ISSUE THREE • 2024

ENGINEERING INC.

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AWARD-WINNING BUSINESS MAGAZINE ● PUBLISHED BY AMERICAN COUNCIL OF ENGINEERING COMPANIES

TWO VISIONS

TWO VISIONS

ACEC at the Political Conventions

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ELECTION IMPACT

From taxes to energy, Kamala Harris and Donald Trump offer vastly different visions for America's future. Here's where they stand on the issues that most affect engineers.

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"We are in an election season, and what we hear in that context now and what actually gets implemented in the policy next year may be two different things."

Steve Hall
Executive Vice President
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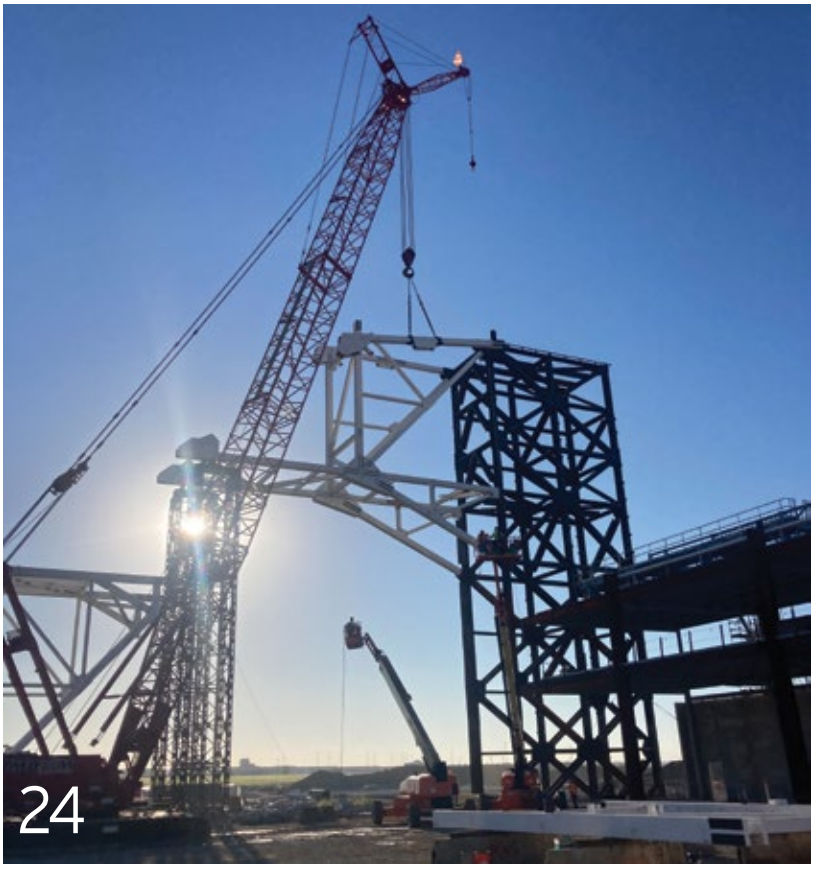

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ACEC's award-winning quarterly magazine *Engineering Inc.* provides expert analysis on all issues affecting the overall business of engineering. Other highlights include in-depth interviews with major policy makers whose decisions impact bottom lines; updates on critical advocacy issues and industry news, best practice management trends and marketplace projections, along with member firm innovations and announcements.

Advancing Business in the Midst of Election Season

As we write this, it's mid-August and all is relatively calm on the political front—"relatively" being the operative term, after a July marked by one seismic political event after another. We're now looking ahead to fall and a Donald Trump versus Kamala Harris general election that as of today is a coin flip.

ACEC was on the ground in Milwaukee and Chicago for the Republican and Democratic National Conventions, meeting with lawmakers and making the case for the essentiality of engineering. With both the White House and Congress at stake in November, we're leaving nothing to chance (see page 20).

Outside of the Washington political bubble, the business of engineering goes on. This summer, we launched our Market Intelligence Committee, which is charged with tracking and identifying key market trends in the public and private sectors. We also formalized the Engineering Workforce Consortium, a federation of the nation's leading engineering organizations working together to tackle our industry's continued labor shortage. A key component of the Consortium's work is attracting young talent. To that end, the ACEC Research Institute announced in July that nearly 100 scholarships had been awarded to outstanding engineering students.

These initiatives all represent ways we continue to move the ball, independent of politics.

Our *Engineering Inc.* cover feature spotlights this year's presidential election and details where Trump and Harris stand on various business issues of importance to our industry (see page 14). We also discuss how ACEC's Diversity, Equity, Inclusion, and Belonging Committee is helping member firm employees take their leadership paths to the next level (see page 36).

In June, the Engineering and Public Works Roadshow stopped in South Jordan, Utah, to highlight the Pure SoJo water recycling demonstration project, an innovative water purification facility that cleans reclaimed water so it meets drinking water standards and removes so-called forever chemicals (see page 13).

By the time you read this, our Fall Conference in New Orleans will have wrapped. We're going to make the not-at-all bold prediction that it was a fantastic event and that it was great to see everyone in the Big Easy. Thank you to everyone who joined us. We may set the stage for these conferences, but it's your input and participation that really drive the show.

Dr. Gary W. Raba, PE
ACEC Chair

Linda Bauer Darr
ACEC President & CEO

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The ACEC Research Institute provides the engineering industry with cutting edge research, trend data, and economic analysis to help firm owners make decisions and delivers thought leadership that advances engineering's essential value to society.

The ACEC Research Institute wishes to extend its sincere appreciation to its generous contributors.

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Number of Scholarships for Engineering Students Soars

During 2024, the ACEC Research Institute's scholarship program grew from 12 scholarships totaling $85,500 in 2023 to 97 scholarships totaling nearly $700,000 in 2024. The new scholarship platform, AwardSpring, allowed the Institute to engage with over 4,100 students versus 169 students in 2023. The new partnerships include the following:

The National Council of Examiners for Engineering and Surveying awarded one $5,000 scholarship in each state and the District of Columbia.

IMEG awarded $10,000 scholarships to 33 students nationwide.

Morrissey Goodale provided two $15,000 scholarships to students from groups that are underrepresented in the field of engineering.

POWER Engineers awarded two $5,000 diversity scholarships.

These new award opportunities were in addition to the 12 scholarships previously awarded by the Institute. When interest in the scholarships increased, the Institute launched a new platform to streamline the application process. Through this new process, engineering students are now automatically matched with opportunities based on their eligibility. The result: This year, more than 4,100 students across the country were presented with a suite of financial resources that are potentially available to them. Those 4,100 students represent the next generation of engineers.

One such future engineer is the University of Tennessee's Deidra Anderson, who was selected as the ACEC College of Fellows Scholar of the Year. Accepting the award, the structural engineering graduate student noted that the $13,000 grant will lessen the financial burden of continuing her education. "It is with great pride that I accept this scholarship as a way to boost my confidence in the financial aspect of

OLGA PANKOVA/GETTY IMAGES

my life," she said. "I feel a great sense of motivation, validation, and as though all my hard work has paid off."

That's the impetus behind the scholarship program—to help lower some of the financial barriers to pursuing a career in engineering. The continued success of the industry will depend on our ability to attract talented young people to the engineering field. Simply put: These scholarships are an investment in the future.

Ask engineering firm leaders for their sentiments on the state of the engineering economy and you'll find that for the most part, optimism abounds—blue skies as far as the eye can see, with one caveat: the workforce shortage. In many ways, the engineering industry has become a victim of its own success: more work than it can handle with not enough qualified workers.

This shortage of engineers has implications beyond the industry's bottom line, further highlighting the importance of the scholarship program. "Engineering is at the heart of solving many of today's most pressing challenges," said ACEC Research Institute Chair Mike Carragher. "These scholarships will help ensure that we have a robust pipeline of skilled engineers ready to tackle the complex issues of tomorrow."

Scholarship winners will be recognized during ACEC's Fall Conference on October 20-23 in New Orleans. ■

Scholarship Donors

The ACEC Research Institute would like to thank the following for their generous contributions to the scholarship program:

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U.S. Transportation Secretary Pete Buttigieg

Congressman Bruce Westerman (R-Ark)

ACEC Continues Opposition to FHWA Procurement Rule

The Council is aggressively opposing a proposed change from the Federal Highway Administration (FHWA) to the regulations governing the procurement, management, and administration of engineering and design services by local governments on federally funded projects.

Under the proposed rule, compliance with Qualifications-Based Selection (QBS) would be optional for local projects funded through FHWA discretionary grants. The agency would remove the requirement that local governments award contracts for engineering and design-related services in accordance with QBS. It would also remove the requirement that contracts comply with the Federal Acquisition Regulation cost principles, another critical protection.

"Existing FHWA requirements directly impact public health and safety and play a key role in controlling costs and promoting project success. They ought to be maintained," Council President and CEO Linda Bauer Darr wrote in a comment letter to FHWA Administrator Shailen Bhatt.

ACEC also organized a joint comment letter with the American Society of Civil Engineers, the American Road & Transportation Builders Association, the Associated General Contractors of America, and the National Society of Professional Engineers.

"Our collective members have been working diligently with our state and local partners for the last two-and-a-half years to deliver on the promised benefits of the historic investments included in the Bipartisan Infrastructure Law," the groups wrote to FHWA Administrator Bhatt. "Unfortunately, we believe the changes put forward in this Notice of Proposed Rulemaking would be a step backward in achieving that shared goal.

"We recognize the challenges that FHWA and many local entities have encountered in administering their grant awards. However, waiving well-established, proven federal regulations is not the solution."

The groups also met with senior agency officials to reiterate their concerns and express support for alternative options.

At a House Transportation and Infrastructure Committee oversight hearing with U.S. Secretary of Transportation Pete Buttigieg, Congressman Bruce Westerman (R-Ark.)—a registered professional engineer—spoke to Secretary Buttigieg about the issue: "I've heard serious concerns from engineering companies about the potential impact of this change…Can you please ensure that the Administration will carefully consider the views of the engineering community and the potential negative impact of the proposed rule on public safety and project costs?"

Secretary Buttigieg pledged to consider the industry's concerns. "We want to make sure that anything we do that affects the relationship with the engineering community is responsible and conducive to good, effective, safe project delivery," he said.

ANDREW CABALLERO-REYNOLDS/GETTY IMAGES; CONGRESSIONAL QUARTERLY/GETTY IMAGES

Federal Trade Commission Noncompete Agreement Ban Blocked

A federal judge blocked implementation of the Federal Trade Commission's (FTC's) ban on noncompete agreements shortly before the September 4 effective date.

The rule would have stopped enforcement of noncompete agreements, including those executed before September 4. There were limited exceptions for existing noncompetes with senior executives and for noncompetes with owners of a business that is being sold.

The FTC may appeal the ruling, but the new Supreme Court decision in *Loper Bright Enterprises vs. Raimondo* could impact any higher court decisions. A core argument in the lawsuit against the FTC noncompetes ban has been that Congress did not grant the agency the authority to implement such a ban. Under the *Loper Bright* decision, courts can no longer give deference to agencies' reading of the law and must independently interpret statutes.

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Post-Election Options for R&D Amortization Fix

At the end of July, the Senate took a procedural vote on the House-passed Tax Relief for American Families and Workers Act of 2024 (H.R. 7024) but failed to move forward. The legislation addresses a key ACEC priority by delaying the research and development (R&D) amortization requirement until 2026. Other provisions in H.R. 7024 include a delay of the limits on interest deductibility and the full expensing of capital equipment purchases. The package also expands the child tax credit, with an emphasis on low-income families.

Depending on the election results, it is possible that the Senate could vote again on H.R. 7024 before the end of 2024. If Congress does not move tax legislation during the lame duck session, a fix for R&D amortization could be in the mix during the 2025 tax debate over the expiration of significant portions of the 2017 tax reform law. These include the Section 199A passthrough tax deduction and lower individual tax rates, among other provisions. The corporate tax rate is also expected to be part of that debate.

ACEC is continuing to work with coalition allies to push for the earliest possible fix for R&D amortization.

For More News

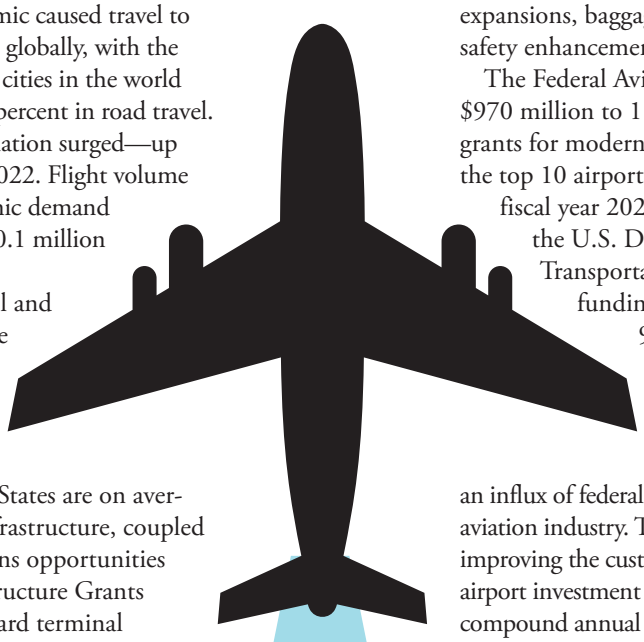
For legislative news, visit ACEC's *Last Word* blog at www.acec.org.

Post-Pandemic Travel Surge Demands New Airport Infrastructure

BY DIANA O'LARE

The COVID-19 pandemic caused travel to decrease by 50 percent globally, with the top 10 most impacted cities in the world seeing a decline of 80 percent in road travel. But post-pandemic aviation surged—up 37 percent in 2023 compared to 2022. Flight volume is forecasted to surpass pre-pandemic demand and reach a new all-time high of 40.1 million global flights in 2024 (see chart).

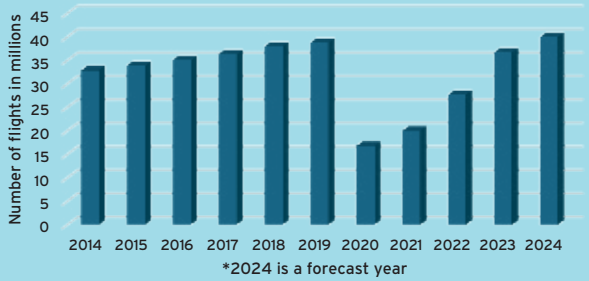
Considering this return to travel and the spike in projected demand, the need has arisen for airports to review their aging infrastructure. According to the Airports Council International–North America, terminals in the United States are on average almost 50 years old. Aging infrastructure, coupled with new federal investment, means opportunities for engineers. The Airport Infrastructure Grants program allocates $25 billion toward terminal expansions, baggage system upgrades, and runway safety enhancements.



The Federal Aviation Administration is awarding $970 million to 114 airports and $187 million in grants for modernization efforts (see below for a list of the top 10 airports by total initial funding available in fiscal year 2024). A statement released in May by the U.S. Department of Transportation quotes Transportation Secretary Pete Buttigieg: "The funding we're announcing today will help 91 airports make critical upgrades to improve travel and further modernize our aviation infrastructure."

Post-pandemic consumer demand, aging infrastructure, and an influx of federal funding aren't the only drivers in the aviation industry. Technological advancements aimed at improving the customer experience will also drive global airport investment to reach $2.4 billion by 2040, at a compound annual growth rate of 14.4 percent.

Number of Global Flights From 2014-2024*



*2024 is a forecast year

Top 10 Airports by Total Initial 2024 Funding

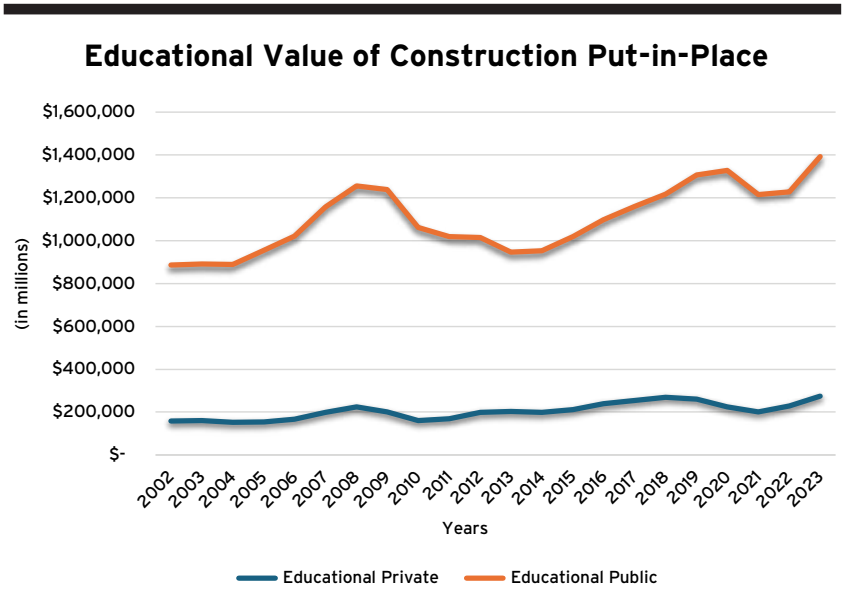
Rank	Airport	City	Total Initial Amount Available FY24
1	Hartsfield-Jackson Atlanta International (ATL)	Atlanta	$88,824,656
2	Los Angeles International (LAX)	Los Angeles	$72,571,750
3	Chicago O'Hare International (ORD)	Chicago	$69,604,509
4	Dallas-Fort Worth International (DFW)	Dallas-Fort Worth	$64,606,635
5	Denver International (DEN)	Denver	$60,551,446
6	John F Kennedy International (JFK)	New York City	$54,355,826
7	Miami International (MIA)	Miami	$47,555,027
8	Harry Reid International (LAS)	Las Vegas	$46,069,843
9	San Francisco International (SFO)	San Francisco	$45,198,001
10	Orlando International (MCO)	Orlando	$44,771,758

MAC/GETTY IMAGES

From left to right: Developers Jim Policaro, Robert Gilbane Jr., Paul Elias, and Mike Snyder share insights on current market conditions at ACEC's Annual Convention.

Prominent Developers Join Land Development Coalition Roundtable Discussion

Local developers from the Washington, D.C., metro area shared insights about real estate development at the Land Development Coalition (LDC) roundtable during ACEC's Annual Convention & Legislative Summit in May. The panelists—Lerner's Vice President of Development Jim Policaro, Gilbane's Senior Vice President of Development Robert Gilbane Jr., and Redbrick LMD's Executive Vice President of Construction Paul Elias—agreed on these top trends:



- Office-to-residential conversions are often not financially feasible.
- The education sector is booming due to aging infrastructure from the 1970s.
- They are always looking to engineers for ways to save money on projects.

Spending in the education sector, which includes K-12 and higher education, increased 19 percent or $38 billion (including public and private spending) in the first four months of 2024, up from $32 billion in 2023, according to the latest U.S. Census Bureau *Value of Construction Put in Place Survey*. More information on this survey can be found in the latest Market Intelligence Dashboard, which can be accessed at **www.acec.org/market-intelligence-dashboard.**

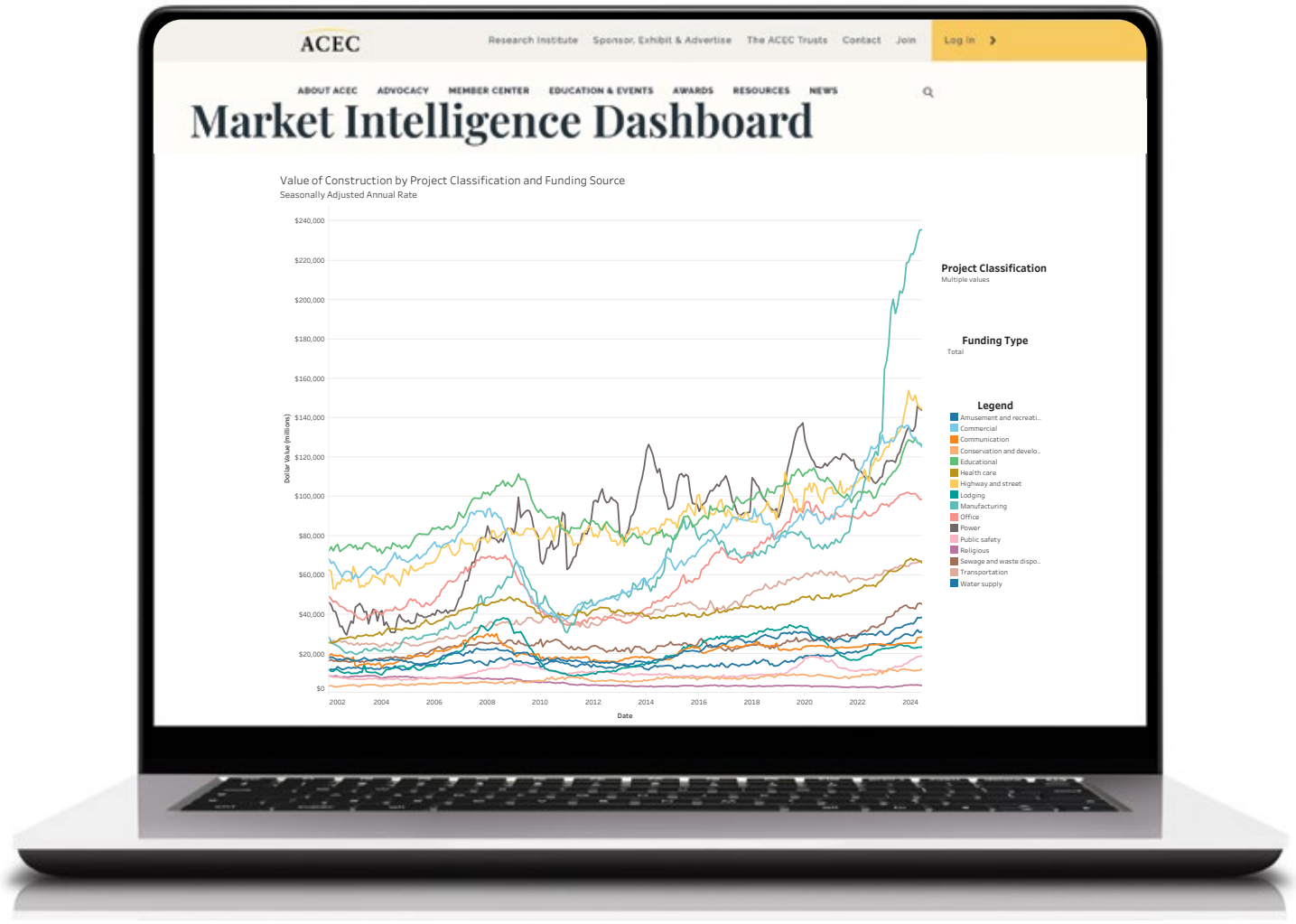
Investment growth in the sector is also forecasted for the next five years, including a 15 percent increase from $127 billion in 2024 to $146 billion by 2028, according to an FMI Q2 2024 report. This increase in investment can be attributed to aging infrastructure in schools and campus housing, renovation investments, Inflation Reduction Act funding, modernizing networks, artificial intelligence, and local bond measures.

ACEC members were able to network with these potential clients in an intimate setting and ask questions. One member asked the developers if they would start hiring engineers that are one-stop shops, with the ability to perform all design, construction, and financing. The labor shortage in both the engineering and construction fields isn't new. Even as the ACEC Research Institute continues its work around its Firm of the Future initiative, it remains an unsettled question what that firm will look like. That said, the developers responded in unison that they would not take on engineers as staff. They noted that while they appreciate the work that engineers do and respect them as experts in their field, the line of demarcation is such that developers must remain experts in theirs.

Dewberry Senior Vice President Mike Snyder moderated the panel, which also covered mass timber; environmental, social, and governance (ESG); sustainability goals; and the latest technologies. To be a part of the next Land Development Coalition meeting or any coalition with ACEC, head to **www.acec.org/member-center/get-involved/coalitions**.

ACEC Launches New Market Intelligence Dashboard

ACEC now offers an interactive dashboard that analyzes data from the U.S. Census Bureau's monthly *Value of Construction Put in Place* surveys. This data can be broken down by public and private spending as well as by market. For stakeholders in the engineering and construction industry, this survey provides crucial information on the state of design and construction activity and spending in the U.S. It also helps them understand market trends and make informed business decisions. For more information on the dashboard, visit: **www.acec.org/market-intelligence-dashboard**.



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The Private Side column in *Engineering Inc.* focuses on the markets listed to the left, and information and insights on economic data relevant to the industry. For more on these topics, subscribe to ACEC's quarterly *Market Intelligence Briefs*: **https://www.acec.org/resources/market-intelligence/#newsletter**.

Diana O'Lare, *CPSM, is ACEC's director of market intelligence. She can be reached at* ***dolare@acec.org****.*

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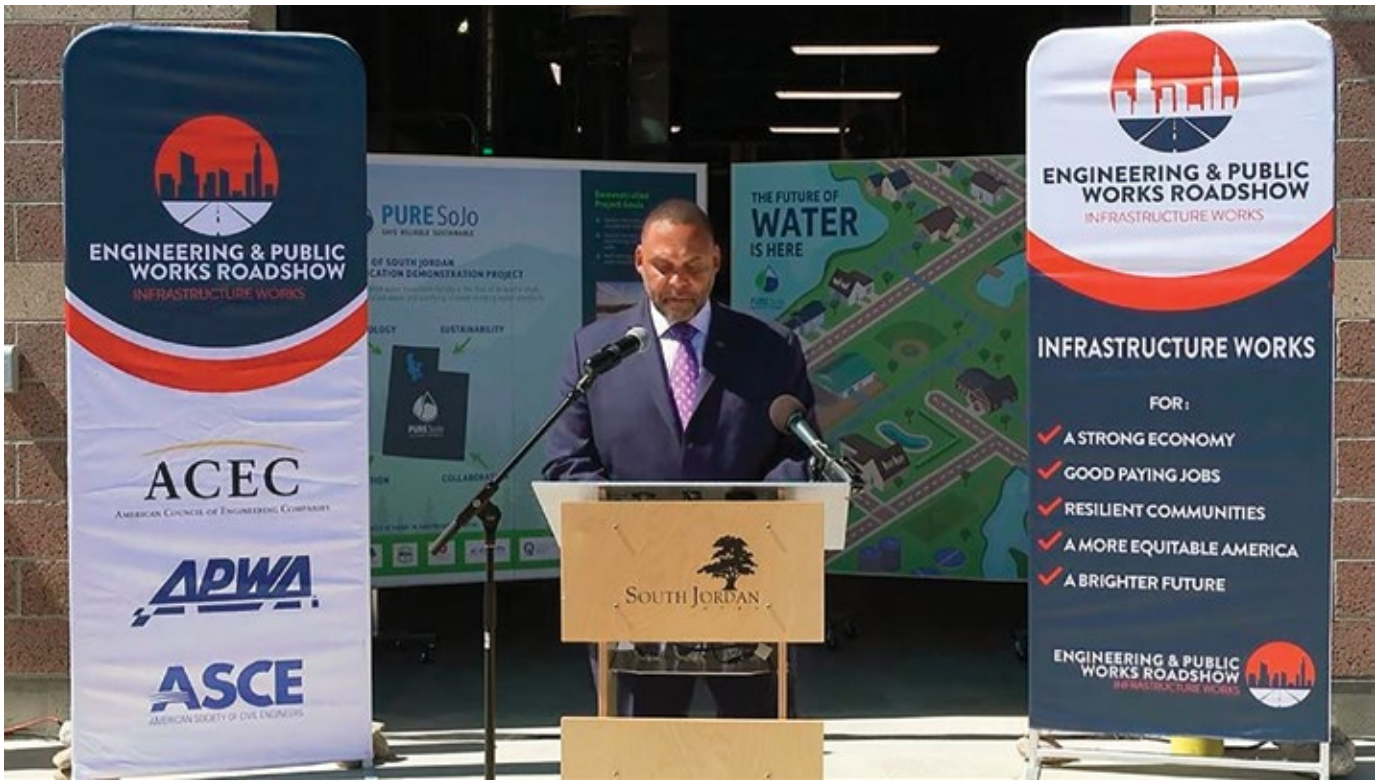


ACEC Executive Committee Senior Vice Chair Derek Clyburn addresses attendees at the Pure SoJo Roadshow event.

Water Recycling Reimagined

Engineering and Public Works Roadshow events highlight innovative projects and successful partnerships while celebrating engineering's essential impact on society

PURE SOJO WATER RECYCLING DEMONSTRATION PROJECT

South Jordan, Utah, June 18

The Engineering and Public Works Roadshow provided a national platform for Pure SoJo, an innovative water purification facility that produces recycled water that meets or exceeds drinking water standards and removes so-called forever chemicals.

South Jordan, Utah, is pursuing this project to determine if water recycling can and should be part of its future water supply. Because the city's underground aquifer is contaminated and will take 40 years to be cleaned, the city imports 100 percent of its water.

"This project has been many years in the making," said South Jordan Mayor Dawn R. Ramsey. "Our entire region is balancing rapid growth with limited water resources. As one of the 10 fastest-growing cities in America, South Jordan is working to ensure we have a sustainable water supply for generations to come. We are proud of our ability to be innovative, work with all available partners, and find real and lasting solutions."

"This project stands as a shining example of what can be achieved when vision, innovation, and community collaboration come together," said Derek Clyburn, senior vice chair of ACEC's Executive Committee. "The Pure SoJo water project is a testament to the power of engineering. It's a beacon of hope for sustainable water management in our communities."

Along with Roadshow partner executives, other participants included Mike Mower, senior advisor of community outreach and intergovernmental relations at the office of Utah Gov. Spencer Cox; Jenn Berig, environmental scientist and state revolving fund coordinator at the EPA; Nathan Lunstad, director at the Utah Division of Drinking Water; Alan Domonoske, vice president at Carollo Engineers; Joel Thompson, general manager of the South Valley Sewer District; Jennifer Weidhaas, associate professor of civil and environmental engineering at the University of Utah; Ray Garrison, director of the South Jordan Public Works Department; and Heather Wadman, principal engineer with the city of Ogden and president-elect of the American Public Works Association Utah chapter. ■

For more information on the Engineering and Public Works Roadshow and to learn about upcoming events, go to: **www.infrastructureroadshow.org**.

ELEC

IMPA

From taxes to energy, Kamala Harris and Donald Trump offer vastly different visions for America's future. Here's where they stand on the issues that most affect engineers

★ BY JOSEPH GUINTO ★

KEVOSTI/SHUTTERSTOCK; BRANDON BELL/GETTY IMAGES

T I O N

ACT

EVA MARIE UZCATEGUI/GETTY IMAGES

The 2024 election will either put Donald Trump back in the White House or see the U.S. elect its first female president in Kamala Harris. Either way, the margin of victory is likely to be razor-thin. Polls conducted just after President Joe Biden announced he would no longer seek a second term suggest the election could be decided by voters in a handful of swing states: Arizona, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin.

The election could have a major impact on the engineering industry. Harris and Trump are likely to take divergent approaches on key issues affecting engineers. Here's how the two candidates may approach those issues, including tax policy, global trade, energy, infrastructure, and immigration, according to a bipartisan group of election and policy experts.

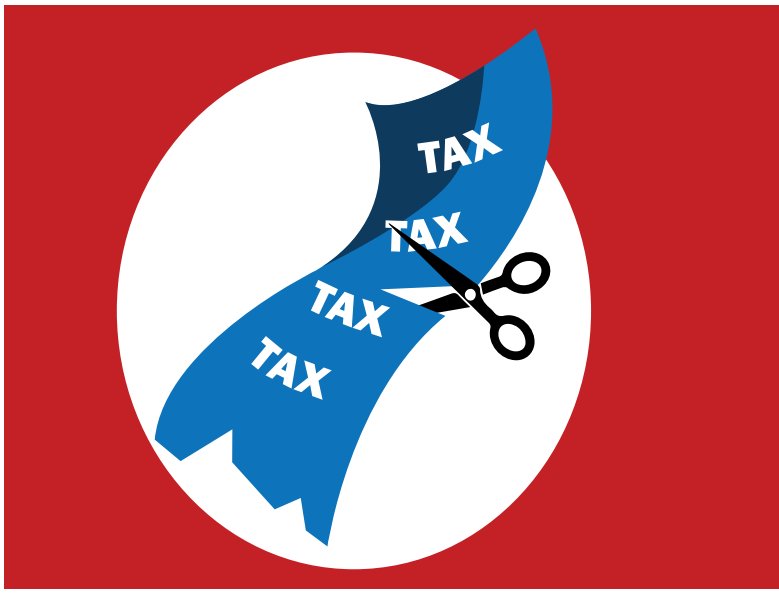
TAXES

In 2017, the Trump Administration championed a series of tax cuts for individuals and corporations that *The Wall Street Journal* called "the most far-reaching overhaul of the U.S. tax system in decades." But in 2025, those tax cuts for individuals—which include owners of many engineering firms—will expire. That means the president for the next four years will have to either push Congress to keep the cuts in place or allow taxes to rise.

"Trump will not want his signature law to expire at all and has proposed cutting rates even more," says Rodney Davis, a Republican who represented Illinois' 13th district in Congress for a decade and who serves as head of government affairs at the U.S. Chamber of Commerce. On the other hand, Davis believes Harris may let the Trump tax cuts expire.

While Trump says he'll either keep the corporate tax rate at 21 percent or lower it to 20 percent, Harris publicly supports raising the corporate tax rate from 21 percent to 28 percent. Her campaign also told Politico in July that she would not raise taxes on individuals making less than $400,000 per year.

"That touches our industry in terms of our members who operate passthrough firms," says Steve Hall, executive vice president at ACEC. "S corps, partnerships, and LLCs are taxed on the personal rates. But an even bigger issue for those firms is the Section 199A 20 percent tax deduction for passthrough businesses. That expires along with the personal income tax cuts next year."



NANZEEBA/SHUTTERSTOCK

"Both of them are protectionists. They both are not afraid to use the hammer of tariffs to get their way."

RODNEY DAVIS
HEAD OF GOVERNMENT AFFAIRS
U.S. CHAMBER OF COMMERCE
REPUBLICAN AND FORMER
CONGRESSIONAL REPRESENTATIVE
ILLINOIS' 13TH DISTRICT

In early 2024, the Biden-Harris Administration also proposed a 25 percent minimum tax on the nation's highest income earners, including on their unrealized capital gains.

INFRASTRUCTURE

One of the signature pieces of legislation from the Biden-Harris Administration was the 2021 Infrastructure Investment and Jobs Act (IIJA), a $1.3 trillion bipartisan package that has funded improvements to the nation's roads, bridges, and water systems, as well as hundreds of other projects. The IIJA will continue to be overseen by whomever wins the White House until it expires on September 30, 2026.

While the funding distributed to the states through established formulas has flowed fairly efficiently, an analysis by

"Trump and Congressional Republicans might prefer to see individual surface transportation, aviation, and water bills instead of one large funding package."

STEVE HALL
EXECUTIVE VICE PRESIDENT
ACEC

the nonpartisan Brookings Institution recently found that 80 percent of the bill's "competitive funding" from its discretionary grant programs has yet to be awarded.

"I think that's going to be among the most important things for engineers," says Cheri Bustos, a Democrat who spent a decade serving Illinois' 17th Congressional district and is now a partner at Mercury, a public strategy firm. Bustos credits the Biden-Harris Administration for getting that bill and the $52.7 billion CHIPS and Science Act, which provides subsidies to semiconductor manufacturing facilities in the U.S., through a highly divided Congress. And she says her hope is that a Harris presidency might include enactment of a second large-scale infrastructure bill after the current one expires.

While Trump is likely to follow through on the IIJA's funding until it expires, at that point, "Trump and Congressional Republicans might prefer to see individual surface transportation, aviation, and water bills instead of one large funding package," Hall says.

Davis adds that Trump would likely also focus on regulatory reforms that can help accelerate infrastructure investment. "A Trump Administration's infrastructure plan is going to focus on permitting reforms and flexibility and simplicity," he predicts.

ENERGY

On energy policy, Davis says, "I'm not sure the two candidates have anything in common."

The chasm between Harris and Trump on energy is partly a philosophical one. Experts say Trump's emphasis is on boosting domestic energy production, while the Biden-Harris Administration's energy policies have been primarily seen through the lens of climate change. Even before she was elected as vice president, Harris advocated for policies aimed at helping poor and minority communities that she believed had been disproportionately affected by pollution.

That environment-minded approach, as Bustos sees it, has and would continue to produce new jobs under a Harris presidency. "If we can get wind and solar and even nuclear in a better place, which a Harris Administration would do, it's going to be better for the planet," she says. "And it still creates a lot of jobs. It's a major investment that requires governmental help to get it in all the right places."

To provide some of that help, the Biden-Harris Administration leveraged $375 billion that was set aside for climate initiatives in the 2022 Inflation Reduction Act (a bill for which Harris cast the tie-breaking vote in the Senate). The money has been used to increase production of electric vehicles (EVs), among other green technologies.

Trump could take a much different approach—seeking to boost domestic oil production through increased drilling incentives and tax cuts for oil, gas, and coal firms. "A Harris Administration is going to continue to push to restrict our baseload-generating fuels like coal and natural gas," Davis says. "That's going to raise energy rates and lessen reliability in the long term. A second Trump Administration will try to push back against some of those mandates that have been put forth by the Biden-Harris Administration already."

To that end, Trump has suggested that he would eliminate the emissions limits on cars and trucks that Biden had proposed. If those limits are put into effect, 35 percent of the new vehicles sold in the U.S. by 2032 will need to be electric.

Whatever voters may think of the candidates' overall divergent takes on energy, they're likely to pay attention to one specific metric as Election Day approaches: gas prices. Kyle Kondik, elections analyst at the Center for Politics at the University of Virginia, says that the high gas prices that have come and gone under the Biden-Harris Administration hurt Biden, and that "if we see high gas prices in the months leading up to the election, you would think that would be better for Trump than for Harris."

GLOBAL TRADE

While the candidates may take very different approaches to energy, they have some surprising similarities on global trade. "Both of them are protectionists," Davis says. "They both are not afraid to use the hammer of tariffs to get their way."

Trump certainly proved that during his presidency. He imposed more new tariffs on imports than any president had in almost 100 years, according to *The Economist*. And Trump now promises more of the same, should he return to the White House. He has backed something he calls the "Trump Reciprocal Trade Act," which would give him, as president, broad leeway to impose tariffs on any country that imposes levies against U.S. goods. He also has floated the idea that tariffs might replace at least some—if not all—personal income taxes. And he has proposed a 10 percent tariff on all goods coming into the country. Plus, Trump has suggested both a 60 percent tariff and a 100 percent tariff on all imports from China.

On China, the candidates have common ground. During his presidency, Trump slapped a 27.5 percent tariff on all vehicles from China and upped tariffs on a range of other products. The Biden-Harris Administration left many of those tariffs in place and in May announced even higher tariffs on an array of products from China—25 percent on steel and aluminum, 50 percent on semiconductors and solar panels, and 100 percent on EVs. That levy on EVs is four times higher than the Chinese EV tariff under President Trump—a move designed to protect the burgeoning EV industry in the U.S., which is growing in part because of tax subsidies.

"We have an EV battery plant that's under construction in my home state of Illinois that's more than a $2 billion investment," Bustos says. "These are major investments, major job creators, major construction projects. The tough talk on China is popular, but we also need to make sure we get these major investments in job creation and a future EV world right."

Harris has indicated support for an economic cooperation agreement called the Indo-Pacific Economic Framework for Prosperity that the Biden-Harris Administration developed with 13 other countries in the region. Trump, however, has promised that he would "knock out" that deal if he returns to office.

WORKFORCE AND IMMIGRATION

Trump and Harris agree that the U.S. immigration system needs to change. But they have vastly divergent ideas of what that change should look like.

Trump has proposed multiple methods for deterring migrants from coming to the U.S. and for pushing out those who enter illegally. He has said he'd renew his ban on immigration from some predominantly Muslim countries, as well as end birthright citizenship. Trump has also called for a mass deportation of immigrants who have entered the country without permission—including those who have lived in the U.S. for long periods of time.

"If we can get wind and solar and even nuclear in a better place, which a Harris Administration would do, it's going to be better for the planet. And it still creates a lot of jobs."

CHERI BUSTOS
PARTNER
MERCURY
DEMOCRAT AND FORMER CONGRESSIONAL REPRESENTATIVE
ILLINOIS' 17TH DISTRICT

"If we see high gas prices in the months leading up to the election, you would think that would be better for Trump than for Harris."

KYLE KONDIK
ELECTIONS ANALYST
CENTER FOR POLITICS AT THE UNIVERSITY OF VIRGINIA

The differences between the candidates on immigration extend to highly skilled immigrants, including those who apply for H-1B visas. Many business groups, ACEC included, have pushed to expand the number of H-1B visas granted annually. They're now capped at 65,000 per year for new workers, with an additional 20,000 H-1B visas granted to people who obtain a graduate degree from a U.S. university. ACEC and the U.S. Chamber of Commerce, among other groups, have argued that's far too low a number. In 2024, almost 480,000 people entered the lottery for the 85,000 available visas. But expanding the number of visas has proved vexing for lawmakers in Congress. "It's always been tethered to this larger debate over border security and some of the more controversial elements of immigration reform," Hall says.

The Trump Administration enacted a handful of H-1B visa restrictions, at least one of which has been maintained under the Biden-Harris Administration. Trump has also backed off a bit on the harsh rhetoric he has lobbed at the H-1B visa program in the past. Before the 2016 election, he called the program "very bad" and "unfair" to U.S. workers. Harris has expressed support for the H-1B visa program and in 2019 proposed eliminating the per-country ceiling on green cards for permanent residents.

On visas and immigration, much like on energy and trade and infrastructure and taxes, Harris and Trump have some deep differences. But in assessing them head-to-head, ACEC's Hall cautions that what they may say on the stump could end up being different from what they do once in the White House. "I think you have to take some of the rhetoric with a grain of salt," Hall says. "We are in an election season, and what we hear in that context now and what actually gets implemented in the policy next year may be two different things." ■

Joseph Guinto *was a White House correspondent for* Investor's Business Daily *and has written for* Politico, The Atlantic, Texas Monthly, *and the* Washingtonian. *He lives in Washington, D.C.*

This article was written and fact checked to reflect the candidates' views as of August 14, 2024.

HARRIS VS. TRUMP

WHERE THEY STAND ON THE BIG ISSUES

HARRIS

TAXES

Pledged to keep tax rates unchanged for households earning under $400,000 a year. Supports increasing the corporate tax rate to 28 percent. In the past, has supported raising the tax rate for the top 1 percent of earners to 39.6 percent.

INFRASTRUCTURE

Along with Biden, championed the 2021 Infrastructure Investment and Jobs Act, and some believe she might support a second such package when the IIJA expires in 2026.

ENERGY

Backs expansion of green technology initiatives. Said in 2024 that she would not ban fracking if elected, which she promised to do in 2019 if elected president.

GLOBAL TRADE

Supported the Biden-Harris Administration's higher tariffs on multiple products from China, including a 100 percent levy on EVs. Also expressed support for the Indo-Pacific Economic Framework for Prosperity with 13 other countries.

WORKFORCE AND IMMIGRATION

Supported a Senate bill that would have provided $14 billion for increased border security. Has vowed to block the deportation of participants in the Deferred Action for Childhood Arrivals program. As a senator, said she would support eliminating the per-country cap for green cards for permanent residents.

KHVOST/SHUTTERSTOCK

TRUMP

TAXES

Proposes to extend the 2017 tax cuts he championed when they expire in 2025. Also suggests lowering the corporate tax rate to 20 percent and has suggested the possibility of replacing income taxes with tariffs.

INFRASTRUCTURE

Has proposed an array of regulatory reforms intended to speed infrastructure projects along.

ENERGY

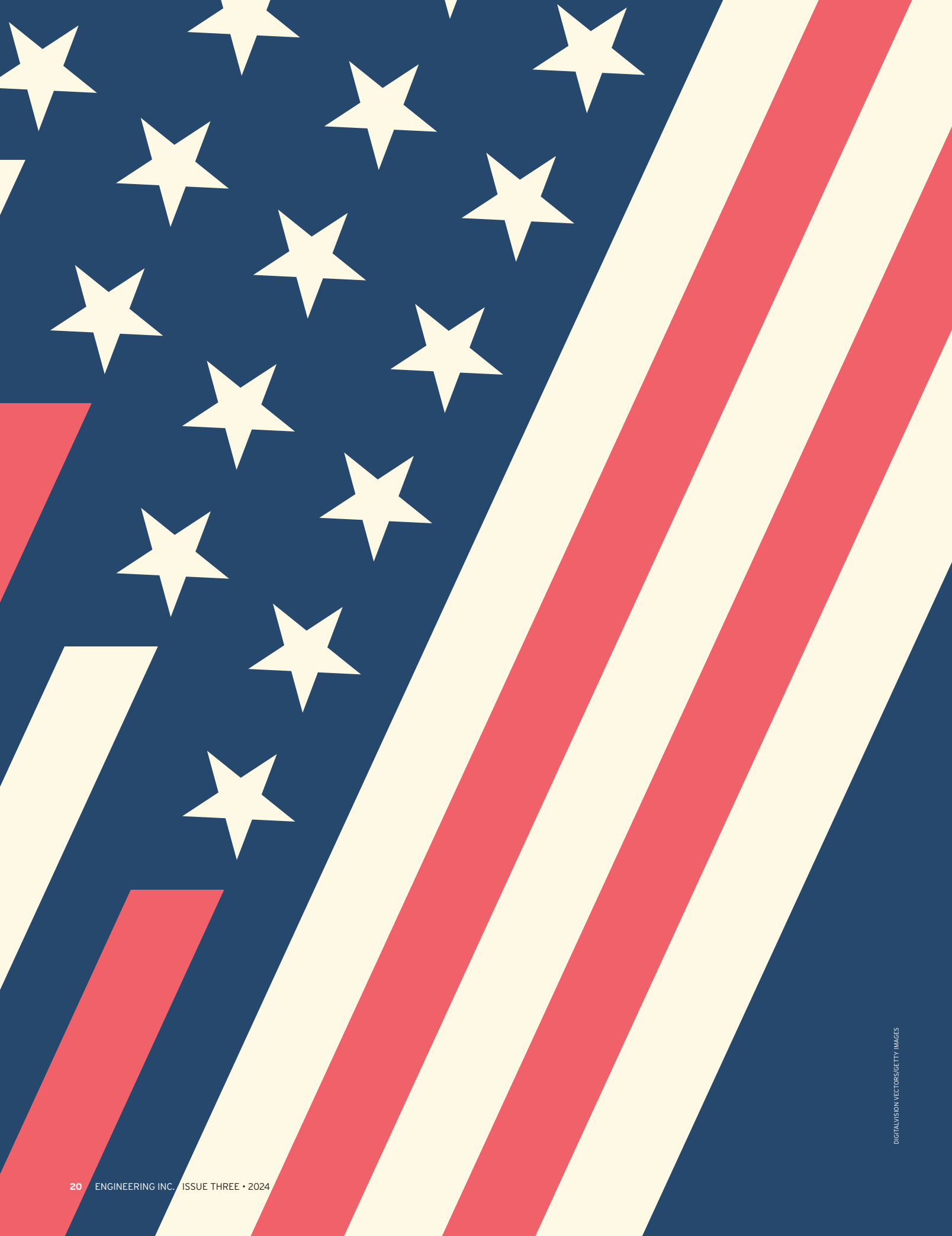
Wants increased drilling for oil on public lands. Plans tax cuts for oil, gas, and coal firms. Proposes to eliminate the emissions limits enacted by the Biden-Harris Administration and withdraw from the Paris Climate Accords for a second time.

GLOBAL TRADE

Backs multiple new tariffs, including a possible 10 percent tariff on all goods coming into the country and as much as a 100 percent tariff on all imports from China. Says he'll withdraw from the Indo-Pacific Economic Framework for Prosperity.

WORKFORCE AND IMMIGRATION

Proposes to renew a ban on immigration from some predominantly Muslim countries, end birthright citizenship, and conduct a mass deportation of those who have entered the country without permission. Has called the H-1B visa program "very bad" and "unfair" to U.S. workers, and has sought new restrictions on it.



DIGITALVISION VECTORS/GETTY IMAGES

ACEC ENGAGES KEY POLITICAL LEADERS AT THE RNC & DNC

Council leadership advocates for industry priorities

In July, ACEC's Advocacy team was in Milwaukee for the Republican National Convention (RNC), where political events were held with Republican members of Congress to promote our advocacy priorities on Capitol Hill.

ACEC staff and leadership had the opportunity to spend time with Senate leaders, including Minority Leader Mitch McConnell (R-Ky.); Sen. Steve Daines (R-Mont.), chair of the National Republican Senatorial Committee (NRSC); and House Speaker Mike Johnson.

ACEC also sponsored a golf outing at Erin Hills with Rep. Richard Hudson (R-N.C.), chair of the National Republican Congressional Committee (NRCC), and Chris Winkelman, executive director of the NRCC. ACEC Chair-Elect John Rathke participated, along with Executive Committee Vice Chair Dan Meckes, ACEC Executive Vice President Steve Hall, Vice President for Political Affairs Dave Bender, and the presidents of ACEC Wisconsin and ACEC Minnesota—Chris Klein and Jon Curry, respectively.

Allison Schneider, ACEC senior director of communications, fostered national press contacts with influential news outlets and met with Ways & Means Chairman Jason Smith and Congressman Darrell Issa from California.

In August, ACEC leadership and staff spent the week in Chicago for the Democratic National Convention (DNC), hosting a suite of events with both House and Senate Democrats, and met with Sen. Bob Casey (D-Pa.), Sen. Tom Carper (D-Del.), Sen. Richard Blumenthal (D-Conn.), Sen. Tina Smith (D-Minn.), and Congressman Gregory Meeks (D-N.Y.).

ACEC met with members of the Transportation & Infrastructure Committee and hosted events throughout the week with the Congressional Black Caucus. ACEC Illinois held a fundraiser honoring the chair of the Illinois Senate Transportation Committee, and ACEC hosted Sen. Ron Wyden (D-Ore.) at the ACEC house in Chicago during the second evening of the DNC to show our appreciation for his leadership and support in fixing the R&D tax issue in the Senate.

◀ ACEC Vice President of Political Affairs Dave Bender and Rep. Vince Fong (R-Calif.) at the ACEC-sponsored America on the Move reception.

▶ ACEC Chair-Elect John Rathke with the Chairman of the House Ways & Means Committee Rep. Jason Smith (R-Mo.) in the House Republican Cloakroom.

◀ ACEC Illinois President and CEO Kevin Artl, ACEC National PAC Chair Jason Matson, ACEC Chair-Elect John Rathke, and ACEC Executive Vice President Steve Hall with House Speaker Mike Johnson (center).

▲ ACEC Chair-Elect John Rathke with Rep. Darin LaHood (R-Ill.) in the House Republican Cloakroom.

▶ ACEC Executive Vice President Steve Hall and ACEC Chair-Elect John Rathke with the National Republican Congressional Committee Chair Rep. Richard Hudson (R-N.C.).

▶ ACEC Executive Vice President Steve Hall and American Concrete Pavement Association CEO Laura O'Neill Kaumo with Sen. Tammy Duckworth (D-Ill.) at a Democratic Senatorial Campaign Committee event.

▲ Board Chair Dr. Gary W. Raba and Sen. Ron Wyden (D-Ore.) at the ACEC house in Chicago during a reception to honor Sen. Wyden for his leadership and support in fixing the R&D tax issue in the Senate.

▶ ACEC President and CEO Linda Bauer Darr met with Rep. Gregory Meeks (D-N.Y.) at the ACEC Chicago residence during the DNC.

▲ ACEC Chair-Elect John Rathke met Gov. Tim Walz at a Democratic Congressional Campaign Committee event earlier in the day before Walz's speech.

▲ ACEC Illinois hosted more than 80 members at an event honoring State Senator Ram Villivalam, chair of the Illinois Senate Transportation Committee. He was introduced by Congressman Raja Krishnamoorthi (D-Ill.).

▲ As the DNC kicked off in Chicago, ACEC Board Chair Dr. Gary W. Raba met with Democratic Congressional Campaign Committee Chair Rep. Suzan DelBene (D-Wash.).

RAISING THE BAR

BY STEVE HENDERSHOT

STRAND JACKS STAR IN RUBY+ASSOCIATES' HIGH-FLYING HANGAR EXPANSION FOR UPS

With a 225-foot wingspan, the Boeing 747-8F is the largest plane in UPS's fleet. Parking a pair of them side by side requires a truly immense hangar.

That's something the global delivery giant lacked—until recently. This spring, the carrier completed work on a $220 million expansion of its Worldport hub in Louisville, Kentucky, that includes a 520-foot-span door capable of accommodating two 747-8Fs in the same maintenance hangar.

THE SKY'S THE LIMIT

The conventional approach to building the 45-foot-deep-by-20-foot-wide box truss required to span the door opening is to use multiple cranes and assemble the truss in the air on top of numerous 80-foot-tall shores. This method requires not only the procurement and foundation of those shores but also the rental of large crawler cranes, with iron workers assembling the truss at heights in boom lifts. Rather than relying on cranes to build the new hangar's box truss, engineers from Ruby+Associates—working on behalf of its client Midwest Steel and alongside general contractor Hensel Phelps—proposed using an alternate technology: strand jacks.

A strand jack is a hydraulic jack that works by gripping and pulling bundles of stranded steel wire ropes through a hydraulic jacking cylinder. The strand is then clamped down while the cylinder releases its grip and moves to grab and pull the next portion of the strand—"kind of like the hand-over-hand method of pulling on a chain," explains Jeff Gasparott, a principal and regional practice area leader of construction engineering services at Ruby.

Strand jacks are most often associated with offshore projects, but that's hardly their only application. Indeed, 20 years ago, Ruby worked extensively with strand jacks during the construction of Ford Field in Detroit, home of the NFL's Detroit Lions, as the stadium's roof was largely assembled on the ground and then hoisted into place using strand jacks. Two decades later, as the firm's engineers grappled with the challenges of constructing the UPS maintenance hangar in Louisville, the technology again seemed the right fit.

The use of strand jacks enabled construction team members to build most of the box truss at grade, including half of the bolted connections, with boots on the ground. The Midwest Steel team constructed a central 380-foot section on the ground, directly beneath the installation location, then used the four strand jacks to hoist the 1.7-million-pound load into place.

To achieve this, Ruby led the analysis to develop lifted load magnitudes, truss construction forces, and member checks, and determined shoring tower loads. With full cooperation and coordination of the design and steel build teams, truss design members were upsized and final connection designs were accommodated. With the final design accounted for, Ruby then designed the necessary temporary falsework and fixtures, including the jacking platform, lift beams, and shoring heads, to be incorporated in the detailer's fabrication model.

WEATHER OR NOT

Once construction was complete on the ground portion of the box truss, specialty lifting company Engineered Rigging took the lead on the actual lifting, using four 300-metric-ton strand jacks from manufacturer Enerpac. The heavy lifting began early on the afternoon of September 19, 2022, and went until after dark, with the strand jacks pulling the truss continuously until it was in position 80 feet above the ground. The next day, Midwest Steel bolted the truss into place.

"Strand jacking is a great alternative to conventional cranes for structural steel erection. Their use takes a considerable amount of engineering and planning, but it's a nice option to have in the toolbox."

JEFF GASPAROTT
PRINCIPAL
REGIONAL PRACTICE AREA LEADER
RUBY+ASSOCIATES

Why wait until the next day to make the final connections? That's tied to one of Gasparott's key takeaways from the project: Don't forget about Mother Nature.

"We were in the middle of an airfield, working in blue skies with no shade and a blazing hot sun. So over the course of the workday, the 380-foot box experienced a fair amount of thermal expansion," says Gasparott. "We realized it would be much easier to make the bolted splice connections on these long spans first thing in the cool morning versus at the end of the hot day, giving the steel time to cool and shrink into alignment."

Establishing strong benchmarks and control points for surveying while the components were on the ground was essential to the project's success—there were four primary bolted connection points to make, and all three primary axes were critical for hole alignment. Additionally, the team was careful to leave enough room at the top of the shoring tower to lift and remove the temporary support points.

"You've got to take care and consider overall deflection when de-shoring. On this project, we anticipated roughly 2 inches of deflection at the shoring points of the now 520-foot span. If your jack bottoms out or your structure is too tall, you're left with a bearing point that has roughly 450,000 pounds on it and only a cutting torch to fix the problem," Gasparott explains.

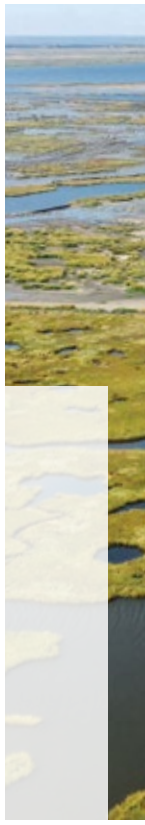
Now, UPS can park two of its flagship aircraft next to each other in its newly completed Northwest Aircraft Maintenance Complex in Louisville. And Ruby+Associates has expanded its repertoire for complex projects that require exceptionally heavy lifts.

"Strand jacking is a great alternative to conventional cranes for structural steel erection," Gasparott says. "Their use takes a considerable amount of engineering and planning, but it's a nice option to have in the toolbox." ■

Steve Hendershot *has contributed to* Crain's Chicago Business, Chicago *magazine, and Chicago's NPR affiliate, WBEZ, and is host of the Project Management Institute's* Projectified *podcast. He lives in Chicago.*

Mississippi River Model at the LSU Center for River Studies.

ACEC OF LOUISI



THERE HAVE BEEN SUCCESSES AT THE STATEHOUSE, BUT THE NEXT-GEN WORKFORCE

Local students participate in a robotics competition.

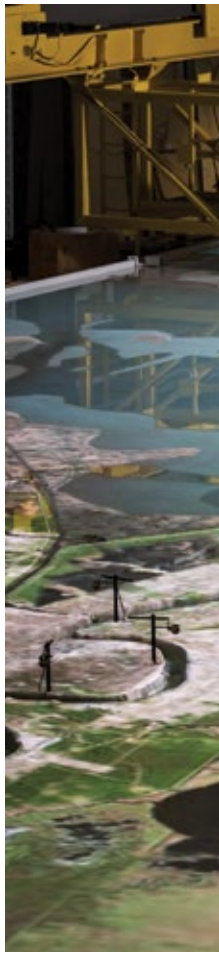
Connecting Louisiana's coastal towns across wetlands and bayous presents unique challenges.

The Bird Island Project created approximately five acres of nesting island for native bird species.

ACEC OF LOUISIANA AT A GLANCE

ACEC of Louisiana comprises more than **130** engineering firms, employing almost **6,000** engineers, architects, land surveyors, scientists, and other specialists.

Under the leadership of **President and CEO Barker Dirmann**, **Chairman Nathan Junius**, and **National Director Michael Thomassie**, the organization provides tools and educational opportunities for members to become better business owners and managers. ACEC of Louisiana is committed to advancing the private practice of consulting engineering, enhancing markets for private engineering services, educating the public on the importance of infrastructure investment, and promoting sound business practices within the industry and its client base.



Lake Borgne marsh creation project.

ANA

MAY BE THIS MEMBER ORGANIZATION'S BIGGEST HURDLE

Director of the LSU Center for River Studies Clint Wilson observing the river model.

BY STACEY FREED

Louisiana is about 52,000 square miles with 7,721 miles of shoreline. Like many states, it has its share of challenges with infrastructure and funding. The dearth of engineers nears the top of the list—making it one of the Member Organization's main concerns for the future, says Barker Dirmann, president and CEO of ACEC of Louisiana.

By way of illustration, Dirmann talks about visiting his children's elementary school. "Like all kids, the children love to play with blocks, building bridges from one side of the room to the other. But when asked what they want to be when they grow up, it's everything from Spider-Man to doctor. Ninety-one kids graduated—moving on from fourth grade—and none wanted to be an engineer," he says. "Several kids did say astronaut, and I was thinking those would be my engineers—but astronaut sounds way cooler."

Therein lies the crux of the problem: how to make the profession seem cool to the next generation and to help people of all ages understand the importance of engineering in their daily lives.

"Like all kids, the children love to play with blocks, building bridges from one side of the room to the other. But when asked what they want to be when they grow up, it's everything from Spider-Man to doctor."

BARKER DIRMANN
PRESIDENT AND CEO
ACEC OF LOUISIANA

A STEM grant presentation to a local school for the purchase of Maker Space supplies for the students to explore STEM concepts.

EDUCATING REPRESENTATIVES

Over the years, ACEC of Louisiana has seen legislative successes on issues such as Qualifications-Based Selection (QBS), which the state passed in 2006 as the Mini-Brooks Act/Hammett Act. In 2012, the Member Organization worked to amend the Hammett Act to change the wording from "design professional services" to "architects, engineers, landscape architects, and land surveyors."

But QBS seems to be a perpetual issue, as state legislators now have term limits and there can be a lot of turnover. "There are always people to educate," says Dirmann, who has headed the Member Organization for the past three years. Recently, "after seeing increased use of non-negotiated lump sum contracts by public owners in the state, ACEC of Louisiana took the initiative to enhance our state's QBS law by adding a provision requiring public entities to conduct a post-selection compensation negotiation with the most qualified engineering firm." In June, H.B. 794 was sent to Gov. Jeff Landry for his signature. (Interestingly, while Dirmann wrote the bill, Rep. Foy Gadberry, the only licensed professional engineer in the legislature, filed it.)

The Member Organization is also working toward securing an increase in funding for transportation infrastructure. "People often joke that you don't need a state sign saying you've entered Louisiana—the roads will tell you. Everyone talks about it, but no one wants to pay for it. The gas tax [traditionally used to fund road infrastructure] hasn't increased since 1989," Dirmann says. Efforts in 2017 and 2021 to raise the gas tax failed. "In 2021, it was pretty much dead on arrival," he adds, although the legislature did "rededicate existing revenue for infrastructure. This was a win, but it will only be about $300 million annually, and we need $1 billion."

Dirmann and an outside lobbyist spend their time educating people one on one—and not just at the statehouse. They reach out to municipal associations and mayors, as well as city, town, and village councils. And an ACEC of Louisiana delegation makes its way to Washington, D.C., each year to speak to representatives on Capitol Hill.

During the ACEC Annual Convention & Legislative Summit this year, "We spoke to representatives about QBS, research and development tax credits, immigration policies, and workforce development," says Nathan Junius, chairman of ACEC of Louisiana and president of Linfield, Hunter & Junius Inc.

WORKFORCE CHALLENGES

With $4.4 billion in funding already being funneled into Louisiana from the Infrastructure Investment and Jobs Act (and another $3.3 billion on its way through fiscal year 2026), the state is going to need every engineering professional it can get for its myriad upcoming transportation and coastal projects and other infrastructure needs.

Some of the Member Organization's largest educational efforts are directed at the public—from schoolchildren to taxpayers. "Most kids don't connect the dots from a new bridge or new stadium project to the engineers responsible for the design, so they don't understand how significant of an impact engineers have on society," says Michael Thomassie, national director of ACEC of Louisiana and principal and vice president at DDG.

And taxpayers have to understand that "investments in things such as transportation are a direct investment in the economy," Dirmann says.

"We spoke to representatives [on Capitol Hill] about QBS, research and development tax credits, immigration policies, and workforce development."

NATHAN JUNIUS
CHAIRMAN
ACEC OF LOUISIANA

The Audubon Bridge traverses the Mississippi River.

"Most kids don't connect the dots from a new bridge or new stadium project to the engineers responsible for the design, so they don't understand how significant of an impact engineers have on society."

MICHAEL THOMASSIE
NATIONAL DIRECTOR
ACEC OF LOUISIANA

Which brings us back to the classroom. Kimberly McDaniel, board member of ACEC of Louisiana and principal and CEO of Intelligent Transportation Systems, helped start a STEM grant program, working in conjunction with the Louisiana Engineering Society, of which she's a board member. The partnership has paid off. "Because at the end of the day, it's the same people and the same firms," McDaniel explains. "We're better together."

Pecue Lane I-10 interchange project in Baton Rouge.

"Anything we do is grassroots. It's not formal or elaborate. It's really about connecting."

KIMBERLY MCDANIEL
BOARD MEMBER
ACEC OF LOUISIANA

She also runs an ACEC of Louisiana-supported golf tournament each year, and for the past two years, they've granted money to local schools. "We had 25 applications the first year and 60 applications the second year," says McDaniel, who adds that she has a passion for helping teachers because her parents were educators. In addition, "giving grants to schools for their programs and initiatives allows us the opportunity to meet the teachers and connect them with professionals who can help them or serve as advisors." The programs can be very basic, particularly in lower socioeconomic districts, for example, purchasing school supplies like scissors and glue or helping students enter a science fair. "Anything we do is grassroots," she says. "It's not formal or elaborate. It's really about connecting."

She hopes that exposing students to engineering early will encourage them to go into the profession. But interest aside, convincing them to stay in the state is difficult. As McDaniel puts it, "The 'shiny objects' are not really in Louisiana: the high salaries and flexibility of working in fun cities like Austin and Denver."

And those pursuing engineering degrees locally are less frequently interested in civil engineering, according to Thomassie. He cites local competition from the petrochemical industry as well as national competition from the "technology companies of the world—the Amazons and Googles."

Once an engineer is hired, retention is the next hurdle. Thomassie says his firm is focusing on being more intentional about staff engagement and professional development. One bright spot is the success of the Member Organization's Emerging Leaders Institute, in conjunction with the American Institute of Architects. Employees who have gone through the program "value the experience and come back with a little more confidence," Thomassie says, adding that they gather new ideas and build a network with their cohort.

A local student participates in an activity during a STEM fair funded in part by a STEM grant.

For now, the Member Organization's efforts remain focused on community outreach and education. "Maybe there's opportunity to collaborate with the Knock Knock Children's Museum," Dirmann muses. "And I'd like to get something mobile to bring to schools." But he does say his younger child, age 7, tells him he wants to be an engineer. That's a start.

Stacey Freed *is based in Pittsford, New York, and has contributed to* This Old House, Professional Builder, *and* USA Today.

ARE ENGINEERS OVERWORKED? TIMELINES TOO TIGHT? FIRMS SEE AN INCREASE IN PLI CLAIMS– BUT MOST ARE RESOLVED OUT OF COURT

Coming to an Agree

MARK AIRS/GETTY IMAGES

ment

BY BOB VIOLINO

There's no doubt about it: Engineering firms are seeing an increase in professional liability insurance (PLI) claims. But the vast majority of these are resolved through negotiation and mediation. Technical errors and omissions are a significant driver of claims, as are communication breakdowns. And many firms over the past year have turned down work due to possible risk issues.

These are some of the key findings of ACEC's *2024 PLI Survey of Member Firms for Fiscal Year 2023*.

CLAIMS ON THE RISE

Firms face a growing issue: "The 2024 survey results show that the number of claims increased for over one-third of respondents, while the number of claims decreased in only 1 in 8 respondents. This is a concern," says Timothy Haener, chairman and corporate risk manager at J-U-B Engineers Inc. and vice chair of the ACEC Risk Management Committee.

"One conclusion may be that increased volumes of work and tight deadlines are putting pressure on staffs, resulting in more claims frequency," Haener says.

In response, J-U-B is reemphasizing a focus on quality assurance and quality control. The good news, though, Haener says, is that the survey results show that claims are resolved out of court 97 percent of the time, with more than half resolved through negotiation and another quarter through mediation.

A FOCUS ON QUALITY CONTROL AND COMMUNICATION

The increase in claim frequency shows that "sound risk and practice management procedures are crucial," says John Rapp, assistant vice president at insurance provider Travelers. "Claims aren't only costly in terms of money for firms—they can take up a great deal of time as well."

Why have claims gone up? "Technical errors and omissions continue to be significant claims drivers," says Karen Erger, senior vice president and director of practice risk management at the insurance brokerage firm Lockton and a member of the ACEC Risk Management Committee.

Both the 2023 and 2024 surveys indicate that this was a factor in 48 percent of claims, Erger says. "This highlights the importance of implementing and following robust quality assurance procedures," she says.

The survey also indicates that communication breakdowns are a leading factor in claims activity. "This underscores the critical nature of effective communications—and documentation—among all members of the project team," Erger says. "When firms are very busy, as many ACEC firms are these days, it's especially important to ensure that quality assurance and clear communication and documentation are taking place."

The survey findings indicate that firms—and specifically those with $10 million in revenue or more—do not appear to be jumping to higher deductibles to help manage potentially increasing pricing from carriers, says Nick Maletta, client executive and shareholder at insurance broker Holmes Murphy and president of the Professional Liability Agents Network (PLAN).

"This would indicate a softer market trend—in the current competitive landscape, this could mean driving down deductibles and increasing terms," Maletta says. He also notes a slight trend toward lower limits, "meaning more design firms are managing client limit needs by utilizing project- or client-specific endorsements."

"One conclusion may be that increased volumes of work and tight deadlines are putting pressure on staffs, resulting in more claims frequency."

TIMOTHY HAENER
CHAIRMAN AND CORPORATE RISK MANAGER
J-U-B ENGINEERS INC.

MARK AIRS/GETTY IMAGES

"When firms are very busy, as many ACEC firms are these days, it's especially important to ensure that quality assurance and clear communication and documentation are taking place."

KAREN ERGER
SVP AND DIRECTOR OF PRACTICE RISK MANAGEMENT
LOCKTON

STILL TURNING DOWN WORK

Another issue covered in the survey is why firms turned down work over the past year. Over half of this year's respondents reported that they frequently (7 percent) or sometimes (46 percent) turned down work due to possible risk issues, Erger says. The top three factors cited:

1. High risk due to issues like safety, project delivery type, or technical sufficiency (67 percent)
2. Contract terms (61 percent)
3. Client history (59 percent)

The 2024 survey shows that 15 percent of respondents reduced, dropped, or modified service offerings due to high claims activity or other risk issues, Erger adds. This percentage is unchanged since 2023, though it is up from 12 percent in 2022.

Firms that are doing this are smart, Haener says. "Why hit your finger with the hammer again and again by continuing to work for a client or in a market that generates claims or other problems at a high rate?" he asks. "J-U-B has moved away from some specific clients and even markets that don't align with our values of mutual respect and win-win solutions."

'A MORE CONSERVATIVE APPROACH'

One of the most subtle findings from the survey actually has a profound impact on firms' business strategies, says Stephen Agnew, partner at Foundation Risk Partners Professional Risk Practice.

"Firms with a higher frequency of claims are not only dealing with immediate financial payouts but are also making substantial modifications to their service offerings and strategically turning down high-risk projects," Agnew says. "This behavior reflects a calculated trade-off, where firms opt for a more conservative approach to mitigate future risks."

This finding highlights an often-overlooked consequence of frequent claims: strategic risk aversion, Agnew says. "It's not just about the direct costs associated with claims. It's about the broader impact on a firm's growth and market positioning," he explains.

FIRMS MUST ADAPT

Another finding from the research was an increase in the use of progressive design-build as a contracting method on design-build projects.

"This aligns with what we are seeing in the marketplace: that the difficulty and challenges of design-build projects require a need to modify and update the approaches firms take in delivering these projects effectively," says Kevin Collins, design and construction leader and managing director at PLI carrier Victor.

Cybersecurity risks remain a key concern in the industry. The research shows that in 2024, there has been an increase in the adoption of stand-alone cyber liability policies. "Firms are becoming more aware of the importance of managing cyber risks, with a higher percentage of firms purchasing cyber coverage compared to 2023," Agnew says. "This shift indicates a growing recognition of cyber threats and the need for stand-alone products to mitigate these risks more effectively."

MORE THAN JUST PRICING

What types of policy terms are influencing firms to keep or change PLI carriers?

"Outside of strong competitive terms—pricing and structure of limits and deductibles—I have found many firms are influenced by the claims experience they've had in the prior policy period," Maletta says. "With a strong claims experience, many firms are willing to maintain a carrier relationship, even with more competitive pricing that may be offered from another carrier."

Conversely, "with poor claims experience, a move to make a change cannot come quick enough," Maletta adds. "Due to the influx of mergers, acquisitions, and private equity entrance into the professional services space, terms relating to extended reporting periods, change of control provisions, insured definitions, and anything related to potential transaction hurdles have come under greater scrutiny in the past 12 months."

More than half of survey respondents (55 percent) cite claims handling experience as a top factor considered when selecting a PLI carrier.

Pre-claims assistance is also important. "I really appreciate choice of counsel with respect to claims handling," says Peter Moore, president and CEO of Chen Moore and Associates and an ACEC vice chair. "We typically have our outsourced general counsel review our contracts to begin with. We have them involved in all the pre-claim work."

Moore values "a relationship where people understand that pre-claim discussion just happens as a course of business, and not to treat our employees like anyone made an error. It's

"Firms with a higher frequency of claims are not only dealing with immediate financial payouts but are also making substantial modifications to their service offerings and strategically turning down high-risk projects."

STEPHEN AGNEW
PARTNER
FOUNDATION RISK PARTNERS
PROFESSIONAL RISK PRACTICE

already stressful enough for people in their first claim or two to be included, so additional guilt doesn't help."

Pre-claims assistance programs "are a powerful tool for averting PLI claims and minimizing the impact of claims that do develop," Erger says. "But these programs are effective only if policyholders know they exist, understand how they work, and make use of them."

For example, firms may be reluctant to report pre-claims matters because they fear that doing so will have a negative impact on their renewal premiums, Erger says. "Typically, this is not the case. In fact, many carriers view pre-claims reports in a positive light because they enable them to take early, proactive steps to prevent or at least lessen the impact of claims."

Risk management also has a major impact. "Insurance carriers can be an important source of risk management resources and education programs," Erger adds. "The survey suggests that ACEC members value these offerings."

Twenty-one percent of respondents ranked risk management services as one of the top three factors considered when choosing a PLI carrier. And 58 percent said they were very satisfied or satisfied with their carrier's risk management programs.

Online sessions can be a strong option for firms with remote or hybrid workers. "One risk management trend I've observed is increasing interest in on-demand education programs, likely because they enable individual learners to take these courses when their schedules permit," Erger says. "The confluence of a robust economy, hybrid workspaces, and asynchronous work can make it difficult for firms to gather everyone in a conference room for pizza and a risk management presentation."

KEY ROLE OF BROKERS

Broker recommendation comes into play as well. "A specialized architect- and engineer-focused broker provides a much greater benefit than a generalist broker," Maletta says.

Member firms rely on brokers for PLI guidance. "We really appreciate that our brokers review our contracts before we sign them—not necessarily for the exact terms of a contract, which often come down to a business decision, but for the insurability of the agreements in case there are disputes," Moore says.

A firm should fully assess and understand the coverages the policy provides and the services the insurer offers, and whether those are adequate for the risks the firm faces, says Michaela Kendall, manager of strategic partnerships at insurer AXA XL. "It's important that a firm feels like it has a risk management partner in its professional liability insurer."

Roger Guilian, senior vice president at insurance broker Greyling and co-program manager of the ACEC Business Insurance Trust, concludes: "Engineering firms of all sizes and service offerings deserve a broker who not only excels at the blocking and tackling of insurance placement and policy management, but who can provide innovative solutions and has the depth of authentic industry experience to be a strategic business partner." ■

***Bob Violino** is a business and technology writer based in Massapequa Park, New York.*

"A specialized architect- and engineer-focused broker provides a much greater benefit than a generalist broker."

NICK MALETTA
CLIENT EXECUTIVE AND SHAREHOLDER
HOLMES MURPHY
PRESIDENT, PLAN

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ways Success

How ACEC can help engineer your leadership development

BY BETH BRAVERMAN

While ACEC membership provides myriad advantages for engineers, those who choose to become leaders can realize even more benefits—from an expanded network to the development of skills that can help propel their career.

That's why ACEC's Diversity, Equity, Inclusion & Belonging (DEI&B) Committee launched the Leadership Paths subgroup, with a focus on helping member firm employees take their career paths to the next level. For its first initiative, the group has created a welcome packet and infographics for new members that outline the various paths to ACEC leadership—no matter where they are in their career.

ACEC
American Council of Engineering Companies

SKILLS DEVELOPMENT AT EVERY LEVEL OF YOUR CAREER

HOW ACEC CAN HELP YOU

For Young Professionals

Skills Development:
Networking • Time Management • Team Based Problem Solving
Learning about the Industry's Business Issues

ACEC Opportunities:
- Serve on Member Organization (M.O.) Committees
- Business of Design Consulting
- Attend M.O. Events
- Join Young Professionals Community

For Mid-Career Professionals

Skills Development:
Leading a Team • Driving Results • Relationship Building
Board Service • Decision-Making & Problem Solving • Collaboration
Communication & Emotional Intelligence • Relationship Building
Engaging in Advocacy to Benefit the Firm & Industry

ACEC Opportunities:
- Pathways to Executive Leadership
- Attend ACEC Webinars & Roundtables
- Participate in Advocacy & ACEC PAC
- Lead M.O. Committees
- Serve on M.O. Board
- Serve on National Committees & Coalitions
- Attend National Conferences

For Senior Leaders

Skills Development:
Leading a Large Team • Executive Leadership • Driving Results
Strategic Thinking & Vision • Change Management • Financial
Acumen Coaching/Mentoring • Subject Matter Expertise

ACEC Opportunities:
- Senior Executives Institute
- Serve on M.O. Executive Committee
- Serve on National Board
- Serve on National Executive Committee

GET STARTED: ACEC.ORG

"There will always be a gap in leadership development if you don't have people to pull from. If you don't have a farm team, nobody is ever going to play in the majors."

ERIC MADDEN
VICE CHAIR, DEI&B COMMITTEE
CHIEF MARKETING OFFICER, JMT

"When I first started as an executive at ACEC/PA, it was always hard to get people involved in ACEC because they had preconceived notions that it was an executives' club or only for certain people at the firm," says Eric Madden, vice chair of the DEI&B Committee and chief marketing officer of JMT. "That couldn't be further from the truth."

Madden says the goal of the Leadership Paths subgroup is to encourage engineers, surveyors, and others involved in the business of engineering firms to get involved with the organization. Over time, that will create a more robust and diverse pipeline of future leaders.

"There will always be a gap in leadership development if you don't have people to pull from," Madden says. "If you don't have a farm team, nobody is ever going to play in the majors."

"[It] gave me a greater understanding not only of how businesses run but also who I was. I became much more self-aware."

DAN LARSON
FORMER MEMBER
ACEC EXECUTIVE COMMITTEE
CEO, AMERICAN ENGINEERING TESTING

MEETING MEMBERS WHERE THEY ARE

The best path to leadership for a given engineer will depend on their career level, their areas of interest, and their future goals. Young professionals, for example, might consider serving on Member Organization committees or developing their skills by taking the three-day Business of Design Consulting class, while midcareer professionals might enroll in the Pathways to Executive Leadership program to prepare themselves for new management roles within their firm while building a network of peers in similar positions. Meanwhile, senior leaders might serve on ACEC's national board or commit to the 18-month Senior Executives Institute program, which gives them the opportunity to connect not only with other senior engineering executives but also with policymakers and both public and private sector clients.

VOYAGE OF SELF-DISCOVERY

There's no time like the present.

Dan Larson, former member of the ACEC Executive Committee and CEO of American Engineering Testing (AET), didn't get involved with ACEC until he started moving up the leadership track at his company. The CEO at the time advised him to check out the organization. His first leadership role at ACEC was in 2004 as a director of ACEC/MN, and by 2018 he had made his way up through the ranks to president. He also completed the Senior Executives Institute program in 2021.

"Not every decision is unanimous, so it's learning how to maneuver and manage when there's a split decision."

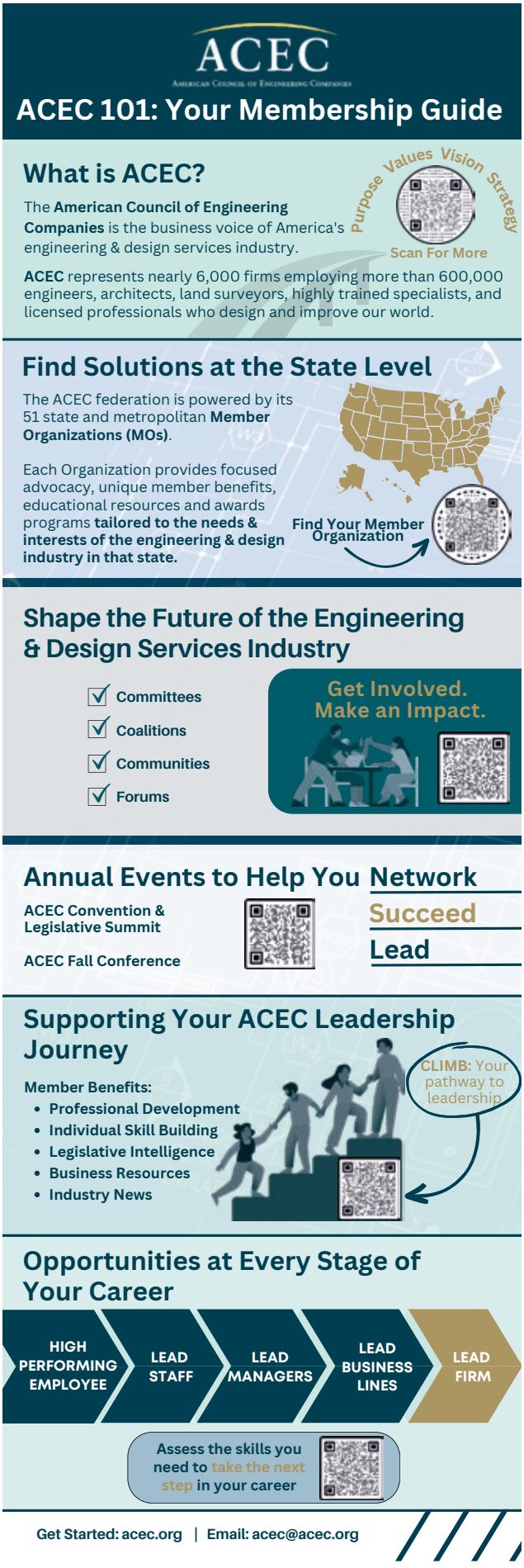
KURT YOSHII
NATIONAL DIRECTOR, ACEC CALIFORNIA
PRINCIPAL GEOTECHNICAL ENGINEER
NINYO & MOORE GEOTECHNICAL & ENVIRONMENTAL SCIENCES CONSULTANTS

"I wish I had done the program 10 or 15 years earlier," Larson says. "It really opened my eyes to the world beyond AET and the state of Minnesota and gave me a greater understanding not only of how businesses run but also who I was. I became much more self-aware."

A MUTUALLY BENEFICIAL RELATIONSHIP

Among those engineers who have taken on leadership roles within ACEC, there's a strong appreciation for the personal growth and career development they've gained in the process. Here's what they say are the biggest benefits:

THOMAS BARWICK/GETTY IMAGES



"There's a lot of benefit to be able to go to a conference or pick up the phone and call a CEO at another company that does what I do. I can ask how they're handling a situation and gain perspective on solutions."

ROBIN GREENLEAF
ACEC CHAIR EMERITUS
EXECUTIVE VICE PRESIDENT OF ARCHITECTURAL RELATIONS AND STRATEGIC PARTNERSHIPS
IMEG

For Kurt Yoshii, national director of ACEC California and principal geotechnical engineer at Ninyo & Moore Geotechnical & Environmental Sciences Consultants, a major benefit has been seeing firsthand how boards handle disagreements to reach a consensus.

"Not every decision is unanimous," he says, "so it's learning how to maneuver and manage when there's a split decision."

One of the greatest advantages of ACEC membership is building a network of other executives at engineering firms throughout the country, says Robin Greenleaf, ACEC chair emeritus and executive vice president of architectural relations and strategic partnerships at IMEG.

"When you identify the commonalities between the industry's needs and your firm's needs, a more compelling argument is created for dedicating the necessary time to be involved with ACEC."

CHRIS ANDERSON
NATIONAL DIRECTOR, ACEC-MONTANA
PRESIDENT AND CHAIRMAN OF THE BOARD
DJ&A

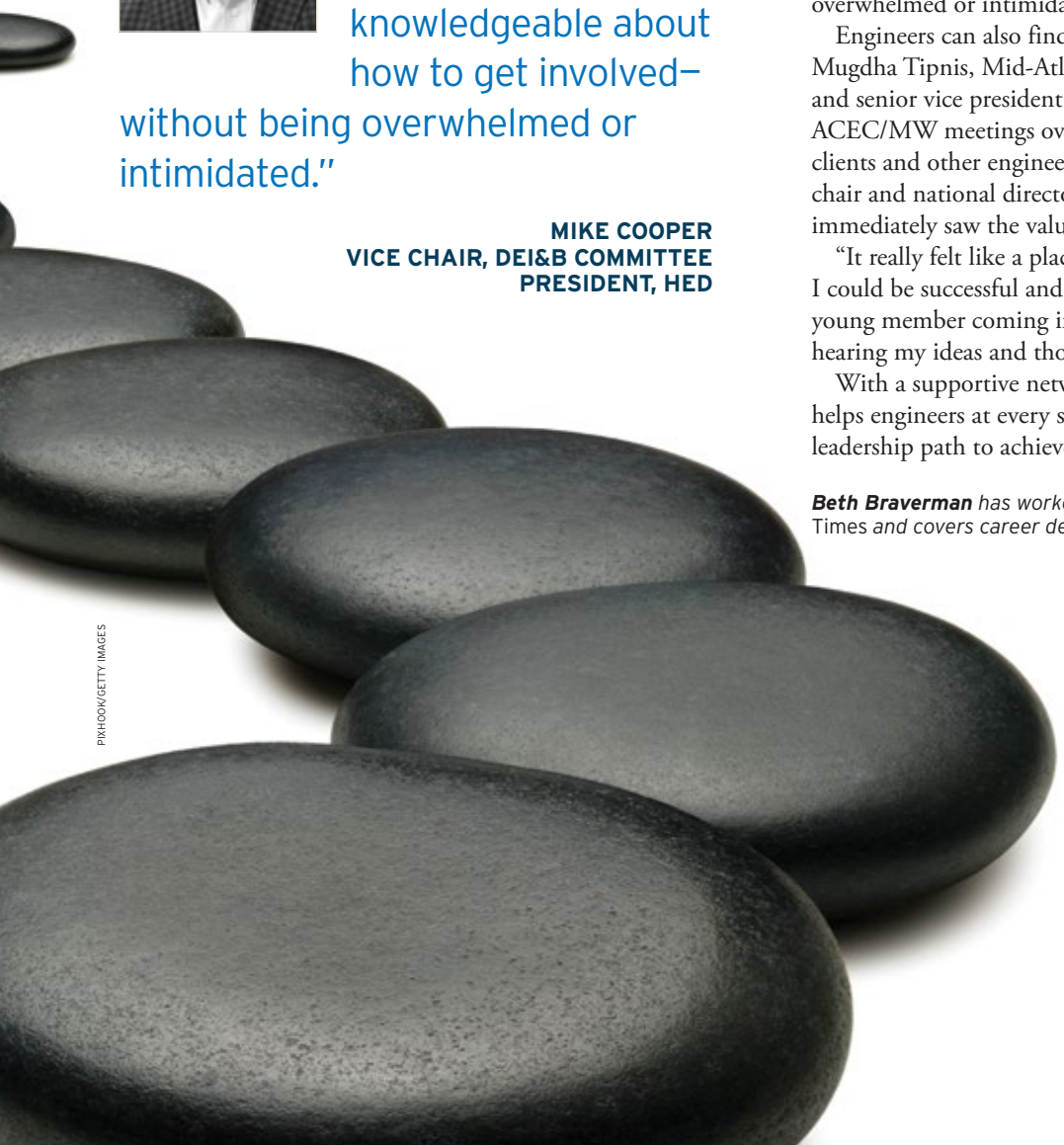
"There's a lot of benefit to be able to go to a conference or pick up the phone and call a CEO at another company that does what I do," she explains. "I can ask how they're handling a situation and gain perspective on solutions."

Beyond personal career development, taking on a leadership role with ACEC also has an upside for member firms, says Chris Anderson, national director for ACEC-Montana and president and chairman of the board at DJ&A. For example, recent advocacy work by ACEC around repealing the research and development amortization requirement benefits both the industry and firms like Anderson's.

"When you identify the commonalities between the industry's needs and your firm's needs, a more compelling argument is created for dedicating the necessary time to be involved with ACEC," he says.

"We wanted to clear the path so that everyone can participate and be comfortable and knowledgeable about how to get involved—without being overwhelmed or intimidated."

MIKE COOPER
VICE CHAIR, DEI&B COMMITTEE
PRESIDENT, HED



PIKHOOK/GETTY IMAGES

"[ACEC] really felt like a place where I belonged, a place where I could be successful and grow."

MUGDHA TIPNIS
PAST CHAIR AND NATIONAL DIRECTOR, ACEC/MW
MID-ATLANTIC SOUTH TRANSPORTATION LEADER
AND SENIOR VICE PRESIDENT, WSP

CLEARING THE PATH

Early in his career, Mike Cooper, vice chair of the DEI&B Committee and president of HED, had mentors who encouraged him to become involved with ACEC. He joined Leadership Paths to help reach engineers who don't have that kind of encouragement.

"Not everyone has someone in their firm who has been in the organization already and can show them the ropes," Cooper says. "So we wanted to clear the path so that everyone can participate and be comfortable and knowledgeable about how to get involved—without being overwhelmed or intimidated by the larger organization."

Engineers can also find inspiration in the success of Mugdha Tipnis, Mid-Atlantic South transportation leader and senior vice president at WSP. She started attending ACEC/MW meetings over 12 years ago to connect with clients and other engineers in the region. Tipnis, past chair and national director of the Member Organization, immediately saw the value of ACEC.

"It really felt like a place where I belonged, a place where I could be successful and grow," she says. "I wasn't just some young member coming in—there was a true interest in hearing my ideas and thoughts."

With a supportive network and useful resources, ACEC helps engineers at every stage of their career find their leadership path to achieve their fullest potential. ■

***Beth Braverman** has worked for* Money *magazine and* The Fiscal Times *and covers career development. She lives in New York.*

Project-Specific Professional Liability Insurance and Progressive Design-Build

BY KRISTEN WALKER AND TREY MOYE, JD

In modern construction, innovation often comes in the form of architectural marvels and engineering feats, but the way projects are delivered and insured can also be inventive. Among the most promising evolutions in the last two decades is progressive design-build (PDB), a project delivery method blending the strengths of the design-build and construction management models. However, with innovation comes the need for tailored insurance solutions to match the progressive nature of these projects.

In recent years, PDB has garnered substantial attention and adoption within the construction industry, propelled by the quest for greater cost certainty, better risk allocation, enhanced collaboration, and streamlined project delivery. A fundamental aspect of PDB lies in its two-phase approach, offering flexibility and control to project owners as well as the design-build team.

Phase I involves collaborative planning and design development, with the contractor and designer working together to refine concepts and estimate costs, typically culminating in the design-builder submitting a price proposal to the owner for construction of the project. The owner retains the option to off-ramp and not proceed to Phase II if the parties are unable to reach agreement on price, while still incurring costs for the Phase I services rendered.

In the event of an off-ramp, design-builders and design teams will want to request language releasing them from liability from the owner's use of the Phase I work product, which in most cases is incomplete and certainly not "issued for construction." However, owners often insist that they should be able to recognize a benefit from the Phase I services and may push back. Parties considering involvement in a PDB project should expect this to be subject for negotiation.

If the price proposal is agreed upon, Phase II transitions to design completion and construction, with the designer assuming responsibility for producing the final drawings and specifications that will be used in constructing the project. Accordingly, potential liability for errors and omissions by the design team fundamentally changes in Phase II.

What Is Project-Specific Professional Liability Insurance, and Do You Need It?

Project-specific professional liability (PSPL) policies are well-suited to the unique dynamics of large-scale PDB projects, providing security and protection throughout the project life cycle for the owner, developer, project designers, and their subconsultants. PSPL insurance is distinct from errors and omissions practice policies and offers project-specific coverage for the entire design team. This policy is tailored to encompass the duration of the project, including an extended reporting period after construction is completed, often up to 10 years from the effective date.

There are two types of primary PSPL insurance. One is purchased by the prime designer and insures the architects, engineers, and their design subconsultants but excludes coverage for contractors. The other is purchased by the design-build contractor and includes the design team along with the contractor and its subcontractors. It protects against any professional liability exposure they have, including the contractor's vicarious liability for hiring the design team. An important distinction between the two is seen in an exclusion which both policies have, commonly referred to as the "insured vs. insured" exclusion. The contractor-purchased PSPL does not permit suits between the contractor and design team, whereas the designer-purchased PSPL would.

There is a third type of PSPL insurance that can be purchased by the owner and is meant to sit [in] excess of the practice insurance of the design team. Historically, the design community did not favor this solution because of the belief that the owner would try to trigger as much insurance available to them as possible. However, an appropriate limitation of liability (LOL) cap, along with design team-purchased PSPL up to the LOL and owner-procured insurance as excess, can be a more cost-effective way to purchase higher limits.

There are three primary benefits of PSPL that aid in project delivery and protection for the owner:

PSPL limits are dedicated to the project and cannot be eroded by claims on other projects.

The insureds under a PSPL enter into a joint defense agreement, aligning the design team and avoiding conflicts between multiple defense lawyers.

The PSPL policy typically comes with a program manager, who is usually an experienced construction attorney and can help the insureds navigate the project.

Project Insurance and PDB

PDB projects present a unique issue for pricing professional liability insurance policies: How should an insurer set the premium, given the possibility that the owner will invoke the off-ramp and the Phase II design services will not be performed?

A common approach is to place and bill for the coverage for both phases at the outset of the project, with underwriting and premium based on the project owner's program and budget for the project. Under this approach, the entire premium is earned and billed at the beginning of the project. If the owner off-ramps, the insured may receive back a proportional "return premium."

Another approach is to have coverage and premium broken down by phase. In this scenario, the entire premium is calculated at the outset based on the estimated scope and project value, but a portion of the premium (for example, 60 percent) is billed at the start of Phase I. If the parties proceed to Phase II, the remaining premium is billed.

Importantly, the insurer will do separate underwriting for Phase II, including review of the Phase I design to confirm that it is consistent with the project scope presented at the outset of the project and the insurer's original underwriting assumptions. Adjustments in premium may need to be made if the scope and character of the project (and the design team's services) have changed. Coverage for Phase II is then added by endorsement to reflect the Phase II professional services covered by the policy.

From a cost perspective, a good rule of thumb to determine if PSPL is a viable option is to use approximately 20 percent of the policy limit for the premium, with self-insured retentions ranging from $500,000 to $5 million for a $10 million to $50 million policy.

PSPL Policy Case Study and Conclusion

A compelling illustration of the benefit of PSPL policies was demonstrated on a large-scale, complex, multiple-package Design-Bid-Build transit hub project that was fraught with unexpected challenges. Monitors on a building adjacent to the construction site detected movement, indicating potential structural instability. Further investigation revealed that the building's foundation was designed to roll, unbeknownst to the construction team. The situation was so severe that construction was brought to a halt.

A claim on the PSPL policy proved invaluable in facilitating the hiring of additional experts and mitigating potential adverse outcomes. Relying on a traditional professional liability policy would have presented challenges, as the issue required collaboration and expertise across disciplines. The PSPL policy's response was instrumental in covering the costs associated with additional consultants and the services expended by the entire design team to navigate the complexities of the underlying problem, mitigate risks effectively, and develop a solution.

Firms engaged in large PDB projects may be underinsured or potentially exposed if there is no project-level insurance program sitting primary to their individual practice policies. While project owners typically pay the premium—and often are the ones who ask for a PSPL policy—design firms should proactively advocate for PSPL coverage to safeguard against potential costly liabilities.

READY TO LEARN MORE?

Please contact Jeff Connelly at Greyling, the broker and program administrator for the ACEC BIT, if you would like to discuss choosing the right insurer for your firm. Email Jeff at jeff.connelly@greyling.com or call 833-223-2248.

A Cure for the Common Insurability Objection

BY KAREN ERGER

The common cold is indeed common. On average, adults get two to four colds a year; kids get six to eight. Yet there's no cure for the common cold—we can only deploy ameliorative measures like rest, proper hydration, and chicken soup.

Another common malady—at least for design professionals who negotiate contracts—is clients' objections to insurable contract terms. Some of these never change; we hear the exact same arguments again and again. While there may be no "cure" for the common objections, let's diagnose the source of some common insurability problems and prescribe some talking points you can use to negotiate healthier contract terms.

DIAGNOSING THE CAUSE OF UNINSURABILITY

To cure an ailment, we need first to identify it and understand where it comes from—and this is true for insurability problems, too. Knowing why a contract clause is uninsurable is an essential first step toward negotiating better language.

Karen Erger

Many insurability issues arise from the "contractual liability" exclusion found in all design professionals' liability policies. This exclusion bars coverage for liability that the insured firm assumes by contract, unless the firm would have been liable in the absence of that contract.

That bit of insurance gobbledygook is best understood by way of example. Consider the professional standard of care. This requires design professionals to perform their services using the same skill, care, and knowledge that would ordinarily be exercised by a reasonable, similarly situated design professional. This is the standard even if a design professional's contract is silent regarding the standard for performance or if (heaven forbid!) there's no written contract at all.

If, however, a design professional signs a contract calling for "the highest standard of care" or "defect-free design," they are taking on a liability they wouldn't otherwise have. The normal legal standard of care doesn't require perfection. Accordingly, these elevated standards of care aren't insurable.

PESHKOV/GETTY IMAGES

The common insurability problems with client-drafted indemnity clauses also stem from the contractual liability exclusion. These clauses often require the design professional to "defend" the client in the event of a claim. This means that the design professional must pay the client's legal fees and costs—perhaps even if it turns out that they weren't negligent. Without this contractual promise, the design professional wouldn't be obligated to pay for their client's defense, so this term is uninsurable.

Another insurability problem with client-drafted indemnity clauses arises when the design professional is required to indemnify the client for damages caused by the design professional's nonnegligent acts, or by parties the design professional doesn't control. These aren't obligations the design professional would have in the absence of this contract, so the contractual liability exclusion bars coverage.

Many an insurability kerfuffle stems from the contractual liability exclusion, so it's fair to ask whether it can be deleted from the policy. The answer, however, is no. Insurers see this exclusion as a necessary bulwark against uncontrollable, unforeseeable loss.

RESPONDING TO THE COMMON OBJECTIONS

Like the common cold, these objections to insurable contract language recur with some frequency. Here are some talking points to help you respond to the next outbreak.

"WHY DON'T YOU JUST BUY BETTER COVERAGE?"

"The insurability problems we're bringing to your attention aren't unique to our firm's policy. Despite the fact that there is no 'standard' form of professional liability insurance, the exclusion that bars coverage for these terms is common to all design professionals' professional liability policies."

"NO ONE ELSE IS COMPLAINING ABOUT THIS CLAUSE."

"Perhaps they're not aware of the coverage problems that this language creates. We *are*, though, and we believe the best policy is to be transparent with you about the potential issues and work with you to draft contract terms that fairly apportion risk and don't impair the insurance coverage that we purchase as financial security for our valued clients."

"SOMEONE ELSE WILL SIGN IT IF YOU DON'T."

"That may very well be true, but the contract terms we're discussing aren't covered by their professional liability insurance, either. If there is a claim, they will need to settle or pay a judgment with their own funds, and there's no guarantee that they will be able to do that."

"I DON'T CARE IF IT'S UNINSURABLE—THAT'S YOUR PROBLEM."

"We don't want it to be a problem for either of us. Our firm buys professional liability insurance because we need to have the financial resources to make things right for our clients in the unlikely event that they suffer damages through our professional negligence. Your contract requires us to carry professional liability insurance with $X limits for Y years after substantial completion. That coverage won't help either of us if our contract is uninsurable."

In the same way we manage the common cold with practical remedies, understanding and addressing these insurability issues can help design professionals and their clients draft healthier, more effective contracts. ■

Karen Erger *is senior vice president and director of practice risk management at Lockton Companies and a member of the ACEC Risk Management Committee. She can be reached at kerger@lockton.com.*

M&A Market Remains on a Roll

BY NICK BELITZ

The good times in the engineering industry keep on rolling, with 2024 on track to be another stellar year of revenue growth and profitability. Engineering firms continue to prosper from unprecedented demand for their services, substantial public sector and institutional funding, and sustained interest from public equity. Fueled by robust backlogs and balance sheets, engineering firms are investing in both organic and acquisitive growth initiatives.

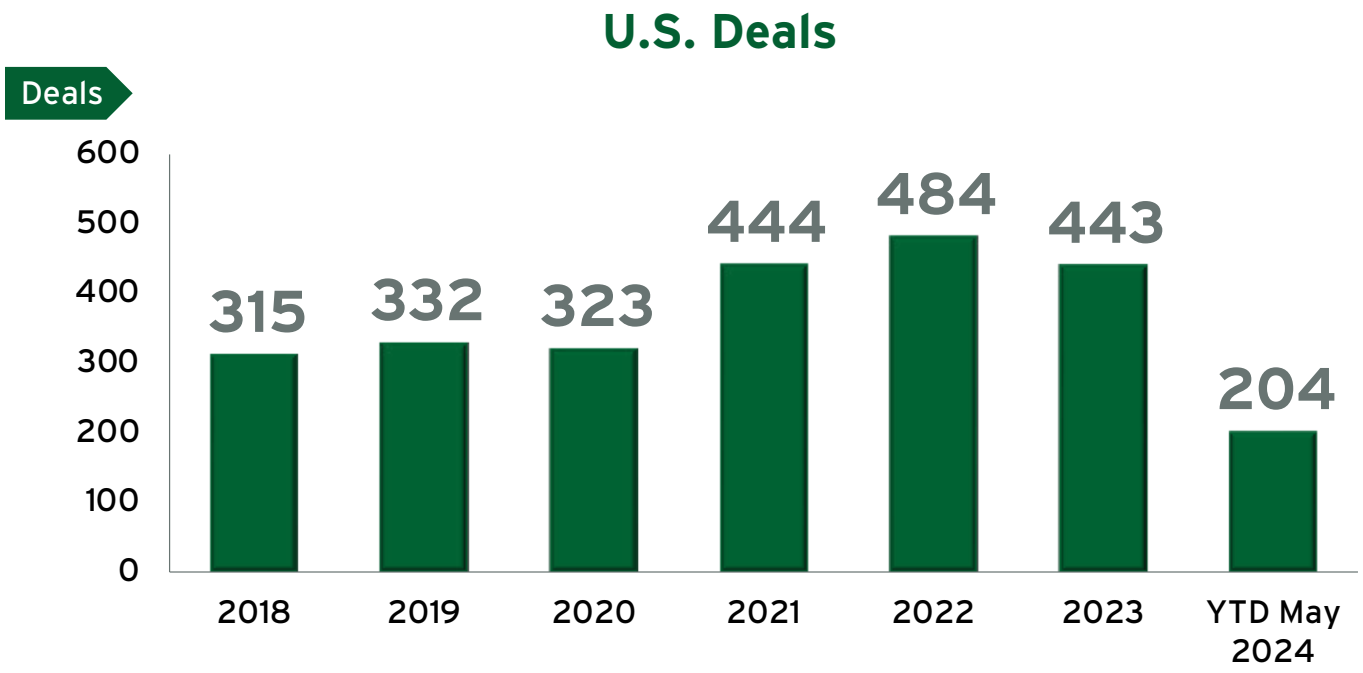
Since the start of 2021, the A/E and environmental industry has experienced a record level of consolidation—with more than a merger a day. And there's no sign of a slowdown. Morrissey Goodale tracked 204 transactions of U.S. design and environmental firms through the end of May. If trends hold, this tally will be a new all-time deal-making record.

Based on Morrissey Goodale's analysis of deals completed in the second quarter of 2024, the size of buyers and sellers continues to increase. For as long as we have been keeping records, the median acquirer size has never exceeded $98 million in gross revenue, and the median seller size has consistently ranged between $2.5 million and $3.5 million. Over the first five months of 2024, however, the revenue of the median size acquirer ballooned to $147 million, while the median seller size jumped to $4.25 million.

The first change is easier to explain: Bigger buyers are getting more active. It's harder to say, though, why the seller size has increased. One theory is that buyers are reallocating their limited M&A deal-making resources to execute relatively more, larger "needle-moving" deals. Another theory is that private equity firms, which make heavy use of debt, have been increasingly active and targeting larger sellers since those acquisitions are not heavily dependent on hard-earned equity to finance. Whatever the reason, it's bad news for smaller firms that have been shut out of deal-making.

Reflecting on the recent supersizing of transactions, 19 *Engineering News-Record (ENR)* 500 design firms were either sold or recapitalized in the first eight months of the year, including the third-quarter announcements of **WSP** (Montreal) (*ENR* #5) entering into an agreement to acquire **POWER Engineers** (Hailey, Idaho) (*ENR* #26), as well as **Gannett Fleming's** (Camp Hill, Pa.) (*ENR* #29) strategic merger with **TranSystems** (Kansas City, Mo.) (*ENR* #58). Second-quarter acquisitions included **AKF Group** (New York City) (*ENR* #318) by **WSP** (Montreal) (*ENR* #5), **CT Consultants** (Mentor, Ohio) (*ENR* #339) by **Verdantas** (Tampa, Fla.) (*ENR* #113), and **P2S** (Long Beach, Calif.) (*ENR* #308) by **Legence** (San Jose, Calif.). In comparison, we reported 16 firm sales or recapitalizations among the *ENR* 500 in all of 2023.

Employee-owned buyers accounted for just over half (106) of the deals completed through the first five months of 2024, while just 8 percent of transactions (16) over the same time period featured publicly traded buyers. Another 40 percent of deals (82) were either purchases by private equity-backed operating firms or recapitalizations by private equity groups, which continues a trend that Morrissey Goodale has been monitoring since 2018, particularly among top engineering firms. In the second quarter of 2024, ACEC member firm **Infrastructure Consulting & Engineering** (West Columbia, S.C.) (*ENR* #205) received a strategic investment from private equity firm



Godspeed Capital Management (Washington, D.C.), while Sterling Investment Partners (Westport, Conn.) purchased a majority stake in **Verdantas** from Round Table Capital Partners (Miami).

Member firms that made multiple acquisitions in the second quarter of 2024 included **Verdantas**, **NV5** (Hollywood, Fla.) (*ENR* #24), **LJA Engineering** (Houston) (*ENR* #67), and **Bowman Consulting Group** (Reston, Va.) (*ENR* #78), recipient of Morrissey Goodale's 2024 Most Proficient and Prolific Acquirer Award.

Sun Belt firms continue to be the most attractive M&A targets for buyers. Acquisitions in California (24), Florida (23), and Texas (19) accounted for nearly one-third of all A/E and environmental industry deals in the first five months of 2024.

Overseas acquirers are still showing interest in the U.S. market, yet they represent just a fraction of buyers. Only 5 percent of transactions in the first five months of the year involved a foreign buyer. Although that figure is up from 3 percent in 2023, the last time overseas acquirers played a significant role in U.S. industry consolidation was back in 2017, when they accounted for 10 percent of deals. While we see an increasing number of international firms looking to do deals in the U.S., overseas buyers have struggled to make inroads in a highly active marketplace already stacked with better-known, homegrown acquirers.

The second half of 2024 promises to be a busy one for serious buyers and investors and motivated sellers as high M&A activity and elevated valuations are expected to persist. With the engineering industry showing all indications of reaching new "peak consolidation" territory, many firm owners and leaders have decided there has never been a better time to sell their firms.

Following is a list of recent transactions, with ACEC members highlighted in **bold**.

MAY 2024

Technology, conformity assessment, and consulting solutions firm **NV5** (Hollywood, Fla.) (*ENR* #24), acquired myBIMteam (Winter Haven, Fla.), a firm that offers building information modeling, reality capture, and digital twin solutions.

Architecture; civil engineering; surveying; structural; and mechanical, electrical, and plumbing (MEP) firm **Thompson & Litton** (Wise, Va.) acquired Tysinger, Hampton & Partners (Johnson City, Tenn.), a civil engineering and surveying services firm.

GAI Consultants (Homestead, Pa.) (*ENR* #166), an engineering, planning, and environmental consulting firm, acquired **Creighton Manning Engineering** (Albany, N.Y.), an engineering firm focused on the transportation and transit markets.

Engineering, environmental, landscape architecture, and planning firm **Barton & Loguidice** (Liverpool, N.Y.) (*ENR* #286) acquired Penn Central Engineering (Centre Hall, Pa.), a structural engineering and project management firm serving commercial, institutional, and industrial clients.

Multidisciplinary engineering and construction management firm **BM&K Engineering** (Braselton, Ga.) joined **LJA Engineering** (Houston) (*ENR* #67), a multidisciplinary engineering consulting firm.

McPherson Consulting (Virginia Beach, Va.), an engineering firm that offers traffic engineering and transportation planning services, was acquired by **VHB** (Watertown, Mass.) (*ENR* #62).

A/E firm **STV** (New York City) (*ENR* #35) acquired **MEHTA and Associates** (Winter Park, Fla.), an engineering and construction engineering inspection firm specializing in civil works and transportation infrastructure projects.

Round Table Capital Partners (Miami) sold a majority stake in its portfolio company **Verdantas** (Tampa, Fla.) (*ENR* #113) to Sterling Investment Partners (Westport, Conn.).

A/E, environmental, and planning firm **LaBella Associates** (Rochester, N.Y.) (*ENR* #127) acquired MEP firm ENGR3 (Alpharetta, Ga.). ENGR3's expertise includes multifamily, mixed-use, and commercial development projects.

Traffic & Mobility Consultants (Orlando, Fla.), a transportation planning and traffic engineering firm serving commercial, residential, and municipal clients, acquired Lincks & Associates (Tampa, Fla.), a transportation and traffic engineering services firm.

Geoscience, engineering, and technology firm **RESPEC** (Rapid City, S.D.) acquired Enviromin (Bozeman, Mont.), an environmental geochemistry and microbiology firm.

Public infrastructure firm **CRIADO & Associates** (Dallas) joined powerhouse Dunaway (Fort Worth, Texas), a civil engineering, structural, landscape architecture, surveying, and construction inspection services firm.

Clark Dietz (Champaign, Ill.), a multidisciplinary engineering firm, acquired RS Engineering (Lansing, Mich.), a civil, structural, traffic, and construction engineering firm.

Planning and design consulting firm **Kimley-Horn** (Raleigh, N.C.) (*ENR* #10) joined forces with VICUS (Los Angeles), a

To view the most up-to-date and "live" versions of the M&A heat maps, and to see who are the buyers and sellers in each state, go to www.morrisseygoodale.com.

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consulting firm specializing in urban planning, design, and environmental services.

Rushing (Seattle), an MEP, fire protection engineering, lighting design, energy services, and commissioning firm, joined industry leader **IMEG Corp.** (Rock Island, Ill.) (*ENR* #57).

WSP (Montreal) (*ENR* #5) acquired **AKF Group** (New York City) (*ENR* #318), a specialized MEP firm that designs complex health care, science and technology, and mission-critical facilities.

Structural engineering firm Linton Engineering (Potomac Falls, Va.) merged with **Bennett & Pless** (Atlanta). The acquisition extends Bennett & Pless' reach and single-discipline structural engineering expertise into the greater Washington, D.C., metro area.

APRIL 2024

Magnolia River Services (Decatur, Ala.), a utility and field services firm with expertise in engineering, inspection, geographic information system (GIS), and software, acquired **Heath and Associates** (Shelby, N.C.), an engineering and management consulting firm focused on the power and energy industry.

Crafton Tull (Rogers, Ark.) (*ENR* #412), a civil engineering, surveying, architecture, landscape architecture, and planning services firm, expanded its landscape architecture team with the addition of Prism Design Studio (Huntsville, Ark.).

Delta (Lubbock, Texas), a surveying and engineering firm with experience in commercial and residential projects, joined land development and employee-owned firm **LJA Engineering** (Houston) (*ENR* #67).

PEA Group (Auburn Hills, Mich.), a site design firm specializing in civil engineering, ecological consulting, geotechnical engineering, land surveying, landscape architecture, and facility consulting, acquired environmental firm ASTI Environmental (Brighton, Mich.).

Infrastructure Consulting & Engineering (West Columbia, S.C.) (*ENR* #205), the transportation-focused engineering and consulting services platform of Godspeed Capital (Washington, D.C.), acquired IDCUS (Houston), a civil engineering firm specializing in public infrastructure and transportation services.

Industrial Ally (Chesterfield, Mo.), a firm that provides mechanical, electrical, process, controls, and structural expertise for manufacturers of cement, lime, and other building materials, joined facilities planning and design firm **Salas O'Brien** (Irvine, Calif.) (*ENR* #39).

Civil, structural, geospatial, safety, and environmental firm **LJB** (Miamisburg, Ohio) (*ENR* #350) acquired Gorrill Palmer (South Portland, Maine), a land development, transportation, and municipal engineering firm.

GradyMinor (Bonita Springs, Fla.), a civil, land development, and municipal engineering consulting services firm, joined **Pape-Dawson Engineers** (San Antonio) (*ENR* #112), a civil engineering, environmental, and surveying services firm.

Bowman Consulting Group (Reston, Va.) (*ENR* #78) acquired Moore Consulting Engineers (Shamong, N.J.), an MEP and fire protection engineering firm.

Fast-growing **Verdantas** (Dublin, Ohio) (*ENR* #149) acquired Project Navigator (Tustin, Calif.), a firm that offers management and project coordination services, especially at federal (Comprehensive Environmental Response, Compensation, and Liability Act) and state superfund sites.

Legence (San Jose, Calif.), a firm that offers energy efficiency and sustainability solutions for the built environment, acquired **P2S** (Long Beach, Calif.) (*ENR* #308), an engineering, commissioning, and construction management firm serving the higher education, federal and municipal institution, health care facility, and data center sectors.

Transportation consulting firm **TranSystems** (Kansas City, Mo.) (*ENR* #65) acquired NCM Engineering (Rancho Santa Margarita, Calif.), a planning and design services firm specializing in transportation infrastructure improvement projects.

Verdantas (Dublin, Ohio) (*ENR* #113) acquired **CT Consultants** (Mentor, Ohio) (*ENR* #339), an A/E and environmental firm with experience in the government, water, and transportation markets.

Technology, conformity assessment, and consulting solutions firm **NV5** (Hollywood, Fla.) (*ENR* #24), reached an agreement to acquire GIS Solutions (Springfield, Ill.), a firm that provides GIS application development, cloud-based database design, data science, and project management services.

Fast-growing firm **Bowman Consulting Group** (Reston, Va.) (*ENR* #78), entered into a definitive agreement to acquire Surdex Corporation (Chesterfield, Mo.), a geospatial and engineering firm that offers lidar, intelligent digital mapping, 3D hydrography, and disaster mapping.

Transportation consulting and engineering firm **Infrastructure Consulting & Engineering** (West Columbia, S.C.) (*ENR* #198) received a strategic investment from private equity firm Godspeed Capital Management (Washington, D.C.).

Structural engineering firm **Structura** (North Bethesda, Md.) acquired Fitzpatrick Engineering Group (Charlotte, N.C.), a structural engineering firm specializing in the health care, commercial, and industrial sectors.

Ulteig (Fargo, N.D.) (*ENR* #123), an engineering firm focused on the power, renewables, transportation, and water sectors, acquired Affinity Energy (Charlotte, N.C.), a control systems integrator with expertise in customized solutions for power and energy controls and instrumentation.

Donald F. Dickerson Associates (Tarzana, Calif.), an MEP, life safety, and fire protection services firm, executed a letter of intent to join multidisciplinary engineering firm **Coffman Engineers** (Seattle) (*ENR* #161).

Architecture, engineering, design, environmental, and surveying consulting firm **PS&S** (Warren, N.J.) (*ENR* #359) acquired Stout & Caldwell (Cinnaminson, N.J.), a civil engineering, environmental, and land surveying services firm.

Employee-owned and multidisciplinary engineering firm **Halff Associates** (Richardson, Texas) (*ENR* #85) acquired **Singhofen & Associates** (Orlando, Fla.), a water resources and civil engineering firm with expertise in water resources, design, and flood modeling services. ■

On the Move

Zack Daniel has joined Nashville, Tenn.-based **LDA Engineering** as its new president. Daniel previously served as a vice president at CDM Smith.

Reston, Va.-based **Bowman Consulting Group** announced the following executive promotions: **Michael Bruen**, who served as the company's COO, has been promoted to president, a role previously held by **Gary Bowman**, who retains the titles of CEO and chairman. **Dan Swayze**, who served as executive vice president and division manager, has been promoted to COO. **Bruce Labovitz**, executive vice president and CFO, entered into a new four-year contract. **Vijay Agrawal** has joined the firm as executive vice president of its national ports and harbors practice.

Hunt Valley, Md.-based **EA Engineering, Science, and Technology, Inc.,** announced the following: **Chris Canonica,** executive vice president was named COO. He most recently served as business unit director and technical chief. Executive vice president **Sarah Ridgway** was promoted to chief transformation officer and recently served as senior vice president. Executive vice president **Brian Lesinski** was named chief of client programs and previously served as manager of EA's New England operations. **Jason Echelle,** executive vice president and CFO, has now also been named treasurer. He previously served as controller. Former COO **Mike Battle** and former treasurer **Peter Ney** have been named as vice chairs of the board of directors.

Kansas City, Mo.-based **TranSystems** announced the following: **Brian Fairwood** has been named executive vice president of operations. He most recently served as Central Region senior vice president of sales and operations for eight offices in five states. **Greg Murphy** has been named executive vice president of strategy. He most recently served as the government market sector leader, which supports Departments of Transportation, tollways, and municipalities. **Lori Labrum** has been named transit market sector leader. She most recently served as senior vice president and West transit market and national bus-rapid transit leader.

Jeff Netland has joined Albany, N.Y.-based **CHA Consulting** as executive vice president and chief digital officer. Netland most recently served as chief technology officer and vice president of engineering for Carrier Fire & Security.

Paul Schuler has rejoined Walnut Creek, Calif.-based **Carollo Engineers** as senior vice president and senior strategic advisor. He most recently served as executive vice president at Resilient Infrastructure Group.

Jacksonville, Fla.-based **RS&H** has named **Kirk Fauri** the new construction management national operations leader, succeeding retiring executive vice president and construction management national operations leader **Doug Geiger**. Geiger began his career at RS&H in 1984 and has held several roles in ACEC-FL, including serving as the first transportation committee chair. Fauri joined RS&H in 2004 and has led the growth of its construction management team and served in various roles of increasing responsibility. **Carlo Morgano** has been named the firm's new chief technology officer, following the retirement of **Don Roberts**. Roberts, a 35-year industry veteran, spent the last eight years shaping RS&H's technological landscape. Morgano formerly led technology strategy and implementation at an *Engineering News-Record* Top 50 design firm. **Tom Everett** has been promoted to senior vice president. Since joining RS&H in 2022, Everett has been responsible for strategy and advisory services supporting the company's sales growth


Zack Daniel


Michael Bruen


Dan Swayze


Bruce Labovitz


Vijay Agrawal


Chris Canonica


Sarah Ridgway


Brian Lesinski


Jason Echelle


Mike Battle


Peter Ney


Brian Fairwood

and geographical expansion and adding new service lines related to RS&H's national infrastructure practice, among many other initiatives.

Steven Martin has joined Houston-based **LJA** as senior vice president within the transportation division. Based in Orlando, Fla., Martin formerly held various key roles, including Florida Department of Transportation (FDOT) District 5 secretary, regional transportation manager, and senior project engineer with FDOT and Atkins.


Greg Murphy

New York City-based **WSP** announced several executive appointments: **Jannet Walker-Ford** will serve as the advisory and planning business line executive. She previously served as national transit and rail market sector leader. **Jerry Jannetti** will serve as business line executive for the firm's U.S. transportation and infrastructure business. Jannetti most recently served as East region president. **Sofia Berger** will serve as business line executive for the U.S. earth and environment business. She formerly served as national director of WSP's U.S. transportation and infrastructure business. **Krishna Sandepudi** has joined the firm as senior vice president, national bridges and structures practice director. He is based in Tampa, Fla. **Mike Finnern** has joined the firm as senior vice president and national zero-emissions fleet lead. His most recent role was general manager of transit at electric vehicle manufacturer Phoenix Motorcars, and he is based in Greenville, S.C.


Lori Labrum


Jeff Netland


Paul Schuler


Kirk Fauri


Carlo Morgano


Tom Everett


Steven Martin


Jannet Walker-Ford


Jerry Jannetti


Sofia Berger


Krishna Sandepudi


Mike Finnern

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T2 UES Inc. dba T2 Utility Engineer
Norcross, Georgia
UES
Kennesaw

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CCME Inc.
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Summit Water Engineers Inc.
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Terracon Consultants Inc.
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ACEC-FL
Colwill Engineering
Tampa
Fulcrum Forensics
Tampa
Hoyle, Tanner & Associates Inc.
Oviedo
TYME Consulting Engineers
Livonia, Michigan

ACEC Georgia
Baseline Surveying
Watkinsville
Chen Moore and Associates
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ACEC of Idaho
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Boise
Pioneer Technical Service Inc.
Kellogg
QRS Consulting LLC
Boise
RIVHAB PLLC dba RIVHAB Engineering Design
Eagle
Thomas Dean & Hoskins Inc.
Meridian

ACEC Illinois
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Saint Louis

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KMA Consulting Engineers, Inc.
Cherry Hill

ACEC New York
Cavalry Engineering PC
Patchogue

ACEC/NC
Wiss, Janney, Elstner Associates Inc.
Cary

ACEC Ohio
TTL Engineering Services LLC
Toledo

ACEC OKLAHOMA
Volkert Inc.
Tulsa

ACEC/PA
Converse Consultants
State College

ACEC-RI
Kleinfelder
Boston
Lochner
Waterbury, Connecticut

ACEC Tennessee
Howard Stein Hudson
Boston

ACEC Texas
Accelerate Engineering
Houston
AIG Technical Services LLC
Houston
AIZACO Ltd. LLC
Frisco
AJL Engineering
San Antonio
Beyond Engineering and Testing LLC
Round Rock
CRH Consultants LLC
Georgetown
Infrastructure Engineering Inc.
Houston
Kestrel Engineering Inc.
Houston
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Houston
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For further information on national affiliate members, go to: https://bit.ly/ACEC-Natl-Affiliate-Members or contact Erin Wander at 440-281-0464 or ewander@acec.org.

NOVEMBER 2024

12 Institute: State of the Engineering Economy Q4 2024 (online class)

13 Market Briefings: Data Centers & Telecommunications (online class)

14 Navigating a Change in Ownership: Making Way for The Next Generation (online series)

DECEMBER

4 Digital Transformation: Digital Delivery (online class)

5 Navigating a Change in Ownership: Is an Employee Stock Ownership Plan (ESOP) a Viable Option for Your Firm? (online series)

JANUARY 2025

7-16 Managing Small Projects Successfully (online course)

16 Navigating a Change in Ownership: Ownership Transition Through Acquisition (online series)

FEBRUARY

6 Navigating a Change in Ownership: Private Equity—A Case Study (online series)

To sign up for ACEC online seminars, go to **www.acec.org/education.**

Additional information on all ACEC activities is available at www.acec.org.

Collaborate, Network, Grow

ACEC COALITIONS

ACEC Coalitions are specialized groups within ACEC that bring together member firms based on firm size, common interests, expertise, or focus areas, organizing them into collaborative communities. Their goals: to address specific industry challenges, share best practices, and advocate for shared interests on a national scale.

Joining a coalition not only provides a platform to contribute to shaping industry standards and policies but also offers invaluable networking opportunities with industry leaders. It also provides access to specialized resources that can enhance your firm's competitiveness and growth. ACEC has seven specialized coalitions. Learn more about two below: the Land Development Coalition and the Coalition of American Structural Engineers.

LAND DEVELOPERS

Land Development Coalition (LDC)

- Join **education** sessions tailored specifically for land developers, including online courses and in-person sessions led by industry experts and thought leaders. These offerings address today's land development challenges, like infrastructure demands, fluctuating market conditions, and regulatory challenges.
- Attend land development **events** at ACEC conferences, such as specialized workshops and panel discussions focused on addressing key challenges and emerging trends in the industry. These programs give attendees practical insights and solutions to enhance their practices.
- Get **advocacy** support and learn how your firm can actively engage with government agencies, lawmakers, and regulatory bodies to influence decision-making processes and shape legislation that affects land developers. This includes advocating for favorable tax policies and initiatives that promote workforce development, ensuring sustainable and inclusive community growth. Our efforts guarantee that members' voices are heard and their concerns are addressed.

STRUCTURAL ENGINEERS

Coalition of American Structural Engineers (CASE)

- Join **education** sessions targeting strategies for identifying, assessing, and managing risks; addressing the skills gap; and providing continuous professional development to retain skilled engineers. These sessions will also help you keep up with changing building codes, safety regulations, and industry standards essential for the long-term success of structural engineering firms.
- Attend CASE-sponsored **events** at ACEC conferences, including roundtable discussions and networking opportunities designed for structural engineers to connect, share experiences, and collaborate on solutions related to sustainability and green building practices, designing structures resilient to natural disasters and climate change impacts, and addressing the skills gap through continuous professional development.
- Get **advocacy** support at the federal level on crucial initiatives such as the R&D tax credit and sustainable infrastructure investment and funding, and take part in ongoing discussions about regulatory compliance and standards. These efforts are aimed at addressing the unique challenges faced by structural engineers. ■

Find the Right Coalition for Your Firm

Scan the QR code to learn more about our distinct coalition groups organized by practice area or firm size.

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