

**Board of Director's Meeting  
March 11, 2022**

**Meeting #: 886 3543 7486**  
**Password: ACECBOD**

- ☐ Matt Gehman, *Chair*
- ☐ Jeff Mulliken, *Vice Chair*
- ☐ Chuck Black, *Sec./Treasurer*
- ☐ Jason Eppley, *Past Chair*
- ☐ Ben Temple, *Director*
- ☐ Theresa McClure, *Director and Communications Committee Chair*
- ☐ Bryan Shiver, *Director and Membership Committee Chair*
- ☐ Dan Moses, *Director*
- ☐ Ricky Ward, *Director*
- ☐ Theresa Hodge, *Director*
- ☐ Kylie Page, *National Director/PAC Lady\**
- ☐ Jim O'Connor, *Affiliate National Director\**
- ☐ Jeff Mulliken, *Transportation Committee Chair\**
- ☐ Melvin Williams, *ACEC Vice Chair\**
- ☐ Tom Jordan, *Environmental Committee Chair\**
- ☐ Berry Still, *Transportation Executives Committee \**
- ☐ Caleb Pozik, *OSE Committee Chair*
- ☐ Adam B. Jones, *Executive Director\**
- ☐ Allison J. King, *ACEC-SC Staff\**
- ☐ Sarah Waldrop, *Account Executive\**
- ☐ Other\*

+16465588656, 88635437486# US (New York)

1. Call to Order – Matt Gehman
2. Approve Consent Agenda
  - Meeting Minutes from February 3, 2022
  - Membership Report
3. Financial Report – Chuck Black, PE
  - Financial Report
4. Chair's Report: - Matt Gehman
  - Strategic Plan & KPIs
  - Board Meetings (in-person) next month?
    - May Board Meeting conflict with a golf tournament
  - Transportation Executives Committee
5. Executive Director's Report – Adam B. Jones
  - Legislative Report
    1. IJA
      - Funds coming from W&M
    2. PPP
    3. ARP Funding
      - Senate Subcommittee /House Subcommittee
    4. South Carolina Tracked Legislation
  - Consulting Congress Day (May 24, 2022)
  - Transportation Executives Committee
  - Engineering Excellence Awards
  - Environmental Committee
  - Winter Meeting
  - Golf Tournament
  - SC Engineering Conference
6. ACEC National Directors Report – Kylie Page, PE
  - PAC Goal
7. Committee Reports:
  - Transportation Committee
    - ✓ Partnering Committee Meeting
  - Transportation Executives Committee
    - ✓ Meeting 3/7/2022
    - ✓ Internal Charter
  - BRE Committee
    - ✓ Future Leaders
  - Communications Committee
    - ✓ Infrastructure Works
    - ✓ PAC Campaign
    - ✓ What's next
  - Membership Committee
    - ✓ Trade Show opportunities

- SC Environmental Conference 3/13-16/2022
  - SC HWY Engineers Conference 4/12-13/2022

  - Advocacy PAC
    - ✓ PAC Final Four & Golf Shirt going now
  - OSE Committee
8. Other Business
9. Next Meeting: April 7, 2022
10. Adjourn



AMERICAN COUNCIL OF ENGINEERING COMPANIES  
of South Carolina

**ACEC-SC Board of Director's Meeting**  
**February 3, 2022, at 10:00 AM**  
**Zoom**

**Call to Order:** Vice Chair Jeff Mulliken called the meeting to order at 10:03 AM. The following were in attendance: Jeff Mulliken, Chuck Black, Jason Eppley, Ben Temple, Theresa McClure, Bryan Shiver, Dan Moses, Theresa Hodge, Kylie Page, Jim O'Connor, Adam B. Jones, Allison King, and Sarah Waldrop.

**Membership Report:** Executive Director Adam B. Jones reported:

- Wilson Ferguson Associates
  - Sponsor: STV, Inc.

A motion was made to approve the consent agenda by Secretary/Treasurer Black, seconded by Director Dan Moses, and passed without objection.

**Financial Report:** Secretary/Treasurer Chuck Black reported:

- Total Income: \$478,390.82
- Total Expenses: \$343,280.53
  - SCDOT's payment and a few sponsorship payments are pending.
  - PAC expenditure from the Governor's fundraising event is displayed.
  - Another check was sent to Chernoff-Newman. They are about \$10,000.00 away from the total contract agreement.
  - Our Edwards-Jones investment is trending positively.

A motion was made to approve the financial report by Director Theresa Hodge, seconded by Moses, and passed without objection.


**Chair's Report:** Vice Chair Jeff Mulliken reported:

- We continue to make great progress with the strategic plan, and National has recognized us for that.
- Our legislative influence is continuing to expand too.
- We are working on our PAC initiatives with Chernoff-Newman.
- Our KPIs are generally reflecting a positive trend upwards.
- We will discuss returning to in-person meetings after the March Board meeting.
- The Governor's event was very successful. We spoke about important issues such as IJIA funding matching.
  - Jones added a fundraiser for Senator Graham may be in the works. More will be coming on that later. Additionally, Governor McMaster said he had an open-door policy, but we are still trying to figure out how to get into that door. The Lt. Governor was also very receptive to ACEC-SC and our issues.
  - Now is a good time to keep the pressure on legislators.
- Op-Ed:

- Chernoff-Newman is working with The State to get our op-ed released. A Justin Powell interview was also used to shape this op-ed.
- Activation of the Budget Committee:
  - We need to activate the Budget Committee and start on the next cycle's budget. There will be further discussion at the March meeting.
- Transportation Executive Committee:
  - This will be held March 7, 2022, with SCDOT.
  - The group is looking for someone to appoint as Chair so the group can move forward.
  - There is an upcoming internal meeting to discuss the charter and the Chair position.

**Executive Director's Report:** Executive Director Adam B. Jones reported:

### Legislative Report

- IIJA
  - RECAP of Nationwide dollars committed:
 
  - Implementation of the IIJA continues
  - More details are released regularly.
    - [Competitive Infrastructure Funding Opportunities for Local Governments](#) (also in the packet)
    - 60 Days implementation of IIJA [Report](#) from Whitehouse
    - ACEC updates their [IIJA Resource Page Regularly](#)
  - SC Legislature seems to be in favor of budgeting for the matching funds for SCDOT to take full advantage of the money
    - SCDOT is prepared for the money
    - SCDOT has concerns on 12/16/2021 Memorandum "Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America."
    - SCDOT believes this Memorandum "Will result in unintentional and erroneous application of the IIJA."
    - SCDOT says, "Poorly designed or misused guidance documents can impose significantly costs or limit the freedom of the public."
    - The memo is inconsistent with the law as intended by congress
  - I have reached out to other ACEC MOs in the SE to see if they're hearing similar concerns.
- PPP Fix

- ACEC National continues to look for a legislative fix
  - Senator Braun (R) & Senator Duckworth (D) have sponsored an amendment for the appropriations bill
- Met with Senator Scott's staff on 1/27/2022
  - Scott sits on the Senate Small Business Committee, where we are trying to get support for a legislative fix
  - Scott's aid asked if we had spoken with Graham's camp.
    - We had Senator Graham's support in 2021
    - Scheduling a meeting with him now
  - Sent Scott's staff info from National
- ARPA Funds
  - Movement on how to spend these funds on infrastructure
  - Governor McMaster's recommendations:
    - \$1.2 Billion to SCDOT
    - \$500 Million to Water
  - Senate Recommendations:
    - \$453 Million for Transportation infrastructure acceleration
    - \$900 Million for Water & Wastewater
  - House has not come up with amounts yet
  - Rural Infrastructure Authority presented them and stated their needs are \$1.8 Billion
  - When given funds the distribution would be 60% for large systems (population > 30,000) and 40% for smaller systems (population < 30,000)
  - Breakdown of funds if received:
    - \$425-750 Million in Infrastructure Grants (\$10 Million/grant)
    - \$50-80 Million in Regional Solution Grants (\$10 million/grant)
    - \$10-20 Million in Planning grants (\$1 Million/grant)
  - They're encouraging them to use local matches
  - The expectation is the House will recommend between \$800 & \$900 Million for Water & Wastewater
- Tracked Legislation
  - In Packet
  - New bill: H.3892 "TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS [44-96-295](#) AND [48-20-45](#) SO AS TO PROHIBIT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FROM ISSUING ANY PERMIT FOR THE CONSTRUCTION OF A SOLID WASTE MANAGEMENT FACILITY OR FOR MINING ACTIVITIES, RESPECTIVELY, IF LOCATED WITHIN A CERTAIN PROXIMITY TO A PUBLIC PARK OR OTHER PUBLIC NATURAL AREA."
    - This bill now only applies to mining activities
    - This may hurt the ability to get materials for various projects
    - Coalition forming to discuss how to approach it
      - ACEC-SC
      - CarolinasAGC

- SCFOR
- SC Asphalt Pavement Association
- SC Aggregates
- Concrete Paving

#### **ACEC-SC & ACEC Consulting Congress Day**

- Consulting Congress Day is May 24, 2022.
  - Currently, the House is not hosting in-person meetings at the Capital
  - Should ACEC-SC get a room to host a lunch and invite the Legislators/Staff to come and hear our issues?

#### **Transportation Executives Committee**

- Contacted Colvin 1/27/2022
  - SCDOT has had COVID issues
  - Winter Weather problems
  - Commission meeting postponement
- Committee Members are eager to meet
- They're looking at the drafted bylaws and charter and working on comments to return

#### **Engineering Excellence Awards Gala**

- Open dates at Alumni Center
  - March 2<sup>nd</sup> or 9<sup>th</sup>
    - We may need more time to market.
    - 9<sup>th</sup> is doable
  - April 13<sup>th</sup> – we are penciled in. Does this work with the Board?
  - Emcee options: Daniel Bonds or Gavin Jackson
    - Mulliken noted we need to have a preparation session with whichever speaker we choose.

#### **SC Engineering Conference & Trade Show**

- Checks being cut
- 2023 decision will be made soon
  - Talking to Myrtle Beach and Greenville
- 2022 registration and sponsorships are open
- Need speakers
- Thursday night the Future Leaders will be hosting a Pinewood Derby

#### **ACEC National Director's Report:** National Director and PAC Lady Kylie Page reported:

- February 20-26 is Engineers Week.
  - Introduce a Female to Engineering Day is February 24.
  - If your firm hosts any engineering event, Jeff Urbanchuk will repost the information.
  - Please tag ACEC-SC in your social posts.
- PAC Goal: \$12,164.00
- Jones noted that SCSPE is hosting a Beers with Engineers event at Savage Craft.

#### **Committee Reports:**

- **Transportation Committee:** Transportation Chair Jeff Mulliken reported:
  - There is a meeting February 10.
  - The Partnering Committee Meeting is March 3.
- **BRE Committee:** Secretary/Treasurer Chuck Black reported:
  - The scholarship applications are out.
  - The member firm application is in the newsletter but will be emailed separately soon.
  - Future Leaders:
    - Steve Hall (ACEC National) spoke on PAC and Advocacy.
    - The panel (Earl Hunter, Leslie Clark, Jennifer Patterson) had very positive feedback.
    - Jim Rogers is our upcoming speaker on February 9.
    - Pinewood Derby:
      - April: some event with Scout group to help with a engineering merit badge
      - Whoever wins the Pinewood Derby, we'd like to send them to National to race.
- **Communications Committee:** Communications Committee Chair Theresa McClure reported:
  - Op-Ed: it's in the works with The State Newspaper.
  - Infrastructure Works: Adam & Sarah have been working on building the website.
    - We are on-track to release in March after the Board Retreat.
- **Membership Committee:** Membership Committee Chair Bryan Shiver reported:
  - Jones noted the membership is increasing.
  - Exhibiting opportunities: do we want to participate? We need swag for the events, but do we want to spend the money on it?
  - The Board agreed to the above items.
- **Environmental Committee:** Secretary/Treasurer Chuck Black reported:
  - The Winter Meeting is at Seawell's on February 16 and virtual.
  - You can earn 6 PDH.
- **OSE Committee:** Director/Membership Committee Chair Bryan Shiver reported:
  - Ben Temple, Bryan Shiver, and Caleb Pozsik comprise the OSE Committee.
    - AIA is on board with this.
    - The main issue is inspection contract procurement. It doesn't fit with QBS.
    - Caleb Pozsik will be the Chair.

#### **Other Business:**

- Next meeting in March 11 (retreat)
- Questionnaire will be released. Please respond before the retreat.
  - Grove Park Inn will not give us more rooms. There are more available, but you will have to pay full price. We do have nearby hotels that are available.

**Adjourn:** There was a motion to adjourn the meeting at 11:24 AM by Black, seconded by Mulliken, and passed unanimously.

Respectfully submitted by:  
Sarah Waldrop  
Account Executive  
ACEC-SC

#	Company Name	Date Received Payment	Employee Count	4010 ACEC SC Dues	4020 ACEC PAC	4030 ACEC National Dues	4040 Minute Man	4045 Education Fund	TOTAL DUES	payment differ	ACEC-SC Paid Dues	
1	A Morton Thomas and Associates, Inc. (AMT)	7/26/21		\$856.44	\$107.06		\$11.00		\$974.50			
2	AECOM	FEDEXED Thursday										
3	Alfred Benesch & Company	7/21/21		\$1,665.88	\$214.11		\$19.00		\$1,898.99	47		paypal fee
4	Alliance Consulting Engineers, Inc.	8/3/21		\$3,853.98	\$481.74	\$4,704.00	\$39.00		\$9,078.72			
5	American Engineering Consultants, Inc.	7/13/21		\$2,141.10	\$267.63	\$2,509.00	\$23.00		\$4,940.73			
6	Applied Building Science (ABS)	7/26/21		\$2,141.10	\$267.63	\$2,677.00	\$23.00		\$5,108.73			
7	Applied Control Technologies	7/21/21		\$1,217.92	\$160.58	\$1,308.00	\$15.00		\$2,701.50	66.74		paypal fee
8	Aulick Engineering	8/10/21		\$423.02	\$53.53		\$7.00		\$483.55	12.2		paypal fee
9	ATCS, P.L.C.	12/21/21		\$856.44	\$107.06		\$11.00		\$974.50			
10	Buford Goff & Associates	7/13/21		\$2,141.10	\$267.63	\$2,210.00	\$23.00		\$4,641.73			
11	Caitlin USA	8/10/21		\$434.47	\$53.53				\$488.00			
12	Carolina TEA	8/30/21		\$856.44	\$107.06		\$11.00		\$974.50			
13	CDM Smith	10/4/21		\$4,282.20	\$535.28		\$43.00		\$4,860.48			
14	Century Southern, Inc.	8/30/21		\$428.22	\$53.52	\$514.00	\$7.00		\$1,002.74			
15	CH Engineering, PLLC	7/26/21		\$1,299.66	\$162.45		\$15.00		\$1,477.11			
16	Civil Engineering Consulting Service, Inc.	7/12/21		\$2,425.94	\$321.16	\$3,044.00	\$27.00		\$5,818.10	143.38		paypal fee
17	Clark Patterson Lee	7/19/21		\$1,284.66	\$160.58		\$15.00		\$1,460.24			
18	Collins Engineers, Inc.	8/10/21		\$1,712.88	\$214.11		\$19.00		\$1,945.99			
19	CONSOR	9/13/21		\$1,712.88	\$214.11		\$19.00		\$1,945.99			
20	Construction Science & Engineering (AN REI COMPANY)	7/19/21		\$1,284.66	\$160.58	\$1,400.00	\$15.00		\$2,860.24			
21	Cox and Dinkins, Inc.	8/10/21		\$2,766.85	\$374.69	\$3,188.00	\$31.00		\$6,360.54	230.69		paypal fee
22	Davis & Floyd, Inc.	8/30/21		\$4,282.20	\$535.28	\$5,542.00	\$43.00		\$10,402.48			
23	Dad n Associates	1/31/22		\$283.00	\$107.06	\$196.00	\$11.00		\$597.06	\$597.06		
24	DDC Engineers, Inc.	8/10/21		\$2,569.32	\$321.16	\$2,992.00	\$27.00		\$5,909.48			
25	Ardurra////Design South Professionals, Inc./	12/6/21		\$2,569.32	\$321.16		\$27.00		\$2,917.48			
26	Development Resource Group	7/26/21		\$1,712.88	\$214.11	\$1,947.00	\$19.00		\$3,892.99			
27	Dunbar Geomatics Group	7/26/21		\$1,284.66	\$160.58	\$1,400.00	\$15.00		\$2,860.24			
28	DRMP	New member invoiced										
29	ECS Southeast, LLP	8/3/21		\$3,853.98	\$481.74		\$39.00		\$4,374.72			
30	Engineering Design & Testing Corp	7/9/21		\$4,282.00	\$535.00	\$5,142.00	\$43.00		\$10,002.00			
31	ESP Associates, PA	7/26/21		\$5,995.08					\$5,995.08			
32	Facilities Strategies Group	Sent Final Notice. Will drop if not paid										
33	F&ME Consultants	8/3/21		\$3,853.98	\$481.75	\$4,449.00	\$39.00		\$8,823.73			
34	Foth Infrastructure & Environment, LLC	7/12/21		\$1,233.55	\$160.58		\$15.00		\$1,409.13	\$51.11		paypal fee
35	Gannett Fleming, Inc.	8/3/21		\$1,284.66	\$160.58		\$15.00		\$1,460.24			
36	GEL Solutions (requested to pay quarterly)	8/3/21		\$856.44	\$107.06		\$11.00		\$974.50			
37	GeoEngineers	New member invoiced										
38	GPI Geospatial	7/26/21		\$1,284.66	\$160.58		\$15.00		\$1,460.24			
39	GWA, Inc.	7/19/21		\$1,284.66	\$160.58	\$1,400.00	\$15.00		\$2,860.24			
40	Haley & Aldrich Inc.	11/1/21		\$1,652.85	\$214.11					60.03		paypal fee
41	HDR	*9/20/21 & 10/12/21		\$5,566.86	\$642.33							as of 9/20 has only paid pac/partial dues 10/12
42	Heath & Lineback Engineers Inc	7/19/21		\$856.44	\$107.06		\$11.00		\$974.50			
43	HNTB	12/28/21		\$428.22	\$53.53		\$7.00		\$488.75			
44	Holt Consulting Company, LLC	7/26/21		\$2,141.10	\$267.64		\$23.00		\$2,431.74			
45	Hussey Gay Bell	8/3/21		\$2,569.32	\$321.17		\$27.00		\$2,917.49			
46	Infrastructure Consulting & Engineering	7/26/21		\$6,423.30	\$802.91		\$63.00		\$7,289.21			
47	Insight Group, A Christopher Company	9/13/21		\$1,712.88	\$214.11	\$1,727.00	\$19.00		\$3,672.99			
48	IPW Construction Group	8/30/21		\$1,284.66	\$160.58	\$1,001.00	\$15.00		\$2,461.24			
49	Johnson, Mirmiran & Thompson	8/16/21		\$2,569.32	\$321.16		\$27.00		\$2,917.48			
50	KCI Technologies, Inc.	7/26/21		\$4,325.20	\$535.28		\$43.00		\$4,903.48			
51	Keck & Wood, Inc.	8/3/21		\$1,712.88	\$214.11		\$19.00		\$1,945.99			
52	Kimley-Horn and Associates, Inc.	8/23/21		\$2,569.32	\$321.16				\$2,890.48			
53	Kleinfelder	8/23/21		\$2,141.10					\$2,141.10			
54	Life Cycle Engineering, Inc.	11/15/21		\$5,138.64	\$642.93	\$15,944.00	\$51.00		\$21,776.57			
55	Long Engineering ATLAS TECHNICAL CONSULTANTS	8/3/21		\$1,284.66	\$160.58	\$1,001.00	\$15.00		\$2,461.24			
56	Mattern & Craig	8/3/21		\$428.22	\$53.53		\$7.00		\$488.75			
57	MBP Carolinas, Inc	7/12/21		\$416.19	\$53.53		\$7.00		\$476.72			
58	MC Squared	2/22/22		\$856.44	\$107.00				\$963.44			
59	McCormick Taylor	8/24/21		\$1,233.55	\$160.58		\$15.00		\$1,409.13	51.11		paypal fee
60	Mead & Hunt, Inc.	8/16/21		\$4,282.20	\$535.27		\$43.00		\$4,860.47			
61	Michael Baker International	10/4/21		\$4,282.20	\$535.27		\$43.00		\$4,860.47			
62	MLB Engineering, LLC	7/12/21		\$428.22	\$53.52	\$514.00	\$7.00		\$1,002.74	12.03		paypal fee



63	Neel-Schaffer, Inc.	8/30/21		\$856.44	\$107.05		\$11.00		\$974.49			
64	NOVA Engineering	8/10/21		\$1,665.88	\$214.11		\$19.00		\$1,898.99	47		paypal fee
65	NVS CALYX	8/30/21		\$856.44	\$107.05		\$11.00		\$974.49			
66	OLH, Inc.	7/26/21		\$2,141.10	\$267.63	\$3,774.00	\$23.00		\$6,205.73			
67	Parrish and Partners, LLC	8/10/21		\$2,997.54	\$374.69		\$31.00		\$3,403.23			
68	Pond	7/21/21		\$1,665.88	\$214.11		\$19.00		\$1,898.99	47		paypal fee
69	Professional Engineering Associates, Inc.	7/19/21		\$1,712.88	\$214.11	\$1,727.00	\$19.00		\$3,672.99			
70	Ramey Kemp & Associates Inc	8/30/21		\$1,284.66			\$15.00	\$160.58	\$1,460.24			
71	RK&K-Rummel, Klepper & Kahl, LLP	7/26/21		\$1,712.88	\$214.11		\$19.00		\$1,945.99			
72	Rowe Professional Services Company	8/16/21		\$1,284.66	\$160.58		\$15.00		\$1,460.24			
73	RS&H	12/6/21		\$1,284.66	\$160.58		\$15.00		\$1,460.24			
74	S&ME, Inc.	7/26/21		\$6,851.52			\$67.00	\$856.44	\$7,774.96			
75	SAM, LLC	8/10/21		\$1,239.05	\$160.58		\$15.00		\$1,414.63	45.61		paypal fee
76	SEPI	7/26/21		\$1,284.66	\$160.58				\$1,445.24			
77	Sims Group Engineers, Inc	7/26/21		\$1,284.66	\$160.58	\$1,109.00	\$15.00		\$2,569.24			
78	Stantec Consulting	7/26/21		\$3,425.50	\$428.22		\$35.00		\$3,888.72			
79	Stevens & Wilkinson SC, Inc.	PROBABLY DROPPING										
80	Stewart Engineering	7/21/21		\$1,249.31	\$160.58		\$15.00		\$1,424.89	35.35		paypal fee
81	Southern Steel	7/1/21		\$811.49	\$107.00	\$868.00	\$11.00		\$1,797.49	44.51		paypal fee
82	STV Incorporated	8/10/21		\$2,141.10	\$267.63		\$23.00		\$2,431.73			
83	Sweatt Land Surveying LLC	1/18/22		\$133.07	\$53.00	\$168.00	\$4.35		\$370.35	11.93		paypal fee
84	SynTerra	8/10/21		\$4,282.20	\$535.27		\$43.00		\$4,860.47			
85	T2 Utility Engineers	8/23/21		\$428.22	\$53.53				\$481.75			
86	Terracon Consultants, Inc.	8/30/21		\$5,566.86	\$695.85		\$55.00		\$6,317.71			
87	Thomas & Hutton Engineering Co.	7/26/21		\$5,566.86	\$695.85		\$55.00		\$6,317.71			
88	Three Oaks Engineering	8/10/21		\$1,284.66	\$160.58		\$15.00		\$1,460.24			
89	Traffic Planning & Design Inc	11/8/21		\$767.90	\$107.06	\$1,875.00	\$11.00		\$2,760.96	88.54		paypal fee
90	Tidemark Land Services, Inc.	7/26/21		\$1,712.88	\$214.11	\$1,875.00	\$19.00		\$3,820.99			
91	TranSystems Corporation	8/10/21		\$2,997.54	\$374.69		\$31.00		\$3,403.23			
92	TRC Environmental Corporation	8/3/21		\$3,853.98	\$481.74		\$39.00		\$4,374.72			
93	Vaughn & Melton Consulting Engineers	7/12/21		\$1,712.88	\$214.11		\$19.00		\$1,945.99			
94	W. R. Riggs And Associates, Inc.	8/3/21		\$1,299.66	\$160.58	\$1,001.00	\$15.00		\$2,476.24			
95	Weston & Sampson	7/26/21		\$2,569.32	\$321.16		\$27.00		\$2,917.48			
96	Wilson Ferguson Associates, LLC	New member invoiced										
97	Wooten Company	12/13/21		\$856.44	\$107.06				\$963.50			
98	WSP Parsons Brinkerhoff (formerly PB Americas)	8/10/21		\$2,569.32	\$521.17		\$27.00		\$3,117.49			
99	Zuednt Engineering	New member invoiced										
	<b>TOTAL</b>			\$196,072.10	\$22,843.57	\$77,206.00	\$1,887.35	\$856.44	\$279,009.61			
	<b>AFFILIATE MEMBERS</b>		4050 ACEC SC Dues	4020 ACEC PAC	4030 ACEC National Dues	4040 Minute Man	4045 Education Fund					
1	ACEC Business Insurance Trust	12.10.21										
2	Edwards-Pitman Environmental, Inc.	8/10/21		\$624.41	\$81.25					25.59		paypal fee
3	George Consulting, Ltd.	7/19/21		\$650.00	\$81.25				\$731.25			
4	Gibbes Burton, LLC	7/13/21		\$632.15	\$81.25				\$713.40	17.85		paypal fee
5	Insurance Management Consultants, Inc./Nexus Prof	7/26/21		\$650.00	\$81.25				\$731.25			
6	O R Colan Associates, LLC	7/19/21		\$650.00	\$81.25				\$731.25			
8	SC Asphalt Pavement Association	8/3/21		\$650.00	\$81.25				\$731.25			
9	T. Wayne Owens & Associates, PC/Stambaugh Ness	7/26/21		\$650.00	\$81.25				\$731.25			
10	THC, Inc.	8/30/21		\$650.00	\$81.25				\$731.25			
11	Utility Coordination Consultants, LLC	7/12/21		\$650.00	\$81.25				\$731.25			
	<b>TOTAL</b>			\$5,806.56	\$731.25				\$5,100.90			
	<b>GRAND TOTALS:</b>			\$201,878.66	\$23,574.82	\$77,206.00	\$1,887.35	\$856.44	\$284,110.51			

					Jul '21 - Jun 22	Budget	\$ Over Budget	% of Budget	Jul '21 - Jun 22	Delta	Notes
		Income									
			4010 - ACEC-SC DUES		197,261.53	180,000.00	17,261.53	109.59%	195,989.02	1,272.51	dues
			4020 - ACEC-SC PAC		23,771.11	21,875.00	1,896.11	108.67%	23,504.11	267.00	pac
			4030 - ACEC DUES		75,806.00	70,000.00	5,806.00	108.29%	75,442.00	364.00	dues
			4040 - ACEC MINUTE MAN FUND (TORT)		1,900.97	1,750.00	150.97	108.63%	1,885.62	15.35	minute man
			4045 - EDUCATION FUND		1,017.02	2,000.00	-982.98	50.85%	1,017.02	0.00	
			4050 - AFFILIATE DUES		5,806.56	6,500.00	-693.44	89.33%	5,806.56	0.00	
			4060 - INTEREST		1,551.90	2,428.75	-876.85	63.9%	1,538.81	13.09	interest
			4070 - ACEC ROYALTIES		1,100.00	862.25	237.75	127.57%	1,100.00	0.00	
			4075 - REIMBURSEMENTS							0.00	
			4075.1 - MEMBERSHIP GOALS		7,645.00				7,645.00	0.00	
			Total 4075 - REIMBURSEMENTS		7,645.00				7,645.00	0.00	
			4130 - MEMBER EVENTS							0.00	
			4130.10 - ENGINEER EXCELLENCE AWARDS							0.00	
			4130.11 - ENTRY FEES		7,556.90	7,000.00	556.90	107.96%	7,556.90	0.00	
			4130.12 - PLAQUES		297.37	1,500.00	-1,202.63	19.83%	297.37	0.00	
			4130.13 - EE BANQUET		219.44	7,500.00	-7,280.56	2.93%	219.44	0.00	
			4130.10 - ENGINEER EXCELLENCE AWARDS - Other		0.00	0.00	0.00	0.0%	0.00	0.00	
			Total 4130.10 - ENGINEER EXCELLENCE AWARDS		8,073.71	16,000.00	-7,926.29	50.46%	8,073.71	0.00	
			4130.2 - WINTER MEETING		6,155.66	15,000.00	-8,844.34	41.04%	0.00	6,155.66	winter mtg
			4130.3 - SCDOT MEETING							0.00	
			4130.31 - SCDOT MEETING EXHIBITORS		5,121.23	9,000.00	-3,878.77	56.9%	5,121.23	0.00	
			4130.32 - SCDOT MEETING SPONSORS		83,585.91	69,000.00	14,585.91	121.14%	83,585.91	0.00	
			4130.33 - SCDOT MEETING REGISTRANTS		51,867.37	57,000.00	-5,032.63	91.17%	37,867.37	14,100.00	dot
			4130.3 - SCDOT MEETING - Other		1,922.63	0.00	1,922.63	100.0%	1,922.63	0.00	
			Total 4130.3 - SCDOT MEETING		142,597.14	135,000.00	7,597.14	105.63%	128,497.14	14,100.00	total
			4130.4 - BOARD RETREAT		4,581.01	9,000.00	-4,418.99	50.9%	0.00	4,581.01	
			4130.5 - SUMMER ENGINEER'S CONFERENCE		0.00	12,000.00	-12,000.00	0.0%	0.00	0.00	
			4130.6 - MEMBER EVENTS							0.00	
			4130.61 - FALL PAC GOLF TOURNAMENT		0.00	7,000.00	-7,000.00	0.0%	0.00	0.00	
			4130.62 - SPRING SCHOLARSHIP TOURNAMENT		1,382.90	18,000.00	-16,617.10	7.68%	1,382.90	0.00	
			4130.6 - MEMBER EVENTS - Other		0.00	0.00	0.00	0.0%	0.00	0.00	
			Total 4130.6 - MEMBER EVENTS		1,382.90	25,000.00	-23,617.10	5.53%	1,382.90	0.00	
			4130.63 - Webinars		0.00	2,500.00	-2,500.00	0.0%	0.00	0.00	
			Total 4130 - MEMBER EVENTS		162,790.42	214,500.00	-51,709.58	75.89%	137,953.75	24,836.67	total
			4140 - FUTURE LEADERS PROGRAM		26,343.69	27,000.00	-656.31	97.57%	26,343.69	0.00	
			4220 - TRAVEL REIMBURSEMENTS		626.40				165.24	461.16	FI dinner reimbursements
			Total Income		505,620.60	526,916.00	-21,295.40	95.96%	478,390.82	27,229.78	
			Gross Profit		505,620.60	526,916.00	-21,295.40	95.96%	478,390.82	27,229.78	Total income
			Expense							0.00	
			6010 - ACEC NATIONAL DUES							0.00	
			6010.1 - MINUTE MAN CONTRIBUTIONS		0.00	1,750.00	-1,750.00	0.0%	0.00	0.00	
			6010.2 - NATIONAL DUES		75,442.00	70,000.00	5,442.00	107.77%	75,442.00	0.00	
			6010.3 - EXECUTIVE DIRECTOR/NAECE DUES		200.00	200.00	0.00	100.0%	200.00	0.00	
			Total 6010 - ACEC NATIONAL DUES		75,642.00	71,950.00	3,692.00	105.13%	75,642.00	0.00	
			6015 - ACEC-SC PAC Transfer		0.00	21,563.00	-21,563.00	0.0%	0.00	0.00	
			6020.7 - ACEC TRAVEL staff train							0.00	
			6020.2 - EXECUTIVE DIRECTOR		5,421.44	7,500.00	-2,078.56	72.29%	4,239.63	1,181.81	ED travel
			6020.3 - NATIONAL DIRECTOR		82.62	4,500.00	-4,417.38	1.84%	82.62	0.00	
			6020.4 - PRESIDENT		3,932.28	4,500.00	-567.72	87.38%	3,932.28	0.00	
			6020.5 - PRESIDENT ELECT		142.25	4,000.00	-3,857.75	3.56%	0.00	142.25	FI dinner
			6020.6 - AFFILIATE NATIONAL DIRECTOR		142.25	3,500.00	-3,357.75	4.06%	0.00	142.25	FI dinner
			6020.7 - ACEC TRAVEL staff train - Other		284.50	1,100.00	-815.50	25.86%	0.00	284.50	FI dinner
			Total 6020.7 - ACEC TRAVEL staff train		10,005.34	25,100.00	-15,094.66	39.86%	8,254.53	1,750.81	total
			6030 - BOARD EXPENSE		0.00	500.00	-500.00	0.0%	0.00	0.00	
			6045 - EDUCATION FUND EXP		0.00	2,000.00	-2,000.00	0.0%	0.00	0.00	
			6050 - COMMITTEE ACTIVITY							0.00	
			6050.1 - MEMBERSHIP		0.00	250.00	-250.00	0.0%	0.00	0.00	
			6050.2 - TRANSPORTATION		56.09	500.00	-443.91	11.22%	56.09	0.00	
			6050.3 - ENVIRONMENTAL		0.00	250.00	-250.00	0.0%	0.00	0.00	
			6050.4 - COMMUNICATIONS		316.25	250.00	66.25	126.5%	316.25	0.00	
			6050.5 - BRE		0.00	137.00	-137.00	0.0%	0.00	0.00	
			6050.6 - ADVOCACY/PAC		0.00	500.00	-500.00	0.0%	0.00	0.00	
			6050.7 - ADHOC/BYLAWS & INVESTMENTS		0.00	0.00	0.00	0.0%	0.00	0.00	
			Total 6050 - COMMITTEE ACTIVITY		372.34	1,887.00	-1,514.66	19.73%	372.34	0.00	
			6120 - LEGISLATIVE ACTIVITY							0.00	
			6120.2 - LOBBY FEES		292.96	416.00	-123.04	70.42%	84.96	208.00	filing
			6120.3 - ACTIVITIES EXPENSE		0.00	250.00	-250.00	0.0%	0.00	0.00	
			6120.4 - SC PAC CONTRIBUTIONS		22,500.00	0.00	22,500.00	100.0%	22,500.00	0.00	
			Total 6120 - LEGISLATIVE ACTIVITY		22,792.96	666.00	22,126.96	3,422.37%	22,584.96	208.00	total
			6130 - MEMBER MEETING EXPENSES							0.00	
			6130.1 - ENG. EXCELLENCE AWARDS		10,152.87	10,500.00	-347.13	96.69%	10,152.87	0.00	
			6130.13 - EEA PLAQUES		170.95	1,500.00	-1,329.05	11.4%	170.95	0.00	
			6130.15 - EAA PRINTING		1,651.22	1,500.00	151.22	110.08%	1,651.22	0.00	
			6130.2 - WINTER MEETING EXPENSE		4,975.56	8,000.00	-3,024.44	62.2%	0.00	4,975.56	winter mtg
			6130.3 - SCDOT MEETING EXPENSE		82,164.37	70,000.00	12,164.37	117.38%	78,064.67	4,099.70	dot mtg
			6130.4 - BOARD RETREAT EXPENSE		2,514.29	13,000.00	-10,485.71	19.34%	0.00	2,514.29	retreat mtg
			6130.6 - MEMBER EVENT EXPENSES							0.00	
			6130.61 - PAC EVENT EXPENSE		0.00	7,000.00	-7,000.00	0.0%	0.00	0.00	
			6130.62 - SPRING GOLF TOURNAMENT EXPENSE		0.00	16,000.00	-16,000.00	0.0%	0.00	0.00	
			Total 6130.6 - MEMBER EVENT EXPENSES		0.00	23,000.00	-23,000.00	0.0%	0.00	0.00	

			6130.70 - LEGISLATIVE RECEPTION	0.00	3,000.00	-3,000.00	0.0%	0.00	0.00	
			6130.80 - REGIONAL MEETINGS	0.00	4,000.00	-4,000.00	0.0%	0.00	0.00	
			Total 6130 - MEMBER MEETING EXPENSES	101,629.30	134,500.00	-32,870.70	75.56%	90,039.75	11,589.55	total
			6130.8 - FAR PROGRAM EXP	0.00	0.00	0.00	0.0%	0.00	0.00	
			6140 - FUTURE LEADERS PROGRAM EXPENSE	10,789.53	20,000.00	-9,210.47	53.96%	6,871.10	3,918.43	future leaders
			6160 - DUES AND SUBSCRIPTIONS						0.00	
			6160.1 - SCCFLR DUES	2,500.00	2,500.00	0.00	100.0%	2,500.00	0.00	
			6160.2 - SCFOR DUES	600.00	750.00	-150.00	80.0%	600.00	0.00	
			6160.3 - SCCSS DUES	0.00	200.00	-200.00	0.0%	0.00	0.00	
			Total 6160 - DUES AND SUBSCRIPTIONS	3,100.00	3,450.00	-350.00	89.86%	3,100.00	0.00	
			6200 - MANAGEMENT FEES	142,499.97	190,000.00	-47,500.03	75.0%	110,833.31	31,666.66	mgt fees
			6210 - MISCELLANEOUS OPERATIONS						0.00	
			6210.1 - PHOTOCOPIES	1,390.83	0.00	1,390.83	100.0%	990.44	400.39	copies
			6210.2 - POSTAGE	227.50	0.00	227.50	100.0%	157.26	70.24	postage
			6210.5 - 501 APP	0.00	0.00	0.00	0.0%	0.00	0.00	
			6210.6 - OFFICE SUPPLIES	344.22	5.40	338.82	6,374.44%	279.43	64.79	posters McMasters
			6210.8 - WEBSITE ELECTRONIC MARKETING	759.98	0.00	759.98	100.0%	300.00	459.98	
			6210.9 - WEB EX	116.32	29.99	86.33	367.86%	116.32	0.00	
			6210 - MISCELLANEOUS OPERATIONS - Other	-304.00	3,000.00	-3,304.00	-10.13%	-304.00	0.00	
			Total 6210 - MISCELLANEOUS OPERATIONS	2,534.85	3,035.39	-500.54	83.51%	1,539.45	995.40	total
			6215.1 - Intern	0.00	7,800.00	-7,800.00	0.0%	0.00	0.00	
			6410 - BANK CHARGES / CREDIT CARD FEES						0.00	
			6410.1 - CAROLINA FIRST SERVICE FEE	133.27	50.00	83.27	266.54%	121.27	12.00	bank fees
			6410.2 - PAYPAL EXPENSE	210.00	400.00	-190.00	52.5%	180.00	30.00	paypal
			6410.3 - REGONLINE EXPENSE	0.00	1,500.00	-1,500.00	0.0%	0.00	0.00	
			6410 - BANK CHARGES / CREDIT CARD FEES - Other	-13.44				-9.33	(4.09)	
			Total 6410 - BANK CHARGES / CREDIT CARD FEES	329.83	1,950.00	-1,620.17	16.91%	291.92	37.91	total
			6510 - LEGAL AND PROFESSIONAL SERVICES						0.00	
			6510.1 - ACCOUNTING & PROFESSIONAL SVCS	0.00	3,500.00	-3,500.00	0.0%	0.00	0.00	
			6510.2 - LEGAL & PROFESSIONAL SVCS FOR I	0.00	1,000.00	-1,000.00	0.0%	0.00	0.00	
			6510.5 - LIABILITY INSURANCE	0.00	350.00	-350.00	0.0%	0.00	0.00	
			Total 6510 - LEGAL AND PROFESSIONAL SERVICES	0.00	4,850.00	-4,850.00	0.0%	0.00	0.00	
			6610 - PUBLIC RELATIONS						0.00	
			6610.1 - PUBLIC RELATIONS & MARKETING						0.00	
			6610.6 - MAILCHIMP	271.01	700.00	-428.99	38.72%	200.82	70.19	mailchimp
			6610.1 - PUBLIC RELATIONS & MARKETING - Other	26,198.22	35,000.00	-8,801.78	74.86%	23,333.18	2,865.04	chernoff, centerpieces, sanitizer pens
			Total 6610.1 - PUBLIC RELATIONS & MARKETING	26,469.23	35,700.00	-9,230.77	74.14%	23,534.00	2,935.23	total
			6610.4 - AWARDS	0.00	200.00	-200.00	0.0%	0.00	0.00	
			6610.5 - ADVERTISING ON FACEBOOK	62.80	100.00	-37.20	62.8%	59.80	3.00	FB ad
			Total 6610 - PUBLIC RELATIONS	26,532.03	36,000.00	-9,467.97	73.7%	23,593.80	2,938.23	total
			7000 - MINUTE MAN MATCH	506.20	1,700.00	-1,193.80	29.78%	157.37	348.83	palmetto club
			Total Expense	396,734.35	526,951.39	-130,217.04	75.29%	343,280.53	53,453.82	total
			Net Income	108,886.25	-35.39	108,921.64	-307.675.19%	135,110.28	(26,224.04)	Net

**ACEC-SC**  
**Balance Sheet**  
As of July 29, 2022

			Jul 29, 22
<b>ASSETS</b>			
	<b>Current Assets</b>		
	Checking/Savings		
	1001 · ACEC-SC		10,000.00
	1010 · PAC		23,948.75
	1015 · ACEC-SC Education Foundation		8,442.54
	1210 · Edward Jones Money Market		297,531.28
	Total Checking/Savings		339,922.57
	Other Current Assets		
	1350 · Edward Jones Investments		300,000.00
	Total Other Current Assets		300,000.00
	Total Current Assets		639,922.57
<b>TOTAL ASSETS</b>			<b>639,922.57</b>
<b>LIABILITIES &amp; EQUITY</b>			
	<b>Equity</b>		
	3000 · OPENING BAL EQUITY		27,737.68
	3900 · RETAINED EARNINGS		612,184.89
	Total Equity		639,922.57
<b>TOTAL LIABILITIES &amp; EQUITY</b>			<b>639,922.57</b>

## ACEC- SC Strategic Action Plan

Strategic Goal	Measures of Success	Tactic	Responsibility	Due By	Progress Update
<b>Grow and diversify membership</b>	Have 100 member firms by 2023.  Do we need a metric for member diversity?	<ul style="list-style-type: none"> <li>Develop and Implement Membership Drive Program.                             <ul style="list-style-type: none"> <li>Update demographic data for SC firms.</li> <li>Establish member profiles to target.</li> <li>Create specific outreach program to non-majority firms.</li> <li>Create a specific outreach program to DBE/WBE and other minority owned firms.</li> </ul> </li> </ul>	Membership Committee; Gehman	January 1, 2021 (survey results) April 2021 plan Q1 2021-2022 implement	<ul style="list-style-type: none"> <li>MG to review data to prioritize member firms to target (size/ revenue/ employees)</li> <li>MG to schedule roadshow w/ priority firms</li> </ul>
		<ul style="list-style-type: none"> <li>Participate in Trade Shows of other Conferences where potential members attend.</li> </ul>	JMA (identify opportunities)	November 1, 2020 (list due) Events – as available	<ul style="list-style-type: none"> <li>MG/ AJ to prioritize opportunities</li> <li>All Board to attend events</li> </ul>
		<ul style="list-style-type: none"> <li>Develop and implement a survey to all engineering firms in SC to identify industry issues</li> </ul>	Membership Committee; Shiver, McClure	November 1, 2020	<ul style="list-style-type: none"> <li>Survey implementation should be completed by 11/7/2020</li> </ul>
<b>Grow our brand awareness</b>	Increase our reach and impressions to member and nonmember firms by [xx%] (determined from comms plan) Maybe get input from Chernoff Newman on this metric?	<ul style="list-style-type: none"> <li>Create and implement a Communication Plan and Strategy to increase exposure in the industry and with members.</li> <li>Hopefully we'll have a few tactics to add from the comm plan, including tactics targeted to support Grow and Diversify Membership</li> </ul>	Communications Committee; Ward, McClure, Chernoff Newman	April 2021 (Discuss) May 2021 (Decisions made) Q1 2021-2022 implement	<ul style="list-style-type: none"> <li>Selected firm – NPT December 2020</li> <li>Discovery Workshop December 2020</li> </ul>
<b>Grow the PAC and increase legislative influence</b>	Grow PAC income by 5% every year.  Maybe Chernoff Newman can help us with a metric to measure our legislative influence	<ul style="list-style-type: none"> <li>Re-establish Advocacy Committee; establish monthly call in meeting to discuss initiatives and progress. Establish a plan to achieve 5% growth on an annual basis.</li> </ul>	Kylie Page	December 1, 2020	
		<ul style="list-style-type: none"> <li>Increase participation in Engineering Day at the state house.</li> <li>Can we set a target of how many we would like to have present, say 50, or maybe more?</li> </ul>	Eppley, Jones, Williams, Butler	March 23, 2021	
		<ul style="list-style-type: none"> <li>Develop strategic partnerships with other Engineering, construction, business and industry organizations</li> <li>Adam leads this for us with other association executives. Do we need to have executive committee/board engagement with peers at other associations?</li> </ul>	Eppley, Jones, Williams, Butler	March 23, 2021	

ACEC- SC 2020-2021 Strategic Action Plan

<b>Energize and engage our membership</b>	Measures of success to be developed post survey	<ul style="list-style-type: none"><li>• Create value proposition for current and future members</li></ul>	Communications Committee; Ward, McClure, Chernoff Newman	May/June/August 2021	
	Maybe be able to include a metric from the comm plan that targets this goal	<ul style="list-style-type: none"><li>• Create plan for member engagement goals and a schedule of activities for 2020-2021</li></ul>	Membership Committee; Shiver, McClure	Q1 2021-2022	

# ACEC-SC KEY PERFORMANCE INDICATORS (KPI's)

2021-2022

Key Focus Areas	KPI's	End of FY2021	February	March
Grow & Diversify Membership	Regular Members	91	98	99
	Affiliate Members		11	11
	DBE Firms		3	3
	Non Transportation Firms		9	9
Grow Brand Awareness	LinkedIn Page Followers	466	1026	1062
	LinkedIn Unique Visits	61	148	72
	LinkedIn Page Views	135	248	147
	Facebook Likes	306	336	339
	Facebook Followers	382	416	419
	Facebook Views	162	2741	2889
	Twitter Followers	692	778	794
	Instagram Followers	62	102	112
	Unique Visits to the website	269	311	357
	Media Mentions		1	1
	Press Releases		0.5	1
	ACEC First Word Open rate	24.6	31%	27.74
Energize & Engage our membership	ACEC-SC/SCDOT Annual Meeting	488	716	716
	ACEC-SC/SCSPE Winter Meeting	74	8	37
	ACEC-SC EEA Entries	16	14	14
	ACEC-SC EEA Gala Attendees	104		0
	ACEC-SC PAC Fundraiser			
	ACEC-SC Planning Retreat	16	17	19
	ACEC-SC Golf Tournament	198		73
	ACEC-SC Membership Meetings	23		0
	ACEC-SC Virtual Meetings	80		1
	ACEC-SC Future Leaders Program		21	21
	ACEC-SC Transportation Committee Members/meeting attendee			86
	ACEC-SC Environmental Committee Members	5	7	7
	ACEC-SC Members attending ACEC Fall Conference		15	15
	ACEC-SC Members attending ACEC Annual		1	1

Grow PAC & Increase Legislative Influence	Legislative Touches	242	17	19
	Legislative Call To Action	1		0
	# of Bill Tracking	80	83	95
	# of Bill Introduced	1	1	1
	# of Bills ACEC-SC Supports	11	11	13
	# of Bills ACEC-SC opposes	7	10	10
	# of Bills ACEC-SC is monitoring	63	65	72
	Congressional Bills Tracking	4	3	3
	Congressional Calls to action	14	0	0
	ACEC-SC PAC \$ Collected	21,669.47	\$ 21,669.47	\$ 22,843.57
	ACEC PAC Contributions	\$ 4,700.00	\$ 41.00	\$ 508.00
	ACEC PAC Distributed	2500	\$ 3,000.00	\$ 3,000.00
	ACEC-SC PAC Expenditures	21750	\$ 21,500.00	\$ 25,000.00
	Properly used Legislative Relationships	5	6	9
	Engineer Day on the Hill Attendees	26	25	25



## Executive Director's Report

### Legislative Report

- IIJA Funding
  - ACEC-SC is advocating for \$200 Million annually in reoccurring funds to come to SCDOT.
  - Spoke with Governor McMaster about this on 1/24/2022
  - *The State* published ACEC-SC Chairman Matt Gehman's op-ed on 2/11/2022
  - Sent letter to House Ways & Means committee 2/21/2022
    - ✓ Hand-delivered letters to each member 2/22/2022
  - House Ways & Means allocated \$120 Million in recurring funds to match IIJA
  - W&M also allocated
    - \$176.5 Million Rural Interstate Funding
    - \$5 Million for Surface Transportation
    - \$250 Million CTC Acceleration
  - It still has to pass on the House floor
  - Senate Finance will have their chance to allocate more
  - ACEC National has not come out against December 16 memo from FHWA
- PPP Far Credits Clause
  - 54 members of Congress have signed on to the amendment to fix the issue
    - 31 Democrats & 23 Republicans
- ARPA Funding
  - House allocated \$453.5 Million to SCDOT
  - House allocated \$ \$800 Million to RIA for Water
  - House allocated \$400 Million for ORS for Broadband
  - House allocated \$100 Million to Office of Resilience
  - House allocated \$8 Million to the Department of Administration
  - Senate allocated \$453.5 Million to SCDOT
  - Senate allocated \$900 Million to RIA for Water
  - Senate allocated \$400 Million to ORS for Broadband
    - House & Senate differ so heading to Conference Committee
- S.2 (Breaking up of DHEC)
  - Creates Department of Health
  - Creates Department of Environmental Affairs
  - Cabinet Position (appointed by Governor)
    - Does away with SCDHEC Board
    - Head of DHEC will be Head of DOH - interim
    - Myra Reese Department of Environmental Affairs – interim
  - Passed out of Committee
  - Going to Senate Floor
- ACEC-SC is tracking 95 pieces of legislation
- We're waiting to see what other states/National recommends for our Consulting Congress Day
- ACEC-SC Transportation Executives Committee is meeting with SCDOT on 3/7/2022
  - Draft Charter from the committee is in the packet
  - Minutes from 3/7/2022 & accompanying documents in packet
  - Draft Charter for ACEC-SC/SCDOT TEC in Packet

- Will be covered by Berry Still
- ACEC-SC Engineering Excellence Awards is scheduled for April 13, 2022, at the USC Alumni Center
  - We'd like to invite Secretary Hall, Deputy Secretaries Colvin, Powell, and Rewis, SCDOT staff who worked on winning projects
  - Need Emcee (two ideas where both busy on this day)
    - I've reached out to Columbia Chamber CEO
- ACEC-SC Environmental Committee
  - Great job putting together the Winter Meeting Track
    - Better attended than Business Track
  - Myra Reese would like to meet again soon
    - Staff retiring soon, get so establish a relationship with current and incoming staff
  - S.2 Discussion
- ACEC-SC / SCSPE Winter Meeting
  - Decent turn out
  - Good Keynote
  - Can attend virtually until the end of the month
- The ACEC-SC Scholarship Golf Tournament is on April 18, 2022 at the Country Club of Lexington
  - Limited availability due to course golf cart availability - SOLD OUT
- SC Engineering Conference
  - Need Speakers
  - Will be hosting SC Engineering Conference Committee meeting in March to discuss speakers & 2023 location


  
 AMERICAN COUNCIL OF ENGINEERING COMPANIES  
*of South Carolina*

Bill Number	Bill Title	Author	Current Status
SB2	DHEC REORGANIZATION	PEELER, JR. H	3/3/2022 - Committee report Favorable with amendment Medical Affairs
SJR17	EXTENSION OF GOVERNMENT APPROVALS AFFECTING ECONOMIC DEVELOPMENT	RANKIN L	3/8/2022 - Referred to Committee House Ways and Means
SB34	INTERNATIONAL REGISTRATION	GROOMS L	1/12/2021 - Referred to Committee Senate Transportation
SB40	PARKING	GROOMS L	6/1/2021 - Act No 89
SB100	UTILITY FACILITY SITING AND ENVIRONMENTAL PROTECTION ACT	CROMER R	1/12/2021 - Referred to Committee Senate Judiciary
SB108	GEOLOGICAL SURVEY UNIT	CAMPSEN, III G	3/10/2021 - Referred to Committee House Agriculture, Natural Resources and Environmental Affairs
SB145	TORTFEASORS ACT	MASSEY A	1/12/2021 - Referred to Committee Senate Judiciary
SJR147	SOUTH CAROLINA COVID-19 LIABILITY SAFE HARBOR ACT	MASSEY A	7/2/2021 - Act No 99
SB162	SOLID WASTE POLICY AND MANAGEMENT	SCOTT, JR. J	1/12/2021 - Referred to Committee Senate Medical Affairs
SB178	NAMING OF BUILDING, HIGHWAY FACILITY, OR CERTAIN TRACTS OF LAND	HEMBREE G	1/12/2021 - Referred to Committee Senate Transportation
SJR219	POLLUTANTS IN PUBLIC WATER SYSTEMS	MCELVEEN, III J	2/17/2022 - Senate Medical Affairs, (Bill Scheduled for Hearing): Time & Location: 10:00 AM - Gressette 308
SB220	SOUTH CAROLINA THIRTY-BY-THIRTY CONSERVATION ACT	MCELVEEN, III J	1/12/2021 - Referred to Committee Senate Agriculture and Natural Resources
SB240	SPECIAL PROVISIONS AFFECTING GAS, WATER, OR PIPELINE COMPANIES	YOUNG, JR. T	1/12/2021 - Referred to Committee Senate Judiciary
SB248	SOUTH CAROLINA HANDS-FREE ACT	YOUNG, JR. T	3/1/2022 - Referred to Committee House Judiciary
SB271	ABANDONED BUILDINGS REVITALIZATION ACT	TALLEY S	4/28/2021 - Act No. 21
SB290	CERTIFICATE OF NEED	CLIMER W	1/25/2022 - Roll call Ayes-35 Nays-6
SB294	RATES AND CHARGES FOR ELECTRIC UTILITIES AND COOPERATIVES	CLIMER W	1/12/2021 - Referred to Committee Senate Judiciary
SB304	ELECTRIC UTILITY AND ELECTRIC VEHICLE CHARGING STATION	CLIMER W	5/17/2021 - SIGNED BY GOVERNOR
SB316	DEFINITION OF PUBLIC UTILITY	FANNING M	1/12/2021 - Referred to Committee Senate Judiciary
SJR406	RULES	MASSEY A	
SR406	RULES	MASSEY A	1/12/2021 - Introduced and adopted
SB422	INDEMNIFICATION PROVISIONS IN CONSTRUCTION AGREEMENTS	ALEXANDER T	1/12/2021 - Referred to Committee Senate Judiciary
SB434	OPERATING A VEHICLE IN THE LEFT LANE	PEELER, JR. H	3/17/2021 - Senate Transportation, (Bill Scheduled for Hearing): Time & Location: 11:00 AM - Gressette - 105
SB437	MASS TRANSIT SYSTEM TOLLS	SCOTT, JR. J	1/12/2021 - Referred to Committee Senate Transportation
SB442	DEPARTMENT OF MOTOR VEHICLE REGISTRATION, LICENSING, TAX COLLECTION, AND FEES	GROOMS L	3/31/2021 - Senate Transportation Subcommittee-Transportation, (Bill Scheduled for
SB443	ISSUANCE OF BONDS TO DEFRAY THE COST OF INFRASTRUCTURE FOR CERTAIN ECONOMIC DEVELOPMENT PROJECTS	LEATHERMAN, SR. H	1/28/2021 - Senate Natural Resources & Economic Development Subcommittee, (Bill Scheduled for
SB447	LEE COUNTY TRANSPORTATION COMMITTEE	MALLOY G	3/17/2021 - Referred to Lee Delegation
SB460	STATE FIRE MARSHAL	ALEXANDER T	3/1/2022 - STATEWIDE SECOND READING BILLS Contested by Senator Rankin
SB464	SANTEE COOPER REFORM	RANKIN L	3/1/2022 - STATEWIDE THIRD READING BILLS Contested by Senator Rankin
SJR491	GENERAL OBLIGATION STATE ECONOMIC DEVELOPMENT BONDS	LEATHERMAN, SR. H	2/25/2021 - Scrivener's error corrected
SB525	SOUTH CAROLINA SOLID WASTE POLICY AND MANAGEMENT ACT	GAMBRELL M	2/2/2022 - Effective date 01/27/2022
SJR560	HEIRS PROPERTY STUDY COMMITTEE	SCOTT, JR. J	3/2/2022 - Referred to Committee House Judiciary
SB587	ECONOMIC DEVELOPMENT BONDS FOR CONVENTIONS AND TRADE SHOWS	TURNER R	5/17/2021 - SIGNED BY GOVERNOR
SB596	PREPRODUCTION PLASTIC	SENN S	2/16/2022 - House Agriculture, Natural Resources and Environmental Affairs, (Bill Scheduled for
SB627	PASS THROUGH TRADE AND BUSINESS INCOME	BENNETT S	5/17/2021 - SIGNED BY GOVERNOR
SR664	ENGINEERS DAY	ALEXANDER T	3/11/2021 - Introduced and adopted
SB934	SOUTH CAROLINA BUILDING CODES COUNCIL	DAVIS T	2/24/2022 - Referred to Committee House Labor, Commerce and Industry
SJR952	AMERICAN RESCUE PLAN AUTHORIZATIONS	PEELER, JR. H	2/17/2022 - Referred to Committee House Ways and Means
SJR956	SAVANNAH RIVER SETTLEMENT APPROPRIATIONS	PEELER, JR. H	2/17/2022 - Referred to Committee House Ways and Means
SB1010	WATER SUPPLY	GAMBRELL M	2/22/2022 - Referred to Committee House Agriculture, Natural Resources and Environmental Affairs

SB1031	REGISTER OF DEEDS	CAMPSEN, III G	2/23/2022 - Senate Judiciary Subcommittee, (Bill Scheduled for Hearing): Time & Location: 11:00 AM - Gressettee 105
HB3011	SLOWER TRAFFIC TO MOVE RIGHT	WEST, IV J	5/17/2021 - SIGNED BY GOVERNOR
HB3051	DEPARTMENT OF TRANSPORTATION CONSTRUCTION FEASIBILITY DETERMINATION	PENDARVIS M	1/12/2021 - Referred to Committee House Education and Public Works
HB3053	NATURAL RESOURCES	HIXON B	1/12/2021 - Referred to Committee House Agriculture, Natural Resources and Environmental Affairs
HB3055	NATURAL RESOURCES	HIXON B	3/1/2022 - STATEWIDE SECOND READING BILLS Contested by Senators Setzler and Climer
HB3111	EASTERN STANDARD TIME	CHUMLEY B	2/2/2021 - Member(s) request name added as sponsor : Thayer
HB3126	COVID-19 VACCINE OR MASK ENFORCEMENT PROHIBITION	JONES S	2/22/2022 - Senate Committee recommends passage Finance Committee
HB3146	GROWING RURAL ECONOMIES WITH ACCESS TO TECHNOLOGY (GREAT) PROGRAM	WHITE W	3/9/2021 - Member(s) request name added as sponsor : McDaniel
HB3155	MINIMUM SPEED LIMITS	RUTHERFORD T	2/17/2021 - House Transportation Subcommittee- EPW, (Bill Scheduled for Hearing): Time & Location: 9:01 AM - Blatt 433
HB3191	MULTIFAMILY DWELLING BALCONY CODE	DAVIS S	2/2/2021 - Member(s) request name added as sponsor : Bernstein
HB3194	SANTEE COOPER	LUCAS J	6/15/2021 - SIGNED BY GOVERNOR
HB3200	LOBBYING	ROSE S	1/13/2021 - Member(s) request name added as sponsor : Caskey
HB3204	DEFINITIONS IN UTILITY FACILITY SITING AND ENVIRONMENTAL PROTECTION ACT	SMITH, JR. G	2/23/2021 - Member(s) request name added as sponsor : West
HB3243	IMMIGRATION AND OCCUPATIONAL LICENSURE	COLLINS N	3/1/2022 - STATEWIDE SECOND READING BILLS Contested by Senator Kimbrell
HB3248	INCREASED FUNDING FOR PUBLIC INSTITUTIONS OF HIGHER LEARNING	WHITE W	1/12/2021 - Referred to Committee House Ways and Means
HB3277	PAYMENT FOR ATTENDANCE OF MEETINGS	GILLIAM L	1/12/2021 - Referred to Committee
HB3291	POSTING OF NOTICE OF TRESPASSING	POPE T	3/17/2021 - Referred to Committee
HB3297	TORT CLAIMS ACT	RUTHERFORD T	1/12/2021 - Referred to Committee House Judiciary
HJR3329	EXEMPT CLOSE-CONTACT SERVICE PROVIDERS FROM CONTINUING EDUCATION REQUIREMENTS	MCKNIGHT C	1/12/2021 - Referred to Committee House Labor, Commerce and Industry
HB3334	QUESTIONS ABOUT CONVICTIONS ON JOB APPLICATIONS	RUTHERFORD T	1/14/2021 - Member(s) request name added as sponsor : J.L.Johnson
HB3354	RENEWABLE ENERGY RESOURCE PROPERTY TAX EXEMPTION	BALLENTINE N	5/17/2021 - SIGNED BY GOVERNOR
HB3360	HANDS-FREE ACT	TAYLOR B	1/13/2021 - Member(s) request name added as sponsor : McGinnis
HB3392	SALES TAX	POPE T	2/25/2021 - Member(s) request name removed as sponsor : Oremus
HR3434	NATIONAL INFRASTRUCTURE BANK	WILLIAMS R	1/12/2021 - Referred to Committee House Invitations and Memorial Resolutions
HB3443	GUBERNATORIAL PROCLAMATIONS OF EMERGENCY	LUCAS J	3/17/2021 - Member(s) request name added as sponsor : Ligon
HB3474	EMPLOYMENT APPLICATION QUESTIONS ABOUT CRIMINAL CONVICTION	ROBINSON L	1/13/2021 - Member(s) request name added as sponsor : J.L.Johnson
HB3483	ROAD USE FEE	WILLIAMS S	1/12/2021 - Referred to Committee House Ways and Means
HB3529	DIGITAL CURRENCY AS CONTRIBUTIONS	JONES S	1/27/2021 - Member(s) request name added as sponsor : Hill, Alexander
HB3535	TRANSPORTATION	THIGPEN I	1/12/2021 - Referred to Committee House Education and Public Works
HB3559	PARTNERSHIP FOR PUBLIC FACILITIES AND INFRASTRUCTURE ACT	MOORE J	1/26/2021 - Scrivener's error corrected
HB3574	SAFE WATER ACT	CLYBURN B	2/23/2022 - House Military, Local Government & Public Affairs -3M, (Bill Scheduled for
HCR3578	COVID-19 TESTING AND VACCINE	MOORE J	1/12/2021 - Referred to Committee House Invitations and Memorial Resolutions
HJR3597	SOUTH CAROLINA COVID-19 LIABILITY SAFE HARBOR ACT	TAYLOR B	2/10/2021 - Member(s) request name added as sponsor : Forrest
HB3601	REPAIRING OF DAMS	OTT R	1/12/2021 - Referred to Committee House Education and Public Works
HB3606	BUILDING PERMIT REQUIREMENTS	SMITH, JR. G	3/1/2022 - STATEWIDE SECOND READING BILLS Contested by Senator Corbin
HB3607	ECONOMIC DEVELOPMENT BOND	LUCAS J	1/27/2021 - Recommitted to Committee on Ways and Means
HB3674	ANNUAL PROPERTY TAX MILLAGE	HART C	1/14/2021 - Referred to Committee House Ways and Means
HB3683	,ÄSOUTH CAROLINA RATEPAYER PROTECTION ACT OF 2021,Ä	LUCAS J	3/18/2021 - House Labor, Commerce and Industry, (Bill Scheduled for Hearing): Time & Location: 9:00 AM - Blatt - 403
HB3689	COMMERCIAL VEHICLE REGISTRATION UNDER A USDOT NUMBER	ALLISON M	5/13/2021 - Act No. 37
HJR3698	COVID-19 LIABILITY	POPE T	2/10/2021 - Member(s) request name added as sponsor : Taylor
HB3750	TORTFEASORS ACT,	HIOTT D	3/18/2021 - Member(s) request name added as sponsor : Dabney
HB3751	SCHOOL CONSTRUCTION	THAYER A	2/2/2021 - Member(s) request name added as sponsor : Felder

HB3766	ABOLISH DEPARTMENT AND BOARD OF HEALTH AND ENVIRONMENTAL CONTROL	YOW R	1/28/2021 - Referred to Committee House Judiciary
HB3892	SOLID WASTE MANAGEMENT AND MINING, PERMITTING PROHIBITIONS	YOW R	1/26/2022 - House Agriculture, Natural Resources and Environmental Affairs, (Bill Scheduled for
HB3893	UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION	NEWTON W	2/16/2021 - Referred to Committee House Judiciary
HR4044	ENGINEERS DAY	NUTT R	3/9/2021 - Introduced and adopted
HB4060	BUILDING CODES	SANDIFER, III W	4/7/2021 - Referred to Committee Senate Labor, Commerce and Industry
HB4062	EXPERT WITNESSES AND CONSULTANTS	SANDIFER, III W	3/17/2022 - Senate Judiciary Subcommittee, (Bill Scheduled for Hearing): Time & Location: 9:00 AM. Gressettee 105
HB4090	DEPARTMENT OF TRANSPORTATION EXPENDITURE REPORT	HADDON P	3/24/2021 - Member(s) request name added as sponsor : Hill
HB4091	USER FEE ON GASOLINE	HADDON P	3/24/2021 - Member(s) request name added as sponsor : Hill
HB4092	REPEAL USER FEE ON MOTOR FUEL	HADDON P	3/17/2021 - Referred to Committee House Ways and Means
HB4100	FY 2021-2022 GENERAL APPROPRIATIONS	SMITH, JR. G	7/1/2021 - Act No 94
HB4178	LOCAL GOVERNMENT PLANNING - PLANNING COMMISSION APPEALS	BANNISTER B	4/7/2021 - Referred to Committee House Judiciary
HB4611	TAX CREDIT FOR HOME OFFICE	WHITE W	1/11/2022 - Referred to Committee House Ways and Means

*The American Council of Engineering Companies of South Carolina  
cordially invites you to attend the*

# *2022 Engineering Excellence Awards Gala*

**April 13, 2022**

**University of South Carolina Alumni Center  
900 Senate St., Columbia, S.C. 29201**

**6:30 P.M. Reception & Project Viewing / 7:30 P.M. Awards**

**Return the RSVP to register for the event.**

**ACEC**

**AMERICAN COUNCIL OF ENGINEERING COMPANIES  
of South Carolina**





ACEC

AMERICAN COUNCIL OF ENGINEERING COMPANIES  
of South Carolina

The ACEC-SC  
Scholarship Golf  
Tournament is now

**SOLD OUT**



***Registration is open!***

**June 9 - June 11**

Embassy Suites  
Convention Center  
of North Charleston



**2022**  
**SC ENGINEERING**  
CONFERENCE & TRADE SHOW





## **ACEC-SC/SCDOT Transportation Executives Committee Meeting**

**March 7, 2022**

**SCDOT HQ**

**Call To Order:** The meeting was called to order at 2:34 PM. Deputy Secretary Leland Colvin informed the Committee that Secretary of Transportation Hall was out sick but thanked everyone for coming. The following were in attendance: Deputy Secretary of Intermodal Planning, Brent Rewis, Deputy Secretary of Engineering, Leland Colvin, Deputy Secretary of Finance, Justin Powell, Rick Day, David Kinard, Jim O'Connor, Ed Parrish, Berry Still, Derek Staton, and Adam B. Jones. Gina Bennett-Norris attended via telephone.

**TEC Purpose & Overview:** After introductions, Colvin discussed why the Transportation Executives Committee is needed. Colvin explained SCDOT has a similar relationship with the contractors, asphalt providers, and aggregates. Though ACEC-SC and SCDOT have an existing partnership, there was no vehicle for Executive level discussion.

This Committee will aim to talk about essential issues to SCDOT and ACEC-SC and how we can work together to achieve these initiatives. SCDOT was not doing as much Design-Build Work and very little CEI work when the Partnering Committee Charter was signed. The industry has changed, and a charter to reflect this change is needed.

Colvin gave examples of issues in the past SCDOT thinks would have come to this Committee:

- Motor Fuel User Fee Increase Implementation
- Two-Tier Selection
- SCDOT/ACEC-SC/CarolinasAGC/SCAPA Joint COVID-19 Workforce Safety Protocols

The Committee looked at the 2011 ACEC-SC/SCDOT Partnering Agreement and Charter and the makeup of that Committee. The Committee agreed that a Charter for this group should be created. Still said, ACEC-SC has been working on a Charter. Jones added there is a draft internal charters and an ACEC-SC/SCDOT Charter that we can share.

ACEC-SC sees this Committee as a place to have conversations with SCDOT. Fair to both ACEC-SC and SCDOT and a place we can speak candidly. It was agreed that no one will be representing their firm but rather represent the consulting industry. A charter will show the transparency of the Transportation Executives Committee.

**SCDOT's 2022 Legislative Priorities:** To set the stage, Deputy Secretary Leland Colvin went over SCDOT's ten-year plan, which is the basis of its legislative priorities.

SCDOT's ten-year plan focuses on:

- Rural Road Safety
- Paving
- Bridges
- Interstates

Colvin said a simple message was vital for the passage of the motor fuel user fee, and the final \$0.02 will be implemented in July. SCDOT is sticking to these priorities. Since the passage of the roads bill in 2016, SCDOT has tripled its construction program while quadrupling the design/professional services program.

Since the passage of the increase in the motor fuel user fee in 2017 (Act 40), South Carolina has become the 10<sup>th</sup> fastest-growing population, which has impacts on the roadways of South Carolina, which presents a new gap in the transportation system. The most significant gap is in the Regional Mobility program. Deputy Secretary Rewis explained that ACT 114 has done a good job prioritizing needs. Still, the Regional Mobility plan will be even more data-driven and will examine things like cost-benefit analysis.

Derek Staton asked if Transit is in the new program. Rewis said transit routes would have higher priority. Signal retiming program and other areas will be looked at. Rewis said Regional Mobility would take a while, but the Department is working hard on it.

Colvin then gave a rundown on the dollars that will be coming from the passage of the Infrastructure Investment and Jobs Act (IIJA) and American Rescue Plan Act (ARPA), as well as Savannah River Site Settlement (SRS funds). Colvin said for the IIJA dollars, South Carolina will need to match this money. This year, their priority at the General Assembly has been seeking a minimum of \$100 million to match the IIJA funds so SCDOT can draw them down.

They are asking for \$200 million to take advantage of “after August dollars” and possibly target two specific projects that could need digressionary grants. Colvin said SCDOT will use caution on which grants to pursue, but SCDOT does intend to look at grants for the Lake Marion Bridge on I-95 and the Pee-Dee Bridge. SCDOT will use the money coming from IIJA to advance its 10-year plan. If a grant fits into that plan, they may pursue a grant for a specific project on the 10-year plan. SCDOT prefers money from formulas and “after August” dollars over grants. Colvin reiterated that if a grant opportunity for something in the existing pipeline presents itself, they may pursue a grant. Still, the Department does not plan on chasing grant dollars just for the money.

SCDOT is looking into creating an on-call program for state roads for which a county may pursue a grant.

The discussion then moved on to the FHWA memorandum from December 16, 2021, regarding how FHWA would like the money from the IIJA to be used. The guidelines laid out by FHWA are trying to use a one-size-fits-all approach, but every state is different. SCDOT did preliminary work to be ready to draw down these funds and feels like states should choose which projects are priorities

SCDOT will be watching for Federal overreach as the memorandum pushes the administration’s agenda.

Jones said ACEC-SC would meet with the Congressional Delegation in May and voice its opinion in opposition to the December 16 FHWA Memorandum.

Jones committed to helping in any way and asked for any messaging, so ACEC-SC is sending a unified message.

**ACEC-SC Priorities:** ACEC-SC Executive Director Adam B. Jones said all of SCDOT's Legislative priorities are ACEC-SC's legislative priorities this year. Jones said ACEC-SC had written an opinion piece published by The State stating why SCDOT needs the matching funds. Jones said they had met with the Governor, and they spoke about the need for the reoccurring money SCDOT needs. ACEC-SC has also been advocating at the General Assembly for these dollars. A letter was sent to House Ways & Means in favor of the \$200 million and will also lobby the Senate.

Jones said another priority for ACEC-SC is the Designer Fair Contracting Act (S. 422.). ACEC-SC firms are often asked to sign contracts that require them to indemnify, hold harmless, and defend an owner or unrelated third parties against claims for damages that are outside the scope of the firm's work and or control. Jones explained South Carolina is one of the last states in the region to pass indemnity/duty to defend language. He said ACEC-SC firms have no issue indemnifying an owner for their own negligence and mistakes, and this bill does not change that.

Colvin asked about a specific example in which negligence would be a gray area. Jones said he would look into this. He said CarolinasAGC is against the bill, but it was important to ACEC-SC and would like to find a way for SCDOT to not stand in opposition. Jones said this bill would not pass this year, but they are working on educating the General Assembly, so when it is reintroduced next year, it will get traction.

O'Connor added that, until recently, Design/Build Contracts have had good language in them, but they have recently been taken out of these contracts.

Jones said he focused on legislative priorities after seeing the agenda, so he opened it up to the Committee.

O'Connor said the issue with cost escalation is a priority for ACEC-SC. He said we would like to be proactive about solving this problem, not reactive.

Colvin said that they are working on getting a hand on this internally. Colvin said some issues may be discussed at the Transportation Executives Committee level but may be pushed down to the Partnering Committee or a Subcommittee to be worked out.

Jones closed the ACEC-SC Priorities saying that it is a priority of ACEC-SC to make this a true partnership.

**Future Agenda Items:** The following were talked about for future agenda items for the ACEC-SC/SCDOT Transportation Executives Committee:

- Cost Escalation:
  - 30% has been a figure used.
    - Is that across the board?
    - What states are being compared?
  - Over scoping vs. under designing
  - Construction Cost
  - Scoping
  - Salary Cap?
- Contracting Type:
  - How SCDOT chooses projects
    - On-call vs. Project Specific project-specific and on-call
      - Be more transparent
      - More predictable
      - Ways to streamline, maximize competition
    - Bundling Bridges
    - Lump-Sum Contracts
    - DBE Issues

**Meeting Calendar:**

- Bi-Annually
  - More if needed
- Next meeting in 2022 after Legislature adjourns
  - Mid to late July.

The meeting adjourned at 4:07 PM.

Respectfully submitted by:

Adam B. Jones

Executive Director

ACEC-SC

## **SCDOT/ACEC Executive Committee Agenda**

- Welcome
- Introductions
- Executive Committee Purpose & Overview
- Funding Overview
- SCDOT's 2022 Legislative Priorities
  - State Funding Requests & Status
  - FHWA Guidance Document & Response
  - IIJA Grant Opportunities (State & Local)
- ACEC 2022 Priorities
  - S.422 (indemnification)
- Future Agenda Items
- Meeting Calendar
- Adjourn



## SCDOT/ACEC-SC PARTNERING AGREEMENT CHARTER

By this document, the South Carolina Department of Transportation (SCDOT) and the American Council of Engineering Companies of South Carolina (ACEC-SC) renews the previously established partnering agreement originated in May 1998.

### MISSION STATEMENT

To provide a forum for improving the coordination and understanding between SCDOT and the consulting community as it relates to the development of transportation projects. SCDOT and the consultants each have resources and expertise that should be combined in a coordinated effort for the mutual benefit of the traveling public and taxpayers of South Carolina.

### GOALS AND OBJECTIVES

To attain this mission, the agreement sets forth the following goals and objectives:

- Promote improved relationships, communications, and coordination between SCDOT and the consulting community.
- Develop and promote the application of ethical and effective business practices that enhance the quality and value of transportation projects and services.
- Participants will work together to promote and improve the public image of transportation.
- Promote training and education for all participants to better understand each other's roles and relationships.
- Promote cost-effectiveness in the design, construction, management, and operation of transportation projects.
- Mutually develop and support contract agreements.
- Promote qualifications based selection (QBS) of engineering services, in accordance with current laws and regulations.
- Evaluate alternative designs, finance, and construction procedures.
- Promote quality assurance of projects.
- Cooperate and jointly plan continuing education and training so that all participants can maintain technical excellence on transportation projects.

### SCDOT/ACEC-SC PARTNERING COMMITTEE

The SCDOT/ACEC-SC Partnering Committee shall be composed of the following:

#### SCDOT

Director of Preconstruction – Co-Chair  
4 Regional Production Engineers  
Preconstruction Support Engineer  
Director of Construction  
2 SCDOT Mid-Level Designers


#### ACEC-SC

Transportation Committee Chair  
Transportation Committee Co-Chair  
Executive Director, ACEC-SC  
1 ACEC-SC Board Member  
2 ACEC-SC Members  
5 ACEC-SC Alternate Members  
2 ACEC-SC Mid-Level Designer

Additionally, the SCDOT Secretary of Transportation; Deputy Secretaries for Engineering, Finance, and Intermodal and Freight Programs; Chief Engineer for Planning, Location, and Design; Chief Engineer for Operations; Directors of Traffic Engineering, Maintenance, and Planning may be invited should topics of mutual interest be placed on the agenda for discussion. The Division Administrator of the Federal Highway Administration will be invited to all meetings.

The SCDOT/ACEC-SC Partnering Committee shall conduct quarterly meetings. The two co-chairs are responsible for setting the agendas for the quarterly meetings. They will serve as contact persons for the committee. Meeting minutes, as appropriate, will be kept by the ACEC-SC Executive Director.

This SCDOT/ACEC-SC Partnering Agreement has been agreed upon by both SCDOT and ACEC-SC.

  
John V. Walsh  
Deputy Secretary for Engineering

Date: Feb 11, 2011

  
Joe S. Jones  
ACEC-SC Executive Director

Date: Feb 11, 2011

March 7, 2022

# SCDOT/ACEC Executive Committee

The logo for the South Carolina Department of Transportation (SCDOT) is located in the bottom right corner of a dark blue horizontal bar. The logo consists of the letters "SCDOT" in a bold, white, sans-serif font. The letter "O" is stylized with three horizontal lines passing through it, representing a road or a bridge. The background of the bar features a faint, abstract pattern of light blue and white lines, suggesting a network or infrastructure.





**4<sup>th</sup> largest state highway system  
in the United States**

**serving the**



**10<sup>th</sup> fastest population growth rate  
in the United States.**





**SC dramatically increased Road and Bridge funding in 2017 which enabled the launching of a Strategic 10-Year Plan to repair and make some upgrades to the transportation network.**

***Rural Road Safety***



***Paving***



***Bridges***



***Interstates***

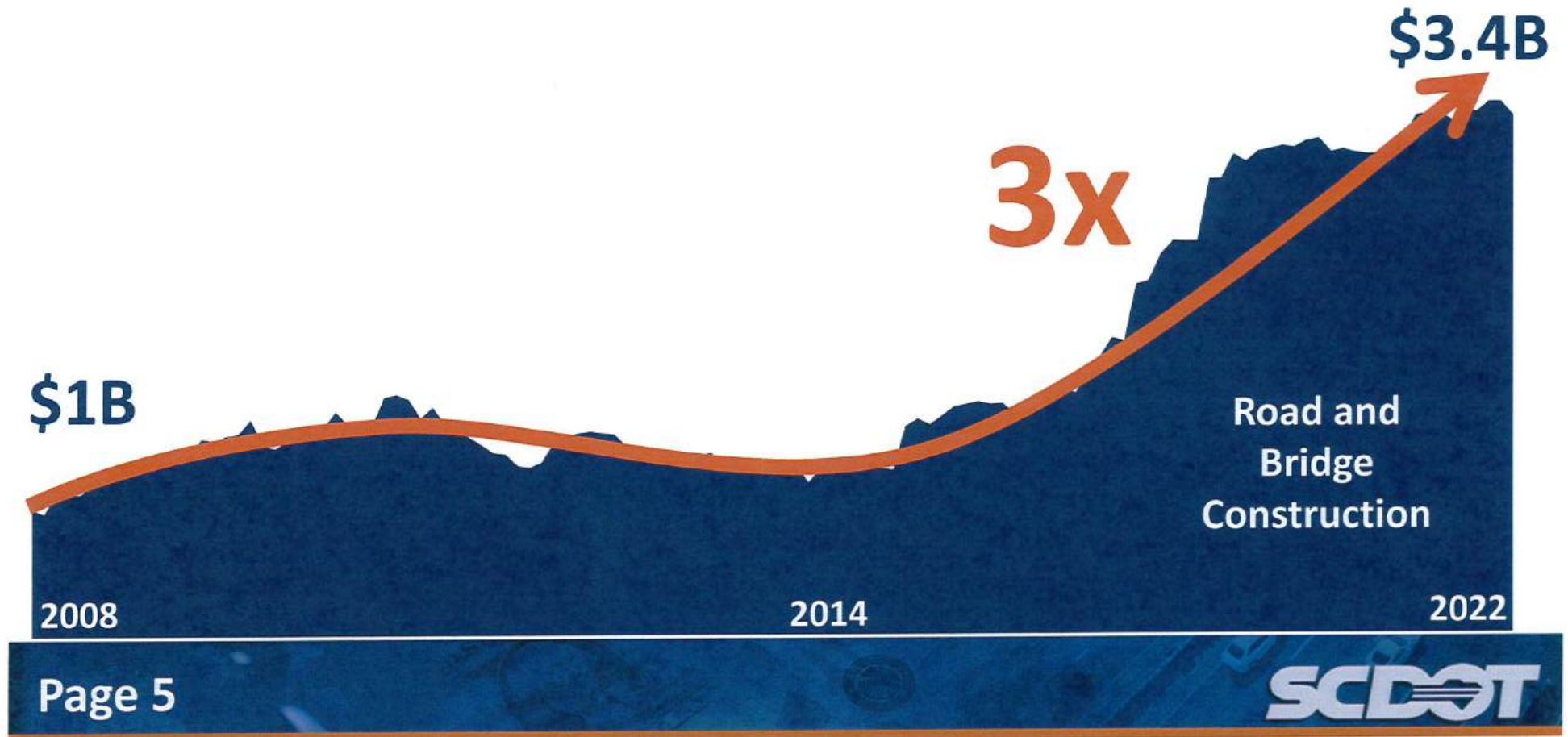


## The final 2¢ of the gas tax increase will occur July 2022





## Road and Bridge Construction in SC has Tripled



# 10-Year Plan Accomplishments

## *Rural Road Safety*



**713** miles

New Target of  
1250 miles

## *Paving*



**>5500** miles

Pavements  
measuring  
% Good have  
doubled

## *Bridges*



**217** bridges

New Target of  
500 bridges

## *Interstates*



**80** miles

Minimum of  
140 miles  
Targeted





**Now we must incorporate projects into our 10-Year Plan to deal with the growth and economic development needs of our state.**



## Increased Federal Funding is Available to SCDOT



**≈\$250M more annually is available**

**BUT**

**It will require at least \$100M per  
year in matching funds.**



# Planned Use of the Increased Federal Funding

**+ \$100M**



*Rural Economic  
Development  
Projects*

**+ \$69M**



*Urban Projects to  
Combat  
Congestion &  
Delay*

**+ \$68M**



*More Bridge  
Projects*

**+ \$68M**



*More Paving &  
Safety Projects*

**+ \$30M**



*More Interstate  
Work*

**\$15M**



*Drainage  
Projects*

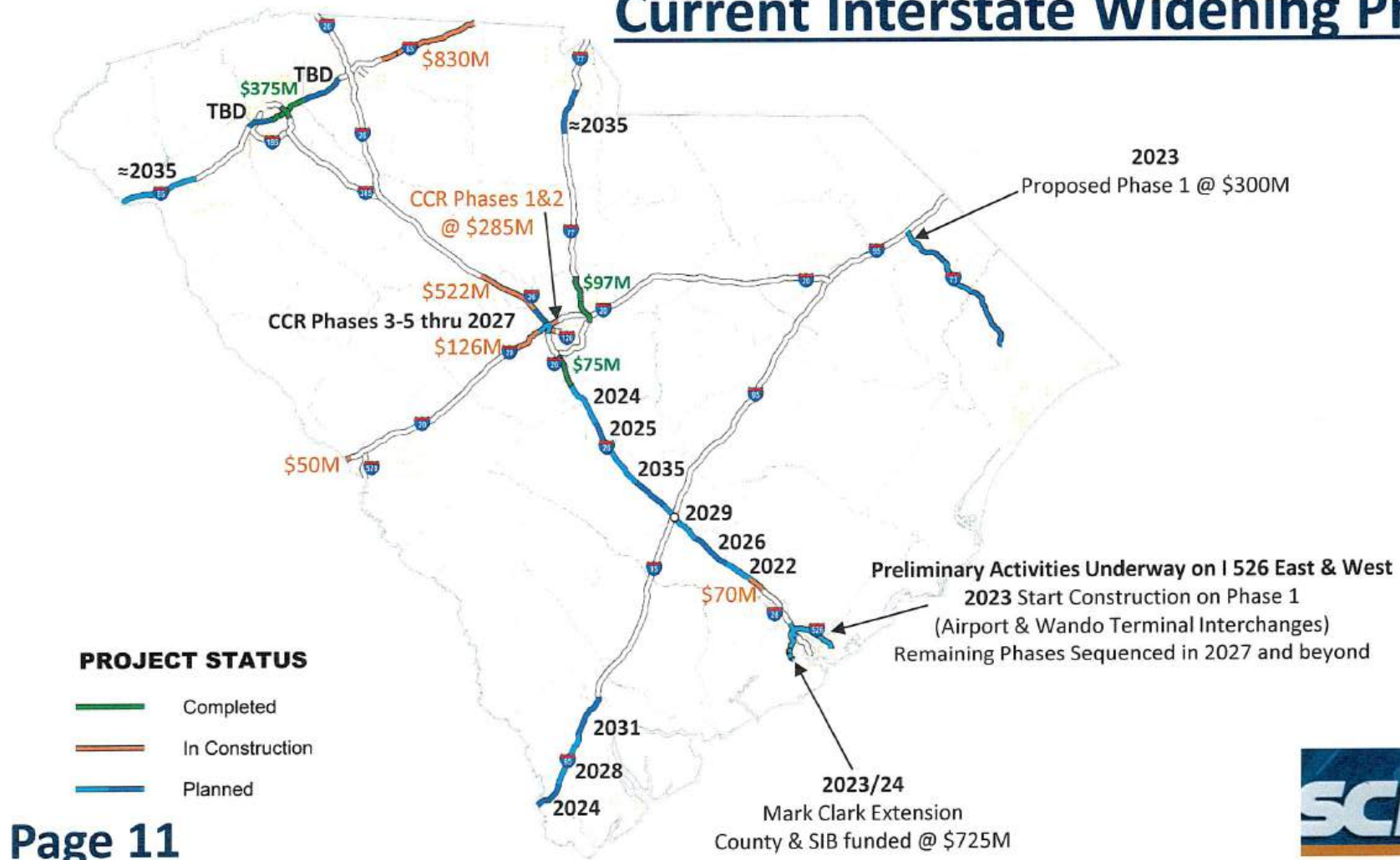


## Transformative Opportunities

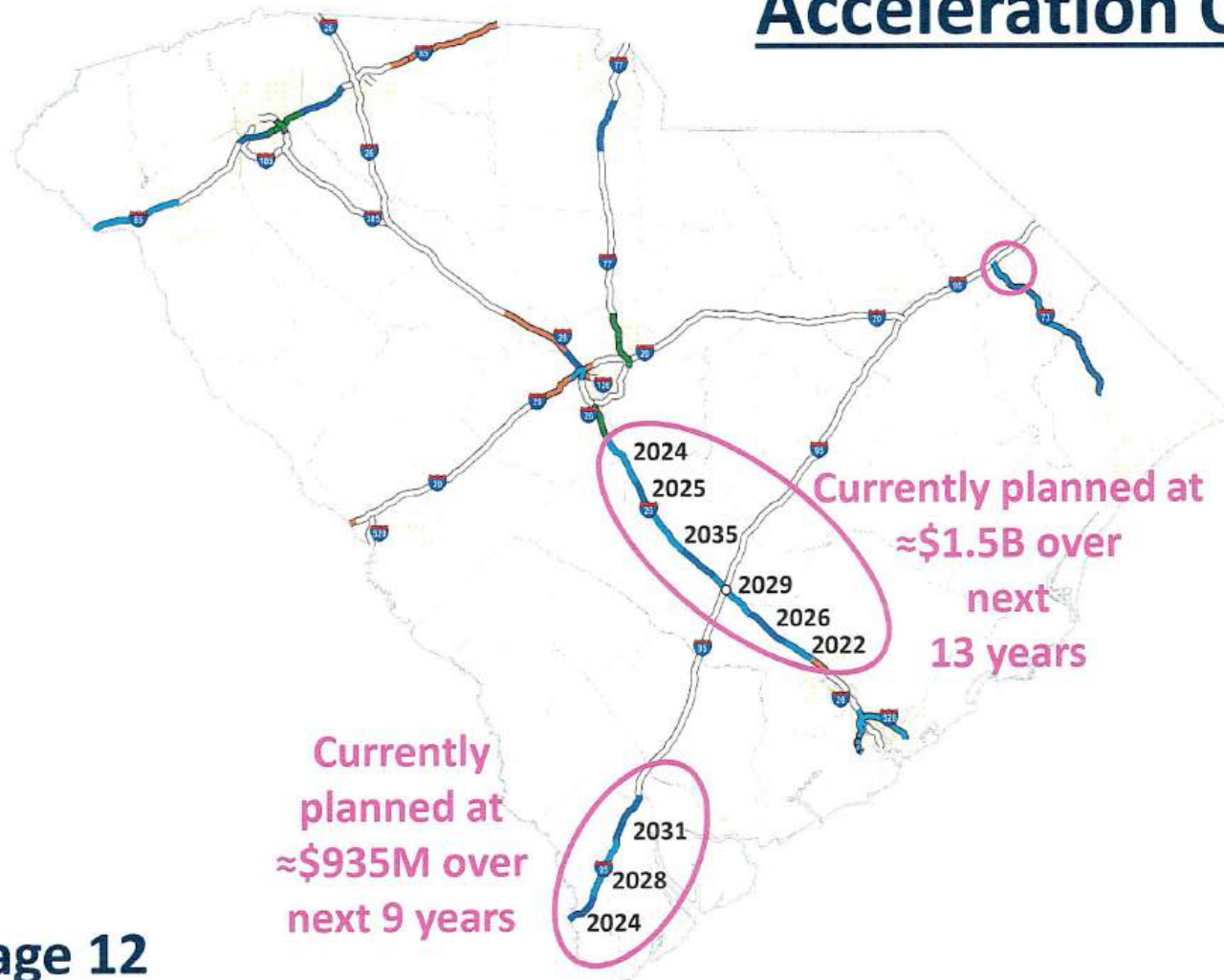




# Current Interstate Widening Program



# Acceleration Opportunities



**\$360M one-time infusion could accelerate by 6 years**



**\$200M one-time infusion could accelerate by 2-3 years**



**\$300M to build Phase 1**



# Federal Grant Opportunities

MEGA bridges along I-95



Great Pee Dee River Bridge  
≈ \$200 Million

Lake Marion  
Bridge  
≈ \$375 Million

35% federal share  
would likely be our  
target for a grant



## The Request:



- ❖ Provide a minimum of \$100M in recurring funds to fully draw down available federal funds.
- ❖ Use additional one-time funding to accelerate significant Interstate projects.



## **Summary of State Proposed Appropriations for Transportation As of Feb. 25, 2022**

### **Passed by the full Senate**

**American Rescue Plan Act funds** – The Senate passed S. 952, a resolution that would appropriate more than \$1.75 billion in federal American Rescue Plan Act (ARPA) funds Congress sent to South Carolina last year. For SCDOT, it includes:

- \$453.5 million to accelerate SCDOT's statewide infrastructure program. This will accelerate the widening of I-26 between Columbia and Summerville by about six years, and it will accelerate the widening of the first 33 miles of I-95 going north from the Georgia border.

**SRS Plutonium Settlement funds** – Last year, South Carolina settled a lawsuit with the federal government over the perpetual storage of plutonium at the Savannah River Site. After paying attorneys' fees, South Carolina has \$525 million. The Senate passed S. 956, a plan to spend that money. Among many other expenditures, the plan calls for:

- 25 percent of the money (\$131 million) to go to County Transportation Committees (except for the three counties most impacted by the SRS – those counties would already receive 65 percent of the \$525 million).
- \$29.5 million to be dedicated to the SRS Corridor/Whiskey Road congestion relief project in Aiken. (This is part of the \$341 million that the three most impacted SRS counties would receive as a part of the larger settlement.)

### **Passed by the full House**

**American Rescue Plan Act funds** – The House passed H. 4408, a resolution that would appropriate more than \$1.75 billion in federal American Rescue Plan Act (ARPA) funds Congress sent to South Carolina last year. For SCDOT, it includes:

- \$453.5 million to accelerate SCDOT's statewide infrastructure program (the same amount as the Senate ARPA bill). This will accelerate the widening of I-26 between Columbia and Summerville by about six years, and it will accelerate the widening of the first 33 miles of I-95 going north from the Georgia border. (The Senate and House ARPA bills differ in other non-SCDOT ways, so they could be headed to conference committee.)

### **Passed by the House Ways and Means Committee**

**S.C. 2022-2023 House Budget Appropriations Bill – Includes for SCDOT:**

- \$120 million in recurring revenue for the additional state match required for SCDOT to draw down the additional \$250 million per year in federal surface

transportation funding (part of the recently enacted Infrastructure Investment and Jobs Act law).

- \$176 million non-recurring for additional acceleration of I-26 and I-95 and possibly I-73
- \$250 million non-recurring for the 46 County Transportation Committees (CTCs) that plan and fund local road projects.
- \$5 million non-recurring for a Surface Transportation Resiliency/Evacuation study for the Pee Dee/Grand Strand.
- Note: instead of doing a separate appropriations bill for the SRS settlement monies like the Senate did, the House decided to appropriate the SRS monies via an amendment to its regular appropriations bill. The Ways and Means Committee did not appropriate any SRS settlement monies to SCDOT or surface transportation.






U.S. Department  
of Transportation  
**Federal Highway  
Administration**

# Memorandum

Subject: **INFORMATION: Policy on Using  
Bipartisan Infrastructure Law  
Resources to Build a Better America**

Date: December 16, 2021

From: Stephanie Pollack   
Deputy Administrator

In Reply Refer To:  
HPL-1 and HCC-1

To: Associate Administrators  
Chief Counsel  
Chief Financial Officer  
Directors of Field Services  
Division Administrators

The recently enacted Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (IIJA), Pub. L. 117-58 (Nov. 15, 2021), will deliver generational investments in our roads and bridges, promote safety for all road users, help combat the climate crisis, and advance equitable access to transportation. The BIL also presents the Federal Highway Administration (FHWA) with a unique opportunity: to exercise our stewardship and oversight responsibilities and evolve the century-old relationship with State departments of transportation and other stakeholders in a way that takes advantage of the tools Congress has provided and prioritizes investments that align with the underlying policies evident throughout the BIL to help our states and communities Build a Better America.

This guidance is intended to serve as an overarching framework to prioritize the use of BIL resources on projects that will Build a Better America. The intent of the guidance also is to ensure that the funding and eligibilities provided by the BIL will be interpreted and implemented, to the extent allowable under statute, to encourage States and other funding recipients to invest in projects that upgrade the condition of streets, highways and bridges and make them safe for all users, while at the same time modernizing them so that the transportation network is accessible for all users, provides people with better choices across all modes, accommodates new and emerging technologies, is more sustainable and resilient to a changing climate, and is more equitable.

The BIL creates two kinds of new resources that FHWA's State, regional, Tribal and local stakeholders can use to Build a Better America:

- (1) changes to the eligibilities and policy requirements in FHWA's "legacy" apportioned programs such as National Highway Performance Program and the Surface Transportation Block Grant Program and its Transportation Alternatives set-aside; and
- (2) new programs (some formula, some discretionary grants and some a combination of the two) such as the Bridge Investment Program, National EV Charging Program, Carbon Reduction Program and PROTECT program.

FHWA will issue guidance and regulations, as appropriate, to fully implement these legislative changes and new programs and is actively soliciting stakeholder input on these matters through a just-opened [Federal Register docket](#).

Investments and projects that align with the BIL and will help Build a Better America include those that:

- improve the condition, resilience and safety of road and bridge assets consistent with asset management plans (including investing in preservation of those assets);
- promote and improve safety for all road users, particularly vulnerable users;
- make streets and other transportation facilities accessible to all users and compliant with the Americans with Disabilities Act;
- address environmental impacts ranging from stormwater runoff to greenhouse gas emissions;
- prioritize infrastructure that is less vulnerable and more resilient to a changing climate;
- future-proof our transportation infrastructure by accommodating new and emerging technologies like electric vehicle charging stations, renewable energy generation, and broadband deployment in transportation rights-of-way;
- reconnect communities and reflect the inclusion of disadvantaged and under-represented groups in the planning, project selection and design process; and
- direct Federal funds to their most efficient and effective use, consistent with these objectives.

### **Encouraging and Prioritizing Projects That Build a Better America**

Under this Policy, FHWA will work with recipients of any Federal funds made available under title 23, United States Code to encourage and prioritize the repair, rehabilitation, reconstruction, replacement, and maintenance of existing transportation infrastructure, especially the incorporation of safety, accessibility, multimodal, and resilience features.<sup>1</sup> Projects to be prioritized include those that maximize the existing

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<sup>1</sup> For purposes of this memorandum, FHWA recipients include Federal Land Management Agencies (FLMAs). In addition, Federal funds include both Federal-aid highway and Federal lands highway funds, as well as Transportation Infrastructure Finance and Innovation programs funds that are administered by the FHWA.



right-of-way for accommodation of non-motorized modes and transit options that increase safety, accessibility, and/or connectivity.

For FLMAs under the Federal lands program, FHWA will work with our Federal stakeholders to incorporate these policies into their programming policies and decisions, including asset management systems established under 23 U.S.C. 201(c)(5).

The maintenance of existing roads and highways in a state of good repair is an important tool to ensure the effective use of Federal funding while also improving transportation safety, reducing surface transportation-related greenhouse gas emissions, delivering equitable transportation options and access, and accommodating new and emerging technologies by upgrading the nation's existing infrastructure. Proper maintenance is also an affirmative responsibility of the States as required by 23 U.S.C. 116. This Building a Better America Policy will help achieve these important goals. Additionally, this Policy is consistent with the Bipartisan Infrastructure Law and recently issued Presidential Executive Orders (EOs), including, EO 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619); EO 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009); and EO 14030 Climate Related Financial Risk (86 FR 27967).

#### **Prioritizing Investment in All Federal-Aid and Federal Lands Eligible Transportation Assets**

FHWA staff shall emphasize to our planning and project selection and project delivery stakeholders that the resources made available under the BIL can and should be applied to modernize all eligible streets, highways, and bridges – not just those owned and operated by State departments of transportation.

Many projects funded with Federal-aid highway funds are either on the Interstate System (which constitutes just under 50,000 system miles and accounts for 25% of VMT) or the broader National Highway System (which constitutes approximately 222,000 system miles and accounts for 55% of VMT). However, there are over 1 million miles of streets and highways, which account for 85% of Vehicle Miles Travelled, that are Federal-aid highways and may benefit from BIL investments. Nationally, arterials and collectors are in poorer condition compared to the interstate highway system. BIL also expands the universe of eligible roadways for certain types of investments. For example, up to 15% of National Highway Performance Program funds may be spent on projects on Federal-aid highways (and bridges) off the National Highway System for projects that add protective features related to mitigating risk of recurring damage or the cost of future repairs from extreme weather events, flooding, or other natural disasters.

For bridges, there are over 620,000 bridges on the National Bridge Inventory (NBI), which includes all of the nation's bridges located on public roads, including Interstate highways, U.S. highways, State and county roads, as well as publicly-accessible bridges on Federal and tribal lands. All of these bridges are eligible for investments under the restored bridge formula program.

FHWA staff should encourage metropolitan planning organizations, State transportation departments, FMLAs, and other decisionmakers to direct new and expanded investments based on asset condition and need for modernization, as well as the potential for an investment or project to achieve Building a Better America objectives – rather than focusing exclusively or primarily on assets owned by States. Asset owners of all Federal-aid highways, Federal Lands highways and streets and all NBI bridges should be involved in decisions about which projects are selected for investment.

### **NEPA Review**

FHWA staff shall emphasize to our planning and project selection and project delivery stakeholders that one advantage of focusing investment on Building a Better America projects is that they can be delivered faster because, in many cases, such projects may require only a Categorical Exclusion under FHWA's NEPA environmental review regulations, 23 CFR Part 771. For example, construction of bicycle and pedestrian lanes, paths, and facilities normally meet the FHWA and CEQ criteria for categorical exclusions and, absent unusual circumstances, do not require any further NEPA approvals by the FHWA. 23 CFR 771.117(c)(3). Similarly, street and highway modernization projects involving resurfacing, restoration, rehabilitation, or reconstruction; highway safety or traffic operations improvement projects; bridge rehabilitation and reconstruction projects; and construction of grade separation to replace existing at-grade railroad crossings will generally qualify for Categorical Exclusions. 23 CFR 771.117(c)(3)

By contrast, other types of projects necessarily require more scrutiny under NEPA. For example, highway capacity expansion projects that involve “acquisition of more than a minor amount of right-of-way or that would result in any residential or non-residential displacements” may *not* be processed as categorical exclusions. Categorical exclusions are also not available if the proposed project would:

- induce significant impacts to planned growth or land use for the area;
- have a significant impact on any natural, cultural, recreational, historic or other resource; or
- have significant impacts to travel patterns.

23 CFR 771.117(a).

FHWA staff shall encourage metropolitan planning organizations, State transportation departments, FLMAAs and other decisionmakers to consider the timeline for delivering projects and eligibility for Categorical Exclusions under NEPA as they are programming funding made available under the Bipartisan Infrastructure Law.

### **General Purpose Capacity Expansion Projects**

This Policy prioritizes projects that move more people and freight by modernizing and increasing the operational efficiency of existing roads and highways over projects that expand the general purpose capacity of roads and highways. Consistent with this

Policy, FHWA will implement policies and undertake actions to encourage—and where permitted by law, require—recipients of Federal highway funding to select projects that improve the condition and safety of existing transportation infrastructure within the right-of-way before advancing projects that add new general purpose travel lanes serving single occupancy vehicles.

Application of this Policy does not prohibit the construction of new general purpose capacity on highways or bridges, but in most cases Federal-aid highway and Federal Lands funding resources made available through the BIL should be used to repair and maintain existing transportation infrastructure before making new investments in highway expansions for additional general purpose capacity. State transportation departments should also be mindful of their ability to transfer resources to support transit projects that may be more consistent with these priorities.

Specifically, FHWA staff shall encourage metropolitan planning organizations, State transportation departments, FLMAs and other decisionmakers and recipients of Federal-aid highway and Federal Lands funding to consider the following factors before advancing projects that result in new capacity for single occupancy vehicles:

- progress in achieving a state of good repair consistent with the State's asset management plan under 23 U.S.C 119(e).
- how the project will support the achievement of the State's performance targets under 23 U.S.C 150 (including any new performance targets established by FHWA); and
- whether the project is more cost-effective than both operational improvements to the facility or corridor and transit projects eligible under chapter 53 of title 49.

#### **Additional Planned Actions**

In pursuit of these important policy objectives, FHWA will adopt guidance and implement new requirements, to the extent permitted by statute, to advance this Policy on *Using Bipartisan Infrastructure Law Resources to Build a Better America*. These actions will include:

- incorporating the principles advanced in this Policy into all guidance documents issued for “legacy” apportioned programs for which the BIL includes changes in eligibility or other requirements;
- incorporating the principles advanced in this Policy into all guidance and regulatory documents issued for new programs created by the BIL and administered by FHWA;
- incorporating the principles advanced in this Policy into all notice of funding opportunities (NOFOs) for its allocated discretionary grant programs;
- working with the Federal Transit Administration to review and, if appropriate, propose changes to guidance or regulations governing the federally required transportation planning processes in metropolitan areas, as set forth in 49 U.S.C.

5303 and 23 U.S.C. 134, and in rural areas and on a statewide basis set forth in 49 U.S.C. 5304 and 23 U.S.C. 135;

- reviewing and, if appropriate, proposing changes to guidance or regulations governing Transportation Asset Management Plans;
- reviewing and, if appropriate, proposing changes to guidance or regulations governing relevant aspects of the NEPA process for FHWA projects;
- reviewing and, if appropriate, proposing changes to guidance or regulations governing relevant aspects of Title VI as it applies to FHWA projects; and
- improving and promoting the use of travel demand modeling to provide for more accurate forecasting of how proposed projects (including, but not limited, to projects proposing the addition of general-purpose capacity) affect travel demand and air emissions including emissions of greenhouse gases.

### **Conclusions**

Although States and other Federal-aid recipients ultimately select projects consistent with 23 U.S.C. 145, and FLMAs consistent with 23 U.S.C. 201, this Policy will inform that decision-making. Once implemented, this Policy will help improve safety and accessibility for all road users, reduce the environmental impact of highway and bridge projects, including curtailing transportation greenhouse gas emissions that contribute to climate change, better accommodate new and emerging transportation technologies, reduce relocations and otherwise ensure that transportation agencies do not expand roadways in inequitable ways that disproportionately impact disadvantaged communities, and support the efficient and effective use of Federal funds.

Working together, we can make investments and deliver projects that upgrade the condition of streets, highways, and bridges and make them safe for all users, while at the same time modernizing them so that the transportation network is accessible for all users, provides people with better choices across all modes, is more sustainable and resilient to a changing climate, and is more equitable. FHWA is committed to increasing our level of coordination with metropolitan planning organizations, State departments of transportation and other stakeholders and decisionmakers including local and tribal governments that have not traditionally had access to needed Federal funds to ensure these goals are fully realized.



January 12, 2022

Ms. Stephanie Pollack  
Deputy Administrator  
Federal Highway Administration  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590

Dear Deputy Administrator Pollack:

The South Carolina Department of Transportation (SCDOT) appreciates the opportunity to comment on Docket FHWA-2021-0021, Infrastructure Investment and Jobs Act Request for Information.

The Infrastructure Investment and Jobs Act (IIJA, also known as the "Bipartisan Infrastructure Law) was signed by President Biden on November 15, 2021, and is a significant increase in the investment provided for surface transportation in the United States.

SCDOT stands ready to partner with the Federal Highway Administration (FHWA) to successfully implement IIJA for the benefit of South Carolina and the United States. South Carolina views the language adopted by Congress in the IIJA as being consistent with a 100+ year history of federal support for state-owned highway systems.

On December 16, 2021, you issued a memorandum entitled Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America (the Memorandum) to FHWA staff on how the administration intends to administer the IIJA. It is a "guidance document" intended to be FHWA's interpretation concerning the IIJA. Moreover, it is intended to have general applicability and future effect on the states. However, as a "guidance document," it does not have the force or effect of law in its own right and is not required by statute to satisfy or substitute for the rulemaking procedures specified in the Administrative Procedure Act (APA) (section 553 or section 556 of title 5, United States Code). FHWA issued this Memorandum a month after enactment of the IIJA to establish a policy prior to the completion of the public comment process specified in the APA.

While the Memorandum is not legally binding in its own right and cannot be relied upon by the FHWA as a separate basis for affirmative enforcement action or other administrative penalty, it nevertheless sets the tone for the application of the IIJA. It has the capacity to direct agency actions even though conformity with Memorandum (as distinct from existing statutes and regulations) is voluntary only, and nonconformity will not affect rights and obligations under existing statutes and regulations. Since it is intended to affect the future of a state's application



of the IIJA, it is imperative that it accurately reflect the IIJA provisions or it will result in unintentional and erroneous application of the IIJA.

FHWA is required to seek and respond to public comments on any economically significant guidance. The Office of Management and Budget (OMB) has established policies and procedures for the development, issuance, and use of significant guidance documents by Executive Branch departments and agencies. These procedures are intended to increase the quality and transparency of agency guidance practices and the significant guidance documents produced through them. These procedures include, among other action, an internal agency review by a senior agency official, and public participation, including notice and comment under the Administrative Procedure Act (APA).

The courts, Congress, and other authorities have emphasized that rules, which do not merely interpret existing law or announce tentative policy positions, but which establish new policy positions that the agency treats as binding, must comply with the APA's notice-and-comment requirements, regardless of how they initially are labeled. Poorly designed or misused guidance documents can impose significant costs or limit the freedom of the public.

FHWA issued the Memorandum one month after enactment of the IIJA and without any public comment period opportunity or availability of comment period for the public to address its concerns regarding the positions and interpretations set forth by FHWA in the Memorandum. These actions are contrary to the premise espoused by the OMB for agency guidance memorandums to be informed, transparent, fair and accountable.

SCDOT asserts that the policy initiated in the Memorandum is inconsistent with the law as intended by Congress. We believe the policy being initiated:

- 1) Changes the federal role from eligibility determination to project selection.
- 2) Restricts the use of federal funds contrary to the eligibilities established in the law.
- 3) Undermines state ownership and planning processes established with its political subdivisions.

To that end, SCDOT encourages FHWA to adopt rules, regulation, and policy consistent with the IIJA as codified and to maintain the historic 100+ year tradition of states' flexibility to tailor programs unique to their specific circumstances and geographies.

SCDOT's specific concerns on the Memorandum include:

Changing the Federal Role from Eligibility Determination to Project Selection: The Memorandum initiates of a "one-size-fits-all" approach to transportation policy regardless of a particular state's





needs. Specifically, the policy appears to presuppose the ability of FHWA to select transportation projects rather than determine eligibility of activities allowed under the plain language of the law. This is referenced in the section of the Memorandum entitled "Encouraging and Prioritizing Projects That Build a Better America," which emphasizes projects that repair, replace, and maintain existing transportation infrastructure. This presumes that FHWA has the ability to direct a state's expenditure of funds authorized in the IIJA to particular projects, rather than determining if a state's project is consistent with the law. To the contrary, as enacted, the IIJA's changes to major program categories like National Highway Performance Program (Section 11105) and Surface Transportation Block Grant (Section 11109) provide a general expansion of program eligibilities rather than a restriction on the usage of funds by a state.

Fundamental to the federal process under Title 23 is the statutory guarantee provided in Section 23 USC 145 which provides the states right to select which transportation projects shall receive Federal-Aid Highway Act assistance. Congress recognized each state's sovereign right to choose which projects shall be programmed for Federal-Aid Highway Act assistance under this section. Other sections of federal law also give the states the right to assume the responsibilities of the Secretary under Title 23 for design, plans, specifications, estimates, contract awards, and inspections with respect to the projects unless the Secretary determines that the assumption is not appropriate. 23 USC 106. Federal law also is engrained with the state's right to develop adequate plans for use of federal funds. Section 23 USC 104 provides the USDOT will certify to each of the State the amount that has been apportioned to the State for the fiscal year; and to permit the **States to develop adequate plans for the use of amounts apportioned under this section** (emphasis added).

These provisions establish the congressional intent to allow the states the right to choose which projects will be programmed and the responsibilities associated with those projects. Despite these statutory provisions, the Memorandum presupposes the ability of FHWA to select road and bridge projects. It incorrectly establishes a policy position to direct FHWA to undertake actions in which projects which repair, replace and maintain existing transportation infrastructure will be selected "over" those which increase capacity. This is inconsistent with the authority set forth in Section 23 USC 145, 106 and 104 and disregards state planning needs. The Memorandum is inconsistent with the long-standing procedures established in these federal provisions.

SCDOT strongly supports repair and maintenance of existing transportation infrastructure. Through its 10-Year Plan, SCDOT has emphasized bringing its pavements and bridges toward a state of good repair. At the same time, South Carolina is also the 10<sup>th</sup> fastest growing state in the Union and needs to invest in new capacity to handle the demands of growth. In order for SCDOT and FHWA to successfully implement the IIJA, states must have the flexibility expressly enumerated in law to balance the needs for existing infrastructure, as well as be ready to build new infrastructure.





Moreover, the Memorandum's policy presupposes that federal funds are best suited for repair and rehabilitation activities. Prior to an increase in state funding in 2017, the majority of South Carolina's pavement rehabilitation activities were federally funded. In order to comply with federal standards and requirements, SCDOT spent significant sums for engineering and compliance rather than new asphalt or concrete needed to improve pavement conditions. SCDOT intentionally moved its pavement rehabilitation program to state funds so that SCDOT could more efficiently and effectively rehabilitate its network in its effort to bring the network toward a state of good repair. The new FHWA policies would direct and force states to spend on particular activities. This would result in a less effective implementation, especially because the FHWA would not consider how state funds are currently being used outside of federal funds. In South Carolina, 58% of transportation funding comes from state sources, rather than the federal government.

**SCDOT strongly encourages FHWA to adopt policies that maintain state flexibility and to allow a state to best determine the project composition and requirements of its transportation network.**

Restricting the Use of Federal Funds Contrary to the Eligibilities Established in the Law: The section of the Memorandum entitled "General Purpose Capacity Expansion Projects" appears to establish a policy where FHWA seeks to deny or limit capacity projects needed for states to handle the pressures of growth. The sections in the IIJA that historically fund capacity projects (Section 11105, National Highway Performance Program and Section 11109, Surface Transportation Block Grant), include no language indicating that Congress intended to restrict a state's ability to add capacity. The authorities of states for adding capacity remained in the law, and, in fact, the law generally expanded the types of projects a state may fund with federal funds.

Specifically, in the newly-added Rural Surface Transportation Grant program under Section 11132 of the IIJA, it specifically mandates that the Secretary shall consider increases in capacity or connectivity of the surface transportation system in providing grants under this program. While the policy does not prohibit funding of new lanes, it directs FHWA division offices to undertake actions to select projects on existing infrastructures before "making new investments in highway expansion." However, there are no provisions in the IIJA which specifically mandate such policy direction as espoused by FHWA in this Memorandum.

The only section concerning lane restrictions in the IIJA is found in Section 11309. That section was added to create a new NEPA evaluation time frame for Categorical Exclusion (CE) projects within an operational right-of-way. This new section was to ensure that a preliminary evaluation of the NEPA permit be conducted no later than 45 days after receipt of the application by the state for "eligible projects." Eligible projects was narrowly defined as those within the operational right-of-way that performed presentative maintenance, preservation or highway safety improvements and that are classified as CE. The eligible project definition specifically did not include projects





that “create new travel lanes” as those would require more substantial review than a CE. This provision should not be construed as the precipice of creating a “no highway widening policy.”

**SCDOT strongly encourages FHWA to respect the authorities and eligibilities established in the law to allow a state to design its program to best meet the needs of its residents, businesses, and visitors and not unnecessarily restrict activities expressly allowed.**

Undermining State Ownership and Planning Processes Established with Its Political Subdivisions:  
The section of the Memorandum entitled “Prioritizing Investment in All Federal-Aid Eligible Transportation Assets,” appears that FHWA intends to change the relationship of the federal government vis-à-vis a state and its political subdivisions. In South Carolina, 97% of the federal-aid eligible highway system is owned and maintained by the State of South Carolina. South Carolina has established a robust system, much of it codified in state law, of ranking projects through an objective selection process based on quantifiable factors. In addition, South Carolina maintains a comprehensive regional planning system with its Transportation Management Areas and Metropolitan Planning Organizations in its urban areas and its Councils of Governments in its rural areas. All levels of local government – rural and urban – can and do participate in transportation planning, and have done so for many years.

The IIJA’s implementation must respect a state’s public policy framework for managing transportation policy given that each of the 50 states has unique transportation systems and relationships with its local governments. South Carolina is particularly concerned that a discretionary grant awarded by FHWA to a local government for improvements on the state’s federal-aid highway system may run contrary to state public policy and prior coordination of the state’s integrated planning framework.

**SCDOT strongly encourages FHWA establish policies that reflect the diversity of the states and their relationships with the political subdivisions.**

During 2021 when Congress was debating the IIJA and the Administration was encouraging its passage, a bipartisan consensus emerged: invest more in infrastructure across the board to modernize it. This included investments in a variety of modes and transportation types – a recognition that transportation is not “one-size-fits-all.” Before 2017, South Carolina’s transportation system had fallen into disrepair, not because the Department needed help prioritizing projects, but due to insufficient funding for projects. Five years ago, South Carolina added significant additional state funding to bring its network into a state of good repair, which is being accomplished through a strategic 10-Year Plan. FHWA and SCDOT as partners can continue this work and enable the IIJA to most effectively fulfill its commitment to modernize the transportation system by enabling us to continue bringing the system into a state of good repair, while also redesigning and expanding the system to address growth happening in South Carolina. We must do both, and the IIJA as enacted should enable us to do both.



Therefore, SCDOT encourages FHWA to adopt rules, regulation, and policy consistent with the IIJA as passed by Congress and signed into law and to maintain the historic 100+ year tradition of a state's flexibility to tailor a program unique to its specific circumstances and geographies. The IIJA presents a rare opportunity to make a meaningful impact on surface transportation in the United States. Within the historic framework of flexibility and partnership, South Carolina stands ready to successfully implement the IIJA to move both South Carolina and the nation forward.

Sincerely,



Christy A. Hall, P.E.  
Secretary of Transportation

CC: Governor Henry D. McMaster  
Senator Lindsey O. Graham  
Senator Tim Scott  
Representative Nancy Mace, 1<sup>st</sup> Congressional District  
Representative Joe Wilson, 2<sup>nd</sup> Congressional District  
Representative Jeff Duncan, 3<sup>rd</sup> Congressional District  
Representative William Timmons, 4<sup>th</sup> Congressional District  
Representative Ralph Norman, 5<sup>th</sup> Congressional District  
Representative James Clyburn, 6<sup>th</sup> Congressional District  
Representative Tom Rice, 7<sup>th</sup> Congressional District  
USDOT Secretary Pete Buttigieg  
SCDOT Commission







THE SECRETARY OF TRANSPORTATION  
WASHINGTON, DC 20590

February 28, 2022

The Honorable Lindsey O. Graham  
United States Senate  
Washington, DC 20510

Dear Senator Graham:

Thank you for your February 18 letter about the Bipartisan Infrastructure Law (BIL) passed by Congress. This is a once-in-a-generation investment in the infrastructure – and competitiveness – of our country and the Department of Transportation (USDOT) is eager to work with you, governors, state departments of transportation (DOTs), Amtrak, state rail offices, local communities, and the American people to make good on its promises. Together we will reduce costs for consumers, strengthen supply chains, and create good-paying jobs building and maintaining roads and bridges, electrifying buses, installing EV chargers, expanding rail and transit and more.

Since the BIL was signed into law by President Biden on November 15, 2021, USDOT has been hard at work making the funds that you provided available to communities across the country. Over the past 90 days, we have already made available a total of \$60 billion in authorized funding to states and communities. We are moving urgently and responsibly to implement this historic legislation and look forward to working together to do just that.

As is customary with the implementation of any new transportation authorization legislation, USDOT, and specifically the Federal Highway Administration (FHWA), issues guidance and supportive materials to aid staff in their implementation and administration. When Congress authorizes taxpayer dollars for these programs, it is imperative to ensure that those resources provided to the states and the guidance necessary for implementation go hand in hand. For example, FHWA has issued guidance to start using the \$5.3 billion in dedicated funding to address the 43,000 bridges across the country that are in poor condition; FHWA has issued guidance for using approximately \$3 billion annually in highway safety funds to help address the crisis of fatalities on America's roadways; and, with nearly \$5 billion over five years, FHWA recently published guidance to assist states with deploying a national network of electric vehicle charging stations.

Accordingly, a month after the BIL was signed, FHWA issued a memo to its staff on December 16, 2021. I understand that some questions have been raised about this document, and I welcome the opportunity to address those. The memo, which is consistent with the BIL, provides guidance to FHWA staff to help states deliver positive outcomes that reflect their unique needs and priorities in cost-effective ways. It highlights flexibilities in the law that allow projects to be built

quicker, but it is not a directive to state DOTs or governors and does not impose any one-size-fits-all solutions to solving their transportation challenges. We will continue to support state transportation departments as they undertake this work, and we recognize and value the role of the states in deciding how to prioritize the use of formula dollars, as made clear in the law and in the memo. States across the country have already done a great deal to demonstrate the benefits of focusing on repairing their vital infrastructure. That philosophy is something we at USDOT share with state leaders across the country—Republicans and Democrats alike—who are working to maintain and modernize the roads, bridges, and other transportation infrastructure that their residents count on every day. The American Association of State Highway and Transportation Officials (AASHTO), which represents all the state transportation departments, has acknowledged that “States very much share FHWA’s policy priorities outlined in this guidance.”

I have included below answers to questions that were sent to me by several of your colleagues about our work implementing the Bipartisan Infrastructure Law as enacted.

*Will states retain their traditional flexibility to select projects and make decisions about how to spend federal funds provided through the bipartisan Infrastructure Investment and Jobs Act?*

Yes. The memo was not addressed to state DOTs or Governors and was not a directive to them. As the memo itself reminds FHWA staff, “States and other Federal-aid recipients ultimately select” which projects to build with their formula Federal funding. FHWA does not have, and has not asserted, the authority to change the structure of the Federal-aid funding system, which is state administered and federally funded. There are no mandates or prohibitions in the memo. Rather, it refers to common-sense priorities and asks FHWA staff to encourage state decision-makers to consider opportunities for forward-looking investments.

*Will FHWA follow current Federal Law and Congressional intent regarding the Federal-aid Highway program?* FHWA does and will follow current Federal law regarding the Federal-aid Highway program in developing all guidance documents. The memo clearly and repeatedly states that its guidance applies “to the extent allowable under statute.”

*Will FHWA follow Congressional intent and not prioritize certain types of projects or regions when making decisions regarding future discretionary awards?* While FHWA has yet to issue any Notices of Funding Opportunity (NOFO) for discretionary awards, all such NOFOs will be based on and consistent with the statutory language establishing that grant program.

*Will FHWA consider the unique transportation needs of rural and urban areas?* Yes. FHWA understands the unique transportation needs of rural and urban areas and will continue to consider and be responsive to those needs as it implements the BIL, including the specific set asides and additional eligibilities that Congress provided. Across DOT, we have shown a strong commitment to supporting rural and disadvantaged communities. For example, we were required by statute to award 25% of FY2021 INFRA grant awards to rural areas and we exceeded that amount by 19%. The ROUTES Council (USDOT’s “one-stop shop” for rural communities) also has supported many recent initiatives, including publishing a new Electric Vehicle (EV) rural toolkit and guidebook on available funding and financing sources for rural communities to install EV charging infrastructure. This attentiveness to the different but equally important needs of rural and urban areas can also be seen in the guidance already issued for the Bridge



The Honorable Lindsey O. Graham

Page 3

Replacement, Rehabilitation, Preservation, Protection, and Construction Program (Bridge Formula Program) and National Electric Vehicle Infrastructure (NEVI) Formula Program.

*Will how States use their formula dollars impact their success in applying for future discretionary dollars?* No. All NOFOs issued by FHWA (and by USDOT) will be consistent with the statutory language establishing that grant program. As is the case in the NOFO already issued for the RAISE program, there is no language in the NOFO asking anything about an applicant's use of formula dollars (except to the extent that applicants are asked about their plans for paying for projects and may include allocation of formula dollars as part of their finance plan).

*Is FHWA implementing the One Federal Decision provisions as passed by Congress?* Yes. FHWA is implementing all of the statutory requirements in 23 U.S.C. 139 including, to the maximum extent practicable and consistent with Federal law, requiring project schedules be consistent with a goal of an agency-wide average of not more than two years to complete the environmental review process for major projects.

Thank you, again, for your letter. Please feel free to reach out personally to me with additional questions about this or any other issue. I look forward to working together to implement this historic law and deliver its results to the American people.

Sincerely,

A handwritten signature in blue ink, appearing to read "Pete Buttigieg", with a stylized flourish at the end.

Pete Buttigieg



&



SOUTH CAROLINA SOCIETY OF  
PROFESSIONAL ENGINEERS

The Honorable G. Murrell Smith, Jr.  
Chairman House Ways & Means Committee  
PO Box 11867  
Columbia, SC 29211

**RE: The Engineering Community Supports W&M Committing \$200 Million Annually to  
SCDOT in FY 2022-23 and Future Appropriations Bills**

Chairman Smith,

The American Council of Engineering Companies of South Carolina (ACEC-SC) and the South Carolina Society of Professional Engineers (SCSPE) urges the House Ways and Means Committee to commit \$200 Million annually in the 2022-23 and future appropriations bills to the South Carolina Department of Transportation (SCDOT) to match federal funds coming from the Infrastructure Investment & Jobs Act (IIJA).

South Carolina has a once-in-a-lifetime opportunity to improve the quality of life for its citizens while growing our state's economy. South Carolina will receive \$240 million annually from the IIJA. Still, SCDOT requires a minimum of \$100 Million a year in matching funds to draw down the federal money for surface transportation funding.

The engineering community thinks the real goal for the South Carolina legislature should be to allocate \$200 million annually in state funds to ensure that the SCDOT can take advantage of discretionary grants outlined in the IIJA. Access to these grants is critical to SCDOT's ability to implement road and bridge improvements across the state.

SCDOT has publicly said that these funds will advance the Department's existing program and repair schedule and tackle more projects already included in the program. Funds will be used for things like repairing or replacing 465 of the 600 load-posted bridges across the state and easing traffic congestion in many of South Carolina's major metropolitan areas.

Allocation of these funds annually will help South Carolina improve the state's surface transportation infrastructure while also boosting South Carolina's economy.

ACEC-SC and SCSPE think South Carolina cannot afford to miss this opportunity if we wish to continue to improve the safety and efficiency of our state's transportation infrastructure.

Sincerely,

Matthew Gehman  
Chair  
ACEC-SC

Jason R. Jordan, PE  
President  
SCSPE

Adam B. Jones  
Executive Director  
ACEC-SC/SCSPE

CC: House Ways & Means Committee

# South Carolina Must Take Full Advantage of Federal Infrastructure Funds to Support Growth

Leave a Comment / N/A / By Scott



\$200 million annually in state funds to allow the state to not only receive funds it is entitled to but allow South Carolina to compete for discretionary grants. Access to these grants is critical to the state Department of Transportation's ability to implement road and bridge improvements across the state.

The department has publicly said that these funds will be used to advance the department's existing program and repair schedule, with the goal of tackling more projects already included in the program. Funds will be used for things like repairing or replacing 405 of the 800 km-long bridges across the state and easing traffic congestion in many of South Carolina's major metropolitan areas, but also giving rural areas to other parts of the state.

This generational achievement for our country and for South Carolina will allow the state to improve and/or replace our state's aging infrastructure while also creating opportunities to expand access to critical infrastructure like broadband Internet, to the towns of state that need it most, like the 1-95 corridor where broadband opportunities have traditionally lagged behind the rest of the state. To this end, I urge all South Carolinians to speak to their elected officials and advocates for allocating the \$200 million in state funds needed to secure the federal dollars and investment in South Carolina. Our local elected officials alone hold the ability to secure this funding by making an annual commitment to support a timeline of opportunity. It is unlikely that there will ever be another chance like this for our state. These portion bill-outside long-term investments that will provide jobs to thousands of South Carolinians over several years and ultimately leave South Carolina a better connected, safer and more prosperous state for our children and their children. The investment in our state's infrastructure would allow for \$4.6 billion to be allocated for federal old highway appropriated programs and \$774 million for bridge replacement and repairs, \$50 million to improve water infrastructure, \$335 million for public transportation, \$98 million for airport improvement and development, \$100 million to invest in broadband coverage across the state, \$20 million to support the expansion of electric vehicle charging network, \$15.3 million to protect against cyber attacks and \$5 million to protect against wildfires. Investment in South Carolina's aging water infrastructure is also a critical component of the funding allocated for South Carolina. Many systems around the state have old and outdated pipes, and the funds will allow them to make significant upgrades to ensure safe and clean water for our residents.

South Carolina will also benefit from the proposed \$3.5 billion investment in weatherization technology and infrastructure to suffer impacts from extreme weather events. The Department of Transportation, South Carolina Ports Authority, Palmetto Railways and other members of the supply chain, along with their private sector partners, deserve to be applied for the infrastructure improvements and efficiencies they have been able to create in their respective industries. With the additional federal funding, economies of scale can be applied to provide necessary funding to undertake several large projects at the same time or closely together. This will allow agencies and municipalities to coordinate on projects as they occur in real time and with confidence once funding for these projects is received in full. South Carolina cannot afford to miss this opportunity if we wish to continue to improve the safety and efficiency of our state's transportation infrastructure.

Mark Behrman  
Chief, ACEC-SC Board of Directors  
Vice President, TransSystems

Published by **The State Newspaper**

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Save my name, email, and website in this browser for the next time I comment.

**Post Comment**



826 Assembly Street  
Columbia, SC 29208  
(803) 771-4271

Executive Director Adam B. Jones

## Business Hours

Monday: 8:00 AM - 5:00 PM  
Tuesday: 8:00 AM - 5:00 PM  
Wednesday: 8:00 AM - 5:00 PM  
Thursday: 8:00 AM - 5:00 PM  
Friday: 8:00 AM - 5:00 PM  
Saturday: Closed  
Sunday: Closed



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1  
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9 **A BILL**

10  
11 TO AMEND SECTION 32-2-10 OF THE 1976 CODE,  
12 RELATING TO HOLD HARMLESS CLAUSES IN  
13 CONSTRUCTION CONTRACTS, TO PROVIDE THAT  
14 CERTAIN INDEMNIFICATION PROVISIONS IN  
15 CONSTRUCTION AGREEMENTS AND DESIGN  
16 PROFESSIONAL AGREEMENTS ARE AGAINST PUBLIC  
17 POLICY AND UNENFORCEABLE IN SOUTH CAROLINA,  
18 AND TO DEFINE NECESSARY TERMS.

19  
20 Be it enacted by the General Assembly of the State of South  
21 Carolina:

22  
23 SECTION 1. Section 32-2-10 of the 1976 Code is amended to read:

24  
25 “Section 32-2-10. (A) For the purposes of this section:

26 (1) ‘Construction agreement’ means a promise, agreement, or  
27 contract concerning the design, planning, construction, alteration,  
28 repair, or maintenance of a building, structure, highway, road,  
29 appurtenance, or appliance, including moving, demolition, and  
30 excavation. A construction agreement may be a public or private  
31 agreement.

32 (2) ‘Defend’ means to pay for or furnish counsel at a  
33 promisor’s expense to shield a promisee or promisee’s derivative  
34 parties from claims brought against the promisee or the promisee’s  
35 derivative parties by a third party in a court or tribunal, including  
36 forms of alternative dispute resolution required by law or contract,  
37 before a final determination of fault is reached.

38 (3) ‘Derivative parties’ means a party’s subcontractors,  
39 agents, employees, or other persons or entities for which the party  
40 may be liable or responsible as a result of any statutory duty, tort, or  
41 contractual duty.

1       (4) 'Design professional' means a person licensed or  
2 registered pursuant to the provisions of Title 40 as an architect, a  
3 landscape architect, an engineer, or a surveyor.

4       (5) 'Design professional agreement' means any promise,  
5 agreement, or contract with a design professional or firm for design  
6 professional services.

7       (6) 'Design professional services' means work or a service  
8 performed by a design professional licensed or registered pursuant  
9 to the provisions of Title 40.

10      (7) 'Fault' means:

11          (a) a breach of contract;

12          (b) a negligent, reckless, or intentional act or omission  
13 constituting a tort under applicable statutes or common law; or

14          (c) a violation of applicable statutes or regulations.

15      (8) 'Firm' means a business entity functioning as a sole  
16 proprietorship, partnership, limited liability partnership,  
17 professional association, professional corporation, limited liability  
18 company, joint venture, or other legally constituted organization  
19 that offers or provides design services. For the purposes of this  
20 section, this term includes, but is not limited to, a firm through  
21 which the practice of providing design services requires a certificate  
22 of authorization.

23      (9) 'Subcontractor' means a person or entity providing labor  
24 or material through a promisor for use on a project at issue in a  
25 construction agreement or design professional agreement.

26      (B) ~~Notwithstanding any other provision of law, a promise or~~  
27 ~~agreement provisions in, or in connection with, the a construction~~  
28 ~~agreement or design professional agreement, planning,~~  
29 ~~construction, alteration, repair or maintenance of a building,~~  
30 ~~structure, highway, road, appurtenance or appliance, including~~  
31 ~~moving, demolition and excavating, purporting to indemnify the~~  
32 ~~promisee, its independent contractors, agents, employees, or~~  
33 ~~indemnitees or the promisee's derivative parties~~ against liability for  
34 damages arising out of bodily injury or property damage  
35 proximately caused by or resulting from the sole negligence of the  
36 promisee, ~~its independent contractors, agents, employees, or~~  
37 ~~indemnitees or the promisee's derivative parties~~ is against public  
38 policy and unenforceable. Nothing contained in this ~~section~~  
39 ~~subsection~~ shall ~~affect~~ prohibit a promise or agreement whereby the  
40 promisor shall indemnify or hold harmless the promisee or the  
41 promisee's ~~independent contractors, agents, employees or~~  
42 ~~indemnitees derivative parties~~ against liability for damages resulting  
43 from the sole negligence, in whole or in part, of the promisor, its

1 agents, or its employees. ~~The provisions of this section shall not~~  
2 ~~affect any insurance contract or workers' compensation agreements;~~  
3 ~~nor shall it apply to any electric utility, electric cooperative,~~  
4 ~~common carriers by rail and their corporate affiliates or the South~~  
5 ~~Carolina Public Service Authority.~~

6 (C) Provisions in, or in connection with, a construction  
7 agreement or design professional agreement purporting to require a  
8 promisor to indemnify or hold harmless a promisee, the promisee's  
9 derivative parties, or any other person against losses, damages, or  
10 expenses are against public policy and unenforceable unless the  
11 fault of the promisor or its derivative parties is a proximate cause of  
12 the loss, damage, or expense indemnified.

13 (D) Provisions in, or in connection with, a construction  
14 agreement that include design professional services or a design  
15 professional agreement purporting to require a design professional  
16 to defend a promisee, the promisee's derivative parties, or any other  
17 person or entity against liability, claims for damages, or expenses,  
18 including attorney fees, proximately caused or allegedly caused by  
19 the professional negligence of the promisor, the promisee, or their  
20 derivative parties, are against public policy and unenforceable,  
21 whether the claim is alleged or brought in tort or contract.

22 (E) Nothing in this section shall be interpreted to exclude from  
23 any indemnity or hold harmless provision that is enforceable under  
24 subsections (B) or (C) of this section attorney fees, litigation or  
25 arbitration expenses, or court costs actually incurred by the  
26 promisee when guarding against third-party claims alleged in a  
27 court, tribunal, or alternative dispute resolution procedure required  
28 of the promisee by law or by contract, if the fault of the promisor or  
29 its derivative parties is a proximate cause of the attorney fees,  
30 litigation or arbitration expenses, or court costs to be indemnified.

31 (F) This section shall not apply to:

32 (1) an insurance agreement or a workers' compensation  
33 agreement;

34 (2) an electric utility, an electric cooperative, common  
35 carriers by rail and their corporate affiliates, or the South Carolina  
36 Public Service Authority; or

37 (3) claims relating to liens or bonds."  
38

39 SECTION 2. This act takes effect upon approval by the Governor.

40 ----XX----

## **DESIGNER FAIR CONTRACTING**

### **The Problem**

- Often engineers, architects, and other design professionals are asked to sign contracts that require them to indemnify, hold harmless and defend an owner and unrelated third parties against claims for damages that are outside the scope of the engineer/architect's work and control
  - Design firms have no problem indemnifying an owner for their own negligence and mistakes – this bill does not change that
- Situations that are of concern are those unrelated to their work on a project – yet they are being asked to pay for and resolve these claims
- This demand/contractual obligation is uninsurable under their professional negligence policies – so it comes right off the bottom line
- Even more egregious, a “duty to defend” clause would trigger from the outset and could require the design firm to expend hundreds of thousands of dollars defending a third party – even when the design firm had no role and contributed in no way to the claim
- These third-party indemnity/duty to defend clauses in design contracts create liability without requiring proof of fault
- These provisions cause significant financial threats and burdens on design firms, especially smaller Women-owned and DBE firms.
  - In some cases, firms sign these contracts and do not fully understand the significance of these provisions
    - Small firms do not always have in-house attorneys that can attempt to address these
    - And in some cases, the firm is presented with a “take it or leave it” response
  - In other cases, good firms that would do good work just walk away and do not do the work
  - Also, time and money spent defending an owner against a claim you had nothing to do with takes time and money away from growing your business

### **An Example**

- By way of example, the owner requires the design firm to indemnify and defend against all claims from third parties, regardless of whether the design firm was negligent or involved in the claim.
- The claim comes in from a third party and does not involve the design, the design firm, or any of the entities the designer used to complete the work.
- The owner immediately sends the design firm a demand to defend them and other parties who may be named in the claim.
- Contractual duty to defend is triggered, and the design firm must pay for an attorney, probably of the owner's choosing
- The design firm has no control over the representation or defense, must just pay the bill
- The duty to defend could result in several hundred thousand dollars in defense costs – for a claim, the design firm did not cause and had no control over
- The duty to defend and money spent is not paid by insurance – but paid by the design firm
- Depending on the size of the design firm and size of the financial obligation/claim, this could put the design firm out of business.

### **Legislation Solves the Problem**

- Changes to the law will protect design firms from this unfair, uninsurable liability.



- Adding language to the existing statute to address these indemnity / duty to defend provisions related to design contracts
- The bill as passed in North Carolina clarifies the already stated public policy of the State to address situations that should be covered but are not given the language used in the existing statute, and we feel the same could be updated in South Carolina
- The Bill in NC:
  - (a) Maintains the existing law for contractors
  - (b) Added new language addresses third party indemnity/duty to defend clauses in design contracts
  - (c) Provides that this section has no effect on insurance contracts, workers' compensation insurance, etc.
- Similar statutes have passed in North Carolina, Georgia, Florida, and Arizona

### **Designers Still Responsible for Their Own Negligence**

- The design firm will still be responsible for and can indemnify for its own negligence and liability and for those they supervise, control, hire, etc.
- Where an owner claims an issues or claim is a design issue, the design firm will be involved from the beginning with any other party alleged to be at fault, to work through it, pay money to resolve, etc. – this bill does not change this process

### **Contractors Already Protected and Not Affected by this Change**

- Contractors are already protected

### **Supporters**

- American Council of Engineering Companies of South Carolina, Chapter (ACEC)
- South Carolina Society of Professional Engineers.
- South Carolina Society of Professional Surveyors
- AIA-SC



AMERICAN COUNCIL OF ENGINEERING COMPANIES

## FAR CREDITS CLAUSE

# ENSURE PAYCHECK PROTECTION PROGRAM BENEFITS FOR AMERICA'S ENGINEERING BUSINESSES

Paycheck Protection Program loans have been a critical lifeline that have enabled small engineering firms – including many women-owned and minority-owned firms – to maintain their payroll and meet other expenses. However, a provision in federal contracting rules could force engineering firms that qualify for loan forgiveness to give some of that needed assistance back. This policy is grossly unfair and essentially invalidates the core purpose of PPP loans. ACEC is requesting a clarification in the law to ensure that all firms that qualify for loan forgiveness – including America's engineering industry – are permitted to keep this critical assistance.

## Background

Engineering firms working for State Departments of Transportation and federal agencies are subject to procurement rules based on the Federal Acquisition Regulation (FAR). The FAR includes a "credits" clause (under FAR 31.201-5) that was put in place to ensure that agencies benefit from any discounts a contractor receives on costs to be reimbursed under a contract. This provision is being interpreted to apply to forgiven PPP loans. According to guidance from the Federal Highway Administration, firms must provide a refund or a reduction in billing rates in the amount of forgiven PPP loans that are allocable to contract costs. Depending on how this policy is implemented, some firms could actually lose more than the amount of the federal loan, especially in the case of firms working for different state DOT or local transit agencies insisting on the credit and on multi-year contracts that lock in the reduced billing rate.

## Key Points

- **This policy unfairly penalizes engineering firms** – construction contractors and other businesses working for State DOTs are not subjected this to restriction and can keep the full amount of their forgiven loans.
- **Firms were not advised of this requirement when they applied for PPP loans** – the application of the FAR credits clause to forgiven PPP loans was clarified in guidance issued months after the program was launched.
- **The disparate impact will fall most heavily on small, minority- and women-owned firms** that need the assistance the most.
- **It creates a disincentive for engineering companies to compete for work for public agencies** -- depriving the government of qualified engineering services, and it will hamper DOT efforts to expand small business and WDBE contracting opportunities.

## Request

ACEC supports a simple fix to clarify that the FAR credits clause will not apply to forgiven PPP loans and urges Congress to take action to protect the industry from regulatory overreach.

**ACEC- SC**  
**Transportation Executive Committee Charter**  
Board Approved XXXXX, XX, 2022

## **I. Purpose**

The Transportation Executive Committee (Committee) will collaborate with SCDOT to address mutually agreeable topics pertaining to business best practices, financial parameters, and operational tasks that improve processes to promote effective quality and best value project delivery. The Committee will establish an open and candid line of communication between ACEC Leadership and SCDOT Executive Staff to foster a mutually beneficial business relationship that the citizens of SC will benefit from.

## **II. Composition and Organization**

The Committee shall consist of the ACEC-SC Executive Director and seven (7) ACEC-SC members, appointed by the Board, who meet the following criteria:

- Committee Members must perform the duties of a corporate lead (officer, VP, etc.) for their respective company with at least ten (10) years of experience in the SC transportation market.
- Committee Members must have a minimum of two (2) years' service with their current company.
- Committee Members must have a minimum of four (4) years' employment separation from any governmental entity.
- The ACEC-SC Executive Director will be an ex officio member

To promote diversity across the committee, the member make up will be comprised of two (2) members from large companies (over 1500 employees), two (2) members from mid-size companies (101-1500 employees), two (2) members from small companies (100 or less employees), and one (1) member from a Disadvantage Business Enterprise. If a committee member leaves their respective company during their term, the member will no longer serve on the committee and a new member from a similar size firm will be appointed by the ACEC-SC Board of Directors to serve the remainder of that term.

Due to this being the inaugural year of the committee, one (1) member from the large, mid, and small sized firms will serve a two (2) year term to stagger the membership. After which all members will serve a three (3) year term with a maximum of two (2) consecutive terms

The committee will appoint a Chair and Co-Chair from the appointed committee members and each position will serve in that capacity for the duration of their term. Each position must be reappointed after each term.

## **III. Meetings**

The Committee shall meet at least bi- annually with SCDOT and without SCDOT to perform its duties and responsibilities, or more frequently, as required.

The Committee Chair may call a meeting at any time by providing adequate notice to all Committee members. Meetings may be conducted in person, via teleconference, or other suitable electronic means.

The Committee may invite to its meetings any officer, company, or board member of ACEC-SC, and such other persons as it deems appropriate to carry out its responsibilities.

## **IV. Responsibilities and Duties**

In furtherance of this purpose, the Committee shall have the following responsibilities and duties:

### **SCDOT Senior Staff Collaboration**

- A. Conduct quarterly meetings with SCDOT Senior Staff to promote collaboration and information sharing to develop mutually beneficial best practices that bring value to both parties. Develop a clear and concise line of communication with SCDOT Senior Staff that focuses on listening and understanding by both parties.
- B. Conduct ACEC-SC “member only” CEO panel discussion at the winter and summer partnering conferences to understand member company’s concerns and aspirations to be discussed with SCDOT Senior Staff in subsequent meetings.
- C. Develop value creation strategies for implementation of member concerns and aspirations that are to be presented to SCDOT Senior Staff.
- D. Provide guidance and counsel to the Board and Transportation Committee in reference to strategies, procedures, and operational tasks associated with SCDOT on an ongoing basis, as appropriate.

## **Reporting and Review Procedures**

- A. The Committee Chair shall report regularly to the Board (i) following meetings of the Committee, (ii) with respect to such other matters as are relevant to the Committee’s discharge of its responsibilities, and (iii) with respect to such recommendations as the Committee deems appropriate. The report to the Board will take the form of an oral report by the Committee Chair or any other member of the Committee designated by the Chair to make such report. A progress report will be made to the Transportation Committee on an annual basis.
- B. The Committee will review the Committee Charter annually and recommend changes, if deemed appropriate, to the Board for approval.



## SCDOT / ACEC-SC Transportation Executives Committee Charter

### Mission Statement

To provide a forum for improving the coordination and understanding between the South Carolina Department of Transportation (SCDOT) and the American Council of Engineering Companies of South Carolina (ACEC-SC). The Committee will serve as a forum between the SCDOT's Secretary of Transportation and Deputy Secretaries and ACEC-SC Member Firm Executives who work in Transportation related to issues that will impact the transportation infrastructure and procurement contracts in South Carolina.

### Goals and Objectives

The goals of this Committee are set as follows:

- Promote improved relationships, communication, and coordination between SCDOT and the consulting community.
- Develop and promote the application of ethical and effective business practices that enhance the quality and value of transportation projects.
- Work together to promote and improve the public image of transportation in South Carolina.
- Work together on legislation that affects how SCDOT and the consulting community do business.
- Promote clear and direct communication between SCDOT and the consulting community.

### Transportation Executives Committee

The SCDOT/ACEC-SC Transportation Executives Committee will be comprised of the following:

#### SCDOT

Secretary of Transportation  
Deputy Secretary of Engineering  
Deputy Secretary of Finance  
Deputy Secretary of Intermodal Programs

#### ACEC-SC

ACEC-SC Executive Director  
Two Executives from Large Firms  
Two Executives from Medium Firms  
Two Executives from Small Firms  
One Executive from a DBE Firm

ACEC-SC Transportation Executives Committee members affirm they are representatives of the industry, and not representing their individual firms when acting on behalf of the Committee.

The Transportation Executives Committee will meet bi-annually, and more as needed. The Deputy Secretary of Engineering and the ACEC-SC Executive Director are responsible for setting the agenda and the meetings. The ACEC-SC Executive Director will keep meeting minutes.

This SCDOT/ACEC-SC Transportation Executives Committee Charter has been agreed upon by both SCDOT and ACEC-SC.

---

Christy Hall, PE  
Secretary of Transportation  
Date: \_\_\_\_\_

---

Adam B. Jones  
ACEC-SC Executive Director  
Date: \_\_\_\_\_



To: ACEC-SC Membership

**RE: ACEC-SC Transportation Executives Committee**

ACEC-SC Members,

As Chair of the American Council of Engineering Companies of South Carolina Board of Directors, I am pleased to inform you of the inception of the Transportation Executives Committee (TEC). The committee consists of ACEC-SC Member Firm owners and c-suite executives focused on highway-related engineering services. The ACEC-SC TEC has been formed to work with the Secretary of Transportation and Deputies at the South Carolina Department of Transportation to discuss high-level issues dealing with procurement, strategic issues, and legislative issues.

Due to the fact that we, The ACEC-SC Board of Directors, think this committee needed to be established in a timely manner, in its inaugural year (2021-2022), I, The ACEC-SC Chairman of the Board, have appointed the first iteration of this committee. The ACEC-SC Bylaws Article VII, Section 1, "Committees," gives me this authority. One of the first duties of the committee will be to develop a procedure for nominations and elections by the ACEC-SC Board of Directors for the seating of members of the Transportation Executives Committee. As discussed and coordinated with SCDOT, the committee will have two members from large firms, two from medium size firms, two from small firms and one from a certified DBE firm, with firm size being determined annually based on the overall workloads of firms conducting work with SCDOT. Terms will be two years, rotating one member in each of the "firm-size" categories each year. DBE members will serve two years. This will ensure continuity on the committee while allowing ACEC-SC Member Firm Executives the opportunity to be on the committee. This procedure will be presented to the ACEC-SC Board of Directors for consideration, discussion, and ultimate approval. The Transportation Executives Committee will report to the ACEC-SC Board of Directors and work at the behest of the Board of Directors.

Committee members' terms will start on January 1<sup>st</sup> of each year. For its inaugural year, one member from the large, medium, and small firms will only serve a one-



## **PROPOSED BYLAWS FOR ACEC-SC TRANSPORTATION EXECUTIVES COMMITTEE**

In an effort to further enrich our relationship between the American Council of Engineering Companies of South Carolina (ACEC-SC) and the South Carolina Department of Transportation (SCDOT), ACEC-SC and SCDOT have created the Transportation Executives Committee, consisting of ACEC-SC Member Firm Principals and SCDOT's Secretary of Transportation and the Deputy Secretaries to focus on highway-related engineering services. The ACEC-SC/SCDOT Transportation Executives Committee (TEC) will discuss high-level matters from procurement, strategic issues, and legislative issues. The Committee will be made up of transportation executives from the following size ACEC-SC member firms: two members from large firms, two members from medium-size firms, two members from small firms, and one member that is a DBE firm as well as the ACEC-SC Executive Director. For the purpose of this Committee, firm size will be determined based on the current workloads of the firms conducting work with SCDOT.

The Transportation Executives Committee will report to the ACEC-SC Board of Directors and will work at the behest of the Board of Directors. The Executive Director will take meeting minutes and copy the Board of Directors.

Committee members' terms will start on January 1<sup>st</sup> of each year.

The ACEC-SC Board of Directors will solicit nominations from membership organizations to serve on the Transportation Executives Committee. The Board will vet the nominees and vote on the Committee members. A call for nominations will be issued after the September Board of Directors meeting each fiscal year, with the selections being made at the November Board of Directors meeting.

Terms will be two years, rotating one member in each of the "firm-size" categories each year. DBE members will serve two years.

To best represent ACEC-SC on the Committee, ACEC-SC representatives must be from active member firms. The representative must be a member firm owners or stockholders, decision-makers, or run the transportation departments of the firms' South Carolina office and be able to make business decisions for the firms when it comes to their transportation clients. The representatives must have extensive experience in the transportation space and have a proven records of working with SCDOT while with the committee members' current firm.

- The rotation of the Committee members should be staggered to maintain continuity on the Committee.
- Former SCDOT employees may serve, but they must have been away from SCDOT for an appropriate amount of time

To meet the above goals, the following rules for rotation of the Transportation Executives Committee members have been established as follows:

1. Transportation Executives from large, medium, small firms as well as a DBE firm member will be added to the Committee to make a total of seven ACEC-SC representatives, not including the ACEC-SC Executive Director. Each member will serve a two-year term. Terms begin January 1<sup>st</sup> and end two years later on December 31<sup>st</sup>.

2. At the end of every calendar year, one member from each firm size will rotate off, and three will remain on the Committee for the following year.
3. Those ACEC-SC members wishing to serve on this Committee will submit a resumes and letters to the ACEC-SC Chair along with their experiences with working with SCDOT by October 1<sup>st</sup>.
4. The ACEC-SC Board of Directors voting members will review all applicants and vote on the three most qualified candidates for a two-year terms. The ACEC-SC Executive Director will notify the SCDOT Deputy Secretary of Engineering of the new members.
5. All Committee members must work for an ACEC-SC member firm and be in good standings with ACEC-SC.
6. Each Committee member must commit to attending and participating in no less than 100% of the Committee meetings and provide regular reports to the ACEC-SC Board of Directors.
7. If for some reason an ACEC-SC Transportation Executives Committee member must resign, the ACEC-SC Board of Directors may select a replacement or that position may remain open until the application process begins after the September Board of Directors meeting. If the seat is filled by the Board of Directors before the end of the term in which the previous member resigned, the incoming Committee member may only serve the remaining time of the resigned members' term. However, the replacement member may submit an application for the following term.

DRAFT



## Infrastructure Works

## 2.4 billion dollars

are making their way into South Carolina infrastructure through the Infrastructure Investment and Jobs Act. Now is the time to be present, active, and vocal with legislators. **Now is the time to act.**



### Op-Eds

As leaders of the industry, it's our duty to provide thought leadership on South Carolina's infrastructure and how it affects South Carolinians. Stay in the know. Read our published op-eds here.



### Advocacy & Legislation

ACEC-SC stands by you. Through in-session and off-season lobbying, we work hard tracking, creating, and advocating for legislation benefitting our industry. See what bills we're tracking here.



### PAC Donations

PAC donations are essential in creating face-to-face conversations with our legislators and Congressional Delegation. We need your help ensuring our positive momentum continues in the coming year. Donate today.



### Op-Eds

## Tackling Important Issues At The Forefront Of Infrastructure Advancement

It takes one piece of legislature to alter the course of an industry in our state. That's why ACEC-SC fights everyday to protect the best business interests of engineering firms in South Carolina. We work hard for you because you work hard to make our state a better, safer, and more connected place.

[Read Our Op-Eds](#)

### ACEC-SC PAC

## Engaging Legislators Through ACEC-SC PAC

PAC is the currency of conversation. Without your donations, ACEC-SC wouldn't be the leading engineering voice we are today. As we face new challenges in 2022, ACEC-SC's advocacy efforts are more important than ever. Together we will reach our goals. Together we will be heard.

[Donate Today](#)



### Membership

## You Always Have A Place With Us

With almost 25,000 engineering firms in the U.S., it can be nearly impossible to be heard as an individual company. But we've changed the game. Be heard. Be present. Be an ACEC-SC member.

[Learn More](#)

## Recent Op-Ed Releases

*Proposed Plan Could Pave the Road to a Better Future*



Published by **MidlandsBiz**

*South Carolina Must Take Full Advantage of Federal Infrastructure Funds to Support Growth*



Published by **The State Newspaper**

*South Carolina Must Take Full Advantage of Federal Infrastructure Funds to Support Growth*



Published by **The State Newspaper**



826 Assembly Street

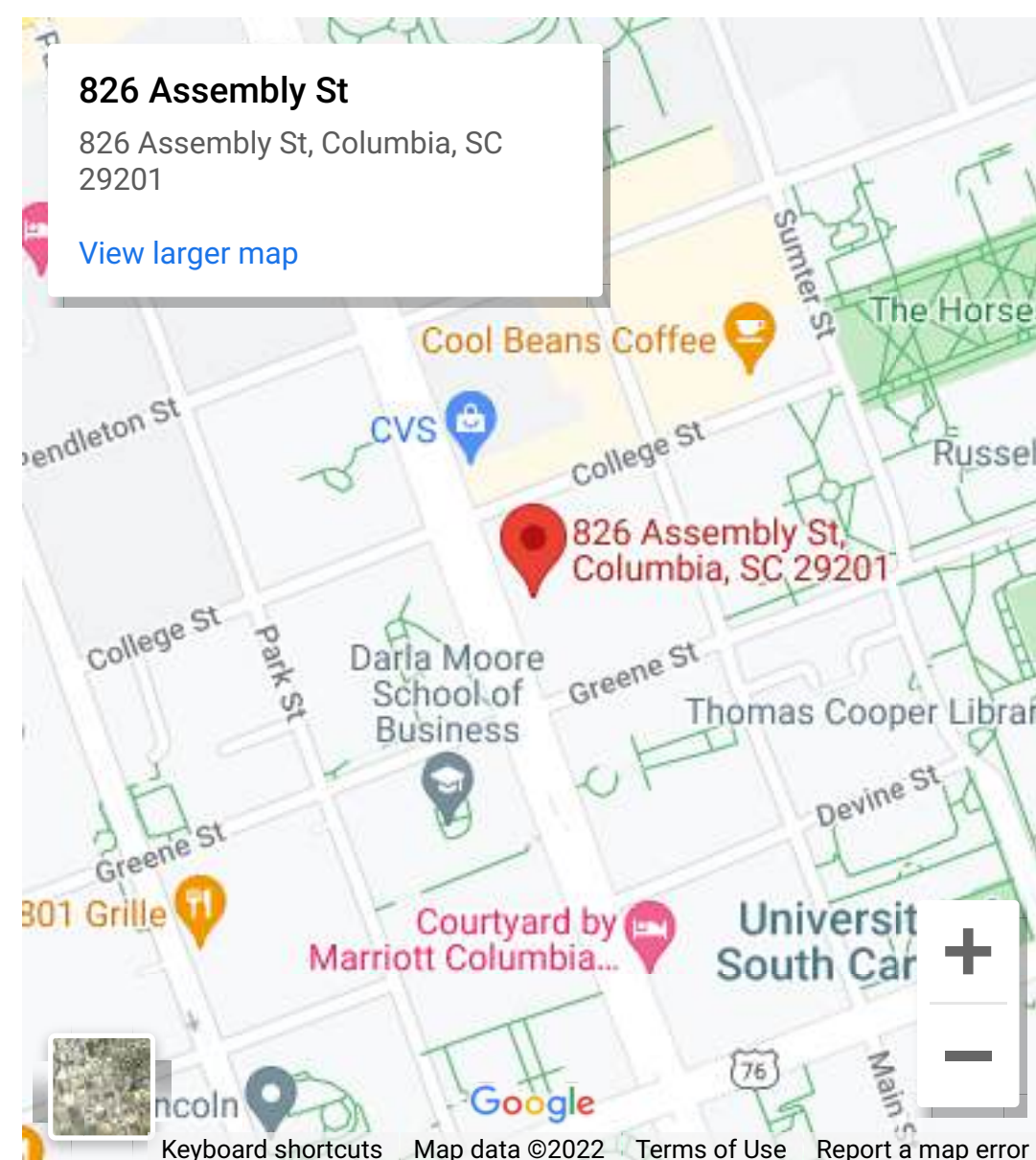
Columbia, SC 29201

(803) 771-4271

Executive Director Adam B. Jones

### Business Hours

Monday : 8:30 AM – 5:30 PM  
Tuesday : 8:30 AM – 5:30 PM  
Wednesday : 8:30 AM – 5:30 PM  
Thursday : 8:30 AM – 5:30 PM  
Friday : 8:30 AM – 5:00 PM  
Saturday : Closed  
Sunday : Closed





# 2022 SOUTH CAROLINA ENVIRONMENTAL CONFERENCE EXHIBIT SPACE CONTRACT

CONFERENCE DATES: MARCH 13-16, 2022

Company: American Council of Engineering Companies of South Carolin

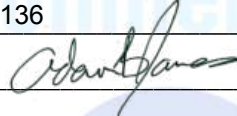
Contact Person: Adam B. Jones

Address: PO Box 11937 City, State, Zip: Columbia, SC 29211

Phone: 803-422-0762 E-Mail: adam@acecsc.org

If a booth has not been previously reserved, please call Tiffany (803) 358-0658 ext. 4#.

Booth Number reserved: 136

Authorized By (Signature): 

Print Name/Title: Adam B. Jones, Executive Director **Signature Required** Date: 2/22/22

\*\*\*\*\*

Regular Booth:	<u>136</u>	@ \$1,000/ea. =	\$ <u>1000</u>
Premium Booth:	<u></u>	@ \$1,400/ea. =	\$ <u></u>
Large Booth:	<u></u>	@ \$3,000/ea. =	\$ <u></u>
Additional Full Conference Registration:	<u></u>	@ \$280/ea. =	\$ <u></u>
Additional One Day Conference Registration	<u></u>	@ \$140/ea. =	\$ <u></u>

Less Deposit Paid: \$

**TOTAL AMOUNT ENCLOSED/CHARGED:** \$ 1000

**MAKE CHECKS PAYABLE TO:** SCEC (Tax ID #57-0725845) **OR** provide credit card information below:

DISCOVER VISA MASTERCARD x AMEX CHECK#

Credit Card #

Expiration Date: 11/25 CVV Code

Card Billing Address: PO Box 11937 Columbia SC 29211  
Street City State Zip code

Email Address for receipt: adam@acecsc.org

I authorize the SCEC to charge my credit card for conference exhibit fees as indicated.

 2/22/22

**SIGNATURE REQUIRED**

**Date**

\*\*\*\*\*

**For your protection, do not  
email credit card numbers.  
Call 803-358-0658 x4# after  
emailing to give credit card  
numbers to staff.**

**Tiffany@SCWATERS.org  
Fax: 803-358-0646**

*Return contract and  
payment to:*

**SCAWWA/WEASC  
121 Exec. Ctr. Dr, Ste. 115  
Columbia, SC 29210**

**Exhibit Space(s) Assigned:  
(for Exhibit Committee use only)**

# ACEC-SC

ADVANCING THE BUSINESS OF ENGINEERING IN SOUTH CAROLINA



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# ACEC KEEPS WATCH ON THE ENGINEERING INDUSTRY SO YOU CAN KEEP WATCH ON YOUR ENGINEERING BUSINESS

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Leading OUR industry through booms and busts, innovation and disruption to amplify YOUR business success.

ACEC is a “Force Multiplier” amplifying 52 state and regional voices through “big picture” advocacy, business opportunities, leadership development and education, and more. Because we work together, together we deliver access to the talent, expertise and resources your firm needs to thrive in a challenging and competitive marketplace.



## **POLITICAL ADVOCACY— AMPLIFIED**

ACEC’s advocacy voice is an “early warning system” for A/E firms who depend on our unified lobbying efforts at the federal and state levels to advance and secure policies in the public and private sectors that benefit our industry, including these wins and ongoing efforts:

- Federal legislation that broadens application of QBS on state and local projects.
- Laws that prevent arbitrary caps on firm overhead rates and ensure that State DOTs follow federal procurement rules on federally funded projects.
- Working directly with states to defeat professional services taxes, plastic pipe mandates and so-called “transparency” software requirements. (To learn more, visit <https://news.bloomberglaw.com/daily-labor-report/states-wanted-to-snoop-on-contractors-but-plans-are-stalling>.)

## **THE FORCE OF FEDERATION**

### **ACEC National Helps MOs Repel State Sales Tax Initiatives**

Every year, many state governments consider taxing professional services such as engineering in order to boost revenues. ACEC National stands ready to support our state MOs in their efforts to push back. We provide policy arguments, materials, and data that MOs can use to advocate for our industry with their state legislators. In 2018-2019, this collaboration resulted in successful outcomes for engineering firms in California, Ohio, and Nebraska.





## FRESH OPPORTUNITIES— AMPLIFIED

ACEC state and national programs promote the cross-pollination of ideas and processes – leveling the playing field between large and small firms to improve cost efficiencies and support greater business collaboration.

- ACEC Coalitions, Communities, and Forums offer networking and teaming opportunities where members can build peer relationships and share knowledge about their unique business challenges within their specific disciplines, firm size, and by job role.
- Members grow their operational expertise with ACEC business management tools and education – best practices, trends, technologies, business insurance – and matchless leadership development.



*"Through ACEC, our firm has focused on building trust with other leaders. This has resulted in strategic teaming relationships with peer firms to pursue and deliver larger and more complex professional assignments, which benefits our firm and theirs."*

– Alan Pramuk, CEO, Gresham Smith



## GREATER VISIBILITY— AMPLIFIED

ACEC is the industry's most recognizable business brand and credential – ACEC membership can help open doors, clear access to government and industry influencers and heavy hitters and boost your own firm's visibility and name recognition.



*"We're proud when we win an ACEC Engineering Excellence Award. It helps with recruitment, retention, and morale."*

– Craig Finley, Founder and Managing Principal, FINLEY Engineering Group



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# ACEC AND ACEC-SC MEMBERSHIP IS A SMART INVESTMENT THAT DELIVERS TAKE-TO-THE-BANK RESULTS

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## BOTTOM-LINE BENEFITS

ACEC membership is more than just industry affiliation. It's about the dollars and cents driving your business, the economy, and our industry.

- ACEC-SC Environmental Committee is working with SCDHEC to maintain open lines of communication on issues that impact our members.
- ACEC-SC worked with Senator Alexander to introduce S.422, the Designer Fair Contracting Act, to help its members deal with unnecessary indemnification clauses and duty to defend clauses in contracts.
- ACEC-SC has been on the front lines advocating for the passage of both the IIJA and the ARAP. We have been pushing for as many dollars as possible to go to the water/wastewater/storm water sector to upgrade SC's aging water infrastructure.
- ACEC-SC was vital to the stoppage of the Plastic Pipe Preference legislation sponsored by the American Chemistry Council.
- ACEC-SC advocates, communicates, and educates on the behalf of the engineering community in South Carolina.

## IN THEIR OWN WORDS



*"When RK&K decided to invest in SC, membership in ACEC/SC was a top priority. There is tremendous value in the industry partnerships that are developed through ACEC/SC, and they do an excellent job of advocating for and protecting the business interests of engineering firms in SC."*

— Ricky Ward, PE, Senior Manager, RK&K,  
ACEC/SC member since 2017



*"My participation in ACEC/SC has been great for my personal and professional development. Being a member has allowed me to make professional relationships that have led to beneficial teaming opportunities for projects. The ACEC/SC meetings and activities are very informative and worth my firm's investment. If you are in the engineering industry, I would highly recommend that you and your staff take advantage."*

— Melvin C. Williams, Terracon, Inc.,  
ACEC/SC member

*Find out more!*

**ACEC-SC**

**P.O. Box 11937**

**Columbia, SC 29211**

**Phone: (803) 771-4271**

**[www.acecsc.org](http://www.acecsc.org)**



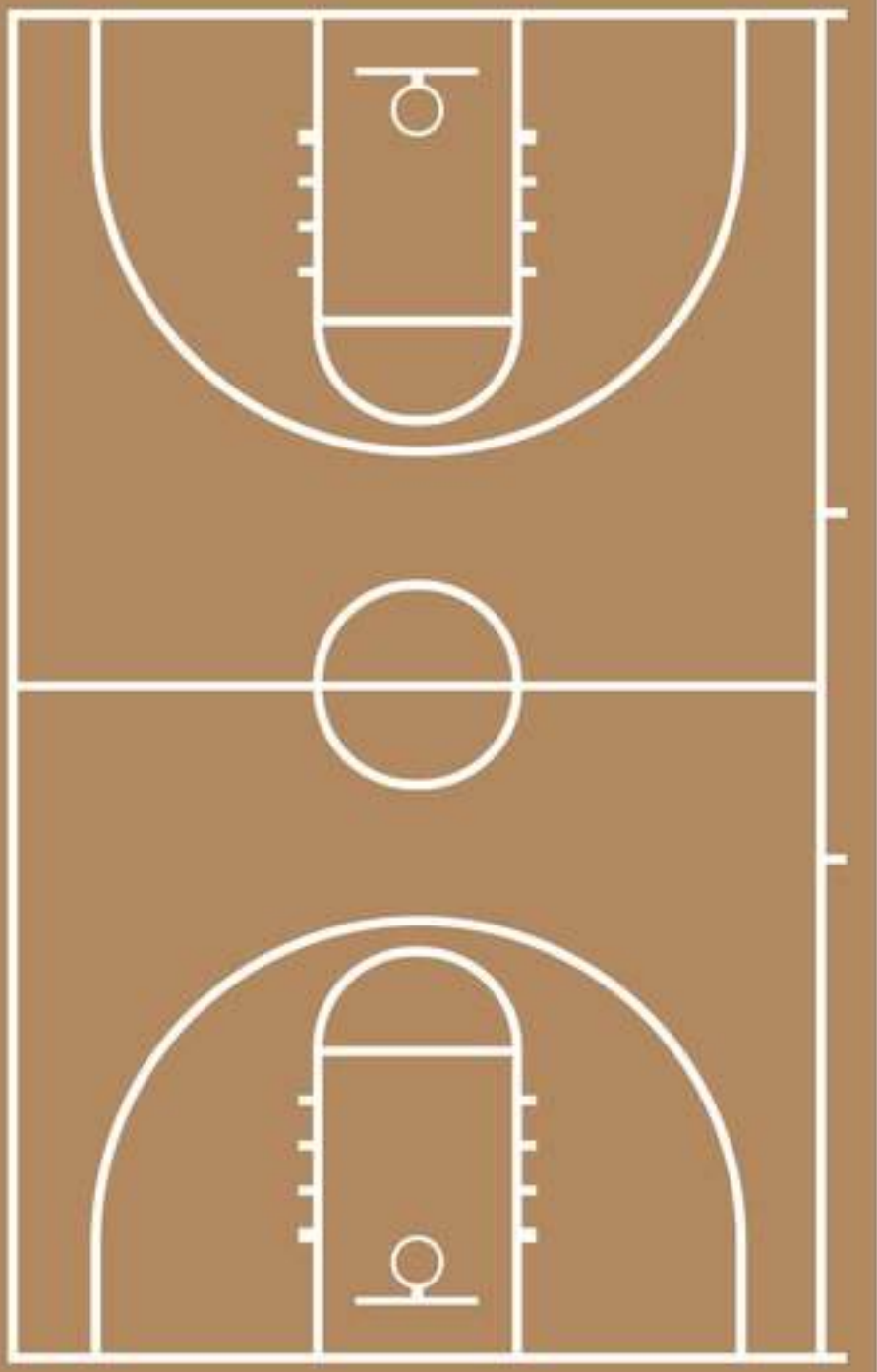
**ACEC**

AMERICAN COUNCIL OF ENGINEERING COMPANIES  
*of South Carolina*

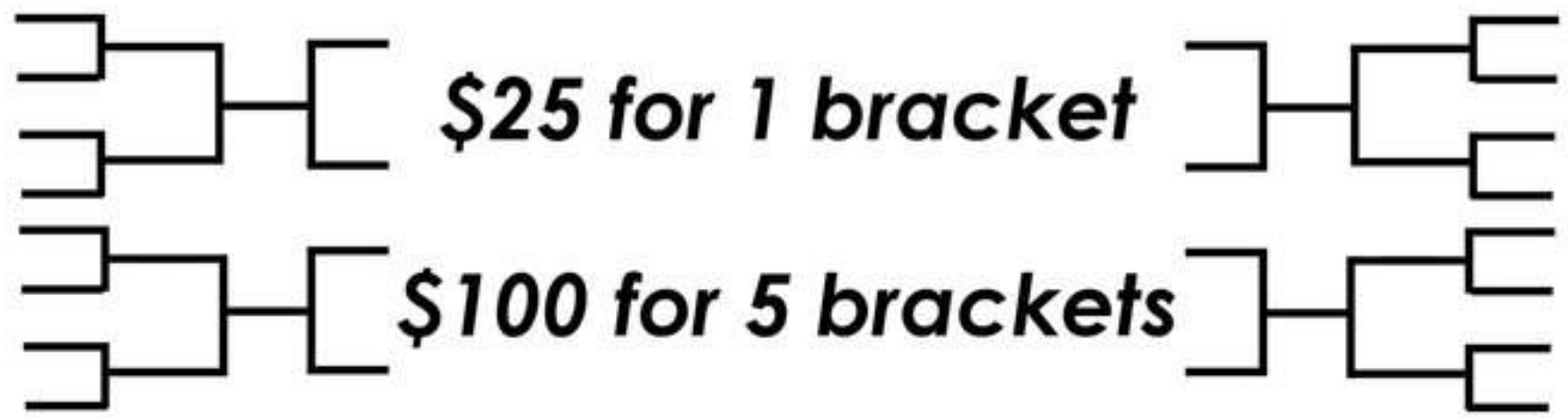
**ACEC**

AMERICAN COUNCIL OF ENGINEERING COMPANIES

1015 15th Street, NW, 8th Floor | Washington, DC 20005  
202-347-7474 | [acec@acec.org](mailto:acec@acec.org) | [www.acec.org](http://www.acec.org)



AMERICAN COUNCIL OF ENGINEERING COMPANIES  
*of South Carolina*



# PAC COLLEGE COLOR COMPETITION



AMERICAN COUNCIL OF ENGINEERING COMPANIES  
*of South Carolina*







**2022-2023**  
**American Council of Engineering**  
**Companies of South Carolina**  
**Annual Planning Retreat**  
**March 11-13, 2022**

**The Grove Park Inn Resort & Spa**  
**Asheville, NC**

***"The 2022-2023 Strategic Planning retreat will focus on updating and modernizing our Bylaws, improving engagement and transparency with our membership, strengthening our committees, supporting ACEC National's commitment to DEI, and broadening engagement from our younger members."***

***Dr. Jeff Mulliken, PhD, PE – ACEC-SC Vice-Chair & Transportation Committee Chair***

Day one of our 2022 ACEC-SC Strategic Planning Retreat begins after the monthly Board of Directors Meeting and will start with a working lunch and planning session to look at our bylaws. It is important for every Board Member (and member firm) to be familiar with the organization's bylaws. It's been several years since we have updated the bylaws. At the Retreat, we will review our bylaws to 1) see how we compare to other states in certain areas, 2) look at our nominating procedures, 3) ensure bylaws are up to date, 4) ensure our operating procedures are transparent, and 5) confirm the Board is operating within the guidelines laid out.

We will also be taking a look at our committee structures. We have many committees functioning as they should, but we have other committees that could be more engaged. Attendees will look at ways to make sure all of ACEC-SC's committees are doing what is needed to advance our Strategic Plan.

Day two will focus on engaging our membership. As ACEC-SC focuses on support of ACEC National's initiatives, we will have Tricia Hatley, PE of Freese & Nichols join us to walk us through what Diversity, Equity, and Inclusion (DE&I) initiatives can look like as part of our organization functions. With DE&I becoming a priority with many firms, organizations, and government entities, we will explore what ACEC-SC can do to enhance engagement of our member firms' diverse workforces and to develop partnerships to advance strategic initiatives.

Attendees will also discuss a proposal for the creation of an ACEC-SC Junior Board. We will discuss the proposed outcome of its creation, a process for creation and implementation of a Junior Board, who would serve on the Board, and what their terms, tasks, and expectations are. A Junior Board could be a great opportunity for future leaders in our organization to learn how the ACEC-SC Board functions, and the members can take an active role in DEI initiatives, STEM outreach, and help improve our Future Leaders program.

Don't worry. It won't be all work. We'll wrap up our strategic planning just before lunch and have the afternoon free to explore The Grove Park Inn and Asheville. We will be offering a networking and team-building exercise with a brewery tour. If you're not a beer person, we will have wine too.

ACEC-SC is your organization; it needs your input, participation, and leadership. You can help build on this year's successes by participating in the 2022 Retreat at The Grove Park Inn and Spa, March 11-13<sup>th</sup>, 2022. Your input in this process is vital.

# Retreat Agenda

## **Thursday 3/10/2022**

7:30 PM – 9:00PM

Reception & Appetizers

## **Fri 3/11/2022**

7:30AM – 8:30 AM

Breakfast

8:30 AM – 9:00 AM

Break

9:00 AM – 11:30 AM

Board Meeting

11:30 AM – 12:00 PM

Break

12:00 PM – 12:30 PM

Lunch in the same room

12:45 PM – 2:30 PM

Review/Updates to Bylaws, Committees

2:30 PM – 2:45 PM

Break

2:45 PM – 4:30 PM

Bylaw Discussions (cont.), Member Firm Diversity

6:30 PM

Cocktails (cash bar) and dinner

## **Sat 3/12/2022**

7:30 AM – 8:30 AM

Breakfast Buffet

8:45 AM – 10:00 AM

DE&I, w/ Tricia Hatley, PE (Freese & Nichols)

10:00 AM – 11:45 AM

Proposal for an ACEC-SC Junior Board of Directors

11:45 AM – 12:00 PM

Recap

12:00 PM

End

## **Two Optional Events on Saturday Afternoon**

1:00pm

Golf at the Grove Park Inn Golf Course

2:00pm

Brewery Tour: Pick up & Drop off at the Grove Park Inn



# **ACEC-SC BYLAWS**

## **ARTICLE I DEFINITION**

The American Council of Engineering Companies of South Carolina is a statewide organization of independent consulting engineering and surveying firms incorporated as a non-profit Corporation under the statutes of South Carolina.

## **ARTICLE II MEMBERSHIP**

### **Section 1**

Membership classifications in ACEC-SC are as follows:

- A. Member Firm. Firm membership shall consist of firms whose major occupation is the practice of consulting engineering or surveying who meet the requirement of Section 2 of this article.
- B. Professional Member. Members shall consist of member firm principals or Registered Professional Engineers or Registered Professional Land Surveyors in South Carolina or other design professionals, who are principals or employees of a member firm, and meeting the requirements of this Article, and so designated in this class to the Secretary, by the member firm, and entered into the records of ACEC-SC.
- C. Affiliate Member. One that does not qualify as a Member Firm and meets the qualifications of Article X Affiliate Membership.

### **Section 2**

For the purpose of determining the eligibility for membership in this Organization, the term, “Member Firm” shall mean sole proprietorship, partnership, corporation, or professional association represented to the public as being available for, and whose principal activity includes, the private practice of consulting engineering or surveying, which does, and is legally authorized to practice engineering or surveying, as evidenced by a Certificate of Authorization from the South Carolina State Board of Registration for Professional Engineers and Land Surveyors, or professional engineer or surveyor registration if a sole proprietor. As a condition of membership, all ACEC-SC members must be members of the American Council of Engineering Companies.

## **ARTICLE III ADMISSION AND SEPARATION**

### **Section 1**

Candidates for membership in any classification shall be sponsored by a Member Firm and by application of the candidate. The name of the applicant shall be submitted to the Board, which shall investigate

eligibility. Upon favorable finding, the Board may vote the applicant from the designated classification into the membership.

## **Section 2**

Any member of any classification shall be subject to removal or suspension from membership if (1) that member ceases to qualify for membership under the bylaws; (2) if any dues or assessments are in arrears more than ninety days.

## **Section 3**

Reinstatement shall be by reapplication. Prior to reinstatement all outstanding debts to ACEC-SC must be paid.

## **Section 4**

ACEC-SC shall hold harmless and indemnify any person acting on behalf of ACEC-SC, in matters relating to this Article, against any losses, claims, damages or liabilities, joint or several, to which he may become subject, provided he has acted in good faith and in a manner which he reasonably believes to be in, or not opposed to, the best interest of ACEC-SC.

## **Section 5**

Any member in any classification may voluntarily terminate or suspend his membership upon written notice to the Secretary. A suspended member may be reinstated upon thirty days' written notice to the Secretary and payment of dues and assessments for the current year, provided the applicant for reinstatement possesses the qualification for membership as outlined in this Article. However, all dues and assessments due at the effective date of withdrawal are due and payable at once.

## **Section 6**

Upon termination or expulsion of members of any classification, all rights and interests in any funds or assets of ACEC-SC are lost to that member.

## **Section 7**

Affiliate members refer to Article X.

# **ARTICLE IV** **DUES AND ASSESSMENTS**

## **Section 1**

The fiscal year shall be July 1 of one calendar year to June 30 of the next calendar year.

## **Section 2**

Dues shall be paid by Member Firms according to index number. The index number shall be the square root of the total firm personnel carried to the next highest whole number in case of fractional



dividend. However, no index number shall exceed 30. Affiliate members shall pay dues as determined by the Board on an annual basis.

### **Section 3**

A budget shall be proposed by the Board at the Annual Membership Meeting for the next fiscal year, and an affirmative majority vote of the firms present shall so authorize receipts and expenditures.

### **Section 4**

The Board, by a majority vote, shall be empowered to propose a special levy, if it is considered that the financial condition of ACEC-SC so warrants, or if funds are required for some special purpose

### **Section 5**

On an annual basis and upon request, Member Firms shall report on appropriate ACEC or ACEC-SC forms the total number of personnel within the firm for dues purposes.

### **Section 6**

Dues and other funds of the Organization shall be maintained in such depositories as the Board shall determine.

### **Section 7**

Dues to be paid by new members will be pro-rated according to number of all quarters remaining in the fiscal year.

### **Section 8**

The Board may establish special dues programs for new member incentives.

## **ARTICLE V** **MEETINGS**

### **Section 1**

- A. There shall be a minimum of an Annual Membership Meeting to be held at an hour and place designated by the Board. The Board may call additional regular membership meetings.
- B. Special membership meetings called for a specific purpose may be called by the Board or upon written request of not less than five percent of member firms. Written notices specifying the purpose of the meeting shall be mailed electronically or by USPS to all member firms and members of all classifications not less than ten days in advance.
- C. Twenty-five percent of the member firms, or not less than 10 member firms, with at least one Professional member present whichever is the greater number, including at least three members of the Board, shall constitute a voting quorum for the transaction of business at any membership meeting

and a majority vote, with each member firm being allowed one vote, shall be required to approve a motion. Exceptions are stated in Articles IV, IX and X of the bylaws.

## **Section 2**

At least six Board meetings shall be held each fiscal year. A special meeting may be called by the President or any three Board members upon due notice. A majority of the members of the Board at any properly called Board meeting shall constitute a quorum. An affirmative vote of a majority of Board members present at any meeting shall be required to pass a motion, except as provided in Article VII of the Bylaws.

## **Section 3**

The proceedings of any meeting shall be in accordance with the latest edition of Robert's Rules of Order, and such special rules of procedure as may be adopted by the Board.

# **ARTICLE VI** **BOARD OF DIRECTORS AND OFFICERS**

## **Section 1**

The Board shall consist of not less nine members, three of whom shall be elected each year for three-year terms. The Immediate Past Chair and the ACEC National Director shall be non-voting, ex-officio members of the Board, in addition to the above. It is the intent of this section that a continuity of service on the Board shall be established through staggered terms of office for its members. Board members elected for part of an unexpired term shall be eligible for election to a full three-year term. Board members shall take office upon election.

## **Section 2**

No later than January 7, the Chair shall appoint three past Chairs to serve as the Nominating Committee, which will have the responsibility of presenting a slate of candidates for Board membership and Officer Positions to be voted upon at the Annual Membership Meeting. The members of the Nominating Committee shall represent their different member firms

## **Section 3**

The nominating committee shall present to the Chair a slate of nominees for the Board and any other vacancies to be filled by election at least thirty (30) days prior to the Annual Membership Meeting, and the Chair shall see that the list of nominees be sent to all members at least fifteen (15) days prior to the Annual Membership Meeting. Nothing herein shall preclude further nominees from the floor during the Annual Membership Meeting. All nominees shall confirm willingness to serve prior to election.

#### **Section 4**

No member firm shall have more than one representative serving on the Board at any one time, except the Immediate Past Chair and the National Director, who serve ex-officio. No member shall serve on the Board for more than eight consecutive years except the Immediate Past Chair and National Director, who serve ex-officio.

#### **Section 5**

In accordance with Article V of the Articles of Incorporation the Board shall elect a Chair, Vice-Chair, Secretary and Treasurer (the latter two may be one person). Additionally, the Board may elect a National Director and Affiliate National Director to represent ACEC-SC on the American Council of Engineering Companies Board of Directors. The National Director's term is for two years and the person elected should not serve more than three consecutive terms.

### **ARTICLE VII** **DUTIES AND POWERS**

#### **Section 1**

- A. The Board shall seek to fulfill the purpose of and manage the affairs of ACEC-SC in accordance with the laws under which it is organized and within the provisions of the Articles of Incorporation and Bylaws. It shall direct the investment and care of all funds and make appropriations for specific purposes; act upon applications for membership; take measures to advance the profession of engineering or surveying and the interests of ACEC-SC; designate the appointive offices; perform the specific duties required of it by the Bylaws and generally direct the business Organization. During intervals between general membership meetings, the Board is to act for the membership in such a way as may be to the best interest of the Organization.
- B. In the event of a vacancy on the Board by reason of resignation, removal, death, inability to serve, or other reasons, the vacancy shall be filled as follows until the next Annual Membership Meeting.
  - (1) The Vice-Chair shall become the Chair when the Chair's seat is vacated between elections.
  - (2) A vacancy on the Board other than Chair shall be filled by a majority vote of the Board.
- C. An office on the Board shall be considered vacant if the member, without just cause, has failed to attend three consecutive meetings of that body or if he ceases to be a member in good standing; any director may be removed from his position by a three-fourths majority affirmative vote of the Board.
- D. The Board may engage an executive director, employees, agents, or attorneys to perform such duties as it deems necessary and shall determine the compensation for such services.
- E. The Board shall report for the preceding fiscal year at the Annual Membership Meeting. The Annual Report shall include the reports of the Treasurer and the Secretary, and such other information as may be deemed by the Board to be appropriate.

#### **Section 2**

The Chair shall be the chief elected officer and shall have responsibility for the general management of its affairs. He shall preside over all general membership meetings and the meetings of the Board. He may assign administrative responsibilities for committees to other members of the Board. He shall be an ex-officio member of all committees, but he shall not be counted in determining the presence of a quorum for the transaction of business by any committee. In the temporary absence or disability of the Chair, the Vice Chair shall discharge the duties of the Chair.

### **Section 3**

The Vice-Chair may be assigned duties including the administration of committees and shall preside at any meeting at the request of the President.

### **Section 4**

The Treasurer, being the financial officer of the organization shall review each annual financial report and shall report thereon to the Board. He shall be responsible for the collection of all money due and for the transfer of such money to the appropriate bank accounts. He shall have charge of the books of account and shall exercise all customary managerial functions with regard to the financial transactions. He shall present annually to the Board a balance sheet of the books, as of May 30. He shall be responsible for submitting a proposed budget to the Board and to send a copy to each member firm at least fifteen days before the Annual Membership Meeting. He shall have charge of all funds and financial records. The Treasurer, Chair, and Executive Director shall have Power-of-Attorney for the signature of checks drawn upon the funds of the organization. The Treasurer shall be empowered to defray the normal operating expenses of the organization based on the amounts designated in the budget established each fiscal year. He shall notify each delinquent member firm prior to the invocation of the suspension rule in Article III, Section 2. The Treasurer shall retain a CPA to prepare an annual review of the corporation and prepare tax returns for ACEC-SC and file such documents with the Internal Revenue Service as is required.

### **Section 5**

- A. The Secretary, or his designee, shall keep an accurate record of minutes and attendance at all meetings of the Organization and the Board. The Secretary shall have preserved the lists of memberships, officers and committees, and other information to maintain a continuous record of ACEC-SC. He shall be responsible for communications with members.
- B. The Secretary will act as the agent upon whom process against the corporation may be served. He shall have all necessary documents filed with appropriate state and federal agencies.

## **ARTICLE VIII** **COMMITTEES**

### **Section 1**

The Chair shall have the authority to appoint annually a chairperson and committees consistent with ACEC-SC's mission.



## **ARTICLE IX** **AFFILIATION**

### **Section 1**

ACEC-SC reserves the right to affiliate with or withdraw from any other professional organization or coalitions.

### **Section 2**

Affiliation, or withdrawal, shall be voted upon using the same procedures as Article X. A two-thirds majority affirmative vote of the total voting quorum of the board shall be required for affiliation with, or withdrawal of this Corporation from, any other Professional Organization. The effective date shall be as stated in the question of the vote.

### **Section 3**

Upon joining ACEC-SC, all members shall adhere and be subject to all the rules, regulations, Articles of Incorporation, or Constitution, and Bylaws of any affiliations that are conditional to membership.

## **ARTICLE X** **AFFILIATE MEMBERSHIP**

### **Section 1 - Purpose**

Certain providers of goods and services commonly employed by members in conduct of their work are known to be highly reliable sources of information useful to consulting engineers and surveyors. The same providers are in a position to act as informal liaisons between ACEC-SC and organizations and individuals with whom they work. By permitting appropriate representatives of provider organizations to participate more substantially in ACEC-SC activities, the potential for enhanced communication, cooperation and coordination can be realized. Accordingly, ACEC-SC has established an affiliate membership category.

### **Section 2 - Eligibility**

Any organization, other than consulting engineering or surveying firms, which provides products and/or services routinely used, specified or recommended to clients by members of ACEC-SC may be eligible for affiliate membership.

### **Section 3 - Election to Affiliate Membership**

A. Procedure. Any organization desirous of becoming an affiliate member of ACEC-SC may make its wishes known in writing to the Board. Before being considered, such organization shall provide the name of at least one ACEC-SC member who shall sponsor the potential affiliate member. Each such request for affiliate membership shall be reviewed by the Board. If the Board believes that granting

affiliate membership to the interested party will be in the best interest of ACEC-SC members. By a majority vote, the Board may grant affiliate membership.

- B. Review Considerations. In reviewing the desirability of issuing an invitation to any given prospective affiliate member firm, a member of the Board shall first speak with the sponsoring ACEC-SC member to determine the basis for such sponsorship. The Board shall review the composition of the current affiliate membership to determine the extent to which a given product or service category already is represented by existing affiliate membership, to help assure that any available affiliate memberships are used to enhance diversity of services and products represented by affiliate members. If the review indicates it would be desirable to include the prospect among the ACEC-SC affiliate membership, by a majority vote, approve the affiliate membership.
- C. Rejection. If for any reason an invitation shall not be extended to an organization seeking affiliate membership in ACEC-SC, the organization shall be so informed.

#### **Section 4 - Duration of Membership**

An organization's affiliate membership shall continue only through the last day of the fiscal year during which affiliate membership was conferred. The Board shall issue invitations for annual affiliate membership renewal only to those organizations which, in the opinion of the Board, enrich the value of membership for ACEC-SC members.

#### **Section 5 - Limited Number**

The number of affiliate members permitted to belong to ACEC-SC at any given time shall be determined by the Board on an annual basis and as a general rule should not exceed 25-35 percent of the number of ACEC-SC member firms. No affiliate member shall be asked to leave during a fiscal year solely because a loss of ACEC-SC members reduces the number of affiliate members who may belong to ACEC-SC.

#### **Section 6 - Representation**

Each affiliate member shall be permitted three representatives. As part of the review process, prospective affiliate member shall identify who these three representatives shall be.

#### **Section 7 - Participation in ACEC-SC Affairs**

An affiliate member representative may serve on any ACEC-SC committee, and may attend and participate in ACEC-SC membership meetings. In all such activities, however, the affiliate member representative involved shall serve without vote, in an advisory capacity only.

#### **Section 8 - Dues and Fees**

There shall be no affiliate membership application fee because organizations may become members and maintain membership from year-to-year only at the invitation of the Board. However, affiliate members

shall be required to pay dues to ACEC-SC. Such dues shall be established each year by the Board of Directors.

### **Section 9 - Relationship to the American Council of Engineering Companies**

ACEC-SC is a member organization of the American Council of Engineering Companies, and as such, each ACEC-SC member also is a member of the American Council of Engineering Companies. An affiliate member may not belong to the American Council of Engineering Companies as a regular member, and therefore no benefits accorded to members of the American Council of Engineering Companies shall be afforded to affiliate members of ACEC-SC.

### **Section 10 - Notice of Affiliate Membership**

An affiliate member may not use affiliate membership status in the organization for any commercial purpose, except it may list its affiliate membership in proposals and similar documents of short-term longevity. In that affiliate membership in ACEC-SC may not be renewed by the Board from one year to the next, use of symbols and/or words indicating affiliate membership on or in materials such as brochures, letterheads, and business cards is expressly forbidden. In all cases, an affiliate member shall obtain permission for a specific application or category of application prior to implementing such application, and shall receive written permission for the application prior to implementing it.

## **ARTICLE XI** **AMENDMENTS TO THE ARTICLES OF INCORPORATION AND BYLAWS**

### **Section 1**

An amendment may be proposed by any member firm. In such event, the proposed amendment, in writing, shall be presented to the Board for discussion and disposition. On a majority affirmative vote of the Board, the proposed amendment shall be presented to the next membership meeting or an amendment may be proposed by 5 member firms and shall be presented directly to a membership meeting.

### **Section 2**

A written copy of the proposed amendment and a notice stating the time and place of the meeting at which the proposed amendment will be considered, shall be sent to each member in each classification at least ten days prior to said meeting.

### **Section 3**

Articles of Incorporation or Bylaws may be amended by an affirmative vote of not less than two-thirds of a voting quorum. The effective date of any amendments shall be immediate.