

# CASE

## CHAIRMAN'S UPDATE

### John Mercer, Mercer Engineering, PC Minot, ND

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CASE has had a soul searching year. We polled our members and embarked on strategic planning—and we hope that the results benefit our group and its future.

12 CASE members participated in a Strategic Planning session yielding 5 initiatives to be pursued by CASE ExCom and membership for the next 5 years. For the coming year, two initiatives will be brought into focus by primary champions selected to identify action items that need to be addressed by the ExCom. For the immediate future, CASE 2.0 and Do You Measure Up will be the initiatives given primary focus.



#### CASE WOULD LIKE TO THANK ITS SPONSORS:



BUSINESS INSURANCE TRUST  
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<u>Primary Champion</u>	<u>Initiative</u>
David Odeh	CASE 2.0: Effective Outreach
Mike Matsumoto	Do You Measure Up? Join CASE and Find Out
Michael Planer	Working in Collaboration With Our Own
Dave Mykins	Focused Regular Release of Products
Brent White	The New Business of Risk

If you have thoughts to contribute to the CASE activities, please contact Heather Talbert at ACEC. ([htalbert@acec.org](mailto:htalbert@acec.org))

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## Chairman's Update (cont...)

CASE members interested in serving on a committee should contact Heather Talbert ([htalbert@acec.org](mailto:htalbert@acec.org)) to be put onto a contact list. Existing committees are seeking new members to strengthen and accept responsibility to continue producing the fine documents and tools that has been the tradition of CASE for best business and risk management practices.

CASE ExCom needs a list of members willing to serve on short term task force assignments. From time to time business issues surface requiring research and investigation to determine the impact of the issue on CASE member community. The task force would be expected to develop a written report or white paper to submit to CASE ExCom with suggested recommendations for actions to be taken. Task force membership would typically consist of 2 or 3 volunteers chaired by an ExCom member. The duration of an assignment could range from 30 to 90 days. Please contact Heather Talbert ([htalbert@acec.org](mailto:htalbert@acec.org)) to have your name placed on the Task Force list for future issues.

Thank you for your continued support of CASE with your membership. Please consider attending our CASE summer meeting to be held in Chicago in August.

## ACEC Comments on Proposed Rules from MSRB and SEC



Last summer, Congress approved major financial services reform legislation, known as the Dodd-Frank Wall Street Reform and Consumer Protection Act. Section 975 of the law requires "municipal advisors" to register with the Securities and Exchange Commission (SEC) and the Municipal Securities Rule-making Board (MSRB).

Although Congress included an exemption from registration for "engineers providing engineering advice," the SEC's proposed rule to implement the provision was narrowly written and would capture traditional engineering activities. In addition, the MSRB has issued a proposed rule stating that individuals or firms that register as municipal advisors will have a fiduciary duty to their clients.

ACEC worked with a number of member firms to draft comments on the SEC's proposed rule, as well as the MSRB's proposed rule. In order to discuss the engineering exemption in greater detail, ACEC has met with the SEC. *Read the [SEC](#) and [MSRB](#) comments.*

For a summary of that meeting or for additional information on this issues, contact Katharine Mottley, ACEC's Director of Tax and Regulatory Affairs, at [kmottley@acec.org](mailto:kmottley@acec.org) or 202-682-4306.

# CASE 2011 SPRING CONVOCATION WRAP-UP

Michael Planer, Pruitt Eberly Stone, Inc.  
Atlanta, GA

CASE just finished it's Spring Convocation held in Las Vegas in conjunction with the SEI Structure's Congress. The sessions presented were focused on Risk Management and Business Practices and were exciting and timely. Bill Geisen, Esq. of Graydon, Head and Ritchey presented "How Structural Engineers Can Work Effectively with Architects Who Use AIA C401." The AIA recently updated their contracts and there were a lot of questions and discussion among the attendees during the presentation. Brian Stewart, Esq. of Collins, Collins, Muir & Stewart spoke on "The Changing Face of Indemnity: Meaner and Uglier" and focused on the indemnity clauses many of us face when reviewing contracts and the negative impact these can have.



Next, the CASE Toolkit Committee presented "New Tools for Managing Risk and Project Implementation." These tools are a portion of the many tools the Toolkit Committee has developed over the years to assist the practicing structural engineer in implementing and maintaining a sound risk management and business practice plan. Lastly, John Woods of Woods Peacock Engineering and Bruce E. Titus, Esq. of Rees Broome discussed "Lessons Learned from Arbitration." The attendees in this session were exposed to stories from these gentlemen based on years of experience involved in arbitration cases and lessons learned.

The Spring Convocation was well attended and the topics were very relevant to today's practicing engineer. Look for our Fall Convocation back in Las Vegas in conjunction with the ACEC Fall Conference October 19-22, 2011. The topics in the fall will be on BIM ("BIM and the Bottom Line" and "BIM and the Standard of Care") as well as a presentation and discussion on what to watch out for when using the new Consensus-DOCS, the new set of contracts developed by a consortium of entities involved in the construction industry.

**2011** | STRUCTURES CONGRESS  
LAS VEGAS, NEVADA  
APRIL 14-16, 2011

 **STRUCTURAL  
ENGINEERING  
INSTITUTE**



*Don't Gamble On Your Future - Come To The 2011 Structures Congress*

## CASE STRATEGIC PLANNING

CASE embarked on strategic planning this April, held in tandem with SEI's Structure's Congress, in Las Vegas. Armed with your survey results and guided by a great facilitator, Rod Hoffman of S&H Consulting, the group made headway into ensuring CASE is responsive, secure, and marketable for years to come.

The group started by developing a five year vision for CASE with the following tenets:

1. Build sustainable participation
2. Valued by membership
3. Produce valuable products and meetings
4. Recognized, respected business practice and risk management leader
5. Financially robust
6. Healthy relationship with ACEC
7. Outreach to outside organizations



A big part of CASE's future will be membership—recruitment, retention, and dues. Stemming from that, there was a focus on increasing and modernizing our web presence, including social media and a webinar program. CASE needs to be a current organization; communicating, educating, and supporting its members through web-based and social media programs is a great way to bridge that gap.

Participants volunteered to champion the following initiatives, designed to address the issues that have kept CASE stagnant:

### **Do You Measure Up? Join CASE and Find Out**

Primary Champion: Mike Matsumoto

### **CASE 2.0: Effective Outreach**

Primary Champion: David Odeh

Champions: David Odeh, Andy Rauch, Brian Schmidt, John Mercer

### **Working in Collaboration with Our Own**

Primary Champion: Michael Planer

Champions: Carrie Johnson, Joe Gehlen, Michael Planer, Stacy Bartoletti

### **Focused Regular Release of Products**

Primary Champion: Dave Mykins

Champions: David Mykins, Dennis Wittry

### **The New Business of Risk**

Primary Champion: Brent White

Champions: Brent White, Tom Hendrick

Big thanks to these members who have volunteered their time and energy to this process.

If you want to get involved at any level, email Heather Talbert [htalbert@acec.org](mailto:htalbert@acec.org)—there is plenty of work to go around!



## CASE PRODUCTS JUST RELEASED

Firm and project planning is crucial to reducing your firm's risk and to avoiding claims. One major facet of firm planning is predicting upcoming revenue and staffing demand to make sure that your firm has the resources to adequately service upcoming booked and potential projects. **CASE Tool 3-2: Staffing and Revenue Projection** provides a simple to use and easy to manipulate spreadsheet-based tool for predicting the staff that will be necessary to complete both "booked" and "potential" projects. The spreadsheet can be further utilized to track historical staffing demand to assist with future staffing and revenue projections. It is recommended that a firm create a database of actual revenue achieved to revenue projected for a defined period of time. Knowing your firm's own patterns of revenue and staffing projections can offer a forward looking key indicator for making business decisions.

Preparing and maintaining a proper Project Work Plan is a fundamental responsibility of a project manager. Work Plans document project delivery strategies and communicate them to the team members. **CASE Tool 3-4: Project Work Plan Template** serves as a template to guide the Project Manager and streamline the process. Project Manager will use this template to create a project Work Plan that will be stored with the project documents.

These are the second and fourth tools related to the **Third Foundation for Risk Management, Planning**.

Computers and engineering software are used in every structural engineering office. It is often a struggle to manage and supervise these tools. Software availability is in constant flux, software packages are continually updated and revised, and few software packages fully meet the needs of any office. **CASE Tool 5-3: Managing the Use of Computers and Software in the Structural Engineering Office** is intended to assist the structural engineering office in the task of managing computers and software. This tool is a two level approach. The first portion of the tool is a white paper outlining concern and issues related to the use of structural engineering software and computers. This paper is directed at principals and managers in firms with the intent of encouraging action within each firm to develop management procedures. The second portion of the tool is a worksheet that will allow firms to thoughtfully address current computer/software use as well as issues that should be addressed for effective management.

It is the third tool related to the **Fifth Foundation for Risk Management, Education**.

Remember, all Tools for the Foundations can be downloaded for **FREE** from the CASE website at <http://www.acec.org/CASE/index.cfm>.

## CASE Scholarship Donations

Reid Lundin will receive the \$5,000 Council of American Structural Engineers (CASE) scholarship. Lundin will graduate with a combined bachelor's/master's degree in architectural engineering from Kansas State University in December, 2012.



As we congratulate Reid, we are reminded that the generosity of our members makes this scholarship possible. If you would like to donate to the CASE Scholarship fund, we have included a donation form below:

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### CASE Scholarship 2011 Donation Form

\$50       \$100       \$250       \$500       Other Amount \$\_\_\_\_\_

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Firm Address (line 1): \_\_\_\_\_

Firm Address (line2): \_\_\_\_\_

City, State Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_

**Payment:**  Check (payable to ACEC/CASE Scholarship Fund)  Visa  MC  Amex

Card #: \_\_\_\_\_

Name on Card: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**Please fax this completed form to 202-789-7220 (secure line), or mail your payment to:**

ACEC/CASE Scholarship Fund  
Attn: Heather Talbert  
1015 15<sup>th</sup> Street, NW  
8<sup>th</sup> Floor  
Washington, D.C. 20005-2605

**Thank you for your contribution to the CASE Scholarship Fund. Remember, all donations toward the program may be eligible for U.S. tax deduction.**

# Proposed SBA Size Standard Rule

*What you need to know*

## SUMMARY

- SBA has released a proposal to increase the small business size standard from \$4.5M to \$19M in three year *average annual gross revenue*.
- SBA arrived at \$19M by using national Census data and their published procedures.
- The comment period on the proposed rule was extended from May 16, 2011 to **June 15, 2011**.

## WHAT ACEC IS DOING

- ACEC has convened a Small Business Size Standards Working Group to lead this effort:
  - ✓ Requested and received an **extension on the commentary period**.
  - ✓ **Testified** before the House Committee on Small Business.
  - ✓ Set up a **dedicated web resource** center on this issue.
  - ✓ Solicited **commentary from the Small Firm Council**.
  - ✓ Compiling **factors that impact firm size considerations**.
  - ✓ Analyzing the **impact on the total industry**.

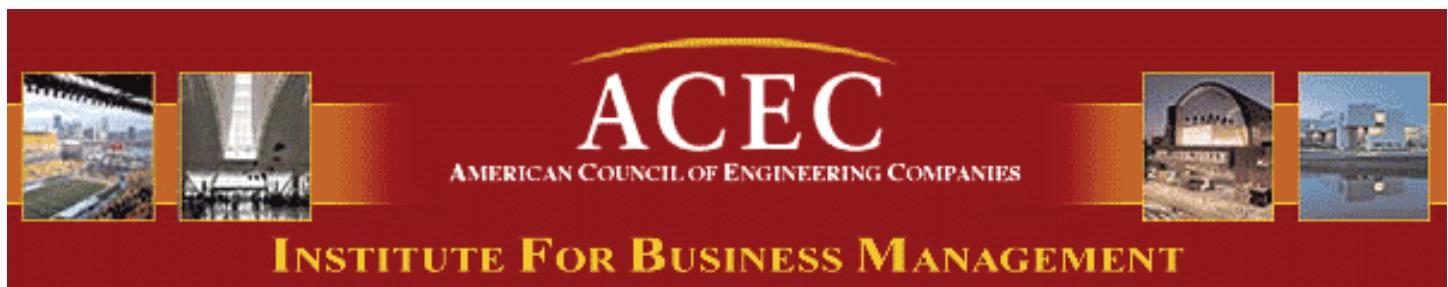
## WHAT CAN YOU DO

- Get involved in the Small Business Size Standards Working Group – email Mark Steiner at [msteiner@acec.org](mailto:msteiner@acec.org)

ACEC Coalitions has set up a separate website to address the proposed ruling on SBA Size Standards. We will notify you via email with updates, but the most up-to-date information will be at:

**[http://www.acec.org/coalitions/sba\\_standards.cfm](http://www.acec.org/coalitions/sba_standards.cfm)**

## EDUCATION OPPORTUNITIES



### **May 12—*2010 Legal Year in Review: The Court Decisions You Need to Know***

J. Kent Holland, Esq., Construction Risk, LLC

Discussion of recent court decisions affecting the legal principles firms must follow.

### **May 18—*Why the Green Globes Rating System Is an ANSI Standard***

Erin Shaffer, Vice President Federal Outreach, and Kevin Stover, PE, Commercial Program Consultant, Green Building Initiative

Insights on essential elements of this green building guidance and assessment program for new and existing commercial and institutional buildings.

### **May 24—*The New Health Care Law: What Your Firm Needs to Know Now***

Nancy K. Campbell, Snell & Wilmer L.L.P.

Understand and prepare for new and upcoming requirements under the Patient Protection and Affordable Care Act.

For more information or to register for any of these seminars,  
visit the ACEC Education page at  
<http://www.acec.org/education/index.cfm>

or contact La'Creshea Makonnen at (202) 682-4338 or  
[lmakonnen@acec.org](mailto:lmakonnen@acec.org).



Keep checking back here for more information!

<http://www.acec.org/education/conferences.cfm>



## Exclusive Benefit for ACEC Member Firms



**ACEC Business Insurance Trust (BIT)**

**Front:** H. Kenneth White (Chair), Karen Friese, Marc Alper.

**Back:** Stephanie Wagner, Woody Germany, Gary Loesch, Wayne Shuler.

### Cash flow protection through ACEC BIT Member Deductible Assistance Program

**BIT will to the extent possible out of available funds make voluntary payments to members to assist in covering deductible amounts paid by member firms under the ACEC Business Insurance Program policies:**

**Property**

**Automobile (comprehensive and collision)**

**The maximum deductible assistance payment will be limited to \$1,000 per claim subject to available funds**

**Claims should continue to be submitted to the BIT Program's carrier (The Hartford)**

**Once the claim is settled and payment is made by The Hartford, simply request assistance from the ACEC BIT to help cover the cost of your deductible (subject to limits noted above)**

**Submit assistance request form to ACEC BIT Treasurer, Woody Germany at:**

**1111 E. Broadway  
Missoula, MT 59802**

**Contact Trustee Woody Germany at 406-728-4611 or [wgermany@wgmgroup.com](mailto:wgermany@wgmgroup.com) or Trustee Wayne Shuler at 231-599-2480 or [wshuler@cds-assoc.com](mailto:wshuler@cds-assoc.com) with questions.**

**COUNCIL OF AMERICAN  
STRUCTURAL ENGINEERS  
(CASE)**



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The Council of American Structural Engineers (CASE) is a national association of structural engineering firms that provides a forum for members to improve the quality of structural engineering through enhancement of business practices, reduced professional liability exposure and increased profitability.

Our mission is to improve the practice of structural engineering by providing business practice resources, improving quality, enhancing management practices and reducing the frequency and severity of claims.

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**Calendar of Events**

**October 19-22:**      **2011 ACEC Fall Conference**

**Caesar's Palace, Las Vegas, NV**

## **CASE Executive Committee**

The following CASE Executive Committee members are here to serve your needs. Please feel free to contact any of the members at their email addresses shown below.

**Chair:**

**John Mercer**, Mercer Engineering, P.C., [engineer@minot.com](mailto:engineer@minot.com)

**Chair-Elect:**

**Andy Rauch**, BKBM Engineers, Inc., [arauch@bkbm.com](mailto:arauch@bkbm.com)

**Secretary-Treasurer:**

**David Mykins**, Stroud, Pence and Associates, [dmykins@stroudpence.com](mailto:dmykins@stroudpence.com)

**Past Chairman:**

**Chris Poland**, Degenkolb Engineers, [copoland@degenkolb.com](mailto:copoland@degenkolb.com)

**Committee Members:**

**Brian Schmidt (Contracts Cmte. Chair)**, G. C. Wallace, [bschmidt@gcwallace.com](mailto:bschmidt@gcwallace.com)

**Stacy Bartoletti (Toolkit Cmte. Chair)**, Degenkolb Engineers, [sbaroletti@degenkolb.com](mailto:sbaroletti@degenkolb.com)

**Michael Planer (Programs & Communications Cmte. Chair)**, Pruitt Eberly Stone, [mplaner@pesengineers.com](mailto:mplaner@pesengineers.com)

**Andy Rauch (Guidelines Cmte. Chair)**, BKBM Engineers, Inc., [arauch@bkbm.com](mailto:arauch@bkbm.com)

**Executive Director:**

**Heather Talbert**, ACEC, [htalbert@acec.org](mailto:htalbert@acec.org)