 1504 by Senator Mark Green
Senate Commerce Committee**

ACEC of Tennessee and TSPE SUPPORT HB 1517/SB 1504, which will protect engineers and architects from having to get additional licenses to continue to practice engineering and architecture. HB 1517 clarifies the requirements for licensure to ensure that a licensed engineer or architect performing normal architectural and engineering services within his/her area of competence is not required to obtain an additional license or certification to perform services (such as home inspections).

Engineers and architects are licensed professionals whose duty is “to safeguard life, health and property, and to promote public welfare.” Engineers are competent to practice in specific areas based on education, examination, and experience and their Code of Professional Conduct prohibits them from practicing outside their area of expertise. Any engineer registered in Tennessee already meets the requirements of the state licensing board and should not have to obtain another license to perform services. The bill is expected to be amended to include only home inspections.

TSPE was neutral on the following bills:

**HB 1951 by Representative Bill Sanderson
House PASSED 3/20/14**

**SB 1653 by Senator Ken Yager
Senate State & Local Government Committee**

ACEC of Tennessee supports HB 1951/SB 1653, which gives the State Building Commission the flexibility to utilize alternative delivery methods for state projects. Current law was written for Design-Bid-Build contracts and the State Building Commission would like to have the ability to use Design-Build and Construction Management on projects. This does not change the requirement that every project has to be funded by the legislature and approved by the State Building Commission, no matter which project delivery method is used.

**HB 2346 by Rep. Gerald McCormick
House Business & Utilities Subcomm. on 3/18/14**

**SB 2345 by Sen. Bill Ketron
Senate Government Operations Comm. on 3/19/14**

The State Comptroller found that Tennessee’s underground utility damage law was out of compliance with requirements established several years ago by the federal government. New strict rules are in the process of being issued by the federal government and Tennessee stands the risk of losing federal safety grants and having the federal government take over our underground utility damage program if the state does not pass legislation to meet the new evaluation criteria.

ACEC of TN supports HB 2346/SB 2345. The primary purpose of this legislation is to protect public safety and avoid having the federal government impose its own requirements in Tennessee. It does that by creating a board of stakeholders to enforce the law. It phases in the requirement that all utilities join the Tennessee One Call (811) system for locating underground utilities. It allows for the location of utilities in the design phase, rather than waiting for the construction phase of the process, thereby saving owners the cost of change orders. The definition of excavation activities is updated, giving local government, TDOT and railroads guidance on the types of activities that require a call to the 811 system. The bill also requires that all damages to utilities be reported.

From an engineer’s perspective, it is critical that a central authority be established that will maintain reliable information on the location of **all** underground utilities and that the design community be given access to the information about existing utilities. This will enable the designer to minimize the impact on utilities and allow prospective construction contractors to properly estimate the schedule and cost for the project. Conflicts could be discovered in the planning process, rather than waiting for the construction phase. If conflicts are not discovered early, project delay, increased design costs, and disruption of vital utility services could result.

Utility relocation can significantly increase the cost of a project and advance information would save both project delivery time and taxpayer dollars.

KEY POINTS ■ Public safety is the primary focus of this bill. The bill would also minimize damage to underground utilities and the resulting cost associated with construction activities which conflict with the existing utility infrastructure
■ It is important to the design community that the current program be expanded to include the design phase of projects and that all utilities be included in the 811 system.