

NEWS

ACEC American Council of Engineering Companies of Oregon

Celebrating 50 years of representing
engineering companies in Oregon
and Clark County, Washington,
1956-2006

October 2006

Alison Davis
Executive Director
adavis@acecOregon.org

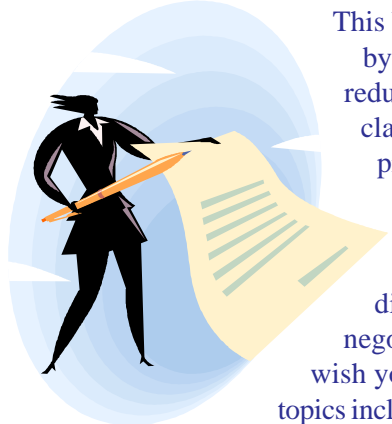
Merideth Webber
Executive Assistant
mwebber@acecOregon.org

www.acecOregon.org

Member of the American Council
of Engineering Companies
Washington, D.C.

ACEC Oregon's Risk Management Committee presents... "CONTRACTS AND INSURANCE" ALSO KNOWN AS "COMING TO RELIGION"

Steve Day, Northwest Geotech, will moderate an interactive panel discussion concerning risk management practices on Wed., October 25.



This breakfast seminar will outline the procedures used by large and small firms to negotiate contracts that reduce your liability exposure. Common contract clauses that carry liability exposure outside of your professional errors and omissions insurance coverage will be discussed. Other contract clauses that can severely limit your ability to adequately defend against a claim will also be discussed. Our panel will address how to identify, negotiate, and edit these contract clauses that you wish you never signed. Presenters and their specific topics include:

- **Mike Mowatt, CH2M Hill**, will provide a PowerPoint summary of how CH2M reviews contracts, what they consider to be key contract clauses, and how these items are negotiated during contract formation.
- **Steve Day, Northwest Geotech**, will address contracting from a small firm perspective. Contract clauses that are of particular significance to a "subconsultant" or limited scope of services provider will be discussed along with proposed alternative language.
- **Morgan West, USI Northwest**, will provide a summary of common contract clauses that are uninsurable. Other key insurance items that can impact your liability exposure will also be covered.
- **Jon Larson, Marvin Chorzempa & Larson**, will address contract clauses that can severely limit your ability to defend a suit.

Mark your calendar for the third and final breakfast in this series: NOVEMBER 29
"CLAIMS MANAGEMENT AND LITIGATION" also known as "PAYING FOR OUR SINS,"
moderated by Jack Beemer, David Evans and Associates, Inc.

ACEC Oregon Risk Management B'fast "Contracts and Insurance"

**Registration deadline
is Friday, Oct. 20.**

Wed., October 25 • David Evans and Associates, Inc. • 2100 SW River Parkway • Portland
• 7:00 A.M. Check-in & Breakfast • 7:30 A.M. Program • 9:30 A.M. Conclusion

Cost: • \$70 for members / \$90 for non-members
If your firm is a member, then you are a member. **Program is good for
two (2) CPD credits.**

Firm name & phone: _____

Name & e-mail: _____

Name & e-mail: _____

Name & e-mail: _____

**MAKE CHECKS PAYABLE
TO ACEC OREGON.** Mail check and
registration form (or fax form and mail
check) for receipt by Fri., October 20
to: ACEC OREGON, 5319 SW Westgate
Drive, Suite 221, Portland, OR 97221.
Phone (503) 292-2348; Fax 292-2410;
mwebber@acecOregon.org.

No. of ____ member(s) @ \$ 70.00 = \$ _____

No. of ____ non- mbr(s) @ \$ 90.00 = \$ _____

Total Amount Enclosed: \$ _____

**Cancellations must be received on or before
the registration deadline to receive a refund.
Non-members must pay in advance.**

FROM THE PRESIDENT

by Dwight Hardin, P.E.

Fall signals the beginning of a new year for ACEC Oregon, and this one started with a great conference at Salishan. The weather was perfect, and the program focused on future business trends, risks, and decision making.



Dwight Hardin
GRI Geotechnical &
Environmental
Consultants

At the conference, the Board of Directors held the annual planning meeting to review our strategic plan and to establish goals for the next year. I would like to thank Immediate Past President **Ken Wightman** for taking the lead in developing the strategic plan and the exceptional leadership he provided our organization last year.

We also thank outgoing Board members **Jory Abrams, Darryl Anderson, Cynthia Lowe** and **John Martin**. New Board members **Troy Bowers, Jay McRae, Martha Moore** and **Andy Vessely** have jumped in with both feet with their energy, time and ideas.

Overall, our organization is very healthy. Committees are well staffed and active, and financially we are in good condition. Sound management by the Board and **Alison Davis**, Executive Director, and **Merideth Webber**, Executive Assistant, resulted in a surplus more than \$16,000, which was contributed to the scholarship fund.

The next session of the Oregon Legislature will begin in January 2007. The Board and the Legislative Committee under the guidance of Chair **Melissa Johnson** have identified an ambitious agenda of priorities that address:

- Contractual Indemnification
- Job Site Liability
- Reduction of Statute of Ultimate Repose
- Strengthening the Certificate of Merit (Frivolous Lawsuits)
- Economic Loss / Contractual Liability
- Transportation Funding

A brief description of the legislative agenda can be obtained by contacting Alison Davis, adavis@acecOregon.org.

Over the past few years, our members have worked very hard to make ACEC Oregon, usually referred to as “the engineers,” visible and known in Salem. However, we will need your time and energy to help the Board, Legislative Committee, and Marshall Coba, our lobbyist, to make this a successful legislation session for ACEC Oregon. Frankly speaking, we also need your money. Within about the next month, President-Elect **Mel Sears** will be sending member firms a letter soliciting contributions to the ACEC Oregon Political Action Committee (PAC) fund. The request for PAC funding is made only once each year. Contributions to state legislators gain us access and the time and opportunity to discuss our legislative goals and solicit their support.

During the recent planning session, the Board expanded the scope of the Scholarship Committee to explore cooperation with Oregon universities and the higher education system in general. We are all aware that state budget cuts have significantly affected the higher education system. This has come at a time when our industry is having difficulty attracting and recruiting the new graduates we so desperately need. Board member **Martha Moore** has agreed to lead the committee and evaluate how we can become involved to assist the higher education system. I think this is a very exciting and vital effort on the part of ACEC Oregon, and I’m sure Martha could use your help if you share this interest.

Last year under Ken Wightman’s leadership, ACEC Oregon forged a successful working relationship with the new ODOT leadership. The Board is meeting quarterly with ODOT Director **Matt Garrett** and his senior staff. To date, much of the discussion has focused on the existing OTIA Bridge Delivery Program as ODOT works through associated technical, management, and funding issues. I think it is fair to say the current situation with regard to the OTIA

program is not perfect but better than it was, and it can be further improved. The current OTIA program, though large, will make only a small dent in the need to expand our road and highway system to provide the additional capacity needed now and in the future. At the invitation of ODOT, ACEC Oregon has participated in the identification and prioritization of critical transportation needs. During the upcoming legislative session, we will be working for the funding needed to move these projects forward. In addition, the Board is working with Director Garrett and his staff to make sure that our members in the central, eastern, and other rural areas of Oregon have equitable opportunities to participate in ODOT work.

It is a great honor for me to serve as president of ACEC Oregon this year. When I joined GRI in 1986, **Dave Driscoll** and **Stan Kelsay** said that CECO (ACEC Oregon’s former name, Consulting Engineers Council of Oregon) was instrumental to the success of our firm and our profession. My personal experience indicates this could not be more true. But it is important to remember that we are a volunteer organization and rely on the time, effort, and energy of our member firms and individuals to be successful and effective. I urge you to be involved. You may call or contact me anytime at dhardin@gri.com to discuss any issues or concerns you may have. Thank you.

2006-07 BOARD OF DIRECTORS

PRESIDENT

Dwight Hardin, GRI Geotechnical & Environmental Consultants

PRESIDENT-ELECT

Mel Sears, Parametrix, Inc.

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Ken Wightman, David Evans and Associates, Inc.

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Andy Vessely, Cornforth Consultants, Inc.

VICE PRESIDENT

Troy Bowers, Murray, Smith & Associates, Inc.

VICE PRESIDENT

Martha Moore, TW Environmental, Inc.

VICE PRESIDENT

Jay McRae, CH2M Hill, Inc.

REGIONAL VICE PRESIDENT

Gayle Harley, OBEC Consulting Engineers

AMONG OURSELVES...

The ACEC Oregon Board of Directors is pleased to announce the following new member firms. Please welcome...

Alcantar & Associates, LLC, 4134 N. Vancouver, Suite 201, Portland, OR 97217-2900, phone (503) 810-4582, www.alcantarassoc.com. Firm representative is **Marcella Alcantar**. The firm specializes in providing professional support engineering services along with their management. The staff and associates are a diverse group of professionals with backgrounds in the various technical disciplines required for civil, transportation and water resources projects.

Golder Associates, Inc., 9 Monroe Parkway, Suite 270, Lake Oswego, OR 97035, phone (503) 607-1820, www.golder.com. Firm rep is **Robert Long**. The firm's general field of practice includes geotechnical, hydrogeology, civil and engineering geology. Golder has 33 years of experience in the Pacific Northwest with offices in Seattle, Portland and Coeur d'Alene.

Pacific Geotechnical, LLC, 1419 SW Washington Street, Suite 101, Oregon City, OR 97045, phone (503) 631-7669, www.pacific-geotech.com. Firm rep is **Tim Blackwood**. The firm provides geotechnical engineering and engineering geologic services for development, energy, forestry and other fields.

Universal Field Services, Inc., 3000 Market Street, Suite 258, Salem, OR 97308-2354, phone (503) 399-8002, www.ufsrw.com. Firm rep is **Leslie Benckendorf**. The firm provides a full range of right-of-way services for government agencies, engineering companies and utility companies.



Bradford Conrad Crow Engineering Co. has moved. The firm is now located at 9925 SW Nimbus Avenue, Suite 110, Beaverton, OR 97008-7387. Their new phone number is (503) 213-2013 and their new fax number is (503) 213-2018.

F. Duane Lee, Consulting Engineer, has a new mailing address. The new mailing address is P.O. Box 1657, Sisters, OR 97759.

Shannon & Wilson, Inc. has moved. After 45 years in Portland, the firm is now located at 3990 SW Collins Way, Suite 203, Lake Oswego, OR 97035. Their main phone and fax remain the same.

Otak, Inc. is celebrating their 25th anniversary. Founded in 1981 by a small group of professionals who shared a vision for an integrated approach to planning, engineering and architecture. Twenty-five years later the firm has been recognized regionally and nationally for its innovative work on public transit, mixed-use projects, water-resources solutions and urban planning and design. With this success has come growth; they are now a team of more than 340 professionals in 11 offices in the United States, Iraq and the United Arab Emirates. ***Congratulations, Otak!***

Jack Beemer, P.E., FACEC was elected to the ACEC National College of Fellows. The College of Fellows is an elite group of engineers who have made significant contributions to the engineering profession through their experience, knowledge and networking abilities. ***Congratulations, Jack!***



Jack Beemer Elected to ACEC National College of Fellows
ACEC Oregon Past President (1997-98) **Jack Beemer**, **David Evans and Associates, Inc.** (center) accepts his Fellows designation from the Chair of the Committee of Fellows, **Raymond Miller**, at left, (and also an ACEC Oregon Past President, 1993-94), and ACEC National Chairman (2006-2007), **Jeff Daggett**, right, during the Fellows installation ceremony September 19 at the ACEC National Fall Conference in Charleston, South Carolina.

IN MEMORIAM

ACEC Oregon wishes to extend condolences to the family and friends of ACEC Oregon Past President (1974-75) and Life



Member, **Anton Dresden**, who died July 3 at age 90. Dresden was born in Hengelo, Netherlands. He received an engineering degree from Delft University. In 1938 he immigrated to New York and moved to Portland in 1955.

Andy McCann, McCann Engineering, a long-time friend of Dresden who grew-up in the house next door, recalls, "Tony was an avid engineer, digging to find the whole story and even after identifying a solution, digging deeper to find the range and just having fun – his whole life was based on the thrill of discovery – from researching scientific questions to looking up word alternatives in a thesaurus. He had three loves: his wife, Geraldine; learning/discovery; and sailing. He never betrayed any of them and was always faithful to Geraldine first. He was also very personable and had a high degree of ethics – 'if you have to question if something is ethical or not – it probably isn't – so don't do it!'"

"Tony was unique, opinionated, and had an odd sense of humor, all with a European flair. He was a loyal friend to the entire engineering community. His greatest legacies were the development of the now common lip stick dispenser – alas the industrial gentleman he was working with died before they could consummate the deal and his company ran off with the idea – rotate the outer container and up rises the stick; and development of the "Leaf Eater," only to have the engine not start when the Weed Eater vice president visited.

"Everyday of Tony's life was filled with discovery and accomplishment. He was always a joy to talk to and a kick to be around."

NAT'L DIRECTOR REPORTS FROM CHARLESTON, SC

by Raymond T. Miller, P.E., S.E., FACEC

At the ACEC National Conference in Charleston, South Carolina, several items were discussed. Some of the issues up for discussion were that people are still having problems finding engineers to employ. Another item is that the governments' public contracts are presently undergoing a review for a possible three percent retainage requirement on all contracts. The retainage proposal is, of course, being opposed by ACEC National. At the Board of Directors meeting, the following items were reviewed.

The Subsequent Three-Year Budget and the Proposal for Additional Items into the Budget: The basic budget is CPI, plus the 1.9 factor, approved several years ago. The basic budget supports the strategic plan. However, there are three proposals for budget increases.

- a. Hire additional staff to help achieve the ACEC/PAC goal of raising one million dollars per year. The additional staff member would be a fundraiser that would also be working to help local staff in their efforts to achieve this objective. The increase in dues would be 3.5 percent.
- b. Hire additional staff person to help with the membership goal of recruiting 90 percent of the *Engineering News Record 500*. Today, they have only recruited approximately 73 percent. They are looking to increase the membership into ACEC both at the national and local levels. This would not be in competition with the states, which have staff member recruiters already. The estimated cost, or increase in dues, is 2.8 percent.
- c. ACEC would like to hire one or two additional staff to support further development of their educational programs. For member organizations, this would involve a 4.5 percent dues increase.

All three items together equal approximately an 11 percent dues increase on top of the normal dues increase of approximately 5.5 percent. This means that the total dues increase could be as much as 16.5 percent for the coming three years. With this in mind, it was proposed that this be brought to the attention of all of the local member organizations for discussion and input to their executive and national director.

One of the other items brought up, voted on, and passed was the policy statement of the *Selection of Design Professionals On The Basis Of Qualifications*. This policy addresses some of the important issues such as 1) Desirability of a unified statement addressing both the traditional design/build and alternate delivery systems. 2) Expressing our position of salary and overhead caps. 3) Providing sufficient latitude for engineer-lead design builders. 4) Recommending that the method of procuring the project prime and alternative project delivery method should emphasize qualifications. 5) Having the design professional associated with the project from its inception through the end of the delivery process.

Your input on these items or any questions on ACEC National issues can be directed to **Alison Davis** or **Raymond T. Miller** at (503) 292-2348 or adavis@acecOregon.org.

JUNE NETWORKING DAY ACTIVITIES RAISE \$5,000

At Langdon Farms Golf Club in June, ACEC Oregon's joint Networking Day golf tournament with the **American Society of Civil Engineers Younger Member Forum (ASCE YMF)** attracted 95 golfers and raised \$5,000 for their respective programs. ACEC Oregon hole sponsor funds support the Scholarship Fund and ASCE YMF funds support the "ZOOM Into Engineering" program.

Funds were raised from mulligan sales as well as hole sponsorships. **Thank you to all the golfers who purchased mulligans and the following firms that were sponsors:**

Daily Journal of Commerce

Pacific Northwest Consulting Engineers Health & Welfare Trust

The PPI Group

Aerotek

Blue Bird Transfer – Allied Van Lines

Boart Longyear Company

Carlson Testing

CH2M Hill

David Evans and Associates, Inc.

DeWitt Construction

Earth Anchors

GeoDesign, Inc.

GRI Geotechnical & Environmental Consultants

Harper Houf Peterson Righellis, Inc.

Hayward Baker

Jordan Schrader PC

Kittelson & Associates, Inc.

Kpff Consulting Engineers

Kuker Ranken, Inc.

Marvin, Chorzempa & Larson, P.C.

Raymond T. Miller, P.E., S.E., FACEC

OBEC Consulting Engineers

Parametrix, Inc.

Parsons Brinckerhoff

Peterson Structural Engineers, Inc.

Quincy Engineering, Inc.

R & W Engineering, Inc.

Shaw Environmental, Inc.

USI Northwest

W&H Pacific

Thank you!



Excellence 2007

OCTOBER 23 ENTRY DEADLINE IS NEAR

On your mark...get set, go! It's that time of year again to prepare your entries for ACEC Oregon's annual Engineering Excellence Awards Competition. **Phase 1 submissions are due in the ACEC Oregon office by 5:00 P.M. on Monday, October 23.** Completing this phase will automatically place the firm as an honor award winner and the firm will receive recognition in promotional materials and at the awards dinner.

Also, if you are unfamiliar with the Engineering Excellence entry process, you may want to drop by the office on October 23 as this is a good time to review boards from previous years and ask any questions you may have.

Whether the project is big or small, special engineering achievements deserve recognition. If your firm has an outstanding project or study that was undertaken between November 2004 and October 2006, we encourage you to submit it to the competition.

If you haven't already, download the 2007 Call for Entries and Official Entry Form from the Engineering Excellence page at www.acecOregon.org.

Participating in Engineering Excellence is an excellent marketing opportunity. Please contact ACEC Oregon at (503) 292-2348 or mwebber@acecOregon.org with any questions you may have.

Other Dates to Remember

- **Board Review** (*drop-in, optional*)
Monday, October 23
- **ACEC Oregon Phase 2 Deadline**
Monday, November 20
- **ACEC Oregon Judging of Entries**
Tuesday, December 5
- **ACEC Oregon Awards Dinner**
Wednesday, January 10
- **ACEC National Entries Due**
January 12, Washington, D.C.

THANK YOU, AUCTION DONORS!

The annual auction, held September 8 during fall conference activities at Salishan Lodge on the Oregon coast, raised more than \$5,000. Proceeds help support the ACEC Oregon Scholarship Fund.

Thank you to all the donors & buyers for your generous support!

Donations were provided by the following:

- CH2M Hill**
- Cornforth Consultants, Inc.**
- Daily Journal of Commerce**
- David Evans and Associates, Inc.**
- Alison Davis**
- G.I. Joe's**
- GRI Geotechnical & Environmental Consultants**
- Hotel deLuxe (formerly The Mallory Hotel)**
- Kittelson & Associates, Inc.**
- Kpff Consulting Engineers**
- Langdon Farms Golf Club**
- Marvin, Chorzempa & Larson, P.C.**
- Mason, Bruce & Girard, Inc.**
- Miller Consulting Engineers**
- Murray, Smith & Associates, Inc.**
- OBEC Consulting Engineers**
- PACE Engineers, Inc.**
- Parsons Brinckerhoff**
- PBS Engineering and Environmental**
- Quincy Engineering, Inc.**
- R&W Engineering, Inc.**
- Salishan Spa & Golf Resort**
- TW Environmental, Inc.**
- Urban Wineworks**
- WEST Consultants**
- W&H Pacific**

Thank you!

THANK YOU TO THE FALL CONFERENCE EXHIBITORS AND SPONSORS!

EXHIBITORS

- A&E Systems representing Deltek**
- ACEC Business Insurance Trust**
- ACEC Retirement Trust**
- Axiom**
- IMAGINiT Technologies**
- The PPI Group**
- Universal Field Services**

SPONSORS

- Daily Journal of Commerce**
- Pacific NW Consulting Engineers**
- Health & Welfare Trust**
- USI Northwest**

HOLE SPONSORS

- David Evans and Associates, Inc.**
- GRI Geotechnical & Environmental Consultants**
- KPFF Consulting Engineers**
- R&W Engineering, Inc.**

Thank you!

Mark your calendar...

OCTOBER

■ October 23 Monday

ACEC Oregon Engineering Excellence Phase 1 Deadline, and optional Board Review (*drop-in*)
Entries are due to ACEC Oregon by 5:00 P.M.

■ October 25 Wednesday

Risk Management Breakfast, part 2 of 3
“Contracts and Insurance” aka “Coming to Religion” moderated by **Steve Day, Northwest Geotech, Inc.**
David Evans and Associates, Inc., Portland, 7:30 - 9:30 A.M.
See page 1 for more information and registration form.
Registration deadline is October 20.

Good for
2 CPD credits!

■ October 26 Thursday

Board of Directors Meeting
ACEC Oregon Conference Room, 2:00 - 4:00 P.M.

NOVEMBER

■ November 20 Monday

ACEC Oregon Engineering Excellence Phase 2 Deadline
Entries are due to ACEC Oregon by 5:00 P.M.

■ November 29 Wednesday

Risk Management Breakfast, part 3 of 3
“Claims Management and Litigation” also known as **“Paying for Our Sins”** moderated by **Jack Beemer, David Evans and Associates, Inc.**
David Evans and Associates, Inc., Portland, 7:30 - 9:30 A.M.
Watch for more info to come!

Good for
2 CPD credits!

■ November 30 Thursday

Board of Directors Meeting
ACEC Oregon Conference Room, 2:00 - 4:00 P.M.



Oregon Gubernatorial Candidate Ron Saxton Breakfasts with ACEC Oregon Members

ACEC Oregon members had an opportunity to meet Oregon's Republican candidate for governor, **Ron Saxton**, during breakfast August 24 at **CH2M Hill** in Portland. Pictured, from left, are: **Ron Saxton**; **CH2M Hill** Portland office manager, **Jeanine Wright**; ACEC Oregon board member **Jay McRae, CH2M Hill**; and ACEC Oregon President **Dwight Hardin, GRI Geotechnical & Environmental Consultants**. About 18 ACEC Oregon members attended the special program. Thank you to **CH2M Hill** for hosting this event.

DECEMBER

■ December 5 Tuesday

ACEC Oregon Engineering Excellence Judging

JANUARY 2007

■ January 10 Wednesday

ACEC Oregon Engineering Excellence Awards Dinner

■ January 25 Thursday

Board of Directors Meeting
ACEC Oregon Conference Room, 2:00 - 4:00 P.M.

New Board of Directors Take Oath; Terms of Office Commenced June 28

ACEC Oregon's new board of directors was sworn in June 28 during Networking Day activities at Langdon Farms Golf Club. Pictured from left are: Vice President **Troy Bowers, Murray, Smith & Associates, Inc.**; Vice President **Martha Moore, TW Environmental, Inc.**; Regional Vice President **Gayle Harley, OBEC Consulting Engineers**; Vice President **Andy Vessely, Cornforth Consultants, Inc.**; Secretary/Treasurer **Gregg Scholz, R&W Engineering, Inc.**; Immediate Past President **Ken Wightman, David Evans and Associates, Inc.**; and President **Dwight Hardin, GRI Geotechnical & Environmental Consultants**. Not pictured: President-Elect **Mel Sears, Parametrix, Inc.** and Vice President **Jay McRae, CH2M Hill**.



ACEC Oregon

AMERICAN COUNCIL OF ENGINEERING COMPANIES OF OREGON

50th Anniversary, 1956-2006

5319 SW Westgate Drive, Suite 221, Portland, OR 97221

phone (503) 292-2348 ♦ fax (503) 292-2410

www.acecOregon.org