

ACEC Oregon

AMERICAN COUNCIL OF ENGINEERING COMPANIES
OF OREGON

*Serving the business needs of engineering companies
in Oregon and Clark County, Washington
for more than 50 years.*

WINTER 2009

NEWS

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Engineering Excellence Awards 2009

KENNEDY/JENKS TAKES "PROJECT OF THE YEAR" FOR ENERGY PROJECT

In a ground-breaking project prepared for the Oregon Association of Clean Water Agencies, and funded by the Oregon Energy Trust, **Kennedy/Jenks Consultants** showed Oregon's wastewater treatment plants how to free themselves of the need to purchase electricity and become energy independent.



Photo by Julie Keefe

Kennedy/Jenks described options that wastewater treatment plants (WWTPs) can use to increase their energy efficiency, investigated renewable resource options, and encapsulated the information into a systematic approach to analyze, evaluate, and select the best options to make any plant energy independent. The project shows plant operators how to reduce their impacts on the environment and save energy by changing their plant processes, using more energy efficient equipment, and using sustainable and renewable resources. Although the Gresham and Corvallis WWTPs served as demonstration facilities for the project, this approach is specifically designed to be used by any other WWTPs in Oregon and throughout the nation that want to become energy independent.

PROJECT OF THE YEAR: Kennedy/Jenks Consultants, ACWA Energy Independence Project for Oregon Association of Clean Water Agencies. Pictured, from left, are **Heather Stephens, Kennedy/Jenks Consultants; Tom Penpraze, City of Corvallis; Cindy Ryals, Kennedy/Jenks Consultants; David Rouse, City of Gresham; Janet Gillaspie and Susie Smith, Oregon ACWA; Mark Cullington and Alan Zelenka, Kennedy/Jenks Consultants; and ACEC Oregon President Gregg Scholz.**

“High marks for producing tools and methodology to not only further engineering but to also promote a commitment to energy efficiency that could help Oregon in its way to establishing itself as a national player and leader in the energy efficiency scene.”

—Judge's comment



**SEE INSIDE FOR GRAND
& HONOR AWARD WINNERS!**



Engineering Excellence Awards 2009 *(continued from page 1)*

SEVEN FIRMS GARNER GRAND AWARDS

GRAND AWARD

ANDERSON-PERRY & ASSOCIATES, INC.

Challenging Site Prompts Novel Design for City of Rufus

Think wastewater is something cities just have to dispose of? Think again! After learning that the City of Rufus' wastewater treatment plant might have been contaminating groundwater with nitrogen, the City teamed with Anderson-Perry & Associates, Inc., to develop a solution to reuse treated wastewater to irrigate crops. By dispersing wastewater underground through drip lines, the City was able to preserve its adjacent industrial park property for development. Representing one of the largest applications of underground irrigation with reclaimed water permitted in the state, this innovative solution protects both the City's public health and its future capacity for economic development.

“An excellent example of how with gentle guidance, an engineering firm can help a small community “think big.” ”

—Judge's comment



photos by Julie Keefe

Accepting their firm's Grand Award are, from left: **Andy Perry** and **Troy Baker, Anderson-Perry & Associates.**

GRAND AWARD

DAVID EVANS AND ASSOCIATES, INC. Sauvie Island Bridge Replacement for Multnomah County

The Sauvie Island Bridge serves as a source of community pride for residents whose livelihood is dependent upon the



Emcee **Gary Peterson, Peterson Structural Engineers**, kept the awards presentation moving right along.



Accepting DEA's Grand Award are, from left: **Mike Reynolds, David Evans and Associates; Kris Engblom and Ian Cannon, Multnomah County; Ken Stoneman, Eric Rau and Joel Tubbs, David Evans and Associates.**

island's significant agricultural, industrial, and residential areas. The completed bridge is the successful result of a collaborative effort between owner, consultant, contractor, and the local community. The complex analysis, design, and construction included a comprehensive structure selection process, consideration and implementation of input from local residents, and innovative methods of delivery such as floating the 365-foot center span of the bridge down the Willamette River. The capacity of the new bridge will accommodate the current and future demands of the agricultural, industrial, and commercial businesses on the island.



Pictured above with their project's display board are, from left: **Art DeMuro, Venerable Properties; Erica Cedar, Fletcher Farr Ayotte;** and **Omid Nabipoor, Interface Engineering.**

GRAND AWARD

INTERFACE ENGINEERING, INC.
White Stag Block / LEED Gold for Venerable Properties, Inc.

The story of the White Stag Block is not just a one of uniting three historic buildings into a single space, it's also a story about uniting a neighborhood. Portland's stagnant Old Town/Skidmore district was in dire need of a catalyst for revitalization. Interface Engineering was instrumental in transforming the derelict properties into one highly-efficient, LEED Gold certified complex—a demonstration of the owner and design team's commitment to the neighborhood and colorful history of Portland. Faced with budget restrictions and a multitude of engineering roadblocks,

Interface Engineering drew from years of experience with historic renovations and proposed creative solutions. The firm designed systems and components with multiple functions to save on initial costs and energy. The mechanical engineers worked out complicated solutions to preserve historic features within the buildings, while ensuring occupant comfort and system efficiency. Lighting designers specified highly efficient fixtures in keeping with the historic look of the building and used the available skylights to reduce the lighting load on the top floor. This was a truly a project that will leave a lasting impression on the Portland landscape.

“An impressive job combining historic preservation with modern-day sustainability.”

—Judge's comment



Displaying the Grand Award for Providence Cancer Center are, from left: **Brad Moyes, Tony Harasimowicz** and **Anne Monnier, KPFF Consulting Engineers.**

GRAND AWARD KPFF CONSULTING ENGINEERS
Providence Portland Medical Center, Cancer Center for Zimmer Gunsul Frasca Architects LLP

The Providence Cancer Center brings cutting-edge researchers, doctors and patients together in one space. Faced with keeping a boiler room inside the new building's footprint continually operational, the team built the 11-story cancer center around the existing structure. KPFF's inventive solution was a long-span truss system that vaulted over the concrete boiler to help carry the load of nine floors above while protecting the hospital's delicate surgical operations and extremely sensitive equipment from vibration. Its geographic location made protecting this essential facility from earthquake impacts a major concern. KPFF offered steel plate shear walls (SPSW) as an ideal solution, but the international building code had not yet established system guidelines. Working with professors and computer modeling programs, the engineers proved SPSW's effectiveness and gained approval from the Structural Advisory Board to build the 11-story center to the system's maximum allowable height. Thanks to creative structural engineering solutions, the Providence Cancer Center opened on time to offer progressive cancer research and clinical therapies to patients for decades to come.

GRAND AWARD KPFF CONSULTING ENGINEERS Vancouver Land Bridge for City of Vancouver, Confluence Project

The Vancouver Land Bridge renewed the key passage to the Columbia for Native American tribes. With construction of Highway 14 and the railroad, this connection was severed for many years. The Land Bridge is part of the Confluence Project, a collaboration between Northwest tribes, civic groups and artists to celebrate the Lewis & Clark Bicentennial and the area's rich history. This stunning serpentine bridge blends with its surroundings, meandering around wetlands, highlighting archaeological artifacts, and offering aesthetic and interpretive experiences illuminating the area's history. The visitor experience is enhanced by site-specific art and an educational display featuring indigenous language describing the landscape, river and people of the region. The project integrates many green elements, including stormwater storage and reuse for irrigation, stormwater planters, a rain garden, native landscaping, interpretive signage, and many architectural elements expressing the message of sustainability. (See photo on page 4.)

Engineering Excellence Awards 2009 *(continued from pages 2-3)*

GRAND AWARD PAE CONSULTING ENGINEERS

The Columbian for Downtown Vitality Partners

The Columbian is on the forefront of a wave of private sector buildings that will embrace sustainable design and construction. The Columbian sets strong examples in all areas of environmental responsibility, including land use/development impact, resource use efficiency, and waste stream management. Of special note is its ability to maintain a very healthy, inspirational environment for its inhabitants while using less than half the energy of a typical office building designed and built using “business as usual” ideas and practices. The overall design is 58 percent more efficient than code; qualified for 10 LEED energy points; rated in the 96th percentile for EPA Energy Performance; qualified for the maximum federal tax deduction; is virtually carbon neutral and exceeds the standards set by Architecture 2030.



Showing off their Grand Award for the Vancouver Land Bridge are, from left: **Stephen Whittington, KPFF Consulting Engineers; Bob Friedenald, Confluence Project;** and **Tim Shell, KPFF Consulting Engineers.** (See story on page 3.)



Pictured above with their project’s Grand Award are, from left: **Greg Parthemer, Luma Lighting Design; Steve Rupert, GBD Architects;** and **Nick Collins, PAE Consulting Engineers.**

the existing structure and then, in a carefully orchestrated short highway closure period, demolition and removal of that existing structure. The completed new superstructure is then slid into place and set upon the already completed permanent supports. For this project, Crossings 3 and 4 were completed in this manner, with one weekend closure period each. In addition, community involvement was achieved by creating specific targeted activities tailored to each community, including integrating local schools and students into project activities, such as construction of bat habitat boxes that were installed under 4 of the 5 project bridges and the bridge pylons designed by high school students, which will include a time capsule with items donated from school children.

Pictured at right with their project’s display panel are, from left: **Alice Brown, John Ferguson and Scott Nettleton, T.Y. Lin International; Lois Cohen, Lois D. Cohen Associates;** and **Randy Reeve, Parametrix.**



GRAND AWARD T.Y. LIN INTERNATIONAL

OR 38: Elk Creek to Hardscrabble Creek Design Build for Oregon Department of Transportation

This \$46 million project involved the replacement of five bridges along OR38 and is unique in that two of the five bridges were designed to be replaced using innovative Rapid Bridge Construction techniques. These two sites were challenging given their close proximity to the historic Elk Creek Tunnel. Both bridges needed to be replaced without the use of partial or complete highway closures and without substantial reconstruction of the extremely steep hillsides or reconstruction of the tunnel. The RBC technique involves the complete construction of all bridge elements around

NINETEEN PROJECTS TAKE HOME HONOR AWARDS

Shannon & Wilson, Inc. also wins "Best Board"

CH2M Hill North Ontario Interchange for Oregon Department of Transportation, Region 5

David Evans and Associates, Inc. NE 49th Street / 137th Avenue Roundabout Project for City of Vancouver, Washington

David Evans and Associates, Inc. West Vancouver Freight Access Project, Schedule 1 for Port of Vancouver, USA

HDR Engineering, Inc. Boeckman Road Extension for City of Wilsonville

HW Lochner, Inc. U.S. 101: Spencer Creek Bridge for Oregon Department of Transportation

HW Lochner, Inc. West Burnside / Couch Survey Project for City of Portland, Department of Transportation

Kittelson & Associates, Inc. Bend Roundabout Education Program for City of Bend, Oregon

Kittelson & Associates, Inc. and **Harper Houf Peterson Righellis, Inc.** Stafford Road / Borland Road Roundabout for Clackamas County Department of Transportation and Development



Pictured with their Honor Award are, from left: **Eric DeLeon** and **Randy Hinderer, H.W. Lochner.**

Otak, Inc. OHSU Stormwater Management Plan for Oregon Health & Science University

Parametrix, Inc. OR 38: Elk Creek to Hardscrabble Creek Design Build for Oregon Department of Transportation

Parsons Brinckerhoff C-Tran 99th Street Transit Center at Stockford Village for C-Tran

PBS Engineering + Environmental Deconstruction of Whitaker Middle School for Portland Public Schools

BEST BOARD SHANNON & WILSON, INC. Spencer Creek Bridge Foundation for Oregon Department of Transportation

West Yost Associates Water System Operational Model for City of Corvallis

WHPacific, Inc. and **Kleinfelder** Summit High School Athletic Fields Restoration for Bend - La Pine Schools



Accepting their project's Honor Award are, from left: **Guy Neal, Derek May** and **Rick Thrall, PBS Engineering + Environmental.** **ACEC Oregon President Gregg Scholz** is pictured at right.

KPFF Consulting Engineers Humboldt Gardens Hope VI Revitalization for Housing Authority of Portland

Kramer-Gehlen & Associates, Inc. and **Otak, Inc.** Kline Line Bridge and Salmon Creek Restoration for Clark County Public Works

OBEC Consulting Engineers Myrtle Creek Bridge Rehabilitation and Widening for Douglas County, Oregon

Otak, Inc. Diamond Creek Bridge for Douglas County Public Works



BEST BOARD: Displaying their project's Honor Award for the Spencer Creek Bridge Foundation are, from left: **Gary Peterson, Shannon & Wilson, Inc.; Dan McIntier, H.W. Lochner;** and **Park Piao, Shannon & Wilson.** The project also won the "Best Board" award.

What is the "BEST BOARD" award?

A "Best Board" ribbon is awarded to the firm which, in the eyes of the Engineering Excellence judges, created the best display panel. The objective of the award is to promote communication of engineering excellence by creating displays that are both visually exciting and stimulating to read, as well as promoting the achievements of the engineering profession.

FROM THE PRESIDENT

by **Gregg Scholz, P.E.**



Gregg Scholz, P.E.
R & W Engineering

Happy New Year! ACEC Oregon started 2009 with our Engineering Excellence awards dinner. The evening honored 28 project teams with **Kennedy/Jenks Consultants** winning the Project of the Year. Congratulations to all who entered and thanks to all of you that attended the evening's festivities.

Our organization has been busy as the year begins. The Legislative Committee is evaluating and monitoring several bills before the legislature that may affect how we do business. The legislative priorities this session have been identified by the committee to be: transportation funding; economic loss doctrine; QBS; health care; and bonding for seismic retrofit.

The board is also continuing our meetings with the leaders from ODOT to strengthen our relationship. I appreciate all of the extra effort that our board and liaison committee puts into working on the issues alongside ODOT leaders.

Our ACEC Oregon PAC sent request letters out at the end of the year. It is important that we all support the PAC in its efforts to secure legislative votes for the good of engineers in Oregon. Thank you to all of the firms and individuals that have supported the PAC in the past. Be sure you get your name on the list this year.

The Education Outreach Committee is working to improve the contact with our scholarship recipients. The goal is to help each student reach their goals to be successful engineering graduates. If this is an interest for you, contact the committee and offer your time mentoring a student. *See page 10 for an update to how our students are faring.* The board is also looking at other opportunities to strengthen our relationship with local schools so we can entice young people to join the wonderful world of engineering.

Congratulations are due to ACEC Oregon past president **Ken Wightman, David Evans and Associates, Inc.**, on his nomination to the ACEC National Executive Committee. His term begins in April. (*See story on page 11.*)

ACEC Oregon's "Day at the Capitol" is March 10. Come out and meet your legislators and help promote the ACEC issues that will be considered this session. The process is really fun and easy. This event is free to encourage member education about legislative issues. *For more information and a registration form, go to www.acecOregon.org.*

As president it was my honor to be able to host **Tom Skillings, Skillings-Connelly**, ACEC Washington Chairman at our Engineering Excellence awards banquet. We have committed to working together to try and strengthen the relationship between our neighboring states along with other ACEC organizations nearby, such as Idaho and Montana. More information on that effort will come later.

One result from the marketing study and membership survey was the need to have an easy-to-remember tagline to describe our organization. The board worked on this and

decided simple works the best: "The Engineers." We have used this tagline successfully in the past while lobbying the legislature and we've just made it official. This session we will have coffee mugs with our logo and tagline as a leave behind item for any legislators that will accept them. And yes, the value of the mug comes in well below the limit imposed by ethics rules.

Check out the web site

to keep up with all of the activities that are available to you as members. It is constantly changing with new activities and announcements.



Janet Gillaspie, Oregon Association of Clean Water Agencies (ACWA); Alan Zelenka, Kennedy/Jenks Consultants; and Susie Smith, Oregon ACWA show-off their winning project's front page story in the January 15 issue of the Daily Journal of Commerce.

Donors pump up the PAC

A big thank you to the following firms that contributed nearly \$5,000 to ACEC Oregon's Political Action Committee. Donations received through February 18, 2009 are from:

- **Cornforth Consultants, Inc.**
- **David Evans and Associates, Inc.**
- **DKS Associates**
- **HDR**
- **i-TEN Associates, Inc.**
- **Landau Associates, Inc.**
- **WEST Consultants, Inc.**

Thank you!

AMONG OURSELVES...

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

COOPER ZIETZ ENGINEERS, INC., 421 SW 6th Avenue, Suite 1210, Portland, OR 97204, phone (503) 253-5429, www.coopercm.com. Firm rep is **Timothy Oliver, P.E.** Other key personnel are **Fred Cooper, P.E., Scott Henderson, P.E., Cathy Kohler, P.E., Kenneth Valder, P.E., Carl Zietz, P.E.** The firm offers private clients and governmental agencies, worldwide, specialized services in construction project management, cost control, project scheduling, quality control, constructability review and feasibility analysis for military, civil works and public infrastructure projects. The firm has a strong background in civil/environmental design and construction engineering practices.

HDJ DESIGN GROUP PLLC (formerly Hopper Dennis Jellison), 300 West 15th Street, Vancouver, WA 98660, phone (360) 695-3488, www.hdjdesigngroup.com. Firm rep is **Gregory Jellison, P.E.** Other key personnel are **Bonnie Cross, Thomas Dennis, P.E., Brian Hopper, P.E., Christi Lazzaretto.** Key personnel in Portland is **Maureen White, P.E.** HDJ Design Group is a full service civil engineering firm. Corporate headquarters is located in Vancouver, WA, with branch offices in Portland, OR and Pasco, WA. From planning through construction, the firm offers a full range of planning, design, and management services.

JACOBS ASSOCIATES, 101 SW Main Street, Suite 320, Portland, OR 97204, phone (503) 227-1800, www.jacobssf.com. Firm rep is **Mark Havekost, P.E.** Other key personnel are **Sue Bednarz, Luke Erickson** and **Mike Kowalski.** Jacobs Associates has specialized in design, construction engineering, and construction management services for underground projects, with an emphasis on tunnels, for over 50 years. The firm combines the disciplines necessary to address a variety of project challenges, such as geotechnical engineering, cost estimating, structural, civil, and mining engineering.

RIDGE ENGINEERING LLC, 15475 NW Pumpkin Ridge Road, North Plains, OR 97133, phone (503) 702-9169. Firm rep is **Richard M. Boyer, P.E.** Ridge Engineering LLC provides structural engineering consulting to architects and contractors. In addition, Ridge Engineering offers evaluation for property owners and site planning.

TERRACON, 12400 SE Freeman Way, Suite 102, Portland, OR 97222, phone (503) 659-3281, www.terracon.com. Firm rep is **Kristopher Hauck, P.E.** Other key personnel are **Andrea Kuehnel, P.E.; Craig Peterson, P.E.;** and **Chris Wilson, P.E.** Terracon provides practical solutions to geotechnical, environmental, construction materials and facilities engineering challenges. The firm has a national network of over 95 offices providing local expertise backed by national resources.

WEST YOST ASSOCIATES, 8100 SW Nyberg Road, Suite 200, Tualatin, OR 97062, phone (503) 692-3223, www.westyost.com. Firm rep is **Corie Peterson, P.E.** Other key personnel are **Gregory Humm, P.E.,** and **Dianne Lee.** West Yost Associates (WYA) is a 110-person consulting engineering firm with offices in California and Oregon. WYA has provided planning, design and construction management services in the areas of water, wastewater and stormwater engineering for 18 years.

Herbe Fricke, Cascade Design Professionals, is president of the board of the Oregon Native American Chamber of Commerce. The organization was created in 1995 as a non-profit.

The ACEC Oregon board of directors is pleased to bestow life membership upon **Jory Abrams, P.E., CH2M Hill (retired).** Abrams most recently served as an Engineering Excellence Awards Competition judge. Prior to retirement, Abrams served as vice president on the ACEC Oregon board from 2004-07.



Jay Lyman, David Evans and Associates, Inc. (DEA), has been promoted to chief operating officer. Lyman has worked at DEA for more than 18 years and has more than 29 years of experience in regional transportation planning, transportation development and environmental impact studies. He holds a bachelor's degree in economics from Gonzaga University and a bachelor's degree in civil engineering from the University of Washington.

Mason, Bruce & Girard (MB&G) has expanded its services to include public involvement consulting. The addition of staff specializing in public outreach and involvement enhances the firm's capacity to provide clients with a multidisciplinary approach to natural resource management and environmental regulatory compliance. The new service reflects the firm's growth as a provider of comprehensive technical and regulatory expertise for achieving National Environmental Policy Act (NEPA) compliance.

OBEC Consulting Engineers announces the relocation of their Medford office to 831 O'Hare Parkway, Medford, OR 97504. The move supports the expansion of their roadway/civil, bridge/structures, survey and construction engineering capabilities and strengthens their longstanding commitment to the area.

Tenneson Engineering Corporation has moved. Their new physical address is 3313 West Second Street, The Dalles, OR 97058. New mailing address is P.O. Box 1132 (same zip as the physical address). Phone, fax and e-mail addresses remain the same.

■ **IN MEMORIAM** Former ACEC National Executive Vice President (1987-99) **Howard Messner** died December 4 following a long illness. He was 71. Messner's tenure as executive VP saw passage of the landmark Intermodal Surface Transportation Efficiency Act in 1991 and the Transportation Equity Act for the 21st Century (TEA-21) in 1998. He was also instrumental in the establishment of ACEC's Senior Executives Institute (SEI).

■ **OSBEELS UPDATE: DIGITAL SIGNATURES** Often times the terms electronic signature and digital signature are misconstrued as the same terms. However, registrants are cautioned that the electronic signature and digital signature are distinctly different with respect to the information security world. In October 2007, the Professional Practices Committee (PPC) met with the Rules & Regulations (R&R) Committee to continue the discussion of digital signatures. With the assistance of **Ron Singh, PLS**, the R&R Committee drafted language for Oregon Administrative Rules (OARs) 820-010-0010, 820-010-0620, and 820-015-0010 to incorporate the use of digital signatures. During the July 8, 2008 Board meeting, the amendments to the aforementioned rules were finalized. *For a PDF document summarizing the details, please go to www.acecOregon.org or [click here](#).*

COBA'S CAPITOL COMMENTS...

by ACEC Oregon lobbyist Marshall Coba, CobaCo, LLC

Plunging state revenue forecasts with rising unemployment numbers have conspired to create a palpable sense of doom and gloom in the Capitol in the early weeks of the 2009 legislative session. Legislative leaders along with members of the budget writing Ways and Means Committee and the Revenue Committees, where new taxes, fees or other revenue raising measures would be debated, have waited anxiously for the outcome of the federal stimulus package. With the federal package now signed into law, Oregon legislators can begin to finalize cuts to the 2007-09 budget that ends on June 30, the last day of the fiscal year.

Because Oregon and all other states cannot deficit spend, no agency will be spared with education and social programs taking the largest dollar reductions as these are the program areas that have the largest budgets. With each passing day the magnitude of the cuts increases as less time means greater cuts as a percentage of the remaining budgets for each agency. The Governor has expressed his opposition to making sweeping cuts of equal percentages across the board. Because of this, the cuts will be focused and severe. Once the 2007-09 budgets are balanced work will begin on the 2009-11 budget which will continue the downward trend with a possibility of more than \$1 billion general fund less to work with than in 2007-09.

Because of the focus on budgets, the key transportation funding package of great interest to ACEC members will begin in early March. House Bill 2120, the Governor's transportation package will first be deliberated in the House Transportation Committee chaired by **Rep. Terry Beyer (D)** from Eugene. Chair Beyer will begin hearings on **HB 2120** with the comfort of \$344 million in new state highway funds from the federal package. **Sen. Rick Metsger**, chair of the Senate Business and Transportation Committee, will guide the bill through the Senate with the steady assistance of **Sen. Bruce Starr**. It is expected that the final package will be changed in many ways from its current form but that ultimately a package will be developed that will gain enough legislative support for passage. If a gas tax increase is part of the final package it will be the first increase in Oregon's 24 cent gas tax since 1991. The package contains funding for roads, transit, rail, airports and more. Because of its size and complexity **HB 2120** will pick up some opposition along the way. However, key legislators and the Governor have made it a priority and it is expected to pass with a rather significant funding level.

ACEC is introducing legislation to codify the **Economic Loss Doctrine** in statute as a result of a recent Supreme Court case. In *Harris v. Suniga* the court ruling has the potential effect of eliminating the contractual agreements between the client and engineer. The agreements made by the client and engineer relat-

ing to the level of service, design criteria and risk allocation are not defenses when a third party sues the design professional. This bill, that has yet to have a bill number, will attempt to re-establish the traditional relationship between client and designer by limiting rights to unknown third parties.



Pictured at right is **Zak Toledo, HDR**, as he engages in a role-playing exercise with former Oregon legislator **Mike Burton** during a legislative issues briefing breakfast on February 17. The meeting prepared members to discuss issues with their legislators for ACEC Oregon's biennial "Day at the Capitol" in Salem to be held March 10. Thank you to **David Evans and Associates** for providing meeting space.

Jim Marvin (Marvin, Chorzempa & Larson), **Greg Ausland** from **OBEC Consulting Engineers**, and I met with **Senate Judiciary Chair Floyd Prozanski** and **House Judiciary Chair Jeff Barker** recently to discuss the economic loss doctrine. Rep. Barker is not an attorney and he asked us to talk to his committee members who are attorneys. He will take his cue from them. We are scheduling those meetings now. Sen. Prozanski is an attorney and he was more familiar with the concept and open to the issue. He said when it is drafted he would introduce it as a committee bill and hold a hearing on it. He made no promises about its ultimate outcome. He said we

will see what level of concern it creates from other interest groups.

HB 2232 -- Dwight Hardin (GRI) and I met with **Phil Ward, Director of the Water Resources Department**, to discuss this bill which adds fees for geotechnical holes. We now better understand the issue and it appears that it will be moved from the committee soon.

I met with **House Business Committee chair Rep. Mike Schaufler**. We discussed **HB 2457** that allows journeyman plumbers to design fire protection systems in homes. We discussed this at the legislative committee meeting and concern was expressed about why they were amending our statute. Rep. Schaufler said he would ask as he wasn't sure either. After that meeting I met with **Mark Long the Building Codes Administrator** and he said he was redrafting **HB 2457** as he felt it could be more concise in its wording. He will share the new draft with us. Schaufler also said he supports **SB 324** which would **expand QBS** to the higher education system.

HB 2037 that would require the State Department of Administrative Services to maintain a record of all public contracts with consultants and to report that information to the legislature and Governor will have a hearing in late February. ACEC opposes this bill as it would add significant record keeping requirements to all projects. A similar bill died in the 2007 session from a significant fiscal impact statement. It is expected this would suffer a similar fate but union pressure may keep it alive.

ACEC's legislative committee is currently tracking 52 bills with more added each week.

Focus on risk management...

WORKING WITHOUT FORMAL AGREEMENTS

Engineers don't have a "Dear Abbey" to address questions to, but here is one addressed to Ava.

"Dear Ava:

I have a lot of long term clients that I do repeated work for. We have not entered into formal agreements for our work over the years. We are honorable people and everything has worked out just fine. My insurer wants me to use written agreements on all projects and frankly I am not comfortable in changing the way I do business with these people. My biggest concern is that they will become suspicious of my motives when I ask them to sign a large document full of legal stuff. Do you have any advice?

Sincerely, Stuck between a rock and a hard place"



Dear Stuck,

You're stuck? Without more information, I'm stuck as an uninformed answer is worse than no answer at all. So bear with me while I fill in the blanks for you. (Just like a lawyer...rephrase the question until you have one you can answer. Then answer that *Mea culpa*.)

I assume three things:

■ First, I assume by "a formal agreement" you mean an EJCDC E-500, with an Owner needing engineering services, or some extensive, comprehensive contract like them.

■ Second, I assume your client is a small owner, or else their lawyer would be demanding a formal agreement, too.

■ Third, I assume your client's project is a small project; else their insurance broker would be joining the chorus in the "you-need-a-formal-agreement" mantra.

If these assumptions are correct, you want to know whether a design professional with a many-year, many-project, never-a-claim relationship with a small, repeat client needs to sign a E-500 like agreement with that client when that client next has a small project in mind?

You'd like me to say "no" wouldn't you? Okay, "no." Happy?

Probably not. If you are like every design professional I have ever worked with, you would prefer a reasoned decision. In order for me to give you one, we have to start with the basics.

What is the purpose of a design contract? There are more than one, and a good contract delivers on all of them.

■ **At its most basic level, a design contract makes the progress of the project predictable.** It is the "legal schematic" that describes how the project will go if it proceeds well, or if it does not. This view of a contract as a legal schematic is true for every party to the building enterprise, including you and your client. Since all parties benefit from a contract that defines and supports the design and construction process, your client should welcome one as much as you.

■ More broadly, **a contract helps the parties achieve their strategic objectives.** Contract negotiation affords all players the opportunity to lay out their strategic goals. It gives them the chance both to understand each other and to decide whether they really want to and can work together.

■ **A contract affords all parties the opportunity to set realistic expectations of the others.** In order to be an effective tool that allows a project to be predictable, a contract must be grounded in realistic expectations. In addition to discussing strategic objectives, negotiation is the time to work out project scope, budget, roles, quality, quantities, systems, and timing. It also is the time for all parties to discuss and understand the implications of what they can and cannot do, as well as the procedures they will use to work together.



■ **A well-negotiated contract assigns a risk to the party in the best position to control the risk and then gives that party all the responsibility, power, and fee needed to handle the exposure successfully.** Intuitively,

this makes sense. There is no sound reason to assign an exposure to someone not capable of handling it, or to give anyone insufficient resources to manage a risk they have assumed. Project success doesn't result from hedging; nor does design and construction excellence. Claims do. Contract negotiations provide the parties the chance to align scope, strategy, systems, and budget to enhance the possibilities of success.

■ **Contracts help provide the framework to facilitate future negotiations.** Owners, designers, and contractors typically continue to negotiate the design of the project after the contract is signed, hence, negotiation doesn't end with the initial contract. Once a contract is signed, an entire new series of negotiations begin, from what the design should look like, to how it should be configured, to how it should be built.

■ **Contracts help solidify the working relations the parties will need to succeed.** In addition to providing implementable language, contracts help secure working relationships.

■ **Contracts are a private law** - a law written by two parties that our very public courts will enforce. I put this purpose of contracts near the end because it is the least important of all the purposes of contracts for one significant reason: most projects succeed. But when a contract does end up in court, all too often, the parties come to realize that how it was formed was part of the problem that landed them there.

■ **Contracts are what helps you get paid** - and, from the Owner's perspective, what helps the Owner ensure he is not ripped off by the consequences of an undefined scope and its counterpart "We can do it, but it's an additional service."

Given all the power a good contract gives you and your client, I have a question. Why would you not want to have your client sign one?

May I be presumptuous and suggest that your "fear of signing" rests in the type of contract you are asking the client to sign. Maybe EJCDC E-500 family of contracts is too heavy a vehicle for a small client with a small project? If that is your fear, check out the EJCDC's E-520 short form agreement or its E-505 for multiple assignments from the same client, patterned after the E-500 for special services. If that still won't do the trick, ask your lawyer to draft a "scope agreement" that details what the client wants, that details the project's scope, and how much your design services are going to cost to accomplish that scope. You owe your client and yourself at least that.

By the way, though engineers tend to view scope agreements and letter agreements as something other than a "formal agreement," we lawyers call them both a contract - a short, but nonetheless formal agreement. As Shakespeare said, a rose by any other name smells as sweet.

Good luck. --Ava



NOTE: This article is provided by David Shipley of Shipley & Associates, a member of the ACEC Oregon Risk Management Committee. Shipley & Associates specializes in insurance and risk management services for the engineer and architect. This article has been excerpted from an article written by Ava J. Abramowitz, ESQ and copyrighted by a/e ProNet. This article is intended for general discussion of the subject, and should not be mistaken for legal advice. Readers are cautioned to consult appropriate advisors for advice applicable to their individual circumstances.

SCHOLARSHIP RECIPIENTS FLOURISH AT OREGON STATE

Four students currently hold ACEC Oregon scholarships. Following is an update on their activities.

■ DEREK MANWILL, Senior

(began scholarship September 2006)

Derek says, “Here’s a little bit about what I have been up to:

“I am President of our student chapter of ASCE. Much of what I do for ASCE is outreach to get children and younger students interested in engineering. Some of the things I have done in this area are: giving a presentation to Cub Scouts about bridges; giving presentations about ASCE and civil engineering at events for high school students; and giving presentations about ASCE to underclassmen at OSU.”

Some projects Derek has worked on include:

Snow Creek Bridge Forensic Study

– I aided two of our ASCE advisors in the inspection of a pedestrian bridge that collapsed during the heavy snows last winter. Using the information from our inspection and some calculations we performed based on nearby snow data, we wrote a report to the United States Forestry Service (the owner of the bridge) about possible reasons for the bridge’s failure and recommendations for its replacement.

Captain of Timber Pedestrian

Bridge Design – Our team developed five different bridge design alternatives that we will present to ODFW (Oregon Department of Fish & Wildlife) and other stakeholders for the potential pedestrian bridge at the Oregon Hatchery Research Center in Alesia, OR.

Captain of the OSU team competing in the 2009 Undergraduate Seismic Design Competition.

Future Plans: “After graduating in June, I will move to Olympia, WA to work for Sargent Engineers, a structural engineering firm. After working for six months, I will return to OSU for Winter and Spring terms to earn a Master of Engineering in Structural Engineering. After earning my Master’s, I plan to continue to work for Sargent and earn my PE and SE.”

■ CIERRA EBY, Junior

(began scholarship Sept 2007)

Cierra writes, “I’m in my second year as a Civil Engineering Student at OSU and I am especially interested in Geotechnical Engineering.

“School is going well. I am really enjoying my introductory GIS course and I am thankful to be finishing my last Physics course this term.

“I am beginning to get involved with Engineers Without Borders and am excited about the opportunity to help with the projects they have here in Corvallis and abroad.”

■ KYLE McVAY, Freshman

(began scholarship September 2008)

Kyle is attending Oregon State and conveys, “College is going well for me thus far. I’m kept fairly busy between classes, homework, and work; however, I have plenty of time to enjoy college life.

“I’m still keeping my mindset on the main task. I received good grades last term with three A’s and a B+ and am taking sixteen credits this term and am cruising along. I’m also enjoying the entrance into the world of engineering. Thus far I am declared general engineering however I’m heavily leaning toward nuclear engineering, interactions at an atomic level fascinates me, and I believe nuclear power and other nuclear technology to play a big role in the future.

“I would like to thank ACEC for all the support they have given me. With their help I can enjoy college life and still learn to my fullest potential.”

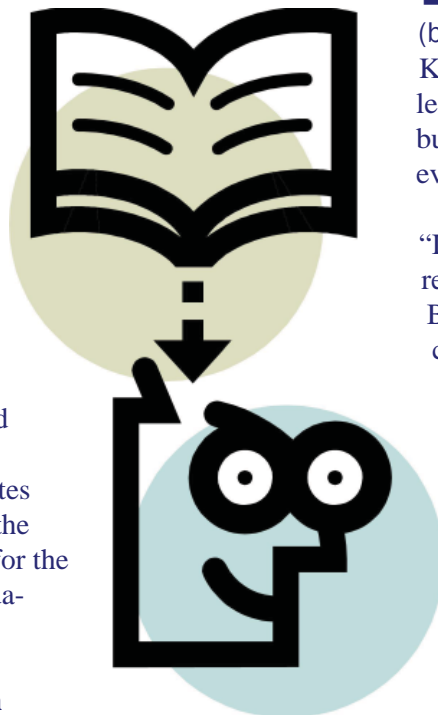
■ BRAD MILLER, Freshman

(began scholarship September 2008)

Brad reports, “Things here at OSU are going very well.

“All of my classes are in big, 200+ seat lecture halls, but I have learned to appreciate large lectures because each class is a professional presentation where everybody is serious about learning. My friends and I sit near the front, so the class doesn’t seem too intimidating, unless I turn around and see the multitude of students behind me typing furiously on their Macbooks.

“I’m also playing trombone in concert band and a fantastic jazz ensemble. I was surprised at the amount of talent in the jazz program here at Oregon State.”



WIGHTMAN ELECTED TO ACEC EXECUTIVE COMMITTEE



Ken Wightman
David Evans and Associates, Inc.

ACEC's Board of Directors has elected four new members to ACEC's Executive Committee, with two-year terms beginning at the April 2009 Annual Convention in Washington, D.C.

Gerald Stump, vice president of Wilbur Smith Associates in Franklin, Tennessee will become the new chairman-elect, succeeding Timothy Psomas who will begin his term as chairman in April.

Newly-elected vice chairs are: Robin Greenleaf, president of Architectural Engineers, Inc. in Boston, Massachusetts; Bartlett Patton, chief operating officer of Kleinfelder in Irvine, California; and **Kenneth Wightman**, chief executive officer of **David Evans and Associates, Inc.** in Portland, Oregon.

ACEC/Kansas Executive Director Scott Heidner will serve as the NAECE representative on the 2009-2010 Executive Committee.

The new officers will join Psomas, Terry Neimeyer, Craig Avery, Ted Williams, and James Duncan on the 2009-2010 Executive Committee.



ACEC OREGON WELCOMES NEW PART-TIME ASSISTANT

You may have heard a new voice when calling ACEC Oregon. Evan Churchill joined ACEC Oregon staff recently and hails from Eugene. A graduate of Oregon State University, Churchill says he "loves" his part-time job here, and looks forward to meeting the members. Churchill is also a musician/songwriter. And, when asked if he's related to Winston Churchill, he remarked, "Yes, something ridiculous like 42nd cousin."

Pictured above during the Engineering Excellence awards dinner are, from left to right, **Evan Churchill**, Assistant; **Alison Davis**, Executive Director; and **Merideth Webber**, Executive Assistant.

SIGN UP NOW FOR ACEC'S 2009-10 NATIONAL COMMITTEES

ACEC members are encouraged to sign up for service on ACEC National committees.

ACEC's committees are a primary means of carrying out functions that advance the Council's Strategic Plan. Committees undertake a wide range of activities, including recommending legislation and regulations to promote and protect the engineering industry; providing essential information on engineering business issues; reviewing and recommending business products and services that benefit member firms; and overseeing the performance of ACEC programs.

To view committee goals and rosters, go to http://www.acec.org/about/0809_committees.cfm.

Participation on an ACEC committee brings vitality to the Council and ensures that the issues of members are dealt with in Council operations.

Most of ACEC's committees are "open" (i.e., sign up and you're on!). A few require appointment by the incoming ACEC chairman. The terms of committee members begin during the 2009 Annual Convention, April 26-29.

Open and appointive committees are listed below. Be sure to share this information with co-workers and encourage them to volunteer as well—remember, ACEC committee membership is open to all employees of ACEC member firms.

OPEN COMMITTEES:

- Contract Documents Committee
- Environment & Energy Committee
- Federal Agencies & Procurement
- Advocacy Committee

- Institute for Business Management Committee
- Peer Review Sub-Committee*
- SEI Alumni Committee**
- International Committee
- Management Practices Committee
- Membership Committee
- Public Relations Committee
- Risk Management Committee
- Tax and Regulatory Affairs Committee
- Transportation Committee

APPOINTIVE COMMITTEES:

- Budget Committee for FY 2011 to FY 2014
- Engineering Excellence Awards Committee
- Planning Cabinet
- Conference Curriculum Sub-Committee
- Professional Conduct Committee
- Bylaws & Procedures Committee
- ACEC/AASHTO Joint Committee
- Tellers Committee

**Must be employees of Peer Reviewed firms*

***Must be SEI Alumni*

To join a committee, send an email message to Mary Ann Emely, ACEC vice president of operations, memely@acec.org and designate which committee(s) you are interested in joining. Remember, if your interest is in an "open" committee, you will automatically be added. If you are interested in an "appointive" committee, please so indicate and if you are selected, you will be notified in March. Current members of "open" committees will be automatically continued, unless they advise otherwise. If you have questions about the process, please contact memely@acec.org.

ACE ACADEMY THRIVES WITH INDUSTRY SUPPORT

The Academy for Architecture, Construction and Engineering (ACE Academy), started as pathway for students interested in design-build careers and as a conduit for the industry to attract a quality workforce. From early on, industry involvement and support was deemed critical to the success of the program.

The outpour has been tremendous from financial donations to in-kind contributions, volunteer time in organizing jobsite tours, training center visits to providing in-person mentoring to our seniors, industry has stepped up to the challenge.

Equally important in the contributions has been industry's time. To get a feel for the real world of the design-build industry, the students visited 22 construction sites, involving over 55 hours of volunteer time from architects and contractors to execute.

As ACE Academy finishes the first milestone of its first semester, it's clear that the public-private partnership is off to a good start. ACE plans to execute a Mentoring and Internship program next providing students with resources and connections that will go far to strengthen their design-build career explorations.



For more information on ACE Academy, including a photo gallery, please visit www.acecharterschool.org.

Mark your calendar.....

FEBRUARY

- **February 26 Thursday**
“Successful Government Contracting: Understanding & Applying the FAR Cost Principles for Improved Profitability”
David Evans and Associates, Inc.

MARCH

- **March 10 Tuesday**
“Day at the Capitol,” Salem
8:00 A.M. - 1:00 P.M.
Board of Directors Meeting
OBEC Consulting Engineers, Salem
1:30 - 4:00 P.M.
- **March 11 Wednesday**
Future Leaders Certification Series (6 of 8)
David Evans and Associates, Inc.
Level 1: Business Correspondence
Level 2: Speaking with Impact *
* This is also offered as a “drop in” class; for more info & registration form go to <http://www.acecoregon.org/calendar/upcomingEvents.php>.

APRIL

- **April 8 Wednesday**
Future Leaders Certification Series (7 of 8)
David Evans and Associates, Inc.
Level 1: Building Client Relationships
Level 2: Leadership Development
- **April 9 Thursday**
Board of Directors Meeting
ACE Academy, Portland
10:00 A.M. - 12:30 P.M.
- **April 22 Wednesday**
“Global Climate Change and Impact on Public Works”
Ernesto’s Italian Restaurant, Portland
5:30 - 8:30 P.M.
- **April 26-29 Sunday-Wednesday**
ACEC National Annual Spring Convention & Legislative Summit
Washington, D.C.
- **April 28 Tuesday**
ACEC National Engineering Excellence Awards Presentation & Gala
Washington, D.C.

MAY

- **May 14 Thursday**
Board of Directors Meeting
R & W Engineering, Inc., 2:00 - 4:30 P.M.
- **May 20 Wednesday**
Future Leaders Certification Series (8 of 8)
David Evans and Associates, Inc.
Level 1: Client Maintenance, 8A.M.- 12 P.M.
Level 2: Leadership Transition, 1-5 P.M.
Annual May Business Dinner and
Future Leaders Participant Recognition
The Oregon Zoo, 5:30 - 8:30 P.M.

JUNE

- **June 11 Thursday**
Board of Directors Meeting
R & W Engineering, Inc., 2:00 - 4:30 P.M.
- **June 24 Wednesday**
Networking Day Joint Golf Tournament and Dinner, with ASCE’s Younger Member Forum, Langdon Farms Golf Club

SEPTEMBER

- **September 10-12 Thursday - Saturday**
Joint Fall Conference with ACEC WA
Salishan Spa & Golf Resort, Oregon

OCTOBER

- **October 7-10 Sunday - Wednesday**
ACEC National Fall Conference
La Quinta Golf Resort, Palm Springs, CA

ACEC Oregon

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“The Engineers”