

### **ACECNI 2017 Legislative Priorities**

**Raising the Bar Initiative (aka Bachelor+30 ):** ACECNI strongly supports ways to improve the quality of the engineering profession and its practitioners. However ACECNI would have concerns about any effort to raise the requirements for Professional Engineering (PE) licensure in New Jersey by requiring additional formal education in the form of a Masters degree or 30+ credit hours beyond a Bachelor's degree. While this is an issue that is being debated nationally, it may result in legislation being introduced in New Jersey. ACECNI needs a seat at the table for any discussion of this issue, to make sure that the interests of New Jersey's engineering profession are represented.

**Qualifications-Based Selection:** Over the life of a project, engineering-related services account for less than 1% of total costs, but these services play a major role in determining the other 99% of the project's life-cycle costs as well as the quality of the completed project. Selecting the engineer with the best qualifications, expertise, experience and ability to implement innovation is critical to ensuring that every taxpayer dollar is spent wisely and efficiently. Using price as a selection criteria causes cost overruns, construction delays and a lower quality product for the public. Price is still a factor, and price negotiations must occur, but after the engineer is selected based on qualifications. Engineering is a highly skilled profession, and the responsibility for designing a road, bridge or transit system is too important to be determined by the lowest bid.

New Jersey has a weak QBS law with many loopholes. Legislation to close these loopholes must be enacted in order to reform the way engineering services are selected and demonstrate to the public that New Jersey is wisely using every dollar spent on transportation.

**Uniform Indemnification Language:** Engineering firms should only be responsible for the work they perform. If contracts are non-uniform, and deviate from the statutory standard of care, indemnification requirements would not be covered by the engineering firm's professional liability insurance.

ACECNI strongly supports legislation to standardize indemnification-related contract language across all public agencies and authorities throughout New Jersey. Legislation should also prevent design professionals from being forced to indemnify clients for damages that fall outside their professional standard of care.

**Design-Build & P3 Authorization:** ACECNI believes in the value of a project delivery system that guides the design of public and private facilities, is in the interests of the owner, utilizes QBS for design professionals, provides unbiased protection for the present and future infrastructure, and protects the health, welfare and life safety of the public. Any legislation authorizing the use of alternative project delivery methods like Design-Build must also protect the design professional by preventing the replacement of that individual or firm at any stage of the design-build project without the approval of the contracting unit.

### **NJDOT Pilot Program to Allow Design & Inspection by One Firm**

Consulting engineering firms provide important technical expertise and support to public sector clients - like counties - often working as an extension of that client's in-house staff. A firm performing the design work on a given project has a familiarity with the needs and priorities of the client as well as a detailed understanding of the project itself. Counties often times would like to retain the design firm's experience and expertise to perform inspection services for the same project; this is especially true for county projects that are federally-funded. The Federal Highway Administration (FHWA) allows this practice. However the New Jersey Department of Transportation (NJDOT) has prohibited counties from having one firm provide design and construction inspection services for the same federally-funded project.

Assemblyman John Wisniewski introduced legislation in 2015 (A4122) to establish a pilot program to evaluate the benefits of allowing a firm to provide the design and inspection services for a project that receives federal-aid highway funds. This five-year pilot program would authorize three counties to utilize one firm for design and inspection services utilizing conflict of interest protocols that are consistent with all federal and State laws and regulations governing conflicts of interest.