

ACEC INSIGHTS

American Council of Engineering Companies of Massachusetts

June 2010

Greetings from the President

By David F. Young, PE, Vice President, CDM



Has there ever been a better time to be a member of ACEC/MA?

Well, think about the following statements while pondering your response.

Our economy continues to create new challenges for us daily that impact the way we all do business. Project owners continue to demand more from us for less. Our industry continues to struggle with the brain drain occurring from talented senior engineers retiring and fewer students entering the engineering profession. Some politicians and the general public are increasingly questioning whether the engineering delivery systems need fixing based on some recent high-profile infrastructure mishaps.

The numerous volunteers that serve on the ACEC/MA board and committees, along with the wonderfully dedicated staff at The Engineering Center (TEC) and our support firms, are helping each and every one of our members address those issues and many others. That teamwork creates a synergy that none of us could ever hope to match on an individual basis.

ACEC/MA has been very busy of late tracking legislative issues on Beacon Hill. People from several member firms have provided input and guidance on legislative bills and amendments and attended meetings to help educate legislators and their aides about the pros and cons of specific issues. ACEC/MA Executive Director Abbie Goodman and her staff, as well as staff from our support firms including Rasky Baerlein Strategic Communications and Donovan Hatem LLP, have done the bulk of the heavy lifting in monitoring these issues. These efforts have resulted in several actions beneficial to our ACEC/MA member firms and—just as important—beneficial to the built environment we live in. A sampling of some of those actions include:

- Helped educate representatives in the House about the negative aspects of a proposed amendment that would have prevented engineering firms that perform the study phase on a project from being involved in the follow-on design or construction project phases. This would have resulted in less efficiency and

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Leadership as a Strategic Issue

By Olin R. Jennings, The Jennings Group



Presidents and CEOs of engineering, environmental and construction companies continue to face significant business challenges both internally and externally. These challenges cover the horizon and require executives and managers who are good leaders in order to maintain market position, reputation and long-term financial performance.

Leadership Challenge

Business challenges translate directly into leadership challenges. In a recent survey by The Jennings Group, over 50 presidents, CEOs and others were interviewed about leadership issues and leadership development programs. One president indicated that he had just put together a list of 22 strategic priorities that must be

addressed and was wondering where he would find the people in his company to tackle them.

The *leadership challenge* is finding effective ways to develop leaders who can lead the charge to deal with the critical business issues facing your company. These issues include but are not limited to:

- Achieving growth in mature markets
- Evolving the business to more proprietary, higher margin services
- Harnessing the impact of technology
- Anticipating and meeting changing client expectations and requirements
- Managing risk with changing project risk profiles
- Expanding geographic market coverage and adding branches
- Integrating acquisitions

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Project-Specific Insurance Advisory

By David J. Hatem, PC, Donovan Hatem LLP

For the last three decades project owners, design professionals, project grantors, construction lenders, design-builders and others have all recognized the benefits of a well-designed, structured, project-specific professional liability insurance program (P-S PLI Program).

Recently, however, some project owners, as part of their Owner-Controlled Insurance Programs (OCIP), are developing and procuring ill-conceived P-S PLI programs that significantly undermine and erode virtually all of the salutary characteristics and benefits of such programs. These also cost more premium dollars, require self-insured funding obligations and/or the cost of delays and render dysfunctional the operation and realization of the principal intended benefits of such programs.

When these problematic P-S PLI programs are implemented on public sector projects—especially on megaprojects—the public ends up paying significantly more for a relatively useless and dysfunctional insurance program, and the interests of private sector project participants insured under such programs are disserved.

In addition, there are more subtle, but real and negative, consequences in the public sector context. These include diminution in accountability of private sector project participants to the public owner, and potentially inappropriate (in perception or actuality) use of public dollars to fund self-insured (SIR) obligations triggered by claims or findings of breach of professional duty of design professionals insured under the P-S PLI program.

Recently, a trend appears to be emerging in connection with the development and procurement of project-specific professional liability insurance programs that undermines and eradicates most of the salutary characteristics and benefits of such programs. In part, this trend appears to be motivated by at least two independent and, in some instances, combined factors:

- A desire of project owners to reduce insurance premium costs by significantly increasing the SIR obligations.
- The desire of some professional liability insurers to significantly reduce professional liability insured risk by providing coverage only above significantly and abnormally high SIR obligations (\$5 million or more) on a per claim basis.

These factors appear to be congruent and confluent; however, their combination is neither in the best interest of project owners (especially public owners) nor design professionals (and potentially others) who will be insured under such programs.

In general, these ill-conceived programs typically are procured with per claim SIR levels of between \$5 million to \$10 million (and perhaps higher). While the coverage terms nominally include a joint defense provision and an insured-versus-insured exclusion, for reasons discussed below, these coverage terms in practice and reality are rendered ineffective and, in all probability, legally (and ethically) inoperative and unenforceable by virtue of the unusually high amounts of the per claim SIR obligations.

Some project owners may attempt to mitigate the significant per claim SIR funding obligations of the insured design professional by agreeing to pay all or a significant portion of the SIR obligations. However, that act or offer of compromise will create actual and perceived conflict of interest and legitimate accountability concerns for public owners.

These concerns, in all probability, will be raised by project overseers, regulators and grantors at both the state and federal levels. Essentially, the issue will be that the project owner will be absorbing or paying for the design professional's negligence, which has resulted in the unnecessary expenditure of public funds.

For the insured design professional, how can such significant and multiple SIR obligations be funded? For most projects, including megaprojects, this contingent but very real and substantial financial exposure can erode all profit for firms, even when functioning as a joint venture and sharing risk with other firms.

Will design professionals' corporate or practice professional liability insurance fill the coverage gaps created by such abnormally and unreasonably high SIR levels? The answer is probably not.

Even if a practice professional liability insurer filled the gaps, it would and should want to control the defense and resolution of claims against the insured design professionals, within

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So You're Going to Be an Expert Witness ... Part II — Direct Examination

By Joseph A. Barra, Esq., Seyfarth Shaw, LLP and Lawrence Feldman, Phd, LSP, GZA GeoEnvironmental, Inc.



Introduction

Scholars dispute and the case is still before the courts.

—Horace, Epistles



While we are generally known as a litigious society, most lawsuits—up to 90% or more, according to one study—are resolved by settlement rather than by a trial judge or jury decision. Thus, the odds of a scientist or engineer retained as an expert witness actually having to testify in court are not great. But of course, the odds are not zero either.

The first installment of this series, published in the March edition of Insights, discussed the pre-trial issues that face an expert witness, from considering an engagement to subjecting oneself to a deposition. That was the easy part. In this installment, we discuss the direct examination of the expert.

Getting Through the Preliminaries

Be Prepared. —Boy Scout Motto

As an expert, you should exude confidence without arrogance, certainly without bluster. The best way to do this is to prepare yourself thoroughly beforehand. Obviously, you should have the relevant facts of the case down cold so that you can deal with the unforeseen questions that are likely to arise during your cross-examination. Just as importantly, however, you should understand your counsel's plan of attack, particularly as it relates to the way in which she wants your testimony to be laid out. Neither one of you would appreciate a surprise during your direct testimony. Counsel cannot dictate the substance of your testimony—that is why you've been hired—but the sequence, pacing, and approach to the presentation of your testimony will, to a large extent, be determined by counsel. Unfortunately for those of us who dislike dry runs, the best way for you and your counsel to be on the same page, with respect to the form and substance of your testimony, is through rehearsal.

Attention to preparedness should continue right through to your day in court. Appropriate dress and grooming are essential. Give yourself plenty of time to get to the courthouse without having to arrive flushed and breathless. If you're responsible for bringing materials or equipment that will be used during the presentation, such

as exhibit boards or a setup for PowerPoint, make sure the equipment is in good working order before the day of the trial and make sure you know how to set it up and use it. As you approach the courtroom, remember that sometimes potential jurors may be waiting nearby. You must be aware of how you are perceived by the public not only on the stand, but also in and around the courtroom.

Prior to your taking the stand, there is likely to be a sidebar discussion regarding whether you have the qualifications to be allowed to testify and/or whether the basis for your opinions are sufficiently reliable so as to go to the jury. Your counsel will argue that your pedigree is unblemished, your conclusions are legally relevant and your methodology is based upon sound engineering and scientific principles. Ultimately, at least for the purposes of this article, the judge permits you to testify subject to your ability to demonstrate that you are sufficiently knowledgeable about the particular subject matter.

As an expert, you should exude confidence without arrogance, certainly without bluster. The best way to do this is to prepare yourself thoroughly beforehand.

The Main Event

Believe one who has proved it. Believe an expert.
—Virgil, The Aeneid

At this point during a jury trial the judge brings the jury into the courtroom and you are called to the witness stand and sworn in. Remember what your attorney told you regarding your presentation: stay calm, keep good posture, maintain normal eye contact with the judge or jury—that's your audience, not your attorney—and speak clearly and in a well-modulated tone.

Following your introduction, your lawyer needs to secure court approval for you to testify. The judge will not allow you to offer an opinion on any subject matter for which you are not legally "qualified." Accordingly, this is the point in your testimony where it is important for you to blow your own horn, while at the same time being careful not to appear arrogant. Your counsel will help you through this process by asking you pointed questions about your background and qualifications (see "Establishing Your Qualifications").

While your qualifications are being established, you should become a talking resume. Be aware that opposing counsel may attempt to short-circuit this process by stipulating to your qualifications. This is especially common when your credentials outweigh those of your opponent's expert. Your lawyer will probably resist this ploy, as this may be your only opportunity to impress the jury with your background.

Once you have described your credentials, your counsel will "tender" you to the court as an expert in the particular field in which you intend to offer an opinion. If the court has no concerns, it will ask opposing counsel if it objects. Assuming that counsel does not object, or that the objection is unsuccessful, you are ready to present your opinions.

Articulating your opinions in a clear and concise way requires practice. In terms of presentation format, there are several possible approaches that you and your counsel may consider. One method involves stating one opinion at a time and addressing the facts that support each opinion before moving on to the next one. Another method is to initially recite all of your opinions up front and then go back to each one separately to build a foundation for each. Although mechanical, this latter approach may afford the trier of fact a clearer picture of your thought process and, thus, may be more convincing. You may also want to consider using a visual aid such as a white board to outline your opinions and the facts supporting each.

As a general rule, your counsel is not permitted to "lead" your direct testimony—that is, to ask the question in such a way so as to suggest the answer (e.g., "Dr. Expert, would it be correct to say that your opinion is...?"). Instead, the rules of direct examination require counsel to ask you open-ended questions that elicit a narrative response. This is not the time to be an introvert. Here is where you need to "teach" the trier of fact, to describe and explain the basis of your opinion. If you are testifying before a jury, it is likely that there will be a wide range in the professional and educational backgrounds of the jurors; however, it is unlikely that there will be a member of the jury who shares your level of expertise in the subject matter of your testimony. An important part of your job will be to communicate with the jury or the judge at a level that is neither too esoteric nor too condescending.

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The Small Business Guide to Getting a Piece of the Federal Contracting Pie

By Karen Hontz, Director of Government Contracting for the US Small Business Administration (SBA)



Does your small business ever wonder how to win federal contracts and gain a share of the more than \$500 billion federal marketplace? If so, you aren't alone.

While it's not necessarily easy for small businesses to market directly to the federal government, and success is not guaranteed, thousands of small businesses have been successful.

In 2008, the federal government purchased more than \$93.3 billion worth of goods and services from small businesses through prime contracting procurements and \$71 billion through subcontracts.

Joseph Van Ryzin's company, Makai Ocean Engineering in Waimanalo, Hawaii, chooses to partner with larger firms. By partnering, he gets access to the federal marketplace, the prime contractor gets the work and federal agencies receive credit for small business contracting and high-quality goods and services.

Makai, SBA's 2010 Region IX Prime Contractor of the Year, is a small company of just 28 people. Its capabilities are sometimes questioned when seeking larger contracts, until contracting officers see that it has a 30-year subcontracting relationship with Lockheed Martin.

"Once clients realize that we have worked on larger programs, it is a lot easier pushing those proposals," says Mr. Van Ryzin. "It's been a good teaming relationship because it's allowed Lockheed to pursue contracts they wouldn't otherwise pursue because they are too big, and Makai is too small to pursue the larger contracts."

Other small businesses use a different approach. Darryl K. Washington, president of DKW Communications in Washington, DC, has found his federal marketing efforts to be highly worthwhile at both ends of the commercial partnership: prime contractors and small business subcontractors. An 8(a) and HUBZone-certified engineering firm, and SBA's 2010 Region III Prime Contractor of the Year, DKW has an extensive list of federal government and private sector clients.

Mr. Washington is an active participant in the mentor-protégé programs of the SBA and the Departments of Treasury and Defense. He uses his expertise to mentor and educate other small businesses on the procurement process by partnering with them on major contracts.

Mr. Washington believes the arrangement is beneficial to DKW because his company still performs 49% of the work, and it allows him to guide the small business subcontractors through the procurement process while they gain valuable experience and credibility for future contracting projects. "I'm being a teacher to other companies and trying to make sure that other small businesses don't make the mistakes that I made," says Mr. Washington.

Clearly the opportunities exist, and the following tips and resources can help engineering firms boost their federal contracting efforts.

In 2008, the federal government purchased more than \$93.3 billion worth of goods and services from small businesses through prime contracting procurements and \$71 billion through subcontracts.

Central Contractor Registration (CCR) Database

Any small business interested in doing business with the federal government must register in the Central Contractor Registration (CCR) database. CCR is an online business portal that helps small businesses market their goods and services to the federal government as well as prime contractors who use it to find small business contractors and subcontractors. You can register in the CCR database at www.ccr.gov; registration is free and voluntary.

Partnering and Teaming Opportunities

The SBA's Subcontracting Opportunities Directory (www.sba.gov/GC/indexcontacts-sbsd.html) identifies the SBA's Commercial Market Representatives, who help small businesses with marketing to federal prime contractors. The site also lists the Small Business Liaison Officers for large prime contractors.

The SBA's Mentor-Protégé program (www.sba.gov/smallbusinessplanner/plan/SERV_MENTORING.html) is another option for small businesses seeking teaming opportunities. The mentor is typically a graduate of the SBA's 8(a) Business Development program or is in the transitional state of the program, but others can also qualify as mentors as well. The objective is to provide the protégé with technical and management assistance, financial help, subcontracting opportunities and joint venture agreements on prime contracts.

SBA Certification Programs

Small businesses that fit the SBA's definition of being socially and economically disadvantaged or are located in areas of high unemployment may qualify for one of SBA's certification programs.

8(a) Business Development Program. Socially and economically disadvantaged businesses that have been in business for at least two years may qualify for the 8(a) program. This nine-year business development program provides counseling, training and access to federal contracting opportunities. Eligibility criteria can be found at www.sba.gov/8abd.

HUBZone Program. The HUBZone program stimulates economic development and creates jobs in urban and rural communities, areas of high unemployment and tribal communities. Federal contracting assistance is provided to small businesses located and employing staff that lives in these areas. There is a 3% government-wide federal contracting goal for prime contract HUBZone awards. To learn more about the program, visit www.sba.gov/hubzone.

Self-Certification Programs

SBA has several self-certification programs in which a small business self-certifies that it meets the requirements of a specific category. These categories include small businesses, service-disabled veteran-owned small businesses (SDVOSBs), veteran-owned small businesses and women-owned small businesses.

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Good Etiquette Is Good Business

By George R. Allan, PE, Stantec Consulting Services, Inc.



Business etiquette is more than having good table manners. It is doing and saying the right things in social settings and in the workplace. It can reflect positively or negatively on the individual and the company one represents. Having a basic understanding of and practicing good etiquette should be part of every engineer's DNA.

A key principle of business etiquette is to respect others and treat them with courtesy and kindness. When people feel important and respected, they feel more comfortable around you and visa versa.

Social Settings. Many times the people we meet at social settings, such as dinners, professional functions or recreational events, will be clients or potential clients. Such events provide opportunities for networking and marketing. In today's business environment, everyone is a salesperson or marketer, to some degree. You

may be familiar with the following guidelines and tips; however, it is always helpful to brush up on our manners!

- When introducing yourself, provide your name and company. Always have business cards accessible; don't fumble through your pockets or pocketbook to find one.
- At cocktail parties, remember that the purpose of the event is not to eat and drink but to meet people. Limit yourself to two drinks and circulate around the room.
- Place name tags on your right side; when shaking hands it is easier for people to read because their gaze will follow your extended arm back to the name tag. Always print your name and company clearly. Since business etiquette is gender neutral, women do not need to wait to offer their hand first.
- When sitting at a table with a large group, things can get confusing with all the dishes and flatware, so remember "BMW": butter dish on the left, meal plate in front, water glass (and coffee cup) on the right. In using

utensils, start from the outside and work toward the inside. If you need to excuse yourself from the table, put your napkin on your chair to indicate to the waiter that you will return.

- When taking a client to lunch or dinner, so there will be no surprises, choose a place where you have dined before. Choose a restaurant that has a variety of food. When ordering a drink, take your direction from the client. If entertaining a large group, when ordering, let the waiter know to give you the check.
- When playing in a golf foursome, remember that you are not playing in the Masters. The idea is to have fun, maybe talk a little business and interact with those in your group.
- In a large group setting, don't differentiate between the senior staff and junior staff. Make it a point to talk with everyone. The junior staff person may be able to help you now or in the future. By being respectful to everyone,

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A SEAT AT THE TABLE

"A Seat at the Table" is designed to provide our ACEC/MA membership with direct insight into the wide range of endeavors, accomplishments and special activities undertaken by the many committees and task forces of ACEC/MA on its behalf. Remember, ACEC focuses on advocating laws, policies and regulations that improve the business environment and on helping member firms improve their business acumen, and can only be successful in this regard through an active membership. So come take "A Seat at the Table!"

Human Resources Committee

By Kerry Wollner, PHR, Fay, Spofford & Thorndike and Eileen Katz, Kleinfelder/S E A Consultants

The work of human resource professionals is very important to the successful operation of all firms. These professionals have a lot to do to keep up with constantly changing and evolving industry trends, regulatory requirements and best practices in employee attraction, relations and retention. Additionally, these professionals must deal with the uniqueness of the industry.

The Human Resource (HR) Committee provides the HR professionals that support the business of engineering with a venue to share resources and information. The committee has been active for more than seven years, meeting monthly from September to April. Committee members come from a wide variety of large, medium and small firms.

A highly collaborative committee, members are an important resource to each other. There is a great deal of information sharing that helps keep members from having to "reinvent the wheel" and helps them stay current on the latest trends. In addition to the informal information sharing, most meetings also feature a guest speaker who presents on a topic of timely interest.

These presentations have covered a broad range of topics, including:

- Massachusetts Data Security Law
- Consumer-driven health plans
- Coworkers and what leads to trust
- Understanding and working with generational differences
- Implementing a co-op/internship program

- Workforce grant development and training grants
- Performance management/job descriptions

The Human Resources Committee meets every other month from September through April, and welcomes new members. If you have topics you would like us to consider or want to join the forum, please contact Kerry C. Wollner or Eileen Katz.

Kerry Wollner, PHR, is Human Resource Manager for Fay, Spofford & Thorndike (FST) and co-chair of the ACEC/MA Human Resources Committee. She can be reached at 781/221-1226 or kwollner@fstinc.com. Eileen Katz is Human Resources Director for Kleinfelder/S E A Consultants and Co-Chair of the ACEC/MA Human Resources Committee. She can be reached at 617/487-7800 or eileen.katz@seacon.com.

2010 ACEC/MA Engineering Excellence Awards

Each year, ACEC/MA takes time to recognize and celebrate innovation, ingenuity and excellence in engineering achievement among its peers, colleagues and friends during its annual Engineering Excellence Awards Gala. Held at the Boston Marriott in Cambridge on Wednesday, March 24, 2010, this year's event attracted more than 240 people.

The Awards Gala itself concludes a process that began almost nine months earlier. Any firm engaged in the private practice of consulting engineering or surveying can submit for Engineering Excellence Awards. This year, ACEC/MA saw 19 entries from 17 different firms, reflecting a broad and diverse range of projects.

Beginning with the initial entry form and submission notebooks, all the firms who submit entries make a significant time investment to enter their projects in the competition. All submissions are reviewed by an esteemed panel of judges. Selected finalists make a formal presentation to the judges, and then the winner of the Grand Conceptor Award is selected.

Based on this year's entries, the five finalists and GOLD Award winners were:

- Pennichuck Water Treatment Plant Improvements, Nashua, NH (Fay, Spofford and Thorndike)
- I-195 Relocation, Providence, RI (Maguire Group, Inc.)
- Greenbush Line Old Colony Rail Restoration, Braintree, Weymouth, Hingham, Cohasset and Scituate, MA (STV Incorporated)
- United States Forces-Iraq Operations Facility, Victory Base Complex, Baghdad, Iraq (Tetra Tech)
- New Public Works Facility, Lexington, MA (Weston & Sampson Engineers, Inc.)

The 2010 Grand Conceptor Award winner was the Maguire Group for the I-195 Relocation project. Accepting the award on behalf of the team were Kazem Farhoumand, chief engineer with the Rhode Island Department of Transportation, David Freeman and Patricia Steere representing the Maguire Group and William Warner, project architect.

The largest transportation project in Rhode Island history, the project involved relocating a section of Interstate 95 around downtown Providence, creating a new interchange at the intersection of I-95 and I-195, and constructing 16 new bridges and thousands of feet of retaining walls. One of those bridges is the Providence River Bridge, the first network arch constructed in the U.S. The ultimate project goals were to improve traffic flow, update infrastructure, and foster more development opportunities in the downtown by rerouting the highway.

In addition to this year's Engineering Excellence Award winners, the panel of judges also wanted to make particular mention of one entry they felt deserved recognition for its unique commitment to the built environment. As a result, the Judges' Award was presented to Nitsch Engineering for its design of a rainwater harvesting system for Kroon Hall at Yale University.

Congratulations to all of this year's winners! Please be on the lookout for the awards competition information for 2011.

Annual State Markets Conference

By *Natasha Velickovic, PE, VHB/Vanasse Hangen Brustlin, Inc.*



Over the past eight years, ACEC/MA has hosted an Annual State Markets Conference, bringing together a core group of state and local officials to present their vision, goals, procurement process and upcoming projects. This year's conference, which attracted over 100 ACEC/MA members, was held at the Westin in Waltham on Wednesday, April 14, 2010. The event was moderated by Erik Stoothoff, PE, a structural engineer with Jacobs Engineering. Featured speakers included:

- Catherine Wetherell, Deputy Director of Capital Programs and Environmental Affairs, Massachusetts Port Authority
- Philip Giudice, Commissioner, Massachusetts Department of Energy Resources

- Frank Tramontozzi, PE, Chief Engineer, Massachusetts Department of Transportation—Highway Division
- Conrad Ruppert, Jr., Assistant Deputy Chief Engineer, Amtrak
- Frank DePaola, PE, Assistant General Manager for Design and Construction, Massachusetts Bay Transportation Authority
- John F. Jumpe, Jr., PE, Director of Project and Construction Management, Massachusetts School Building Authority
- Charlie Jewell, Director of Planning, Boston Water & Sewer Commission
- Michael B. Williams, AIA, Co-Director of Programming, Division of Capital Asset Management

The overwhelming message from the speakers was that the current market has resulted in

unforeseen benefits as the cost to build has decreased and the ability to provide creative solutions for projects has increased. One such example is the ability to offer additional sustainability and green building elements on many public projects, which was not previously possible. We hope this trend becomes a standard that continues even as the market bounces back and certainly look forward to hearing more about it at the 9th Annual State Markets Conference in 2011.

Natasha Velickovic, PE, is a transit planner and project engineer for VHB/Vanasse Hangen Brustlin, Inc., and has 12 years of transportation engineering experience with the company. Natasha is on the ACEC/MA Programs Committee and can be reached at 617/728-7777 or nvelickovic@vbb.com.

ACEC/MA Emerging Leaders Program Graduates 25 New Leaders

The ACEC/MA Program for Emerging Leaders completed its eleventh successful year in 2010. This highly-rated, six-session program is designed for professionals committed to developing their leadership abilities. It is ideally suited for engineers, architects, land surveyors, LSPs, geologists and other emerging leaders with approximately 8 to 15 years of prior engineering consulting experience.

Through a carefully crafted curriculum, the program imparts the specific skills and competencies identified by top ACEC/MA CEOs as critical for leadership success. Instructors for each interactive, four-hour session include experts in business administration and people management from professional services firms.

In addition to gaining “secrets of success” from local industry leaders, program participants learn to:

- Understand and differentiate management from leadership
- Understand basic financial metrics and why they are important
- Identify and handle contracts and risk management issues
- Understand business development strategies
- Understand principles of strategic planning
- Develop techniques for motivating/coaching in a professional services firm
- Develop an understanding of how government works and how government affairs activities affect our industry

Watch your email this fall for information regarding the 2011 ACEC/MA Program for Emerging Leaders.

CONGRATULATIONS TO OUR 2010 EMERGING LEADERS GRADUATES

Bradford J. Aldinger, PE
Haley & Aldrich, Inc.

Michael L. Bachand, Jr., PE, CDM

Laureen M. Beintum, PE
GEI Consultants, Inc.

Denis J. Bell, PE, Haley & Aldrich, Inc.

John R. Blackburn
Kleinfelder/S E A Consultants

Gilbert Castera, Jr., PE
TMP Consulting Engineers, Inc.

Gordon Chen, Weidlinger Associates, Inc.

Chelsea R. Christenson, PE, LEED AP
Nitsch Engineering

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Jennifer E. Hupp, PE, Beta Group, Inc.

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Erica M. Lotz, PE
Fay, Spofford & Thorndike

Paul A. McKinlay, PG, LSP
VHB/Vanasse Hangen Brustlin, Inc.

Robert C. Mentzer, Jr.
Harris Miller Miller & Hanson Inc.

Peter J. Quigley, PE
Weidlinger Associates, Inc.

Joseph D. Roman, GEI Consultants, Inc.

Adel M. Shahin, PE
Green International Affiliates, Inc.

Philip J. Snyder, PE, GEI Consultants, Inc.

ACEC/MA Celebrates 50 Years

ACEC/MA celebrated its 50th Anniversary with a dinner event at the Westin Waltham Hotel on June 2, 2010. Coined “Celebrating the Past...Projecting the Future,” the event attracted nearly 150 people, including 16 ACEC/MA past presidents.

Current ACEC/MA president David Young (CDM) highlighted ACEC/MA’s achievements during the past year, and incoming president Lisa Brothers (Nitsch Engineering) shared her vision for the upcoming year. David Raymond, ACEC National President, provided an overview of national issues.

Paul Zofness, founder and president of the Environmental Financial Consulting Group (EFCG), was the evening’s featured speaker. Well known to the environmental and engineering industry for his financial and strategic advisory services and annual CEO and CFO conferences, Mr. Zofness offered his perspective on the future of the engineering industry.

A highlight of the evening was the presentation of ACEC/MA President’s Scholarships to Sarah B. Casey and Eilish C. Corey, current students in the Civil and Environmental Engineering Department at Northeastern University. The scholarship program, in its first year, was established to pay tribute to the outstanding



Dignitaries at the 50th Anniversary celebration were (l-r) David Raymond, ACEC National President; Lisa Brothers, incoming ACEC/MA President; David Young, ACEC/MA President; and Paul Zofness, President EFCG.

leaders whose stewardship has successfully guided ACEC/MA for five decades and to help foster future engineering leaders.

The Massachusetts Department of Transportation (MassDOT), Highway Division was also honored with the 2010 Qualifications Based Selection (QBS) Award in recognition of MassDOT’s commitment to qualifications-based selection in the procurement of design services. Assistant Chief Engineer Tom DiPaolo accepted the award on behalf of MassDOT.

What Have We Done For You Lately?

With the support of our member firms, ACEC/MA works hard to protect and promote your business in a variety of ways. In addition to our robust programs, our recent efforts include the following.

June 2010

LEGISLATIVE AND REGULATORY

- 2010 Design Professionals Day at the State House: About 70 members of ACEC/MA, BSCES, MALSCE and other design associations visited state legislators to discuss the importance of maximizing private sector innovation, infrastructure funding, qualifications-based selection (QBS), mechanic's lien law for design professionals, Lyme disease and dam safety. Fact sheets on each of these legislative issues are posted on the ACEC/MA website (May 2010).
- ACEC/MA continues to work with the Massachusetts Municipal Association (MMA) and others to promote QBS. ACEC/MA presented on QBS to the MMA's Policy Committee on Public Works, Transportation and Public Utilities in February and to the Massachusetts Highway Association in May 2010.
- 2010 Consulting Congress Day, Washington, DC: ACEC/MA leaders held discussions with the Massachusetts Congressional delegation (or staff) on issues including funding for transportation and water projects and contracting out federal design work to engineering firms (April 2010).
- ACEC/MA worked with MassDOT to win passage of clarifying language added to the QBS law passed in July 2009 as part of the Transportation Reform Law (May 2010).
- ACEC/MA won passage of a bill in the 2009–2010 session to create a Water Infrastructure Finance Commission. (The bill was passed and withstood a gubernatorial veto to become law.) ACEC/MA has an appointed seat on the Commission; William Callahan was appointed to represent ACEC/MA (February 2010).
- ACEC/MA won passage of a Senate amendment to the Municipal Relief Bill to exclude engineering and architectural services from reverse auctions held by municipalities.
- ACEC/MA testified at the January 2010 public hearing at the State House on expanding the mechanic's lien law to include design professionals.
- ACEC/MA obtained clarification on the ethics reform law that was enacted in summer 2009 and effective on January 1, 2010. ACEC/MA held an information session for our members and additional clarification of the law is posted on our website.
- ACEC/MA, in cooperation with BSCES, MALSCE and MSPE, submitted draft professional development hours (PDH) regulations to the Board of Registration of Professional Engineers and Professional Land Surveyors (October 2009).

PROFESSIONAL PRACTICE

- Completed the 11th Emerging Leaders Program, the highly regarded six-week seminar for rising stars of member firms that focuses on leadership,

business financial management, risk management, marketing, strategic planning, government affairs and human resources (March 2010).

- ACEC/MA held our second Everest Program for C-Level Leaders (October 2009).
- ACEC/MA developed and launched the Odyssey Program for future C-level leaders in our business practice. This extended leadership skills development program ran over nine months with eight formal training sessions and one individual session (September 2009).
- Conducted a member firm survey (October 2009) and program survey (May 2010) to better understand and serve our members.

MASSACHUSETTS AGENCIES

- ACEC/MA Environmental Affairs Committee had meetings and presentations with DEP on the State Revolving Fund/ARRA funding opportunities, met with US EPA Region 1 on the ARRA "Buy American" waiver process, and met with MEPA Director Alicia McDevitt on upcoming MEPA initiatives. ACEC/MA has several representatives on technical advisory committees: Joe Freeman on the MEPA Greenhouse Gas Advisory Committee, Sean Wooster on the DEP Solid Waste Master Plan Advisory Committee, and Mike Hanlon on the DEP Sustainable Water Resources Advisory Committee.
- ACEC/MA has representatives on the Massachusetts School Building Authority Advisory Board, MSBA Designer Selection Panel, MassDOT Construction Streamlining Task Force and Joint EOT/ACEC/MA/CIM Accelerated Bridge Program (ABP) Task Force.
- ACEC/MA Building Engineering Committee continues to work with the Mass. School Building Authority on the owner/project manager issue as well as model school program.
- Partnering meetings were held with key agency leaders at MassDOT, MBTA, Massport, DCAM and DCR to discuss issues of concern to members. For example, the MBTA salary freeze request and Administration and Finance's (ANF) 3% reduction in fees request from all Commonwealth vendors and service providers.
- ACEC/MA sent a letter to MassDOT and ANF objecting to their request for firms to provide 3% reduction on invoices (May 2010).
- ACEC/MA is continuing to negotiate new guidelines for determining overhead, which will permit more favorable financial terms on new contracts.
- ACEC/MA held a joint workshop with MassDOT's ABP to discuss MassDOT's new project controls and a separate workshop on innovative contracting methods with FHWA, MassDOT, and CIM. ACEC/MA's task force worked closely with MassDOT reviewing and commenting on the project controls before they were formally issued (January 2010).

American Council of Engineering Companies of Massachusetts (ACEC/MA), The Engineering Center,
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ACEC

AMERICAN COUNCIL OF ENGINEERING COMPANIES
OF MASSACHUSETTS

UPCOMING EVENTS

SAVE THE DATE

18th Annual TECET Golf Tournament

Monday, June 21, 2010

Charter Oaks Country Club, Hudson, MA

www.engineers.org/index.cfm?cdid=10617&pid=10225

ACEC/MA "SMART Conversations" Breakfast Program

November, 2010

details to be announced

ACEC/MA Dinner Program

September, 2010

details to be announced

ACEC/MA Political Update Breakfast Program

December, 2010

details to be announced

ACEC/MA and CIM Dinner

October, 2010

Sheraton Needham, Needham, MA

details to be announced

ACEC 2011 Annual Convention

March 27-30, 2011

The Grand Hyatt, Washington, DC

www.acec.org

ACEC/MA Odyssey Program begins

Thursday, October 7, 2010

Babson Executive Conference Center, Wellesley, MA

details to be announced

ACEC/MA Water Infrastructure Breakfast Program

January, 2011

details to be announced

ACEC 2010 National Fall Conference

October 17-20, 2010

El Conquistador Resort & Spa, Las Corabas, Puerto Rico

www.acec.org

ACEC/MA Committee/Forum Meetings

check the web calendar for updates:

www.acecma.org

*Check out www.engineers.org
for more information on events and to register.*



AMERICAN COUNCIL OF ENGINEERING COMPANIES
OF MASSACHUSETTS

Greetings from President

continued from cover

increased project costs and taken local control away from the owners. The result was the amendment was not accepted.

- Helped educate representatives and senators on the proposed bill that would have allowed “goods and services” to be procured via a reverse auction. ACEC/MA strongly supports qualifications-based selection (QBS), as do many of the legislators. Once key policy makers were made aware that engineering services had been lumped into this bill, a successful exemption for professional engineering services was added to it.
- Succeeded in getting an ACEC/MA representative on the Water Infrastructure Finance Commission that we worked so hard to get passed in 2009. Bill Callahan, former senior vice president at CDM, is excited to be serving in this capacity and representing ACEC/MA members on the commission, which is being chaired by Senator Jamie Eldridge. They held their first meeting in May 2010.
- Worked closely with representatives from MassDOT and other key agencies to develop

a technical corrections Amendment to clarify the wording in the QBS section of the Transportation Reform Bill passed in July 2009. This amendment was passed and now provides clear language about the process even though it only applies to three state agencies at this time (MassDOT—Highway, MBTA and Massport). This provides an excellent foundation to build upon in the future to expand the use of QBS for horizontal projects to all state agencies and municipalities.

Speaking of QBS, we have been working diligently to achieve the long-term ACEC/MA goal of requiring QBS procurement for all projects. The QBS Committee has updated the PowerPoint presentation and shown it to the Massachusetts Municipal Association (MMA) Municipal Committee and to the Massachusetts Highway Association. Both groups have provided favorable feedback and agreed to help ACEC/MA gain access to other key committees in their organizations to continue the education process. The presentation is available on the newly revamped ACEC/MA website.

There are many wonderful articles in this issue of *Insights* and I hope you will take the time to read them all. They further underscore the

reasons for being a member of ACEC/MA, as they describe the tremendous programs and activities that have been ongoing and will be coming up.

Membership activity is up as seen in the participation of 19 entrants in the Engineering Excellence Awards competition, over 100 attendees at the State Markets Conference, more than 70 participants at the Design Professionals Day at the State House, the 11th sold-out session of the Emerging Leaders Program, and the sold-out session of the new Odyssey Program for senior level managers.

There are many people working on behalf of ACEC/MA and helping to make our industry and the built environment better. I want to thank each and every one of them for their wonderful efforts. We could not accomplish all that we do without you. To those less active, maximize your membership by getting involved and becoming part of the team.

David Young is a Client Service Manager and Regional Performance Manager with CDM, headquartered in Cambridge, Massachusetts. He has been on the ACEC/MA Board of Directors since 2003 and currently serves as President of ACEC/MA. He can be reached at 617/452-6544 or youngdf@cdm.com.

Leadership

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Defining the Problem

The presidents and CEOs who were part of The Jennings Group survey described the leadership challenge in many ways:

- “You can never have enough leaders. It’s a constant challenge to feed the leadership needs of a growing firm. If you stop feeding, you stop growing.”
- “When I look at our ability to grow, I find that it’s not financial, it’s not the desire and it’s not the marketing; it’s the ability to lead.”
- “I think we’ve got the people, but they could be better leaders if they understood better what leadership is and how to be more successful at it.”
- “The biggest hurdle is transforming managers into leaders. We are a technical project management company and focus on management more than leadership.”
- “Where we are struggling is in translating leadership development concepts from other industries into our industry and applying them to the highly trained analytical minds in our organization.”

- “A key question is how do you make leadership development a more visible strategic initiative? How do you overlay this intangible leadership talent on other priorities and keep it highly visible and part of the culture?”

Strategic vs. Tactical Approach

The true leadership challenge is changing mind sets and priorities within your company. Meeting this challenge means the senior executive team and board must make leadership a strategic issue. However, the question typically asked is more tactical than strategic, “Should we have a formal leadership development program?” This kind of question can lead to a quick-fix “program type” solution. It represents inside-the-box thinking.

The real strategic issue is, should leadership be an overarching strategic priority? If the answer is yes, then the next question should be, “How do we incorporate leadership into all of our thinking and strategic improvement initiatives?” This kind of approach is out-of-the-box thinking because it recognizes that leadership development is truly an integral part of addressing every operating and strategic issue and requires the integration of a leadership

culture into your company’s current value system. It is true recognition that people become better managers by becoming better leaders.

A Leadership Paradigm

Leadership can be described as doing the right thing, while management is doing things right. Four essential characteristics for leaders are:

1. Personal vision of what can be or should be
2. Ability to communicate that vision
3. Knowing yourself as a first step to leading others
4. Knowing others, to motivate and bring them together in a common vision

Since these four essential elements of leadership can be taught, coached or mentored, everyone can have better leadership skills. Leadership skills can be developed and inspired in technical managers.

Strategic Impact of Leadership Culture

Leadership is a role, while management is a position. Our vision is a leadership culture in which there is recognition that leadership does not require a senior management position.

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Leadership

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Every employee is a leader in something. The net result is the creation of leaders in every area and leadership depth throughout your company.

One of the resulting challenges for presidents and CEOs is the need to focus all of these new leaders, ideas and energy. This is a happy problem compared to complaints from many presidents on how hard it is to drive change through a highly resistive organization.

A strategic commitment to leadership development will produce a progression of change that creates a more dynamic leadership-driven organization in which the strategic business evolution is internally driven with greater career and financial rewards. Over time, a leadership culture will give you a more profitable and a less

commodity-oriented business. It will also make your company a desirable place to work, improving your recruiting and retention of technical professionals and managers.

Creating a Leadership Culture

Creating an effective leadership development program requires both a strategic commitment and an approach that changes individual mind sets and encourages and reinforces behavior change. The four key elements for a successful program are:

1. Mindset change at the senior executive and board level
2. Formal leadership skills development training
3. Sustained, longer-term, on-the-job mentoring, follow-up, and reinforcement programs
4. Creation of an environment that motivates and rewards leadership

Companies that have made the commitment to leadership development as a strategic initiative are enthusiastically reporting positive changes in profitability, communication and excitement as well as reduced turnover among mid-level managers. Companies with a more tactical approach to leadership development are less enthusiastic in reporting their results, and some of these programs have fallen into disuse.

Leadership development is like any other initiative. Anyone can have a good idea. The real strategic benefit comes from careful planning, using the right resources in the formal training courses and, most of all, good implementation and follow-up.

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Insurance Advisory

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the gaps. Additionally, the gaps would most likely need to be filled by multiple practice professional liability insurers, each of which would rightfully insist on controlling the defense and resolution of claims against their respective insured design professionals within the practice levels of coverage. Furthermore, each design professional whose practice insurer will participate in providing coverage for the "gaps" will impose a separate deductible or self-insured retention obligation.

Hypothetically assuming that such insurers would be willing to fill the gaps—which is a remote proposition at best—all of this practice insurer participation will render inoperative the joint defense and insured-versus-insured provisions of the project-specific professional liability insurance coverage. The more likely scenario is that practice insurers, in the first instance, and independent of any adverse project claims experience, will decline any invitation or request to provide coverage for the gaps. This would be a sensible and understandable decision.

In this context, and given the substantial SIR exposures, joint defense and insured-versus-insured provisions under the P-S PLI program are likely to be legally unenforceable. However,

if the insured violates the joint defense and insured-versus-insured requirements of the project policy, it will sacrifice coverage under the project-specific professional liability insurance policy. This is good for neither the insured design professional or for the project owner who paid the premium for that coverage.

For the insured design professional, these problematic programs represent increased corporate dollar exposure and increased corporate insurance costs, and the potential for significant professional liability coverage gaps and non-insured professional liability exposure.

The dysfunctionality of the claim defense and resolution process with such significantly high SIR layers will lead to lack of coordination in defense and settlement of claims, increased legal and expert defense costs, delayed claim resolution and reduced insurance limits (due to substantial erosion of available coverage by payment of defense and expert fees). For the project owner this will mean less coverage available to pay claims and a more contentious, protracted and expensive claims resolution process.

For the insured design professional, these problematic programs represent increased corporate dollar exposure and increased corporate insurance costs, and the potential for

significant professional liability coverage gaps and non-insured professional liability exposure (if, as predicted, practice insurers prudently will not provide coverage for the SIR gaps).

A further trend in this problematic approach arises in the design-build project context and involves exclusion of coverage for the design professional subconsultants of the design-builder. The exclusion of that coverage renders dysfunctional any joint defense between the design-builder and its design professional subconsultants and requires the latter to attempt to obtain professional liability insurance coverage from its practice insurers.

These problematic trends should be arrested. Project owners should be aware of the serious insurability concerns and coverage depletion and claims resolution disadvantages, especially on public projects, posed by these trends.

Design professionals and other insureds under proposed project-specific professional liability insurance policies containing these problematic trends should request their own firm or corporate insurance broker to review the proposed program and how it would function relative to the corporate or practice coverage of the design professional, with particular attention to the probability of coverage gaps and the creation of

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Insurance Advisory

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uninsured liability by such programs. The insured design professional should recognize that the project owner's OCIP broker does not represent the interests of the design professionals who are insured under the program.

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Expert Witness, Part II

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A frequent concern of expert witnesses is how to address the weaknesses in your own client's case. Of course, this is the domain of the attorney that hired you for trial; however, waiting until these weaknesses are broached by opposing counsel during cross-examination is a risky tactic, as a good opposing trial counsel will not give you an opportunity to explain your position. Experience demonstrates that addressing the thorns of your client's case on direct examination will help you build credibility with the judge or jury. It will also give you the opportunity to explain why these seemingly negative facts have little, if any, impact on the ultimate result.

Experience demonstrates that addressing the thorns of your client's case on direct examination will help you build credibility with the judge or jury. It will also give you the opportunity to explain why these seemingly negative facts have little, if any, impact on the ultimate result.

Direct examination is also a good time to address certain points that you want to make about the opinions of your adversaries' expert. You may want to point out areas where the opposing expert agrees with your assumptions, and those areas where he does not. In situations where the opposing expert's opinions are grounded upon a disagreement or varying

P-S PLI Programs

P-S PLI programs provide professional liability insurance coverage for design professional breach of professional duty (e.g., negligence) in connection with services performed by those professionals on a specific project. The coverage is dedicated to, and for, the specific project and professional liability claims arising therefrom, and is guaranteed for a specified duration (i.e., the policy period), and for an additional extended reporting (or so-called discovery) period.

Project-specific policies have relatively substantial SIR obligations (somewhat like a deductible) that typically are funded by the various design professionals who are insured under the policy. Many of these policies are underwritten with mandatory joint defense provisions under which the insureds are obligated to jointly defend and settle claims. This joint defense approach is reinforced by "insured-versus-insured" exclusions, which preclude coverage for professional liability claims asserted by one design professional insured against another. These programs are intended to maximize the availability of coverage for indemnity payments for claims by resolving claims in a more efficient, focused and expedited manner.

interpretation of the facts, you should re-emphasize those facts that support your position and why the opposing expert's reliance upon other facts or limited information is flawed.

Finally, a word about objections made during your testimony by opposing counsel. A sustained objection means that your counsel's question was either improperly phrased or is impermissible under the applicable rules of evidence. Despite what you may have seen on "Law and Order," if the other side objects, do not continue with your answer; you should not answer a question once an objection has been made until permitted to do so by the judge. Trying to "sneak in" an answer will only serve to aggravate the judge, as you will be interfering with his ability to do his job. Juries pick up on these subtleties and will likewise hold the judge's ire against you as well. Accordingly, when there is an objection, wait for the judge's ruling and then look to your counsel for guidance.

Following your direct testimony, you will be subject to cross-examination by opposing counsel, often the most difficult part of the expert witness experience. A summary of what you can expect on cross-exam, re-direct and re-cross will be the subject of our third and final article in this series.

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Establishing Your Qualifications

This part of the Q&A could go something like this:

Q: *Dr. Expert, have you come to court today prepared to state your opinion on...?*

A: To this question, you should simply say "Yes," as it is too early to actually describe your opinion because you are not yet authorized to do so and have not yet laid the appropriate foundation. Next, your counsel should ask something like:

Q: *What qualifies you to offer an opinion in this case?*

A: You should respond with a brief general statement about how your education and work experience have prepared you for this moment. Your counsel should then methodically lead you through your background to provide a structure for your credentialing. For example, your counsel may ask:

Q: *How has your education prepared you to offer the opinions you intend to discuss? or What specific courses have you taken that prepared you for this assignment?*

A: Your responses should tie specific elements of your education to the subject matter upon which you will be offering an opinion. Similarly, you will want to link your work experience to the subject matter of your opinions.

The Small Business Guide to Getting a Piece of the Federal Contracting Pie

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In general, to self-certify under one of these socially and economically disadvantaged categories, a business must show that:

- at least 51% of the company is owned and controlled by one or more members of that category (i.e., veteran, woman, etc.);
- at least 51% of the company stock is owned by one or more members of that category; or
- its management and daily business operations are controlled by one or more members of that category.

There is a 5% government-wide goal for federal contracting for prime and for subcontracting awards to small, disadvantaged businesses. For more information, visit www.sba.gov/sdb.

Veteran-Owned Business. The Department of Veterans Affairs (VA) can conduct veteran-owned business set-asides for its own procurements and has specific certification requirements. To learn more about the VA's programs, visit www.va.gov. To learn more about SBA's programs and services for veterans, contact the SBA's Office of Veterans Business Development at www.sba.gov/vets.

SDVOSB. There is a 3% government-wide federal contracting goal for prime and subcontracting awards to SDVOSBs. Contracting officers can award a sole-source or set-aside contract to a service-disabled veteran-owned small business under certain conditions. To determine eligibility, contact the veterans' business development officer or visit SBA's Office of Veterans Business Development at www.sba.gov/vets.

Women-Owned Businesses. With respect to women-owned business awards, the government has a 5% government-wide goal for federal contracting for prime contracts and a 5% subcontracting goal. To learn more about

SBA's programs and services for women entrepreneurs, visit www.sba.gov/aboutsba/sbaprograms/online/wbc/index.html.

Other Set-Aside Opportunities

The Department of Defense, GSA and NASA are among the participating agencies participating in the Competition Demonstration Program. This program has a small business participation goal for participating agencies that is 40% of the agency's total contract dollars in each of six designated industry groups:

- Construction
- Refuse systems and related services
- Architectural and engineering services (A&E)
- Non-nuclear ship repair
- Exterminating and pest-control services
- Landscaping services

SBA Procurement Training

The SBA recently launched several online contracting courses through its Small Business Training Network, a virtual campus complete with courses and programs to help small business owners learn about government contracting and other topics. One of these courses is *Business Opportunities: A Guide to Winning Federal Contracts*, a tutorial on government contracting. The 30-minute program focuses on the contracting process and includes links to more than 40 websites. You can access this and other courses at www.sba.gov/training. Other contracting courses at this site include *A Veteran's Guide: How to Win Federal Contracts*, *Winning Federal Contracts: A Guide for Women Entrepreneurs and Recovery Act Opportunities: How to Win Federal Contracts*.

Procurement and Technical Assistance Centers (PTACs)

If you need in-depth counseling, you can turn

to PTACs located throughout the country. These organizations help small businesses register with CCR and obtain a Commercial and Government Entity Code and Duns Number, which is necessary to do business with the government. They also can match a firm's capabilities with procurement opportunities and help obtain military and federal specifications and drawings. A listing of PTAC organizations is located at www.aptac-us.org.

Acquisition Central

The General Services Administration has also created the Acquisition Central website to provide a central and streamlined on-line community where small businesses can get access to resources including federal regulations, training opportunities and systems such as the CCR database, the Electronic Subcontracting Reporting System (eSRS) and the Federal Procurement Data System-Next Generation (FPDS-NG). The website can be accessed at www.acquisition.gov.

Federal Procurement Opportunities

Federal procurement opportunities can be accessed on the Internet at www.fedbizopps.gov. The site includes a search engine to help you browse the latest contract solicitations.

By using the many tools referenced herein, small businesses can successfully navigate the federal contracting marketplace, become an active participant in the \$500 billion federal marketplace and sell their goods and services to Uncle Sam. For more information about SBA's programs and services, visit SBA's website at www.sba.gov.

Karen Hontz is Director of Government Contracting for the US Small Business Administration. Karen can be reached at karen.hontz@sba.gov.

Good Etiquette

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you also eliminate a potential problem later if the organizational structure changes.

- Make sure you are dressed properly for the particular event. If in doubt, go for the more conservative approach because it is better to be over-dressed. Ask others who may have attended a similar event about the appropriate attire. Studies show that as much as 50 percent of your “message” is conveyed by your appearance. If you look like a successful professional, others will think of you that way.
- Prior to the event, review your address book to refresh your memory of people who might be at the event. If you cannot remember a person’s name (and there are no name tags), admit it; it is better than trying to fake it. You might say something such as: “My mind is blank—your name is?”

In the Workplace. The most important thing to remember at the office is to be respectful and courteous to your colleagues. You will be with these people at least eight hours a day so it is in everyone’s best interest to be able to coexist. Here are a few tips to help accomplish that goal.

- For staff meetings, arrive promptly. During the meeting, don’t dominate the discussion and don’t “Blackberry” when others are speaking; it sends the wrong message.
- When a client visits the office for a meeting, notify the staff and tell the receptionist the client’s name and arrival time. Don’t make the client wait. Make sure appropriate introductions are made, and when the meeting is over, escort the client to the door.
- Respect people’s privacy. If a door is closed, it usually means the person does not want to be disturbed.
- When entering someone’s office, check to see if he or she is on the phone. If so, leave a note. If not, ask for a few minutes to talk. If you must interrupt, always apologize and show consideration for the person’s time.
- With today’s open office layout, attention needs to be paid to talking on the phone. Talking loudly will disturb others nearby. If you don’t have an office with a door, use a conference room when you need to use the speaker phone.

- Make it a point to return phone messages promptly and no later than 24 hours. Even if you do not have the requested information, let the person know what you are doing about it.
- Emails have become a more common form of business communication. They should be treated as a professional document, and proper grammar and spelling should be used. Doing so says that you care how the message is received and you respect the recipient. Before the “send” key is hit, the email should be checked.
- In writing emails, avoid the all caps format because it appears as though you are angry or shouting. Since they can be considered legal documents, nothing should be put in an email that you wouldn’t want to see later in a courtroom.
- In most cases, when responding to a broadcast email with dozens of recipients, respond to the sender only. Using “reply to all” can be overwhelming if everyone does the same thing.
- When sending a thank-you note for a job well done, use a typed note on company stationary with a handwritten comment and signature. If you have personalized company stationary, that would be even more appropriate.
- Social networking is evolving quickly as a way to establish relationships on a professional level. However, only a small minority of firms that use networking tools have a formal protocol for adopting and overseeing it. Mixing business and personal use on a social network should be avoided. There should be a separate account for each. And remember, social media is not private; nothing is secure.

Many existing or potential relationships have been lost due to poor etiquette and manners. While there are many guidelines for basic etiquette—some written and others taught—no one can be expected to know all the rules. There will be occasions when everyone makes an etiquette faux pas. You can recover and minimize a mistake if you are considerate and respectful of the people you come into contact with in your professional life and personal life.

George R. Allan is a Principal at Stantec Consulting Services, Inc. in Westford. George can be reached at 978/577-1425 or george.allan@stantec.com.

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