

# Field Notes

**From the Chairman: Tim Cawood, McKim & Creed**



Happy May and welcome Spring! Spring is such a wonderful time when the earth comes back to life, a kind of re-birth if you will. Let's hope that along with all the nuances of Spring comes new opportunities. Best I can tell the economy is recovering, however so slightly. At least things don't appear to be getting worse. I like to share with you some thoughts about being a Professional Surveyor, PS.



## 3 Professionalism and Ethics in Surveying

There are many different definitions and even many more different opinions about what makes an individual a Professional. Education, knowledge, experience, licensure, integrity, ethics, expertise, are all terms or adjectives that are often associated with the title of a Professional. To the contrary, terms such as, cheap, easy, no problem, and quick are not.

As Professional Surveyors we should act like Professionals all the time, both on and off the field, so to speak. But, sometimes I think that we are our own worst enemies when it comes to promoting professionalism. Below are some subjects that come to mind that the Professional Surveyor must carefully consider as they relate to Professionalism and Ethics.

## 7 Pricing Professional Services

Unfortunately, in some surveying markets, and especially in the construction staking market, our services are bid, like at an auction. This process in many cases is in violation of the Federal Brooks Act, or other state specific Quality Based Selection statutes regarding Professional Services. However, it seems to be allowed throughout the country. Value price your services. I see and hear stories all the time about firms and individuals "low balling" or saying they can do it faster and cheaper. Faster and cheaper usually means cutting corners like not turning that last closing angle on a traverse or not checking the survey crew's as-staked files from the previous day's construction layout. Concrete is expensive folks! You will look long and hard to find other professional services that take on the risk that surveyors do for the fees we charge. Think about it.



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**COPS would like to thank its sponsors:**





## From the Chairman (cont...)



### ***Doing work for Friends and Relatives***

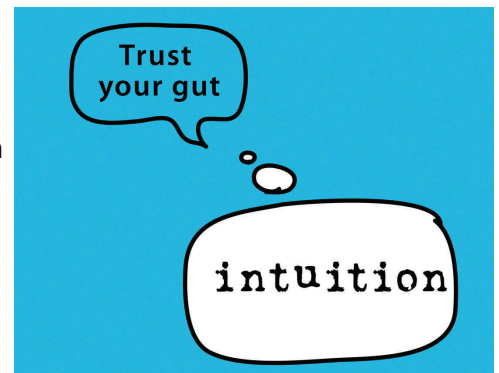
Don't. Do not work for friends and relatives. You've heard of the saying, "never loan money to a friend", well the same goes for performing professional services. When you work for friends and family emotion can weigh in on your decisions and cloud your judgment. And, even if the relationship has no absolutely no bearing on your decision making process, if a conflict arises, the perception alone can become an issue.

### ***Areas of Expertise***

Do not take on assignments that are outside area of experience or expertise. Once again, especially during hard times when work is scarce, it is easy to say "yes, sure we can do that" when in reality, you might not have any idea how to go about measuring the speed of sound through water needed to correct the soundings on a hydrographic survey, for example. Instead, find an expert. Hire him and add your management, administration and QA/QC cost before providing the client with a proposal.

### ***Listen to your gut.***

If something doesn't feel right, regarding a decision, design, or other professional services that you have provided, then chances are something isn't right. Take the time and extra effort, do the research or whatever it takes to review, check and/or look at other options until you are satisfied that your answer is correct, or as correct as it can be based on the evidence. Do not let the pressures of schedule; budget or emotions force you into providing a quick solution that you and others may regret later.



COPS focuses on helping ACEC member firms with Best Business Practices by providing products and presentations related to things like professionalism, liability and safety and health. We will be releasing an updated Health and Safety Manual and have several survey contract templates for use by our membership including suggested language regarding the use of DTM's for Machine Control. As a member of COPS you will have access to these and developing documents as well as the library of other products produced by surveyors for surveyors. Also as a member you can participate in quarterly meetings or volunteer for a committee where you will can share ideas and interact with some leaders in the surveying profession from throughout the country.

Tim Cawood, PS

COPS Steering Committee Chair



## COPS Briefing at ACEC Annual Convention

Besides helping make the Coalition Meet and Greet one of the most successful Coalition events, COPS also held a briefing for its members and prospective members to discuss COPS business and issues in the surveying field.

A major topic of discussion was membership. COPS has what was aptly described as a “Hole in the Heartland” - members on the coasts, but no representation from the middle of the country. To bridge this gap, and to increase membership overall, there was discussion of assigning members to be state champions, as well as to target MO involvement, to boost visibility at the state level. Maintaining an active online presence through LinkedIn and the website will also show potential members what an active and engaged community COPS is. If you have ideas about membership or would like to be more involved, contact Heather Talbert at [htalbert@acec.org](mailto:htalbert@acec.org).

Other discussion points included 911 Mapping, 4-year degree requirements, and the Coalition to Save Our GPS.

**Coming soon!** COPS will be releasing an updated Health and Safety Manual.



## COALITION TO SAVE OUR GPS

<http://www.saveourgps.org/>

ACEC and COPS have signed onto the **Coalition to Save Our GPS**. As described, the Coalition to Save Our GPS “is working to resolve a serious threat to the Global Positioning System. A company has been granted a conditional waiver by the FCC to build 40,000 ground stations in the U.S. that could cause widespread interference to GPS signals—endangering a national utility which millions of Americans” – notably Surveyors – rely on every day.” Go to [www.acec.org/cops](http://www.acec.org/cops) to read the COPS position statement.





# 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)**

## 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.



### **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  
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The Council of Professional Surveyors (COPS) is a national association of surveying firms that provides a forum for members to improve the quality of the surveying profession through enhancement of business practices, reduced professional liability exposure and increased profitability.

Our mission is to strengthen the business environment and image of member firms, focusing on quality professional surveying services in a competitive global marketplace.

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**Calendar of Events**

- July 21:** COPS Business Practices Committee and Steering Committee Meetings  
St. Louis, MO
- October 19-22:** 2011 ACEC Fall Conference  
Caesar's Palace, Las Vegas, NV



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**COPS STEERING COMMITTEE**

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

**Chairman:** **Tim Cawood**, McKim & Creed [tcawood@mckimcreed.com](mailto:tcawood@mckimcreed.com)

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