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## PRESIDENT'S MESSAGE *by Art Barrett, P.E.*



It has been a wonderful year working with all the ACEC/MD member firm representatives to strengthen our profession and industry. Thank you for everyone's involvement, and to those who were not involved, I will say it one last time.... you will get more out of ACEC than you put in, but you need to put into ACEC for all of us to succeed. Not only do we need you to get involved, but we need you to ask your staff to get involved in committees as well, so we can build a strong base to ensure our significance as an industry leader in the future.

I know I cannot mention them all, but here are some of our accomplishments as well as areas in which I feel we must continue to develop.

On the legislative front we had several successes. Although not a perfect bill, we were able to push for passage of legislation protecting all firms against "Duty to Defend" clauses in contracts. The language is set up to eliminate provisions in a contract or an agreement relating to our services that require the firm to defend our clients against lawsuits regardless of negligence in our services. These clauses will now be in conflict with the law such that they are void and unenforceable.

We still need to persevere in modifying the procurement law, which stipulates a lifetime ban for former state employees and firms they subsequently work for, on state projects in which the former state employee had involvement. ACEC/MD had proposed a one year ban, accepted a two year modification by the House, which the Senate then modified to a three year ban. This change came too late in session to mediate a compromise. Any of the bills would have been an improvement over the lifetime ban, but ACEC/MD felt the one year period would allow for proprietary knowledge which could create conflicts of interest to have been reduced to an acceptable level for the industry.

We must also continue to keep the MBE Liquidated Damages and Certificate of Merit legislation at the forefront. The unintended consequence is that prime firms need to protect themselves from being assessed liquidated damages by using larger diversified MBEs to ensure that they can subcontract work without having to move funding between sub-consultants. To address these and other issues in the future we need a strong legislative grass roots campaign.

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## PRESIDENT'S MESSAGE *(continued)*

Thank you to all the member firms and employees who support the legislative processes with donations to the PACs. For the 11th year in a row ACEC/MD eclipsed our national ACEC/PAC goal. We still have much work to do with the CEPAC, used for pushing our local legislative objectives. So far only about 35% of our member firms have pledged funding to CEPAC. If you have not done so already, please make a donation to the local CEPAC, and have a crab placed on your name tag. Our CEPAC is critical to gaining access to State Legislators. Both of these PACs provide us with a voice at the table when discussing legislation which benefits ACEC firms.

With our General Membership programs, we continued to diversify this year with successful sessions with Facilities and MEP, Water, and Environmental speakers. The participation has been so good that we are adding a Utilities Committee and have renamed the Educational Facilities Committee to the Facilities Committee, shifting focus from strictly educational to include all facility topics.

Our emphasis on transportation was highlighted through Partnering Meetings with the MDOT Business Units (BU). We also had the pleasure of several high energy MDOT BU presentations including MDOT Deputy Secretary Ports' ten principals with a customer-based perspective:

- 1) Provide exceptional customer service
- 2) Use resources wisely
- 3) Provide a safe and secure transportation infrastructure
- 4) Deliver transportation solutions and services of great value
- 5) Provide an efficient, well connected transportation experience
- 6) Communicate effectively with our customers
- 7) Be fair and reasonable to our partners
- 8) Be a good neighbor
- 9) Be a good steward of our environment
- 10) Facilitate economic opportunity in Maryland

Overall, the MDOT BU had optimistic views for the transportation program coming over the next several years.

One committee I would like to specifically applaud is the IT committee. This group of individuals are often shunned by the directors because many of us don't fully understand what they talk about. They continue to meet, and recently have been recognized by MDSHA as leaders in their field by being requested to assist setting the MDOT CADD Standards. Congratulation on achieving this recognition!

In 2003, when I was the chair of the Baltimore City Liaison Committee, we requested that they raise the overhead and salary caps on Baltimore City contracts. I am happy to report that this past January they increased both and agreed to revisit the caps on a biannual basis. Thanks to all the firms and representatives who have continued to push for this achievement which will benefit all the firms in our industry.

While up in Boston at the ACEC National Convention, one of the speakers noted that there is a 1.5% unemployment rate for professionals in the engineering disciplines. We need to use this as a wakeup call and increase participation of our member firm

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## PRESIDENT'S MESSAGE *(continued)*

representatives in career outreach. There are many STEM, engineering challenge programs, and engineering career outreach programs that are functioning, but all of the events need volunteers. We are asking that past graduates of the ACEC/MD Leadership Program become active in the Career Outreach Committee. With over 300 people having participated in this program, we should be able to pay it forward by helping enlighten the local youth of the interesting opportunities that lie ahead of them in engineering.

ACEC/MD's ongoing success is driven by our volunteers' actions. Jim Otradovec has sent out requests for persons interested in serving on our standing committees. Please ensure the continued success of the organization by encouraging participation from your firms' representatives on the various committees. If you have never served on a committee, please consider doing so. I think you will find it to be a very rewarding experience.

AMT's Stu Robinson is our incoming President who will direct our organization for the next year. Please join me with your continued support and participation as we excel in looking out for the good of Maryland's engineering companies by volunteering and supporting staff in your firms who would like to participate with ACEC.

In closing, I would like to thank all those that worked diligently to support the efforts of ACEC/MD during this past year including the Executive Committee, Committee Chairs, and Committee Members. Special thanks to both Jack Moeller and Manny Sidhu who are stepping off of the Executive Committee. Jack has served as a Director, Secretary, Treasurer, VP and President, and most recently as the Maryland Delegate to ACEC. Manny has served the Council as a Director since 2013. Finally, please join me in expressing gratitude and send a special thank you out to Jim Otradovec and Barb Wise. Jim and Barb do whatever is necessary to guide our member organization and make it one of the model organizations in ACEC.

Thank you Barb and Jim!

## *2016 GENERAL ASSEMBLY REPORT*

As is often the case, the 2016 General Assembly Session was a mixed bag for ACEC/MD. While we were able to gain some success in eliminating part of the onerous Duty to Defend Clause and thwarted efforts to reduce infrastructure funding gained in previous sessions, the Legislature defeated the ACEC/MD initiated procurement legislation that would greatly reduce the prohibition on an individual or subsequent employer if that individual drafted specs for a project; passed legislation that will establish a politically driven scoring system for transportation programs; and established an oversight committee for transit projects.

As mentioned in the President's Message, after a multi-year, multi-pronged effort, ACEC/MD was able to gain a measure of relief from the Duty to Defend requirement. The new law will make a clause in a contract requiring the consultant, contractor or surveyor to defend or pay the costs of defending the promisee for damages arising out of bodily injury caused by the sole negligence of the promisee unenforceable. After

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## 2016 GENERAL ASSEMBLY REPORT

once again breezing through the House Health and Government Operations Committee, Senate Judicial Proceedings Chair Zirkin, an attorney, strongly indicated that his committee would only support legislation that mirrored the indemnification language currently in state law. The Legislative Committee in the new fiscal year will be asked to consider further modifications to the law that would address partial negligence by the promisee and economic loss.

In total, your Legislative Committee, chaired by Chuck Phillips (KCI Technologies) reviewed in detail 250 of the more than 2,800 pieces of legislation introduced in 2016. Thanks to everyone that reviewed legislation and responded to Legislative Alerts, and helped to promote your firm's business interests.

The fate of other important pieces of legislation addressed by the committee and ACEC/MD's position are as follows:

CF = cross filed

### TRANSPORTATION

SB 56 - Transportation - Chesapeake Bay Bridge Crossing - Environmental Impact Study - Cost Estimate and Payment  
DIED IN HOUSE COMMITTEE  
SUPPORT

SB 126 (CF=HB 8) - Task Force to Study Issues Related to the Use of Self-Driving Vehicles  
UNFAVORABLE REPORT  
SUPPORT

SB 196 - Vehicle-Miles-Traveled Tax and Associated Mandated Devices - Prohibition  
DIED IN SENATE COMMITTEE  
MONITOR

SB 202 (CF=HB 118) - State Highway Administration - Highway Work Permittes - Notice of Sidewalk Closure  
WITHDRAWN  
MONITOR

SB 303 (CF=HB 442) - Counties - Transportation Adequate Public Facility Law - State Highway Intersection  
WITHDRAWN  
MONITOR

SB 318 - Department of Transportation - Heads of Modal Administrations - Senate Confirmation  
DIED IN SENATE COMMITTEE  
MONITOR

SB 468 (CF=HB 436) - Vehicle Laws - Speed Monitoring, Work Zone Speed Control, and Traffic Control Signal Monitoring Systems - Repeal  
UNFAVORABLE REPORT  
OPPOSE

SB 500 - Transportation - Francis Scott Key Bridge Authority  
DIED IN SENATE COMMITTEE  
OPPOSE



## *2016 GENERAL ASSEMBLY REPORT*

### Transportation (continued)

SB 543 (CF = HB 647) - Video Lottery Facilities - Charles County - Expansion and Use of Proceeds  
DIED IN SENATE COMMITTEE  
MONITOR

SB 585 (CF = HB 723) - Transportation - Highway User Revenues - Distribution to Municipalities  
DIED IN HOUSE COMMITTEE  
MONITOR

SB 654 - Maryland Transportation Authority - Membership  
DIED IN SENATE COMMITTEE  
MONITOR

SB 752 - State Highway Administration - Policy Concerning Sound Barriers Along Highways  
DIED IN HOUSE COMMITTEE  
MONITOR

SB 779 - Land Use - Proposed Development Project - Transit and Traffic Adequacy Studies  
DIED IN SENATE COMMITTEE  
MONITOR

SB 907 (CF = HB 572) - Transportation - Harry W. Nice Memorial Potomac River Bridge - Replacement  
PASSED ENROLLED  
MONITOR

SB 908 (CF = HB 1013) - Maryland Open Transportation Investment Decision Act of 2016  
DIED IN SENATE COMMITTEE  
OPPOSE

SB 966 (CF = HB 1023) - Task Force to Study Extending Metrorail Service From the City of Gaithersburg to the City of Frederick  
DIED IN SENATE COMMITTEE  
MONITOR

SB 1035 (CF=HB 891) - Transportation - Transit Service - State Grants and Farebox Recovery Rate  
DIED IN SENATE COMMITTEE  
MONITOR

SB 1099 (CF = HB 1562) - State Highway Administration - Watkins Mill Road Interchange Project  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 8 (CF=SB 126) - Task Force to Study Issues Related to the Use of Self-Driving Vehicles  
WITHDRAWN  
SUPPORT

HB 35 - Maryland Transportation Authority - Chesapeake Bay Bridge - Toll Collection  
UNFAVORABLE REPORT  
MONITOR

HB 116 - Motor Fuel Tax Rates - Consumer Price Index Adjustment - Repeal  
DIED IN HOUSE COMMITTEE  
OPPOSE

HB 118 (CF=SB 202) - State Highway Administration - Highway Work Permittes - Notice of Sidewalk Closure  
WITHDRAWN  
MONITOR

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## *2016 GENERAL ASSEMBLY REPORT*

### Transportation (continued)

HB 187 - Gaming - Video Lottery Operation License - Baltimore-Washington International Thurgood Marshall Airport  
UNFAVORABLE REPORT  
MONITOR

HB 296 - Maryland Transportation Authority - Vehicle Not Using Bridge - Toll Prohibited  
UNFAVORABLE REPORT  
MONITOR

HB 436 (CF = SB 468) - Vehicle Laws - Speed Monitoring, Work Zone Speed Control, and Traffic Control Signal Monitoring Systems - Repeal  
UNFAVORABLE REPORT  
OPPOSE

HB 442 (CF=SB 303) - Counties - Transportation Adequate Public Facility Law - State Highway Intersection  
UNFAVORABLE REPORT  
MONITOR

HB 647 (CF = SB 543) - Video Lottery Facilities - Charles County - Expansion and Use of Proceeds  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 672 (CF = SB 907) - Transportation - Harry W. Nice Memorial Potomac River Bridge - Replacement  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 723 (CF = SB 585) - Transportation - Highway User Revenues - Distribution to Municipalities  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 854 - State Highway Administration - Relocation of Water or Sewer Lines - Cost Sharing  
RETURNED PASSED  
MONITOR

HB 891 (CF=SB 1035) - Maryland Transit Administration - Farebox Recovery Rate – Repeal  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 964 - Maryland Transportation Authority - Francis Scott Key Bridge - Toll Discount Plans  
UNFAVORABLE REPORT  
MONITOR

HB 1010 - Maryland Transit Administration Oversight and Planning Board  
PASSED ENROLLED  
MONITOR

HB 1011 - Department of Transportation - Modal Administrations - Appointments  
WITHDRAWN  
MONITOR

HB 1013 (CF = SB 908) - Maryland Open Transportation Investment Decision Act of 2016  
PASSED ENROLLED  
OPPOSE

HB 1023 (CF = SB 966) - Task Force to Study Extending Metrorail Service From the City of Gaithersburg to the City of Frederick  
DIED IN HOUSE COMMITTEE  
MONITOR

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## *2016 GENERAL ASSEMBLY REPORT*

### Transportation (continued)

HB 1026 - Maryland Transit Administration - Fares - Calculation and Public Comment  
UNFAVORABLE REPORT  
MONITOR

HB 1338 - Transportation - Transit Improvements - Interstate 270 Corridor  
UNFAVORABLE REPORT  
MONITOR

HB 1388 - Transportation - Motor Fuel Tax and Highway User Revenue - Increased Local Share  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 1394 - Maryland Transportation Authority - Decreases in Tolls or Other Charges - Notice and Public Comment  
UNFAVORABLE REPORT  
Letter of Clarification

HB 1562 (CF = SB 1099) - State Highway Administration - Watkins Mill Road Interchange Project  
DIED IN HOUSE COMMITTEE  
MONITOR

### ENVIRONMENTAL

SB 45  
Chesapeake and Atlantic Coastal Bays 2010 Trust Fund - Use of Funds  
DIED IN SENATE COMMITTEE  
MONITOR

SB 61 - Natural Resources - Forest Lands and the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund - Miscellaneous Corrections  
APPROVED BY GOVERNOR  
MONITOR

SB 141 (CF=HB 602) - Anne Arundel County - Special Taxing Districts - Water or Wastewater Services  
RETURNED PASSED  
SUPPORT

SB 166 (CF=HB 243) - Land Use Actions - Legislative Bodies - Judicial Review  
DIED IN SENATE COMMITTEE  
MONITOR

SB 323 (CF=HB 610) - Greenhouse Gas Emissions Reduction Act - Reauthorization  
APPROVED BY GOVERNOR  
MONITOR

SB 361 - Civil Actions - Hydraulic Fracturing Liability Act  
DIED IN HOUSE COMMITTEE  
MONITOR

SB 366 - Land Use - Department of Planning - Permit for Development Projects  
WITHDRAWN  
MONITOR

SB 645 (CF = HB 1110) - Chesapeake and Atlantic Coastal Bays 2010 Trust Fund - Allocation of Funds  
DIED IN SENATE COMMITTEE  
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## *2016 GENERAL ASSEMBLY REPORT*

### Environmental (continued)

SB 719 - Environment - Stormwater Remediation Fees – Municipalities  
DIED IN SENATE COMMITTEE  
MONITOR

SB 748 (CF = HB 1428) - Sustainable Growth and Agricultural Preservation Act – Application  
UNFAVORABLE REPORT  
MONITOR

SB 778 (CF = HB 1324) - Public Utilities - Natural Gas Infrastructure Expansion and Reinforcement  
DIED IN SENATE COMMITTEE  
MONITOR

SB 809 (CF = HB 1070) - Income Tax Credit - Renewable Energy Property  
DIED IN SENATE COMMITTEE  
MONITOR

SB 812 (CF = HB 1240) - Sediment Control - Violations – Enforcement  
UNFAVORABLE REPORT  
MONITOR

SB 867 (CF = HB 1287) - Public Utilities - Renewable Energy Portfolio Standard - Eligible Sources  
UNFAVORABLE REPORT  
MONITOR

SB 936 (CF = HB 1145) - Maryland Clean Energy Incentive Act of 2016  
PASSED ENROLLED  
MONITOR

HB 61 - Environment - Solid Waste, Recycling, and Anaerobic Digestion  
DIED IN SENATE COMMITTEE  
MONITOR

HB 65 - Tree Expert License - Application and Renewal - Repeal of Sunset Provision  
APPROVED BY GOVERNOR  
MONITOR

HB 82 - Stormwater Management - Assessment of Local Fees, Charges, and Excise Taxes - Leasehold  
Interests  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 178 - Natural Resources - Roadside Trees - Preservation and Protection  
UNFAVORABLE REPORT  
MONITOR

HB 243 (CF=SB 166) - Land Use Actions - Legislative Bodies - Judicial Review  
WITHDRAWN  
MONITOR

HB 325 - Environment - Bay Restoration Fund - Use of Funds - Nutrient Credit Purchases  
DIED IN HOUSE COMMITTEE  
SUPPORT

HB 394 - Public Health - Hydraulic Fracturing Chemicals - Information and Fund  
DIED IN HOUSE COMMITTEE  
MONITOR





## *2016 GENERAL ASSEMBLY REPORT*

### Environmental (continued)

HB 602 (CF=SB 141) - Anne Arundel County - Special Taxing Districts - Water or Wastewater Services  
RETURNED PASSED  
SUPPORT

HB 610 (CF=SB 323) - Greenhouse Gas Emissions Reduction Act – Reauthorization  
RETURNED PASSED  
MONITOR

HB 743 - Yard Waste and Food Residuals Diversion and Infrastructure Task Force  
DIED IN SENATE COMMITTEE  
MONITOR

HB 797 - Nontidal Wetlands - Nontidal Wetland Mitigation Banking  
RETURNED PASSED  
SUPPORT

HB 820 - Reducing Environmental Degradation for the Underserved Through Community Engagement  
(The REDUCE Act)  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 1025 - Prince George's County - Land Use - Zoning Powers and Review PG/MC 111-16  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 1027 - Prince George's County - Land Use Permit Review - Consolidation PG/MC 110-16  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 1041 - State Wetlands - Nonstructural Shoreline Stabilization Requirement - Waiver  
WITHDRAWN  
Letter of Comment

HB 1070 (CF = SB 809) - Income Tax Credit - Renewable Energy Property  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 1108 - Environment - Municipal Stormwater Charges - Property Subject to Charges  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 1110 (CF = SB 645) - Chesapeake and Atlantic Coastal Bays 2010 Trust Fund - Allocation of Funds  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 1145 (CF = SB 936) - Maryland Clean Energy Incentive Act of 2016  
DIED IN SENATE  
MONITOR

HB 1240 (CF = SB 812) - Sediment Control - Violations - Enforcement  
UNFAVORABLE REPORT  
MONITOR

HB 1287 (CF = SB 867)-Public Utilities - Renewable Energy Portfolio Standard - Eligible Sources  
WITHDRAWN  
MONITOR

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## *2016 GENERAL ASSEMBLY REPORT*

### Environmental (continued)

HB 1324 (CF = SB 778) - Public Utilities - Natural Gas Infrastructure Expansion and Reinforcement  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 1428 (CF = SB 748) - Sustainable Growth and Agricultural Preservation Act - Application  
UNFAVORABLE REPORT  
MONITOR

### GENERAL BUSINESS

SB 7 - Prevailing Wage Law - Applicability - Elementary and Secondary School Construction  
WITHDRAWN  
MONITOR

SB 34 - Corporations and Business Entities - Filing Fees and Combined Reporting  
DIED IN SENATE COMMITTEE  
MONITOR

SB 104 - Housing and Community Development - Local Government Infrastructure Projects - Financing  
RETURNED PASSED – ENACTED  
SUPPORT

SB 148 (CF=HB 354) - Corporations and Real Estate Investment Trusts - Directors and Trustees - Duties and Immunity From Liability  
APPROVED BY GOVERNOR  
MONITOR

SB 190 (CF=HB 150) - Budget Bill (Fiscal Year 2017)  
PASSED ENROLLED - ENACTED  
MONITOR

SB 191 (CF=HB 151) - Creation of a State Debt - Maryland Consolidated Capital Bond Loan of 2016, and the Maryland Consolidated Capital Bond Loans of 2007, 2008, 2009, 2011, 2012, 2013, 2014, and 2015  
PASSED ENROLLED – ENACTED  
MONITOR

SB 211 (CF=HB 477) - Income Tax Credit - Qualified Research and Development Expenses - Credit Amounts  
DIED IN HOUSE COMMITTEE  
SUPPORT

SB 226 - Professional Engineers - Engineering Documents Prepared at the Request of the State or Political Subdivision of the State - Signing and Sealing  
RETURNED PASSED  
SUPPORT

SB 234 (CF=HB 871) - Agreements to Defend or Pay the Cost of Defense - Void  
RETURNED PASSED  
SUPPORT

SB 237 (CF=HB 877) - Civil Actions - Damage or Loss Related to Property Occurring After Completion of Improvement to Real Property  
UNFAVORABLE REPORT  
SUPPORT

SB 280 - Academic Facilities Bonding Authority  
APPROVED BY GOVERNOR  
SUPPORT

## *2016 GENERAL ASSEMBLY REPORT*

### General Business (continued)

SB 362 (CF=HB 393) - Award of Attorney's Fees and Expenses - Violation of Maryland Constitutional Right  
DIED IN SENATE COMMITTEE  
MONITOR

SB 375 (CF=HB 449) - Relief From Budget Mandates  
DIED IN SENATE COMMITTEE  
MONITOR

SB 385 (CF=HB 457) - Corporations and Associations - Filing Fees - Reductions  
DIED IN SENATE COMMITTEE  
MONITOR

SB 429 (CF = HB 548)- Economic Competitiveness and Commerce - Maryland Design Excellence Commission  
WITHDRAWN  
OPPOSE

SB 432 (CF = HB 812) - Business Relief and Tax Fairness Act of 2016  
DIED IN SENATE COMMITTEE  
MONITOR

SB 457 (CF=HB 108) - Capital Budget - Construction Projects - Apprenticeship Requirements  
WITHDRAWN  
MONITOR

SB 487 (CF = HB 1096) - Creation of a State Debt - Baltimore City - Garrett-Jacobs Mansion Access and Safety Project  
DIED IN SENATE COMMITTEE  
SUPPORT

SB 711 (CF = HB 721) - Prevailing Wage Rates Reform Act of 2016  
DIED IN SENATE COMMITTEE  
MONITOR

SB 790 (CF=HB 432) - Creation of a State Debt - Baltimore City - Baltimore Museum of Industry  
DIED IN SENATE COMMITTEE  
SUPPORT

SB 826 (CF=HB 403) - Construction Contracts - Change Orders (State Procurement Change Order Fairness Act)  
RETURNED PASSED  
OPPOSE

SB 846 - Corporate Income Tax - Rate Reduction  
DIED IN SENATE COMMITTEE  
SUPPORT

SB 914 (CF = HB 792) - Prevailing Wage Law - Payroll Reporting Requirements  
WITHDRAWN  
OPPOSE

SB 993 (CF=HB 343) - Procurement - Equal Pay Certificates - Requirement  
WITHDRAWN  
MONITOR

SB 1007 (CF=HB 1378) - Maryland Small Business Retirement Savings Program and Trust  
PASSED ENROLLED  
MONITOR

## *2016 GENERAL ASSEMBLY REPORT*

### General Business (continued)

SB 1009 (CF = HB 689) - Procurement - Prevailing Wage - Liquidated Damages  
RETURNED PASSED  
OPPOSE

SB 1016 (CF=HB 872) - Maryland Wage Payment and Collection Law - Awards of Certain Fees and Costs and Prohibition Against Retaliation  
WITHDRAWN  
MONITOR

SB 1065 (CF = HB 1544) - Corporations - Maryland General Corporation Law - Miscellaneous Provisions  
DIED IN SENATE COMMITTEE  
MONITOR

SB 1083 - Secretaries of Principal Departments - Supervision and Review of Decisions and Actions by Units Within Department  
DIED IN HOUSE COMMITTEE  
OPPOSE (unless favorably amended)

SB 1085 (CF=HB 499) - Procurement - Accelerated Payments to Subcontractors  
WITHDRAWN  
OPPOSE

SB 1086 (CF=HB 500) - Task Force to Study the Capital Needs of Disadvantaged, Minority, and Small Businesses in Maryland  
WITHDRAWN  
MONITOR

SB 1130 (CF=HB 1404) - Maryland Center for Construction Education and Innovation - Codification  
RETURNED PASSED  
SUPPORT

HB 23 - Procurement - Prevailing Wage Law - Waiver From Provisions  
UNFAVORABLE REPORT  
MONITOR

HB 108 (CF=SB 457) - Capital Budget - Construction Projects - Apprenticeship Requirements  
WITHDRAWN  
MONITOR

HB 150 (CF=SB 190) - Budget Bill (Fiscal Year 2017)  
UNFAVORABLE REPORT  
MONITOR

HB 151 (CF=SB 191) - Creation of a State Debt - Maryland Consolidated Capital Bond Loan of 2016, and the Maryland Consolidated Capital Bond Loans of 2007, 2008, 2009, 2011, 2012, 2013, 2014, and 2015  
UNFAVORABLE REPORT  
MONITOR

HB 195 - Procurement - Prohibition on Participation  
DIED IN SENATE  
SUPPORT

HB 201 - Corporations and Associations - Limited Liability Companies - Resident Agent and Company Representative  
UNFAVORABLE REPORT  
OPPOSE

## *2016 GENERAL ASSEMBLY REPORT*

### General Business (continued)

HB 236 - Minority Business Enterprises - Transitioning From Subcontractors to Prime Contractors - Study and Report  
WITHDRAWN  
SUPPORT

HB 263 - Civil Actions - Strategic Lawsuits Against Public Participation  
UNFAVORABLE SENATE REPORT  
MONITOR

HB 282 - Procurement Preferences - Small Businesses and Minority Business Enterprises - Workshop Requirement  
WITHDRAWN  
MONITOR

HB 297 - Election Law - Business Entity Campaign Contributions - Prohibition  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 333 - Commission to Study the Employment of Ethnic Minorities and Women Under Procurement Contracts at Baltimore-Washington International Thurgood Marshall Airport  
UNFAVORABLE REPORT  
MONITOR

HB 343 (CF = SB 993) - Procurement - Equal Pay Certificates - Requirement  
UNFAVORABLE REPORT  
MONITOR

HB 351 - Criminal Procedure - Government Drone Use - Limitations  
WITHDRAWN  
MONITOR

HB 353 - Reorganization of State Procurement  
UNFAVORABLE REPORT  
MONITOR

HB 354 (CF=SB 148) - Corporations and Real Estate Investment Trusts - Directors and Trustees - Duties and Immunity From Liability  
APPROVED BY GOVERNOR  
MONITOR

HB 393 (CF=SB 362) - Award of Attorney's Fees and Expenses - Violation of Maryland Constitutional Right  
DIED IN SENATE COMMITTEE  
MONITOR

HB 403 (CF=SB 826) - Construction Contracts - Change Orders (State Procurement Change Order Fairness Act)  
RETURNED PASSED  
OPPOSE

HB 424 - Income Tax - Expensing of Business Property and Bonus Depreciation  
DIED IN HOUSE COMMITTEE  
OPPOSE

HB 432 (CF=SB 790) - Creation of a State Debt - Baltimore City - Baltimore Museum of Industry  
UNFAVORABLE REPORT  
SUPPORT



## *2016 GENERAL ASSEMBLY REPORT*

### General Business (continued)

HB 449 (CF=SB 375) - Relief From Budget Mandates  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 457 (CF=SB 385) - Corporations and Associations - Filing Fees - Reductions  
UNFAVORABLE REPORT  
MONITOR

HB 477 (CF=SB 211) - Income Tax Credit-Qualified Research and Development Expenses - Credit Amounts  
DIED IN HOUSE COMMITTEE  
SUPPORT

HB 499 (CF=SB 1085) - Procurement - Accelerated Payments to Subcontractors  
WITHDRAWN  
OPPOSE

HB 500 (CF=SB 1086) - Task Force to Study the Capital Needs of Disadvantaged, Minority, and Small Businesses in Maryland  
UNFAVORABLE REPORT  
MONITOR

HB 548 (CF = SB 429) - Economic Competitiveness and Commerce - Maryland Design Excellence Commission  
UNFAVORABLE REPORT  
OPPOSE

HB 561 - Small Business Personal Property Tax Relief Act of 2016  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 689 (CF = SB 1009) - Procurement - Prevailing Wage - Liquidated Damages  
RETURNED PASSED  
OPPOSE

HB 721 (CF = SB 711) - Prevailing Wage Rates Reform Act of 2016  
UNFAVORABLE REPORT  
MONITOR

HB 734 - State Procurement - Preference for Resident Bidders or Offerors  
WITHDRAWN  
OPPOSE

HB 788 - Procurement - Small Business Reserve Program - Program Oversight and Continuation  
APPROVED BY GOVERNOR  
SUPPORT

HB 792 (CF = SB 914) - Public Work Contracts - Payroll Reporting Requirements (The Transparency Act of 2016)  
UNFAVORABLE REPORT  
OPPOSE

HB 812 (CF = SB 432) - Business Relief and Tax Fairness Act of 2016  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 871 (CF=SB 234) - Agreements to Defend or Pay the Cost of Defense - Void  
RETURNED PASSED  
SUPPORT

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## *2016 GENERAL ASSEMBLY REPORT*

### General Business (continued)

HB 872 (CF = SB 1016) - Maryland Wage Payment and Collection Law - Awards of Certain Fees and Costs and Prohibition Against Retaliation  
UNFAVORABLE REPORT  
MONITOR

HB 877 (CF=SB 237) - Civil Actions - Damage or Loss Related to Property Occurring After Completion of Improvement to Real Property  
UNFAVORABLE REPORT  
SUPPORT

HB 950 - Labor and Employment - Number of Employees Granted H-1B or L-1 Visa - Disclosure  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 977 - Procurement - Public Work Contracts - Contractor Occupational Safety and Health Requirements  
DIED IN HOUSE COMMITTEE  
OPPOSE

HB 1096 (CF = SB 487) - Creation of a State Debt - Baltimore City - Garrett-Jacobs Mansion Access and Safety Project  
UNFAVORABLE REPORT  
SUPPORT

HB 1177 - Corporate Income Tax - Rate Reduction  
DIED IN HOUSE COMMITTEE  
SUPPORT

HB 1378 (CF=SB 1007) - Maryland Small Business Retirement Savings Program and Trust  
PASSED ENROLLED  
MONITOR

HB 1404 (CF=SB 1130) - Maryland Center for Construction Education and Innovation - Codification  
PASSED ENROLLED - ENACTED  
SUPPORT

HB 1405 - Baltimore City - Procurement by Public Institutions of Higher Education - Preference for Local Bidders or Offerors  
DIED IN HOUSE COMMITTEE  
OPPOSE

HB 1440 - Labor and Employment - Noncompete and Conflict of Interest Clauses  
DIED IN SENATE COMMITTEE  
MONITOR

HB 1457 - Land Surveyors - Qualifications for License - Education, Experience, and Examination Requirements  
APPROVED BY GOVERNOR  
SUPPORT

HB 1483 - Calvert County - Procurement Contracts - Reciprocal Preference for Resident Bidders  
DIED IN HOUSE COMMITTEE  
SUPPORT

HB 1544 (CF = SB 1065) - Corporations - Maryland General Corporation Law - Miscellaneous Provisions  
DIED IN HOUSE COMMITTEE  
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## *2016 GENERAL ASSEMBLY REPORT*

### General Business (continued)

HB 1594 - Public-Private Partnerships - Unsolicited Proposals - Procedures  
DIED IN HOUSE COMMITTEE  
MONITOR

### WORKPLACE/HEALTH

SB 84 - Unemployment Insurance - Calculation and Application of Table of Rates - Revision  
RETURNED PASSED  
MONITOR

SB 212 (CF = HB 124) - Health Insurance - Large Employers - Disclosure of Aggregate Incurred Claims  
APPROVED BY GOVERNOR  
SUPPORT

SB 273 - Income Tax Credit - Apprenticeship and Training - Work-Based Learning Program  
DIED IN SENATE COMMITTEE  
MONITOR

SB 472 (CF = HB 580) - Labor and Employment - Maryland Healthy Working Families Act  
DIED IN SENATE COMMITTEE  
OPPOSE

SB 481 (CF = HB 1003) - Labor and Employment - Equal Pay for Equal Work  
RETURNED PASSED  
OPPOSE

SB 485 (CF = HB 740) - Labor and Employment - Family and Medical Leave Insurance Program - Establishment  
RETURNED PASSED  
OPPOSE

SB 501 - Shareholders United Act  
DIED IN SENATE COMMITTEE  
OPPOSE

SB 623 (CF = HB 197) - Maryland Pay Stub Transparency Act of 2016  
WITHDRAWN  
OPPOSE

SB 646 - Income Tax Credit - Eligible Employers - Eligible Internships  
DIED IN SENATE COMMITTEE  
MONITOR

SB 664 (CF = HB 1175) - Fair Scheduling, Wages, and Benefits Act  
WITHDRAWN  
OPPOSE

SB 994 (CF = HB 401) - Labor and Employment - Equal Pay for Equal Work - Revisions  
WITHDRAWN  
OPPOSE

HB 69 - Personal Property Tax - Credit for New or Small Business  
RETURNED PASSED  
SUPPORT

HB 124 (CF = SB 212) - Health Insurance - Large Employers - Disclosure of Aggregate Incurred Claims  
APPROVED BY GOVERNOR  
SUPPORT

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## *2016 GENERAL ASSEMBLY REPORT*

### Workplace/Health (continued)

HB 197 (CF = SB 623) - Maryland Pay Stub Transparency Act of 2016  
WITHDRAWN  
OPPOSE

HB 401 (CF = SB 994) - Labor and Employment - Equal Pay for Equal Work - Revisions  
UNFAVORABLE REPORT  
OPPOSE

HB 580 (CF = SB 472) - Labor and Employment - Maryland Healthy Working Families Act  
DIED IN SENATE COMMITTEE  
OPPOSE

HB 687 - Prevailing Wage - Payroll Records - Submission by Contractors  
UNFAVORABLE REPORT  
OPPOSE

HB 740 (CF = SB 485) - Labor and Employment - Family and Medical Leave Insurance Program - Establishment  
PASSED ENROLLED  
OPPOSE

HB 1003 (CF = SB 481) - Labor and Employment - Equal Pay for Equal Work  
PASSED ENROLLED  
OPPOSE

HB 1004 - Equal Pay Commission - Establishment  
RETURNED PASSED  
MONITOR

HB 1175 (CF = SB 664) - Fair Scheduling, Wages, and Benefits Act  
WITHDRAWN  
OPPOSE

HB 1293 - Labor and Employment - Break Time for Expression of Breast Milk by Employees - Requirement  
UNFAVORABLE REPORT  
MONITOR

HB 1454 - Labor and Employment - Organ Donation Leave  
UNFAVORABLE REPORT  
MONITOR

HB 1478 - Employment Discrimination - Sexual Harassment - Definition of Employer  
DIED IN HOUSE COMMITTEE  
MONITOR

HB 1605 - Unemployment Insurance - Safe Harbor - Establishment  
DIED IN HOUSE COMMITTEE  
MONITOR

### MECHANICAL/ELECTRICAL ISSUES

SB 515 (CF=HB 330) - County Boards of Education - Procurements for Construction or Repair of School  
Projects  
DIED IN HOUSE COMMITTEE  
MONITOR

## 2016 GENERAL ASSEMBLY REPORT

### Mechanical/Electrical Issues (continued)

SB 643 (CF = HB 711) - State Board of Plumbing - State Plumbing Code - Adoption of the International Plumbing and Fuel Gas Codes  
UNFAVORABLE REPORT  
MONITOR

SB 831 - State Board of Plumbing - State Plumbing Code - Adoption and Enforcement  
UNFAVORABLE REPORT  
MONITOR

SB 1165 - Public Safety - Elevator Inspections - Testing  
DIED IN SENATE COMMITTEE  
MONITOR

HB 19 - Public Safety - Building Performance Standards - Local Amendments to Fire Sprinkler Systems Provisions  
UNFAVORABLE REPORT  
OPPOSE

HB 57 - Public Safety - Maryland Building Performance Standards - Adoption, Implementation, and Enforcement of Modifications  
RETURNED PASSED  
MONITOR

HB 330 (CF=SB 515) - County Boards of Education - Procurements for Construction or Repair of School Projects  
UNFAVORABLE REPORT  
MONITOR

HB 711 (CF = SB 643) - State Board of Plumbing - State Plumbing Code - Adoption of the International Plumbing and Fuel Gas Codes  
UNFAVORABLE REPORT  
MONITOR

HB 1024 - Montgomery County - Municipal Authority to Regulate Structures - Clarification PG/MC 112-16  
RETURNED PASSED  
MONITOR

HB 1472 - Fire Safety Construction Act of 2016  
DIED IN HOUSE COMMITTEE  
OPPOSE



Check out the ACEC/MD page now on LinkedIn. We'll be posting event details, new member welcomes, awards, and industry and state-related news. Search for American Council of Engineering Companies Maryland or ACEC/MD to follow us, and feel free to send pertinent news to Public Relations Committee Chair Amy Lambert at amy.lambert@kci.com.

## *ACEC/MD'S PERSISTENCE FINALLY PAYS OFF*

As the fiscal year draws to a close for ACEC/MD, success was finally realized in the city of Baltimore. After thirteen years, the city of Baltimore's Board of Estimates approved an increase in compensation for consultants that better reflects the current market. For non-federal work, the Engineer's compensation rate, based on audited overhead, was increased from 135% to 150%. The Engineer's principal's compensation was increased from \$85.00 per hour to \$100.00 per hour, while the rate for professional staff will increase from \$55.00 per hour to \$65.00 per hour. These rates apply to contracts advertised as of April 4, 2016. With a commitment to review these caps on a biannual basis, to ensure that there will not be a repeat of the past timeline, this item will be discussed at the next liaison meeting.

## *IN 2016 THE MARYLAND TRANSPORTATION INDUSTRY IS CELEBRATING 25 YEARS OF PARTNERING SUCCESS*

In 1991 the Partnering Process was piloted to positively and cooperatively manage the MD 450 Severn River Bridge construction project in Annapolis. Hundreds of projects statewide have benefited since then from using the Partnering process and tools.

After 25 years of success, the MdQI Partnering Subcommittee will continue to boost participation and involvement in Partnering, and strive to grow and improve the process for Maryland's Transportation Industry.

### What is Partnering?

Partnering is a process based on trust and open, honest attitudes that are developed over time affording the owner, contractor, consultant, and all other stakeholders an open environment for effective communication, expedient issue resolution and mutual project success.

### How does Partnering work?

The owner, contractor, and consultant assemble a team of decision makers for the purpose of facilitating combined issue resolution efforts, motivating quality progress and advancing cost effective project execution.

### Why should my company choose to partner?

Partnering in our industry has many benefits including:

- Effective communications
- Team cooperation
- Team approach to problem solving
- Timely project completion
- Reductions in project claims and claim disputes
- Cost effective decision making

For more Partnering information, contact Bridgid Seering, SHA Partnering Coordinator, 410-545-0361, [bseering@sha.state.md.us](mailto:bseering@sha.state.md.us).

## 49TH ANNUAL GOLF OUTING

In almost perfect weather provided by outgoing ACEC/MD President Art Barrett (Gannett Fleming) and Government Golf Outing Chair Tony Clarke (Jacobs), 100 golfers teed off in ACEC/MD's 49th annual tournament. While there was an overall strong showing on the course, the \$20,000 Hole-In-One prize was not in jeopardy. Coming out on top in this year's tournament at Greystone Golf Course was Tony Frascarella (Century Engineering), who shot an impressive 69 (using regression formula). Other notable winners were:

2ND LOW GROSS	Jim Frazier (MBaker)(73)
1ST LOW NET	Nick Couzantino (61)(guest of SIG)
2ND LOW NET	BJ Warner(63)
3RD LOW NET	Joe Lamiron(63)(guest of SIG)
LEAST # OF PUTTS	Mike Marsolais (29)
MOST # OF PUTTS	Michael Paylor (Stantec)(60)
MEN'S LONGEST DRIVE	Andrew Birmingham (JMT)
LADIES' LONGEST DRIVE	Malini Glueck (Phoenix)
2 CLOSEST TO THE PIN	Tom Kirby (10'8")(AECOM)
CLOSEST TO THE PIN	Mark Flack (11'10")(NMP Cons.)

Through the purchase of mulligan, golfers also contributed \$825.00 to ACEC/MD's Scholarship Fund. We would also like to thank both the contributors and bidders that participated in the silent auction, and helped raise \$1,780.00 for CEPAC. Mark your calendar for Monday, May 1, 2017, and plan to join your colleagues and friends at ACEC/MD's 50th annual tournament.

## ACEC/MD PRESIDENT ART BARRETT SPEARHEADS EFFORT TO IMPROVE THE QUALITY OF LIFE FOR FORMER MTA OFFICIAL

Responding to a call from President Art Barrett (Gannett Fleming), 20 representatives from ACEC/MD, MTA, and SHA pitched in to construct an ADA-approved ramp for recently retired MTA Assistant Deputy Administrator/Chief Engineer Steve Silva. The recipient of this year's ACEC/MD President's Award, Steve was recently struck with illness that has confined him to a wheelchair. During a visit with Steve to present the award, it was apparent to both Art and incoming ACEC/MD President Stu Robinson (AMT) that Steve needed the ramp to greatly improve his quality of life. Undeterred by cold and



blustery weather that featured both rain and snow, the group erected the ramp that will help to restore Steve's mobility and help to make his life a little easier. Once again demonstrating how the engineering profession improves the quality of life for everyone,



## *ACEC/MD PRESIDENT ART BARRETT SPEARHEADS EFFORT TO IMPROVE THE QUALITY OF LIFE FOR FORMER MTA OFFICIAL (CONTINUED)*

we would like to thank the following individuals and firms that donated their time and/or money to make this project a reality:

**Donation Funds:**

Art Barrett  
 D. Knight  
 S. Robinson  
 M. Decker  
 J. Makar  
 A. Morton Thomas & Associates  
 Gannett Fleming  
 Jacobs  
 Johnson, Mirmiran & Thompson  
 KCI Technologies  
 Parsons Brinckerhoff  
 RJM Engineering  
 RK&K  
 Wallace Montgomery  
 Whitney, Bailey, Cox & Magnani

**Donated Time:**

Art Barrett	Bill Parks
Vern Hartsock	Geoff Kramer
Daniel Sharar-Salga	Tony Fusco
Ayan Ghosh	Glenn Vaughan
Randy Brown	Lauren Clark
Scott Lyle	John Gasparine
Ed Smith	Matt Fenton
Steve Sharar	Derek Mostoller
Justin Wilk	Will Assen
Ollie Clemons	

### *NEW MEMBERS*

The following firm has been elected to Regular membership in ACEC/MD:

**ROTHFUSS ENGINEERING COMPANY**

10610 Iron Bridge Road, Suite 5  
 Jessup, MD 20794  
 Telephone: 410-880-0127; FAX: 301-725-4566  
 Rep.: Walter K. Rothfuss, PE #20557 (wrothfuss@recforensic.com)  
 Website: www.recforensic.com

*Brief History and Activities of the Firm: Founded in 1978, Walter K. Rothfuss, PE, CFEI, CFII, is President of the firm. A registered Professional Engineer in multiple states and Certified Fire and Explosion Investigator, he worked for the insurance industry for two years, then GSA, US NAVY and VA for 10 years before going into private practice in 1978. The field of operation for the firm is forensic engineering, failure analysis of structures, mechanical systems and equipment, electrical systems and equipment. Services include, but are not limited to: Safety and Occupational Health (OSHA), Fire Protection Systems, Mechanical and Electrical Systems, Heating Systems, Origin and Cause of Fires and Explosions, Carbon Monoxide Generation, Residential and Commercial Construction Claims, Construction Accidents, Marine and Vehicle Claims, Reconstruction of Accidents, Human Factors in Accidents and Fires, Product Safety and Defect, and Life Safety Systems.*

The following firm has been elected to Affiliate membership in ACEC/MD:

**TRANSPRIME, LLC**

1606 Pinnter Road  
 Timonium, MD 21093  
 Telephone: 410-529-0751; FAX: 410-529-0751  
 Contact: Mansoureh Jeihani (transprimellc@gmail.com)

*Brief History and Activities of the Firm: Transprime, LLC was established in 2014 by Mansoureh Jeihani to provide research and consultation in the areas of transportation planning, traffic engineering and safety, geographical information systems and intelligent transportation systems (ITS). Dr. Jeihani remains tenured faculty with nearly 10 years of service in the Department of Transportation & Urban Infrastructure Studies at Morgan State University.*

We welcome these firms as members of ACEC/MD. Be sure to add their information to your records. The next time you see one of their representatives, please take the time to let them know we're glad that they have joined the Council!



**OFFICERS**

## President

Art Barrett, P.E.  
Gannett Fleming

## Vice President

Stu Robinson, P.E.  
A. Morton Thomas & Associates

## Secretary

Stu Taub, P.E.  
Wallace Montgomery

## Treasurer

Jerry Jannetti, P.E.  
Parsons Brinckerhoff

## ACEC Representatives

## Director

Jack Moeller, P.E.  
Johnson, Mirmiran & Thompson

## Alternate Director

Dana Knight, P.E.  
McCormick Taylor

## ACEC/MD Directors

## 2013-2016

Christopher Fronheiser, P.E.  
AECOM  
Manny Sidhu  
Sidhu Associates

## 2014-2017

Tony Frascarella, P.E.  
Century Engineering  
Sean McCone, P.E.  
Johnson, Mirmiran & Thompson

## 2015-2018

Harish Patel, P.E.  
EBA Engineering  
Vince Pielli, P.E.  
Urban Engineers

## Executive Director

Jim Otradovec

**MEMBER NEWS**

**DEWBERRY** has announced that Associate Vice President **Kenneth R. Davis, P.E., DBIA** is the new ACEC/MD representative for the firm.

**EBA ENGINEERING, INC. (EBA)** has officially opened a new office in the District of Columbia, the most recent expansion for the firm in the Mid-Atlantic region.

**KCI TECHNOLOGIES, INC.** recently announced the following:

-**Adam T. Rickey, P.E., CFD** has joined the firm as Regional Practice Leader for mechanical, electrical, plumbing and fire protection.

-**Brian C. Morgan, PLA, LEED AP** has been promoted to Regional Practice Leader, responsible for overseeing and growing the firm's land development efforts in the Mid-Atlantic Region.

**NAVARRO & WRIGHT (N&W)** is pleased to announce that **J. Hedley Armstrong, SP, CP, Photogrammetrist**, has joined the firm, working out of the Sparks, MD and New Cumberland, PA offices.

**NMP ENGINEERING CONSULTANTS** has merged with Progressive Engineering Consultants, Inc. (PEC), and now provides CMI services. Their contact information is as follows:

11350 McCormick Road  
Executive Plaza I, 6th Floor  
Hunt Valley, MD 21031  
410-771-9808 (phone); 443-318-4691 (fax)

**PRIME AE GROUP, INC.** has announced that **Todd Bergstrom, P.E.** has joined the firm as Vice President of National Design-Build Operations and that **Tom Stora** has been hired as Director of Structures, Design-Build practice. Both gentlemen will work out of the firm's Akron, OH office.

**SILVERSTEIN INSURANCE GROUP (SIG)** has relocated their office to: 2850 Quarry Lake Drive, Suite 303, Baltimore, MD 21209.

**WHITMAN, REQUARDT & ASSOCIATES (WRA)** is proud to announce that the firm has been selected by ENR MidAtlantic as its 2016 Design Firm of the Year.

**WSP|PARSONS BRINCKERHOFF** is pleased to announce that ACEC/MD Treasurer **Jerry Jannetti, P.E.** was recently promoted to NE Operations/Business Manager.

## contact:

Jim Otradovec  
Executive Director  
AMERICAN COUNCIL OF  
ENGINEERING COMPANIES,  
MARYLAND  
312 N. Charles Street, Suite 200  
Baltimore, Maryland 21201  
Tel: 410-539-1592  
FAX: 410-685-5470

**ACEC/MD 2016  
Engineering Excellence  
Grand Award winning  
entry by AECOM of the  
William Preston Lane Jr.  
Memorial (Bay) Bridge  
Cable Dehumidification.**

