

AMERICAN COUNCIL OF ENGINEERING COMPANIES OF KENTUCKY

MEMBERSHIP DIRECTORY

2016 - 2017


ACEC

AMERICAN COUNCIL OF ENGINEERING COMPANIES
of Kentucky

WHAT IS ACEC-KY?

The American Council Of Engineering Companies of Kentucky (ACEC-KY) actively promotes increased quality of engineering services and performance. The American Council of Engineering Companies of Kentucky is a member of the American Council of Engineering Companies (ACEC). ACEC is a national association comprised of state associations with over 5,700 engineering firms throughout the country. Members of ACEC-KY actively participate in national and international professional activities. Many ACEC-KY members serve on national committees of the Council.

All members of the American Council of Engineering Companies of Kentucky are licensed to practice professional engineering or land surveying under the laws of the state of Kentucky, and many also hold registration in other states.

To qualify for membership in the American Council of Engineering Companies of Kentucky, consulting firms must be established, owned and managed by licensed professional engineers or land surveyors with no business affiliations that could compromise professional judgment.

The American Council of Engineering Companies of Kentucky is dedicated to:

- Establishing and maintaining the highest standards of technical performance and professional practice.
- Encouraging continuing professional and technical achievement among all engineers.
- Developing a greater understanding of the practice of consulting engineering among the public, related design professions, the construction and materials industries and local, state and federal governments.
- Performing public services when the services do not conflict with professional obligations. ●

WHAT IS A CONSULTING ENGINEER?

Consulting engineers are individuals who, because of training in one or more engineering specialties, are licensed professional engineers in private practice.

They serve private and public clients in ways ranging from brief consultations to

complete design and coordination of a project. They are often the technical liaison between architects, process specialists, contractors, suppliers and the client.

The consulting engineer's specialty may be anywhere in the broad spectrum of engineering

technology, including the fields of civil, electrical, structural, mechanical, chemical, metallurgical, geotechnical and highway engineering. A firm may also concentrate in specific fields such as soil mechanics, sanitation, hydrology or petroleum.

The consulting engineer can provide general consultation, feasibility reports, design, cost estimates, rate studies, project development, patent assistance and preparation of environmental impact statements.

Locating the best available consulting engineer and negotiating the fairest fee requires research, organization, evaluation and responsible decision making. Engineering value is obtained when the most qualified firm – engaged for a fair and equitable cost – develops a design which best serves the client by holding down present and future costs. ●



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2016-17 ACEC-KY PRESIDENT'S MESSAGE



BRAD MONTGOMERY, P.E.
President, ACEC-KY 2016-17

GREETINGS,

As we move into the new year, I would first like to take an opportunity to reflect on the past year. It was an unusual year and a difficult year for ACEC-KY in that we were again challenged with a search for a new Executive Director. However, I firmly believe that our organization rose to the challenge. We made significant strides in advocacy on both State and National levels, maintained membership levels, completed an overhaul of our Bylaws, conducted 45 professional development events with over 1,000 participants, strengthened partnering efforts with both the Kentucky Transportation Cabinet and the Energy and Environment Cabinet, improved our financial position and developed a new employee handbook . . . all while conducting a search for a new Executive Director.

None of the past year's accomplishments would have been possible without the tremendous staff at the Engineering Center. Thank you to Marcie Fisher and Jennifer Gatewood! I cannot say enough about the contributions those two ladies make to our organization and our profession. A huge thank you goes out to George Binder for seamlessly stepping in as our Interim Executive Director. George has contributed tremendous perspective to the events of the past few months. I would be remiss without offering a thank you to Derek Guthrie for his three years of service to ACEC-KY. Much was accomplished during Derek's tenure with ACEC-KY.

Our successes in 2015-16 also speak to the quality of our volunteer leadership. We offer a special thank you to President Mark Litkenhus for effort above and beyond the call of duty. Last but not least, I would like to offer thanks to the Board of Directors, Committee Chairs and Committee Members who contributed to another successful year for ACEC-KY.

Besides maintaining our annual programming efforts, our agenda for the upcoming year is fairly basic, but important. I would like to see us make strides in three areas:

- **Advocacy** – We have historically done a good job of defending the erosion of our profession through our legislative efforts. However, I believe that it is time that we develop strategies for proactively protecting our profession in areas such as the promotion of Qualifications Based Selection and the prevention of onerous contract language.
- **Finance** – While our finances are strong, a significant portion of our revenue is dependent on a competitively procured training contract with the Kentucky Transportation Cabinet. We need to ensure that our financial model is sustainable. Retaining and recruiting members, both member firms and affiliate members, is critical to our success.
- **Relationships** – Much of the strength of ACEC-KY resides in the strength of our national organization. We have already begun to re-establish our relationship with national ACEC and will continue to do so. We will also strive to re-establish our relationships with our sister member associations, particularly those in border states.

In closing, I would like to thank you for the opportunity to serve you and our profession. We are looking forward to a great year! ●

A handwritten signature in blue ink that reads "Brad Montgomery". The signature is fluid and cursive, with a large loop at the end of the last name.

2016-2017

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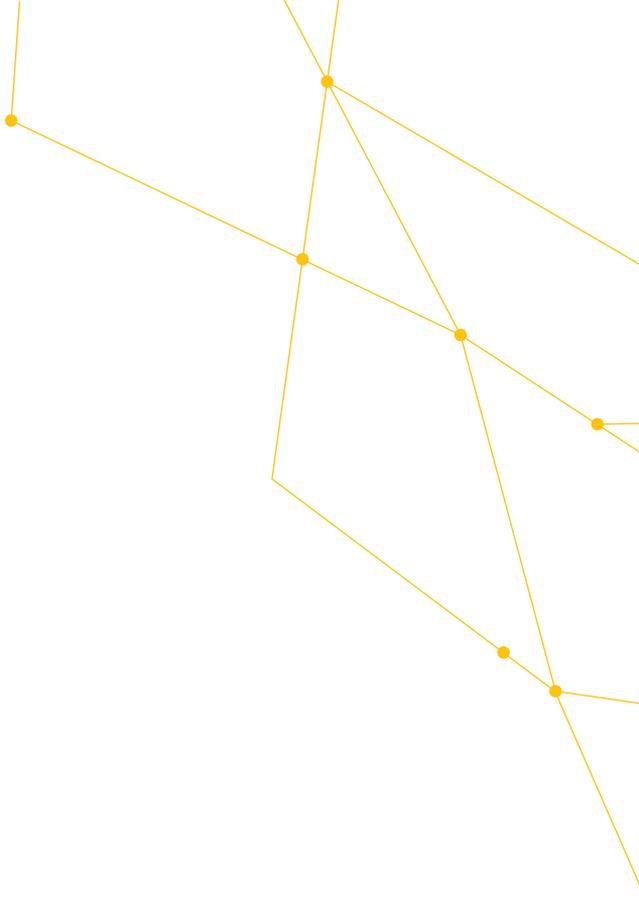
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ACEC-KY ENGINEERING EXCELLENCE AWARDS

The American Council of Engineering Companies of Kentucky's Engineering Excellence Awards program is an annual design competition that recognizes engineering achievements that demonstrate the highest degree of merit and ingenuity. Entries are rated on the basis of uniqueness and originality; technical value to the engineering profession; social and economic considerations; complexity; and how successfully the project meets the needs, including time and budget constraints, of the client. Designs are entered into one of nine project categories: studies; research and consulting engineering services; building support systems; structural systems; surveying and mapping; environmental, water and wastewater; water resources; transportation and special projects.

Participating in the EEA program is a win-win prospect. If you want to increase your firm's visibility and expand your client base, EEA is an important opportunity. For a relatively small investment in materials and time, you can produce a marketing tool that will augment your business development efforts and pay for itself one hundred fold. Every finalist receives local and national recognition – this year may be the year for you to enter.

Winners of the ACEC-KY EEA competition advance to the ACEC competition with the possibility of additional national recognition.



GRAND CONCEPTOR AWARD

US 460 APD CORRIDOR Q

Firm: Palmer Engineering

Client: Kentucky Transportation Cabinet District 12

US 460 APD Corridor Q
Pike County, Kentucky

Pathway to the Heart of Appalachia

Client: Kentucky Transportation Cabinet - Pikeville, KY
Engineering Firm: Palmer Engineering - Winchester, KY
Contractors: Bizzack Construction - Lexington, KY; Blum, Greer and Sons - London, KY; Kay and Kay Contracting - London, KY; Mountain Enterprises - Lexington, KY; Bush and Burchett - Prestonsburg, KY

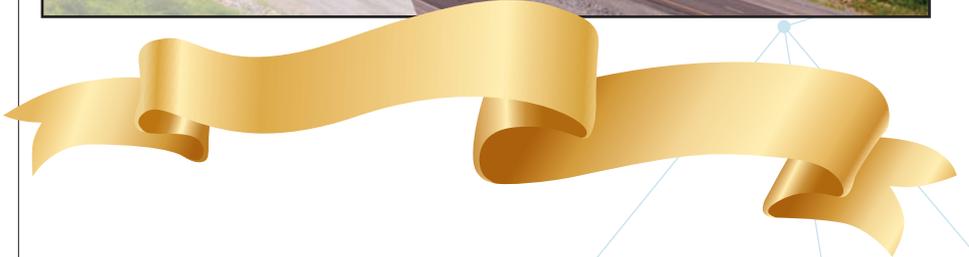
ACEC
The Honor of Excellence

The Appalachian Regional Commission designated US 460 in Pike County as Corridor Q with the goal of opening up the difficult terrain of eastern Kentucky and for economic development, tourism, and improved mobility for residents. Opening the first portion of Corridor Q from US 23 to KY 195 in December 2014, KYTC greatly improved access to Pikeville and US 23.

The old US 460 route is plagued by closures due to flooding, rock slides, and embankment failures. Heavy coal truck traffic on the corridor, combined with sharp curves, narrow lanes, numerous entrances, and limited sight distance has resulted in a high crash rate. Trips for emergency services dropped from 30 minutes on the old US 460 to under 10 minutes today.

The new 8.3-mile US 460 route includes four interchanges, three of which utilize innovative right-on/right-off configurations to minimize left-turn movements, fit the confined terrain, and reduce construction costs. Construction of this first segment cost \$264 million and involved 10 contracts.

Excavation of more than 43 million cubic yards was necessary, resulting in multiple permitted excess material sites providing opportunity for future economic development. The project has become KYTC's on-site laboratory for dealing with mountainous terrain challenges.



Reconstruction of the KY 416 Interchange: Edward T. Breathitt Parkway
 Robards, Henderson County, KY 
Future I-69 Corridor Upgrades

This interchange was constructed initially as a half diamond when the Breathitt Parkway (formerly Pennington Parkway) was constructed as a toll road circa 1993. The half diamond originally allowed access for southbound exiting traffic, and northbound entering traffic, to and from KY 416 near the community of Robards, Henderson County, KY. The right-of-way was recently purchased and utilities were relocated for the ultimate construction of a full-ramp diamond service interchange. The primary purpose of this project was to complete the remaining two (2) legs of the diamond interchange allowing all northbound and southbound movements at the site. This project is within the portion of the Breathitt Parkway that has been identified as 63 section 3 of the Future I-69 corridor. All proposed improvements to this interchange were designed to current Interstate standards with some FHWA approved design exceptions to existing practice. This interchange along with an additional 42 miles of the Parkway was officially brought into the Interstate System on November 17, 2013.

Respectfully Submitted:
Bacon | Farmer | Workman Engineering & Testing, Inc. (Roadway and Structural Design)
 Paducah, Kentucky 

First I-69 Project completed on the Edward T. Breathitt Parkway



Photo: James Conroy/Smith-Cliffing, Oct. 26, 2014

Client/Owner: Kentucky Transportation Cabinet, Frankfort, Kentucky
CDM Smith: Interchange Modification Report, Lexington, Kentucky
Bacon-Farmer-Workman Engineers, CBE, Surveying Services: Lexington, Kentucky
HBB Professional Engineers, Inc.: Frankfort, Kentucky
Hazen Construction, Prime Contractor: Henderson, Kentucky

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GRAND AWARD

RECONSTRUCTION OF THE KY 416 INTERCHANGE

Firm: Bacon Farmer Workman Engineering & Testing Inc.

Client: Kentucky Transportation Cabinet District 2

ALUMNI DRIVE IMPROVEMENTS
 Lexington, Kentucky



CDM Smith
 Lexington, Kentucky

(Left) Alumni Drive roundabout provides a safe crossing point for pedestrians, with the roundabout blending into the Arboretum Tree Line. (Right Top) Alumni Drive and the I-75/60 Interchange Program were designed to limit quarter acre lots. (Right Middle) Construction and prior drainage site visit program. (Right Bottom) Roundabout to Commonwealth Stadium, I-75/60 Interchange, and a new Football Training Center.

The Alumni Drive Improvements project reconstructed 1.4 miles of urban roadway leading to the University of Kentucky while incorporating park-like atmosphere. While long desired, the project went from design to bid to completion in less than 18 months thanks to practical planning and local cooperation. Providing primary access to Commonwealth Stadium and the University of Kentucky Arboretum, Alumni Drive has been re-envisioned with a park-like feel while safely carrying about 75,000 vehicles daily, as well as pedestrians and bicyclists across UK's southern campus. The roadway was reconstructed over a 16-week period - opening one day earlier than scheduled - while maintaining access to adjacent construction, daycare, apartment, and parking facilities. Project tasks included complete pavement rehabilitation, expanding the existing two-lane roadway to safely accommodate multiple-modal users and comply with UK's goal of sustainable infrastructure. This green roadway was designed in roughly three months, and was widened to include bicycle lanes, a non-mountable median, a multi-use trail, and LED street lights. Two existing stop-controlled intersections were converted to roundabouts, increasing efficiency and reducing vehicle emissions. A specialized design feature allows bicyclists to either merge into traffic or use a bike lane to join the multi-use trail to traverse the roundabout. The University of Kentucky now has a southern entrance to campus in which all users can thrive.

(Bottom Left and Middle) Alumni Drive was constructed to minimize impacts to the environment and provide a park-like context. (Bottom Right) Concrete right-of-way access, a new 8ft bus lane, and a multi-use trail help improve the area near the UK Arboretum.

ACEC

GRAND AWARD

ALUMNI DRIVE IMPROVEMENTS

Firm: CDM Smith

Client: University of Kentucky

ACEC-KY ENGINEERING EXCELLENCE AWARDS

Paving the Way, Preserving History

U.S. 68 in Bourbon County

In 1995, EA Partners was asked to study the U.S. 68 corridor to come up with a safe solution to improve the roadway. At two lanes and sections with dangerous vertical and horizontal alignment, the roadway was unsafe for the many trucks that traveled it as an important connection for industries in Lexington, Maysville, Ohio and beyond.

As the project progressed, 12 historical resources were identified along the 6.4-mile stretch from Paris to Millersburg. The EA Partners team needed develop an alignment that would impact the fewest historical properties. Thirteen alignments, 13 archeological sites and four public meetings later, an alignment was selected that resulted in a Finding of No Significant Impact.

Overcoming an economic downturn that made Kentucky's Transportation Cabinet ask firms to come up with practical solutions to reduce costs, EA Partners altered its design to save nearly \$7 million while still achieving the project objectives.

Designers used new techniques in stream mitigation to preserve the natural areas around the roadway, planting more than 9,000 trees and 20 acres of grass in the process.

With an effort state officials call a "home run," the new roadway was worth the time and the effort. The roadway now has four lanes with a 40-foot depressed median with access is partially controlled.

In the end, EA Partners paved the way to safety and economic development while preserving a history that is important to the citizens in Bourbon County.



Twelve historical resources were identified along U.S. 68. The final alignment rarely impacted them.



EA Partners was praised for implementing a successful maintenance of traffic plan during construction.

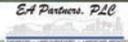


When asked for a practical solution to reduce costs during the economic downturn of 2008, EA Partners managed to save nearly \$7 million.



The four-lane roadway creates a safer route for trucks, farmers and families.





GRAND AWARD

US 68 BOURBON/NICHOLAS COUNTIES

Firm: EA Partners PLC

Client: Kentucky Transportation Cabinet District 7

Cost-Effective Combined Sewer Overflow Mitigation: Wet Weather Detention Facilities Project

CITY OF FRANKFORT SEWER DEPARTMENT, FRANKFORT, KENTUCKY

Under a Kentucky Division of Enforcement Consent Judgment to improve water quality by eliminating sewer overflows, the City of Frankfort's Sewer Department (FSD) challenged the GRWHMB Team to provide an environmentally responsible and affordable way to mitigate combined sewer overflows (CSOs) in the collection system, and to temporarily store flows greater than the hydraulic capacity of the wastewater treatment plant during heavy rain events.

The GRWHMB Team delivered to FSD a successful approach to store 10 million gallons (MG) of flow based on a two-year, 24-hour storm event, with a plan to ultimately store 40 MG on the same site by constructing four, 10 MG above-ground prestressed concrete tanks as needed.

Also, our team's innovative wet weather detention facility (WWDF) design simultaneously controls odors and saves money by eliminating the need for a tank cover, aeration and mixing, and mechanical cleaning. The open top basin was allowed by the Kentucky Division of Water because: 1) the tank would store highly diluted wastewater, 2) it was located away from residential areas, and 3) the 50-foot wall height creates a "chimney effect," diffusing odors up into the atmosphere. A fully automated operations system and premium efficiency, variable frequency drive motors provide further cost savings.

Ultimately, the GRWHMB design is a win for the environment and FSD's customers' wallets. The WWDF effectively captures untreated combined sewer overflows that would otherwise be discharged to the waters of the Commonwealth of Kentucky, promoting the health, safety, and welfare of the public and environment.







GRAND AWARD

FRANKFORT WET WEATHER DETENTION FACILITIES

Firm: GRW Engineers / HMB Professional Engineers

Client: City of Frankfort Sewer Department

ACEC-KY COMMITTEES

"The goal of ACEC-KY is to improve the business environment for our member firms so that we can continue to do the things we do to improve the quality of life for the citizens of the Commonwealth." Ron Gilkerson, President (2004–2005)

ARTICLE 9 – COMMITTEES (Taken from ACEC-KY Bylaws)

9.1. APPOINTED COMMITTEES

The President shall appoint the following committees, and any other committees, sub-committees or task forces deemed to be needed by the Council. The President shall be an ex-officio member of all these committees.

9.1.1. **Budget Committee** shall consist of the President-Elect, the Treasurer and the Executive Director and shall be responsible for developing the proposed annual budget.

9.1.2. **Energy and Environment Committee** shall establish and maintain a productive working relationship with the Kentucky Energy and Environment Cabinet, representing the interests of the Member Firms on energy and environmental issues. This committee shall coordinate the work of its appropriate sub-committees, and shall maintain communications with other ACEC-KY committees/sub-committees which are focused on environmental issues.

9.1.3. **Ethical Practices Committee** shall be created for the purposes established in Section 2.4.3. and Article 7 of these Bylaws.

9.1.4. **Finance and Administration Cabinet Committee** shall establish and maintain a productive working relationship with the Finance and Administration Cabinet, representing the interests of the Member Firms.

9.1.5. **Legislative Committee** shall monitor activities of the Kentucky General Assembly and coordinate the interests of Member Firms. This will be a joint committee with the Kentucky Society of Professional Engineers (KSPE).

9.1.6. **Membership Committee** shall plan and carry out a continuous membership campaign focused on increasing the number of ACEC-KY and ACEC Member Firms.

9.1.7. **Nominating Committee** shall be chaired by the immediate Past-President and include two members who are not members of the Board of Directors. This committee shall present a list of nominees as provided for in Section 3.2. of these Bylaws.

9.1.8. **Professional Development Committee** shall plan and carry out high-quality, low-cost professional development experiences addressing the needs of Member Firms. Creation of non-dues income will also be part of this committee's charge. This will be a joint committee with the Kentucky Society of Professional Engineers (KSPE).

9.1.9. **Transportation Steering Committee** shall establish and maintain a productive working relationship with the Kentucky Transportation Cabinet (KTC), representing the interests of the Member Firms. This will include maintenance of the Partnering Agreement between the ACEC-KY and the KTC. This Committee shall coordinate the work of its appropriate sub-committees.

9.2. COORDINATING COMMITTEE

The Coordinating Committee shall consist of the respective current Presidents, Presidents-Elect and Immediate Past-Presidents of the Council, and of the Kentucky Society of Professional Engineers (KSPE), working together to promote communication and cooperation between the two organizations, to advance common causes, and to foster harmony in respective administrative and staffing needs. The Executive Director shall act as chair of this committee. ●

ACEC-KY

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ACEC-KY COMMITTEE MEMBERS

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ACEC-KY LIFE MEMBERS

A representative of a firm member of this Council who, after being in good standing and in active participation in the Council for a period of at least ten (10) years, and who shall have attained the age of sixty (60), and has retired from active practice, shall automatically become a Life Member in this Council and shall be so notified by the Secretary. Any such Member shall be known as Life Member and thereafter shall be exempt from the payment of annual dues. He shall have all rights and privileges of a Member of the Council. Nothing in this paragraph shall be construed as exempting any Life Member from the provisions of Paragraph 2 and 5 of Bylaw Article 2.1.3.

PAST-PRESIDENTS

1961 Grant S. Bell (acting) (deceased)	1989 James Carpenter, Jr.
1962 E. R. Ronald (deceased)	1990 Courtney F. Porter (deceased)
1963 Virgil Proctor (deceased)	1991 Fred A. Meyer
1964 James L. Leggett, Jr.	1992 Charles R. Scroggin
1965 Edward W. Neel	1993 Aubrey D. May (deceased)
1966 Grant S. Bell (deceased)	1994 Dr. Edward G. Foree
1967 John H. Clark, III	1995 James H. Smith
1968 Ansel L. Davis	1996 Mark E. Meade
1969 Frank C. Riley	1997 Randall E. Gnau
1970 Nelson B. Fisher	1998 Mark Willis
1971 Larry Depp, Jr.	1999 Ben R. Edelen
1972 J. Wiley Finney, Jr.	2000 Ben T. Quinn, Sr.
1973 Robert H. Wood (deceased)	2001 Glen M. Kelly
1974 Carl P. Kroboth, Jr. (deceased)	2002 Randall W. Russell
1975 Robert W. Vaughn	2003 Craig M. Avery
1976 William T. Welch	2004 Ron Gilkerson
1977 Charles Graf	2005 Norman Barker
1978 Clyde E. Brown	2006 Paul M. West
1979 Hubert Vicars	2007 James G. Gallt
1980 Charles L. Willis	2008 Jack C. Sykes
1981 George D. Parrott, Jr.	2009 Karen Wood
1982 O. Guy Carter	2010 Scott Murray
1983 Milton M. Greenbaum	2011 Mike Woolum
1984 William M. Moore	2012 Randy Scott
1985 G. Michael Ritchie	2013 George Woolwine
1986 Clyde L. Coe	2014 Ben T. Quinn, Jr.
1987 William A. Mossbarger, Jr.	2015 Mark Litkenhus
1988 Ralph J. Palmer	

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Lyle Wolf
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ACEC-KY BYLAWS

Updated 1/11/16

ARTICLE 1 - THE COUNCIL

1.1. NAME

American Council of Engineering Companies of Kentucky is an organization representing independent consulting engineering firms within the Commonwealth of Kentucky, under the laws of which it is incorporated. Hereinafter, **American Council of Engineering Companies of Kentucky** may be referred to as "the Council."

1.2. AFFILIATION

The Council shall be a Member Organization of the **American Council of Engineering Companies (ACEC)**, and the Member Firms of this Council shall also be required to be Member Firms of and pay dues assessed by ACEC.

1.3. ABBREVIATION

The approved abbreviation of the name of the Council shall be ACEC-KY.

1.4. LOCATION

Location of the headquarters office shall be as determined by the Board of Directors.

1.5. ORGANIZATION

The organizational structure of the Council shall consist of three Regions (Western, Central, Eastern), the geographic limits of which shall be as determined by the Board of Directors. Each region shall be represented on the ACEC-KY Board of Directors as described hereinafter.

1.6. DEFINITIONS

1.6.1. **Consulting Engineer.** A consulting engineer is an independent professional engineer who performs one or more of the disciplines of professional engineering services for clients on a fee basis. Consulting engineers are qualified by education, ability and experience to provide competent engineering services and must be registered as professional engineers in each state where they practice.

Land Surveyor. A land surveyor is an independent professional who performs land surveying for clients on a fee basis. Land surveyors are qualified by education, ability and experience to provide competent land surveying services and must be registered in each state where they practice. Land surveyors have no commercial affiliations with manufacturers, material suppliers, contractors or others which prejudice or subordinate their professional or ethical judgments. Wherever the words "consulting engineer" or "consulting engineering" appear herein, it is intended that the words "land surveyor" or "land surveying" may be substituted.

1.6.2. **Principal.** A principal is an individual designated by a Member Firm, who is a sole proprietor, partner, officer, or manager: (a) having an ownership interest, or (b) exercising management responsibility for technical or business decisions.

1.7. OBJECTIVES

The objectives of the Council are to:

- a. promote and maintain ethical professional standards within the practice of consulting engineering;
- b. advance the value of the consulting engineer to the public, and to educate the public regarding the work of the consulting engineer;
- c. promote harmony, cooperation and mutual understanding among consulting engineers engaged in private practice,
- d. promote the professional and economic welfare of its Member Firms; and,
- e. act as a clearinghouse and information center on all matters of mutual interest to its Member Firms.

ARTICLE 2 - MEMBERSHIP

2.1. CLASSES OF MEMBERSHIP

The classes of membership of the Council shall have the qualifications described below.

- 2.1.1. **Member Firms** shall be limited to those individual firms, parent firms, branch offices, divisions or subsidiaries whose resident principals furnish independent consulting engineering or land surveying services, and shall:
- maintain established offices within Kentucky for the practice of consulting engineering or land surveying, as (i) sole proprietorships; (ii) partnerships; or (iii) corporations or divisions or subsidiaries furnishing consulting engineering or land surveying services, provided that their principals act for them on professional policies and activities;
 - have one or more principals licensed professionally in accordance with the laws of Kentucky;
 - belong to the **American Council of Engineering Companies (ACEC)**;
 - practice in accordance with the ACEC Professional and Ethical Conduct Guidelines; and,
 - practice under an organizational arrangement that does not involve a conflict of interest or that does not subordinate independent professional judgment to other considerations. Firms or corporations, wholly or partially owned by commercial, construction contracting, manufacturing, sales, public utility, holding company or other similar organizations which function as service organizations for the controlling company, shall not be eligible for membership if such ownership arrangements prejudice or subordinate the professional or ethical judgments of the consulting engineers and land surveyors.

- 2.1.2. **Members** shall be principals of Member Firms.

- 2.1.3. **Life Members** shall be fully retired from active practice, have no commercial affiliations with manufacturers, material suppliers, contractors or others which prejudice or subordinate their professional or ethical judgments, have been Members of this Council at least 10 years, have attained the age of 60, and shall request as Members in good standing to the Council to become Life Members and, as long as they remain inactive from practice, may so continue in this class of membership without payment of dues, and shall have all the rights and privileges of Members of this Council, except that they shall have no voting representation as is otherwise stipulated for Member Firms in Section 2.5.1.

- 2.1.4. **Affiliate Member** is allowed as defined in Section 2.6.

2.2. ADMISSION

- 2.2.1. **Member Firms.** A prospective Member Firm must apply to the Council for acceptance as a Member Firm by submitting a completed official application form signed by the chief executive officer of the firm. The Membership Committee shall review the application and forward it to the Board of Directors with a recommendation.

At the time that the Committee sends its recommendation to the Board of Directors, all Member Firms will be notified of the identity of the firm applicant which has been favorably recommended to the Board. The Board of Directors shall not act on the membership application until at least two weeks have elapsed from the time the notifications are sent to Member Firms. Member Firms may, during this period, offer comments to the Board concerning the membership application. Admission of a firm applicant into the Council will be based upon the criteria of Section 2.1.1. herein.

- 2.2.2. **Members.** All individual principals of a firm become Members when the firm becomes a Member Firm of the Council, and shall pay no additional individual dues. They shall cease to be Members if their firm ceases to be a Member Firm of the Council, or if they individually cease to be principals of a Member Firm.

ACEC-KY BYLAWS

2.2.3. **Life Members.** Members who desire to maintain Life Membership shall apply to the Council. The Council shall notify ACEC upon approval of a Life Member. The Council will carry all individual Life Members on the Life Member rolls without further dues obligations.

2.2.4. **Affiliate Members** is as defined in 2.6.

2.3. CERTIFICATION

Annually, each Member Firm shall certify that its number of employees is correct as reported, that it continues to meet membership criteria requirements, and that it intends to continue to comply with all lawful provisions of the Code of Ethics and Professional Conduct Guidelines established by the Council. Annual certification shall occur at the time of submitting information for the annual Membership Directory on forms provided by the Council.

2.4. SEPARATION

Separation from the Council of a member of any class may come about through resignation, non-payment of dues, or expulsion.

2.4.1. **Resignation.** A Member Firm may resign from the Council upon written notice to the Council. Resignations shall be effective upon fulfillment of all obligations to the date of resignation.

2.4.2. **Non-Payment of Dues.** Any Member Firm which becomes in arrears in dues by a full calendar quarter shall be dropped from the membership roster and be placed on an Inactive List. Such Member Firm shall be informed of this action and given three months to reinstate its membership by full payment of all dues owed, before being removed from the Inactive List. Application for reinstatement of membership of Member Firms placed on the Inactive List will not be considered without payment of all outstanding dues. A Member Firm remaining on the Inactive List after the three-month period has elapsed shall be dropped from membership within the Council, and shall be so advised in writing.

In hardship cases, Member Firms may, prior to being in arrears, appeal in writing to the Board of Directors for inactive status without payment of dues for a stated period. Upon Board approval, such Member Firms may be reinstated to membership without payment of dues for the approved inactive period.

2.4.3. **Expulsion.** A Member Firm shall be expelled if it ceases to fulfill the qualifications for membership as defined in Article 2 herein, or if it neglects or declines to furnish such information as to its professional conduct or practices as may be required by the Council to determine whether or not such qualifications are met. A Member Firm shall also be expelled from membership if it intentionally misrepresents such information necessary to establish eligibility for its membership or the appropriate level of its annual dues. A Member Firm may be expelled from membership on the grounds that its conduct or policy is prejudicial to the interests of the Council.

A Member Firm may not be expelled under the provisions of the preceding paragraph until after it has had the opportunity to be heard by the Ethical Practices Committee as discussed further in Article 7 herein. The findings and any expulsion recommendation of the Ethical Practices Committee shall be forwarded in writing to the Board of Directors and to the Member Firm concerned. In considering the recommendations of the Ethical Practices Committee, the Board of Directors may conduct further deliberations of the complaints against the Member Firm. Expulsion, if approved by the Board of Directors, shall require an affirmative majority vote of the Board members present and voting. The action of the Board of Directors shall be final, and shall be communicated in writing to the affected Member Firm.

2.5. FIRM REPRESENTATION

Each Member Firm may designate its representatives. Requirements shall be as follows:

2.5.1. Representatives shall be principals, as defined in Article 1 herein. The number of representatives shall not exceed the index number of the Member Firm for which it is paying dues. Each Firm Member shall have one vote for each of its index numbers as provided for in the Bylaws. A Member Firm with an index number of two or more may have its total vote cast by one representative.

2.5.2. Most items of business coming before the Council and requiring voting can be addressed by voice vote. On issues wherein voice vote responses demonstrate a significant lack of majority, as ruled by the President and/or requested by any representative, and as required in Section 3.2. herein, the voting process will be conducted by means of secret ballots tabulated by index numbers.

2.5.3. Each Member Firm will designate one of its representatives as the firm's Contact Member, to whose attention the Council shall direct any transmittals for the firm, and to whom the Council will contact in seeking information or assistance required in the course of the Council's business.

2.6. AFFILIATE MEMBERSHIP

The purpose of an Affiliate Membership is to promote enhanced communication, cooperation and coordination between ACEC-KY Member Firms and firms or organizations providing services and/or products commonly used by ACEC-KY Members. Affiliate Membership grants membership into the American Council of Engineering Companies of Kentucky only (not the American Council of Engineering Companies).

- a. Any organization which provides services and products commonly used by ACEC-KY Members and supports the goals of ACEC-KY shall be eligible for Affiliate Membership. Affiliate Membership shall be limited to organizations that are not eligible for regular membership within ACEC-KY.
- b. An organization desirous of having Affiliate Membership within ACEC-KY shall submit to ACEC-KY a completed application form. The designated staff of ACEC-KY shall review the application and make its recommendation on said application to the ACEC-KY Board of Directors. The staff may interview other ACEC-KY members who are familiar with the applicant to help assure that the character and business practices of the applicant are consistent with the nature and disposition of ACEC-KY. If the Board of Directors concurs in the recommendation of the staff, an invitation of Affiliate Membership in ACEC-KY shall be issued to the applicant.
- c. If for any reason the Board of Directors decides not to accept an organization seeking Affiliate Membership, the applicant shall be so informed.

- d. Affiliate Membership may be terminated at any time at the sole discretion of the Board of Directors.
- e. Affiliate Membership shall be permitted up to two representatives and shall notify the ACEC-KY promptly when there is a change in representation.
- f. Affiliate Member representatives may serve on any ACEC-KY committee, as appointed by the President, and may attend and participate in ACEC-KY membership activities. Affiliate Members shall not be eligible to vote, serve as committee chairs or officers of ACEC-KY. Affiliate Members shall not be eligible to participate in the ACEC-KY group life/health insurance.
- g. The dues for Affiliate Membership shall be determined each year for the next succeeding year by the Board of Directors.
- h. Affiliate Members may not use Affiliate Membership status in ACEC-KY for any commercial purpose, except they may list Affiliate Membership in proposals (and similar documents of short term duration) to members of ACEC-KY.

ARTICLE 3 - GOVERNMENT

3.1. GOVERNING BOARD AND OFFICERS

- 3.1.1. The government of the Council shall be vested in a Board of Directors consisting of the President, President-Elect, Secretary, Treasurer, Immediate Past President, National Director and three Council Directors. Chairs of the Energy and Environment, Finance and Administration Cabinet, Legislative, Membership, Professional Development, and Transportation Steering Committees shall serve as ex-officio members of the Board of Directors without voting privileges. Chairs of other committees may be invited at the discretion of the Board of Directors to attend its meetings.
- 3.1.2. An Executive Committee, composed of the President, President-Elect, Secretary, Treasurer, and Immediate Past President, shall meet on call of the President, and may be empowered by the Board of Directors to act on behalf of the Council. The Executive Director of the Council shall serve as an ex-officio member of the Board of Directors without voting privileges.

ACEC-KY BYLAWS

3.1.3. The President, President-Elect, Secretary, Treasurer, and Immediate Past President shall be elected for terms of one year. The National Director shall be elected for a term of two years. The three Council Directors shall be elected for three-year terms, and shall be staggered so that only one shall be elected each year. The Member Firm for which a Council Director is employed shall have its business address within the Region (Western, Central, Eastern) for which the Council Director is elected to represent. No elected member of the Board of Directors, except the Secretary or Treasurer, shall succeed himself/ herself, other than in the circumstance of a full term following an assumption of, or appointment to, a vacated office as discussed in Section 3.5. herein.

3.1.4. The presence of five Board members shall constitute a quorum for meetings of the Board of Directors. The Board of Directors shall meet at the call of the President, and at such times as the Board may designate, but not less than four times per year. The President may call the Board of Directors into Executive Session, at his/her discretion, to discuss personnel or other sensitive matters. Special Board meetings may be called at the request of the President, or of the President-Elect acting with the approval of, or in the absence or incapacitation of, the President. The President shall call a meeting of the Board of Directors to consider any special problem, upon receiving requests for that purpose from at least two Member Firms. At least two days notice shall be given before any Board meeting is called, except in case of an emergency.

3.2. ELECTION

At least sixty days prior to the Annual Meeting, the President shall appoint a Nominating Committee, consisting of the Immediate Past President as chair, and two Members who are not members of the Board of Directors. This committee shall advise the membership at least two weeks prior to the Annual Meeting of its nominations of candidates for the Board of Directors. Nominations may be made from the floor at the Annual Meeting. Election of nominees shall be made by secret ballot of the Member Firms at the Annual Meeting if more than one nominee is presented for an office, or by voice approval of the Nominating Committee's selection for each office with only one nominee.

3.3. MEMBER FIRM LIMITATIONS

A Member Firm shall have no more than one firm representative serving in an elected position on the Board of Directors in any one year.

3.4. DUTIES

The President, or in his/her absence, the President-Elect, shall preside over all meetings of the Council and of the Board of Directors. The Secretary shall be responsible for keeping a complete record of all proceedings of the Council. He/she shall keep a roll of the Members and shall perform other usual duties of the office of Secretary. The Treasurer shall be responsible for issuing statements for and collection of all dues and assessments, and shall be the custodian of all funds of the Council. Bills for payment shall be approved by and all checks shall be countersigned by any two of the President, President-Elect, Treasurer, Immediate Past President and Executive Director. The Board of Directors shall guide and direct the general policy of the Council; shall be the final deciding body and spokesman for the Council; and shall direct the activities of the functional committees. The Board of Directors shall develop and publish for the membership an operating policy establishing guidelines for operations and amplifying responsibilities and duties of officers and committees.

3.5. VACANCIES IN OFFICE

3.5.1. If a vacancy occurs in the office of the President, the President-Elect shall assume the duties of the President for the remainder of that term of office, and subsequently, will serve for the full term as President to which he/she would normally have been entitled when elected to the office of President-Elect. Concurrently with the assumption of the vacated presidency by the President-Elect, the Board of Directors shall appoint an Acting President-Elect to serve the remainder of that term of office. In this circumstance of appointment of an Acting President-Elect, the next election of officers shall include an open election of the President-Elect for the upcoming fiscal year. The Acting President-Elect may be included as a nominee for President-Elect in this open election.

- 3.5.2. If a vacancy occurs in the Office of the President-Elect, while the presidency remains unchanged, the Board of Directors shall appoint an Acting President-Elect to serve the remainder of that term of office. In this circumstance of appointment of an Acting President-Elect, the next election of officers shall include open elections of the President and President-Elect. The Acting President-Elect may be included as a nominee for President or President-Elect in this open election.
- 3.5.3. If a vacancy occurs in the office of Secretary, Treasurer, National Director or Council Director, an appointment to fill the unexpired term will be made by the President, subject to approval of the Board of Directors at its next meeting. In case of a vacancy in the office of Immediate Past President, the latest Past President available will serve on the Board. In case of a vacancy in a committee chair who serves as an ex-officio member of the Board, the President shall appoint a replacement.

ARTICLE 4 - COUNCIL MEETINGS

4.1. REGULAR MEETINGS

The Council will hold general membership meetings quarterly. The rules of procedure for meetings shall be established by the Board of Directors, or in the absence of specific Bylaws or Rules of Policy and Procedure, Robert's Rules of Order, Revised. A majority of the Members present at any constitutional or duly called meeting of the Council, including a quorum of the Board of Directors, shall constitute a quorum.

4.2. ANNUAL MEETINGS

The June meeting of the Council will be designated as its Annual Meeting. Election of Council officers and those members of the Board of Directors who are to be elected in accordance with Section 3.2. herein, shall be held at the Annual Meeting prior to the close of the fiscal year on June 30.

4.3. SPECIAL MEETINGS

Special meetings of the Council may be called by the Board of Directors at its discretion, and shall be called by the Board of Directors upon its receipt of a written petition submitted by at least 30 percent of the Member Firms in good standing.

ARTICLE 5 - AMENDMENTS TO BYLAWS

- 5.1. The Bylaws can be amended by a majority vote of the entire membership as expressed by index numbers.
- 5.2. Proposed amendments shall be submitted to or developed within the Board of Directors. If approved by the Board, a copy of such amendments shall be submitted to each Member Firm for formal approval.
- 5.3. Upon receipt of approval by the required number of Member Firms, the amendments shall become a part of the Bylaws.

ARTICLE 6 - LIABILITY OF THE COUNCIL

- 6.1. The Council shall not be bound by the action of any of its officers or members unless such action is duly authorized by a quorum of the Board of Directors, or by a vote of the general membership, and the action of the governing body is duly recorded in the minutes of the meeting in which the action was authorized.

ARTICLE 7 - ETHICS AND DISCIPLINE

7.1. CODE OF ETHICS AND GUIDE FOR PROFESSIONAL CONDUCT

Each Member Firm shall file with the Council a signed statement stating that:

- a. principals of the Member Firm have read the Bylaws of the Council and the Code of Ethics and Guide for Professional Conduct of Consulting Engineers promulgated by the American Council of Engineering Companies;
- b. the Member Firm agrees to abide by the provisions of those documents; and
- c. the Member Firm agrees that payment of annual renewal of dues shall constitute a reaffirmation of the agreement to abide by the provisions of those documents, as they may have then been amended.

ACEC-KY BYLAWS

7.2. DISCIPLINE

- 7.2.1. A Member Firm may be censured or expelled from membership if the Member Firm (or its Members acting on behalf of the Firm):
- violates the Bylaws of the Council;
 - violates the Code of Ethics or the Guide for Professional Conduct, as amended from time to time, promulgated by the American Council of Engineering Companies of Kentucky; or
 - commits an act bringing discredit to the profession or is found by a court of law to have committed a fraud or any other crime involving moral turpitude.
- 7.2.2. **Ethical Practices Committee.** The Ethical Practices Committee shall consider all complaints made against a Member Firm (or its Members) that involve possible cause for discipline, and may initiate an inquiry on its motion. No disciplinary action shall be taken until the Member Firm has had an opportunity to present its side of the complaints. The Committee shall make such investigation as it deems appropriate, and may dismiss the complaint, or by a majority vote of the members of the Committee, may censure the Member Firm in writing. If a majority of the members of the Committee believe that the Member Firm should be expelled, however, the Committee shall recommend expulsion to the Board of Directors in writing along with a statement of charges against the Member Firm.
- 7.2.3. **Board of Directors Review.** The Board of Directors shall review the proceedings and expulsion recommendation of the Ethical Practices Committee. By a majority vote of its members present and voting, the Board of Directors shall either approve the recommended expulsion, or in lieu thereof, shall choose to censure the Member Firm in writing and publish same in the Council's communications to its membership, but otherwise shall not dismiss the complaints against the Member Firm. The action of the Board of Directors shall be final. The Council shall notify the Member Firm of the decision by registered mail, postage prepaid, sent to the Member Firm at its address as shown on the Council's records.

ARTICLE 8 - DUES AND ASSESSMENTS

8.1. DUES

- 8.1.1. The annual dues, payable in advance in July, shall be established by voting at the Annual Meeting on the recommendation of the Board of Directors.
- 8.1.2. The ACEC portion of the dues shall be calculated by multiplying the index number times the fee per index number established by ACEC.
- 8.1.3. The Council portion of the dues shall be calculated by multiplying the index number times the fee per index number established by vote of the membership of Council.
- 8.1.4. Index numbers shall be based on ACEC index numbers.
- 8.1.5. Initial dues on new Member Firms shall be pro-rated on a quarterly basis from the date of admission into the Council.
- 8.1.6. Upon written request to the Council, a Member Firm may pay its dues on a quarterly basis with incremental payments due in July, October, January and April of each fiscal year.
- 8.1.7. No dues will be required from Members or Life Members.
- 8.1.8. Provisions of this Article shall not deter the Board of Directors, at its discretion, from offering dues incentives to prospective Firm Members.

8.2. ASSESSMENTS

- 8.2.1. The Council may, at its discretion and upon recommendation of the Board of Directors, levy special assessments upon its Member Firms by an affirmative two-thirds vote of the total eligible voting power cast. The amount of a special assessment will be established as a fee per index number. An assessment will be levied for a single fiscal year only, and can be implemented beyond that period only with an affirmative vote of the successor Board of Directors.
- 8.2.2. Assessments shall not be levied against Members or Life Members.

ARTICLE 9 - COMMITTEES

9.1. APPOINTED COMMITTEES

The President shall appoint the following committees, and any other committees, sub-committees or task forces deemed to be needed by the Council. The President shall be an ex-officio member of all these committees.

- 9.1.1. **Budget Committee** shall consist of the President-Elect, the Treasurer and the Executive Director and shall be responsible for developing the proposed annual budget.
- 9.1.2. **Energy and Environment Committee** shall establish and maintain a productive working relationship with the Kentucky Energy and Environment Cabinet representing the interests of the Member Firms on energy and environmental issues. This committee shall coordinate the work of its appropriate sub-committees, and shall maintain communications with other ACEC-KY committees/ sub-committees which are focused on environmental issues.
- 9.1.3. **Ethical Practices Committee** shall be created for the purposes established in Section 2.4.3. and Article 7 of these Bylaws.
- 9.1.4. **Finance and Administration Cabinet Committee** shall establish and maintain a productive working relationship with the Finance and Administration Cabinet, representing the interests of the Member Firms.
- 9.1.5. **Legislative Committee** shall monitor activities of the Kentucky General Assembly and coordinate the interests of Member Firms. This will be a joint committee with the Kentucky Society of Professional Engineers (KSPE).
- 9.1.6. **Membership Committee** shall plan and carry out a continuous membership campaign focused on increasing the number of ACEC-KY and ACEC Member Firms.
- 9.1.7. **Nominating Committee** shall be chaired by the immediate Past-President and include two members who are not members of the Board of Directors. This committee shall present a list of nominees as provided for in Section 3.2. of these Bylaws.

- 9.1.8. Professional Development Committee shall plan and carry out high quality, low cost professional development experiences addressing the needs of Member Firms. Creation of non-dues income will also be part of this committee's charge. This will be a joint committee with the Kentucky Society of Professional Engineers (KSPE).
- 9.1.9. Transportation Steering Committee shall establish and maintain a productive working relationship with the Kentucky Transportation Cabinet (KTC), representing the interests of the Member Firms. This will include maintenance of the Partnering Agreement between the ACEC-KY and the KTC. This Committee shall coordinate the work of its appropriate sub-committees.

9.2. COORDINATING COMMITTEE

The Coordinating Committee shall consist of the respective current Presidents, Presidents-Elect and Immediate Past Presidents of the Council and of the Kentucky Society of Professional Engineers (KSPE), working together to promote communication and cooperation between the two organizations, to advance common causes, and to foster harmony in respective administrative and staffing needs. The Executive Director shall act as chair of this committee. ●

THE CORRECT WAY TO SELECT AN ENGINEER

Use of proper selection process when seeking to engage an Engineer will yield:

- a unique relationship with a trusted advisor
- additions to your team's special experience and competence
- someone whose mission it is to solve your problem/meet your needs
- a professional who has the expertise to search out innovative, alternative approaches for your project

The selection of an Engineer is one of the most important decisions that will be made throughout the process of completing a successful project. This statement also applies to the selection of architects, land surveyors, and related professional services.

Design has a major impact on all other costs related to the project, even though the cost of engineering services for the average project represents less than 1% of the total lifetime cost of construction, operation and maintenance. Investing in quality design services at the outset of the project often results in significant long-term savings. The quality of services provided by the design engineer is the single most important factor in determining the overall construction costs and life-cycle cost of a project.

Cost-effective problem solving and high-quality design can only be achieved with competence and experience. The proven process that best helps owners find the design consultant most qualified for their project is known as Qualifications Based Selection (QBS). It is the time-proven method endorsed by federal, state, and local governments as well as organizations. QBS, required for federal and federally funded construction projects, by at

least 44 states, many local agencies and many private sector owners and institutions, has a long and positive history.

Cheap design is expensive. Selecting a designer based on qualifications will enable the most qualified consultant to apply technical knowledge and relevant project experience to develop a functional and cost-effective project design to meet the intended needs.

The most effective use of an engineer is for them to become the "trusted advisor" of the owner, a member of the team representing the owner's interests.

Qualifications Based Selection is a competitive contracting process that includes public announcement of projects, full and open competition, and careful review of firms' capabilities, experience, technical skill and personnel. Fee negotiations with the most qualified firm begin only after a mutually agreed and detailed scope of work is drafted.

Perhaps the most important aspect related to the use of the QBS process in procuring design services is the unique relationship which it creates. When a design professional is selected based on qualifications, competency and experience, they become an extension of the owner's staff and provide the opportunity for innovative approaches and alternative methods as you work together to determine the precise scope of the project. The most effective use of an engineer is for them to become the "trusted advisor" of the owner, a member of the team representing the owner's interests. The product of this relationship is a quality design and, ultimately, a quality project that meets or exceeds the needs for which the project was originally conceived.

WHY USE QBS?

Federal Law requires its use. *The Brooks Act*, Public Law 92-582, reaffirmed by Public Law 100-464; included in transportation (T-21), aviation (Air-21) legislation and Superfund; soon to be included in Federal water acts.

Kentucky State Law requires its use. KRS 45A requires the use of QBS when procuring Engineer, Architect or Engineering-related services ("...specialized professional services... that are involved in the planning, design, construction, maintenance, or operation of Kentucky's transportation systems or construction projects...")

QBS is endorsed by the APWA (American Public Works Association) which represents the owners who procure engineering services. The APWA publication, *Selection and Use of Engineers*, states that the "public's best interest is served when governmental agencies select architects, engineers, and related professional technical consultants for project and studies through QBS procedures. Basing selection on qualifications and competence (rather than price) fosters greater creativity and flexibility, improves the delivery of professional services, increases the value to the owner in construction and life cycle expenses, and minimizes the potential for disputes and litigation."

QBS is recommended by the ABA (American Bar Association) in its model procurement code for state and local governments. "The principal reasons supporting this selection procedure for architect, engineer and land surveying services are the lack of a definitive scope of work for such services at the time the selection is made, and the importance of selecting the best qualified firm. In general,

the architect, engineer, or land surveyor is engaged to represent the (state's) interest and is, therefore, in a different relationship with the (state) from that normally existing in a buyer-seller situation. For these reasons, the qualifications, competence, and availability of the most qualified architect, engineer, or land surveyor firm is considered initially, and price negotiated later.

It works – the owner gets a personal advisor on their team, the project is designed specifically to meet the intended need and use, it results in lower life cycle cost of the project.

Most importantly, it means that our buildings, bridges, roadways, water and waste water facilities, and other projects, will be designed in the most competent and cost-effective manner, not only for today, but also for the future. QBS is in the best interest of the safety and welfare of the public.

THE QBS PROCESS

STEP 1

SELECT THE BEST QUALIFIED FIRM

- Prepare a description of the project and develop evaluation criteria
- Solicit Statement of Qualifications from interested firms
- Develop a Short List of firms, investigate and evaluate firms
- Interview firms and rank them

STEP 2

JOINTLY DEFINE SCOPE AND CONTRACT, WITH THE HIGHEST-RANKED FIRM – TAKING ADVANTAGE OF THE SELECTED FIRMS EXPERIENCE AND EXPERTISE

- Invite the highest-ranked firm to assist in defining the scope of the work (*discussions could include the owner's goals and concepts for the project, the designers approach to the project as well as any alternatives that should be considered*)
- Establish contract terms
- Reach agreement (If agreement cannot

be reached return to the beginning of Step 2 and proceed with the next highest ranked firm)

STEP 3

RETAIN THE FIRM BASED ON AN ACCEPTABLE PROPOSAL

- Ask for fee proposal
- Reach agreement on fee and contract terms (If agreement cannot be reached return to the beginning of Step 2 and proceed with the next highest ranked firm)
- Retain the firm and enter into written contract ●

Michael Baker
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CONTINUING PROFESSIONAL DEVELOPMENT SUMMARY OF REQUIREMENTS FOR KENTUCKY ENGINEERS

This summary is taken from “201 KAR 18.196”, the state regulation governing the implementation of the CPD requirements for Professional Engineers in Kentucky.

The requirement begins with those who renew their License – June 2010. (Last name beginning with L through Z).

During the two (2) calendar years prior to renewal, a PE must complete a total of thirty (30) PDHs (Professional Development Hours). One PDH is equal to 50 minutes of instruction/presentation time. If a PE exceeds the 30 PDHs, they may carry up to 15 PDHs forward to the next renewal.

The following information should be kept in case you are involved in an audit and must demonstrate that you have met the CPD requirements: “the date of the activity, sponsoring organization, location, activity title, description, presenter’s name, and PDH units earned.” *FYI – this information is included on any certificate you receive from the Kentucky Engineering Center – KSPE/ACEC-KY.*

What type of CPD experience qualifies? Any activity “beyond the basic educational requirements . . . directly related to the professional growth and development of the professional engineer . . . containing technical, ethical, or managerial subjects.” The regulation goes on and on about the possibilities, including teaching, publishing, in-house seminars, etc. The bottom line is that you as a PE must determine what is beneficial to you as a professional at this point in your career. There is no approval or pre-approval process that you need to satisfy.

When you renew your license, you will be asked to confirm that you have fulfilled the required 30 PDHs – and that’s it, unless you are audited. If you are audited, you will need to provide the information mentioned above and if there is a dispute, you will have 180 calendar days to get things straightened out before any action is taken.

THE REGULATION IMPLEMENTING CPD FOR KENTUCKY’S PROFESSIONAL ENGINEERS 201 KAR 18:196. Continuing professional development for engineers.

RELATES TO: KRS 322.180(3), 322.190, 322.290(16)

STATUTORY AUTHORITY: KRS 322.290(16)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290(16) requires the board to adopt a program of continuing education for professional engineers. This administrative regulation establishes requirements for the continuing professional development program mandated by KRS 322.290(16) for professional engineers.

Section 1. Definitions.

- (1) “Continuing professional development” or “CPD” means participation in activities beyond the basic educational requirements that:
 - (a) Provide specific content to improve the professional engineer’s competence;
 - (b) Encourage acquisition of new skills and knowledge required to maintain competence;
 - (c) Strengthen the professional engineer’s critical inquiry and balanced judgment;
 - (d) Raise the ethical standards within the professional community; and
 - (e) Meet the requirements established by the provisions of this administrative regulation.
- (2) “Dual licensee” means a person licensed as both a professional engineer and a professional land surveyor.
- (3) “Licensee” means a person licensed as a professional engineer.
- (4) “Professional development hour” or “PDH” means not less than fifty (50) minutes of instruction or presentation that meets the requirements of this administrative regulation.
- (5) “Reporting period” means the two (2) calendar years preceding the June 30 deadline for renewal of license.

Section 2. Program Structure.

- (1) Except as provided in Section 6 of this administrative regulation, a licensee shall complete a minimum of thirty (30) PDH units each reporting period.
- (2) If a licensee exceeds the requirement, a maximum of fifteen (15) PDH units may be carried forward to the next reporting period.
- (3) PDH units earned by a dual licensee under this administrative regulation may also be used to meet the land surveyor requirements under 201 KAR 18:192 if the PDH units meet the requirements of that administrative regulation.
- (4) Failure to earn the required PDH units shall constitute unprofessional conduct.

Section 3. Criteria for Professional Development.

- (1) Continuing education hours applicable to the renewal of the license shall be directly related to the professional growth and development of the professional engineer.
- (2) PDH units may be earned by successful completion of the following activities:
 - (a) College courses;
 - (b) Continuing education courses;
 - (c) Correspondence, televised, videotaped, distance learning, and other short course or tutorials;
 - (d) Presenting or attending seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences;
 - (e) Teaching or instructing in paragraphs (a) through (d) of this subsection;
 - (f) Authoring published papers, articles, books, or accepted licensing examination items; and
 - (g) Active participation in professional or technical societies as authorized in Section 4(6)
- (3) In order to qualify for credit, activities described in subsections (1) and (2) of this section shall:
 - (a) Be relevant to the practice of engineering;
 - (b) Contain technical, ethical, or managerial subjects;
 - (c) Be an organized program of learning;
 - (d) Be conducted by individuals with education, training, or expertise; and
 - (e) Not include in-service training, orientation to specific institutional policies and practices, or time used to sell or advertise a product.

- (4) CPD activities shall earn credit only if substantially different from a course for which credit was granted in the previous two (2) calendar years.
- (5) PDH units shall be converted as follows:
 - (a) One (1) university semester hour shall equal forty-five (45) PDH units.
 - (b) One (1) university quarter hour shall equal thirty (30) PDH units.
 - (c) For teaching an activity established in Section 3(2), multiply the number of PDH units earned by participants for that activity by two (2).
 - (d) Each published paper, article, or book shall equal ten (10) PDH units.
 - (e) Active participation in professional or technical society shall equal two (2) PDH units for each organization.

Section 4. Determination of Credit.

- (1) Credit for college or university courses shall be based upon course credit established by the college or university.
- (2) Credit for qualifying seminars and workshops shall be based upon one (1) PDH for each fifty (50) minutes of instruction or presentation.
- (3) Attendance at qualifying programs presented at professional or technical society meetings shall earn PDH units for the actual time of each program.
- (4) Credit for correspondence, televised, videotaped, distance learning, and other short courses or tutorials shall be the equivalent PDH units recommended by the program author subject to board review.
- (5) Teaching credit shall be valid for teaching a course or seminar for the first time only.
- (6)
 - (a) Credit for active participation in professional or technical societies shall require that the licensee serve as an officer committee chair of the organization.
 - (b) PDH units shall not be earned until the end of each year of service is completed.

CONTINUING PROFESSIONAL DEVELOPMENT SUMMARY OF REQUIREMENTS FOR KENTUCKY ENGINEERS

Section 5. Recordkeeping.

- (1) The licensee shall be responsible for maintaining records used to support PDH units claimed.
- (2) Records required include:
 - (a) A log showing the date of the activity, sponsoring organization, location, activity title, description, presenter's name, and PDH units earned; and
 - (b) Attendance certification records in the form of completion certificates or other documents supporting evidence of attendance.

Section 6. Exemptions and Extensions.

- (1) A licensee shall be exempted from continuing professional development requirements for the calendar year in which initially licensed by the board.
- (2) An individual who has selected inactive or retired status shall be exempt from the requirements of this administrative regulation.
- (3) A licensee who is unable to satisfy the CPD requirement because of physical disability, illness, or other extenuating circumstance shall be exempted for the reporting period in which the disability, illness, or extenuating circumstance occurs.
- (4) The board shall grant an extension of time to fulfill the CPD requirement for an extenuating circumstance.
- (5) An exemption or extension request shall be made in writing with supporting documentation.

Section 7. Reinstatement.

Before a license shall be reinstated by the board, a former licensee shall earn the PDH units required for each reporting period the license was revoked, suspended, or expired, up to a maximum of sixty (60) PDH units.

Section 8. Reporting.

- (1) On the biennial renewal form, a licensee shall certify whether or not the licensee has met the requirements of this administrative regulation.
- (2) Biennial renewal forms received after September 1 shall be subject to the audit process established in Section 9 of this administrative regulation.

Section 9. Audits.

- (1) Compliance with the CPD requirements shall be determined through a random selection process in which a computer program shall select five (5) percent of the licensees filing biennial renewal forms on or before September 1 of that year.
- (2) A licensee who is the subject of an investigation pursuant to KRS 322.190 shall be subjected to the audit requirements of this section.
- (3) A licensee selected for audit shall provide the board with documentation as described in Section 5 of this administrative regulation within thirty (30) days of the board's request.
- (4) If the board disallows credit due to the activity not meeting the requirements of Section 3(2) of this administrative regulation, or if the PDH units reported are less than thirty (30), the licensee shall have 180 calendar days after notification to substantiate the original claim or earn other PDH units to meet the requirement.
- (5) Failure to comply with the CPD requirements shall be considered a violation of KRS 322.180(3) subjecting the licensee to disciplinary action.
- (6) An audit resulting in a determination of noncompliance shall subject the licensee to an automatic audit the next reporting period and each subsequent reporting period until an audit results in a determination of compliance. (34 Ky.R. 1299; 1705; eff. 2-1-2008, 2206; 2390; eff. 6-6-2008.)

KRS 322.290

(16) *Adopt a program for continuing education for its individual engineer licensees.*

- (a) *The program for continuing education shall not exceed a total of fifteen (15) credit clock hours per year and shall not include testing or examination of the licensee in any manner.*
- (b) *No individual engineer licensee shall be permitted to renew his or her license unless the minimum annual continuing education requirements are met, except as provided in paragraph (c) of this subsection, in addition to any other requirement for renewal.*
- (c) *Any person licensed under this chapter as a professional engineer prior to January 1, 1972, who has maintained his or her license in good standing since becoming licensed shall not be subject to any continuing education requirements. ●*

KEF BOARD OF DIRECTORS

(KEF) is a non-profit, tax-exempt 501(c)(3) organization. It is dedicated to educational and professional activities that encourage individuals to achieve their potential as productive workers and as informed citizens. KEF is committed to the belief that the engineering profession continues to make a vital contribution to the quality of life of all Kentuckians.

The education programs that KEF supports are designed to enhance the mathematical, scientific, and technical aptitudes, as well as attitudes, of Kentucky's students. These programs are for the most part conducted and administered by volunteer engineers throughout Kentucky. There are mutual benefits to these programs, in that engineers gain valuable social and managerial skills.

As a member of the Kentucky Society of Professional Engineers, you are also a member of KEF. You are welcome to participate in the many KSPE activities that center around educational opportunities, and you are also encouraged to take that step.

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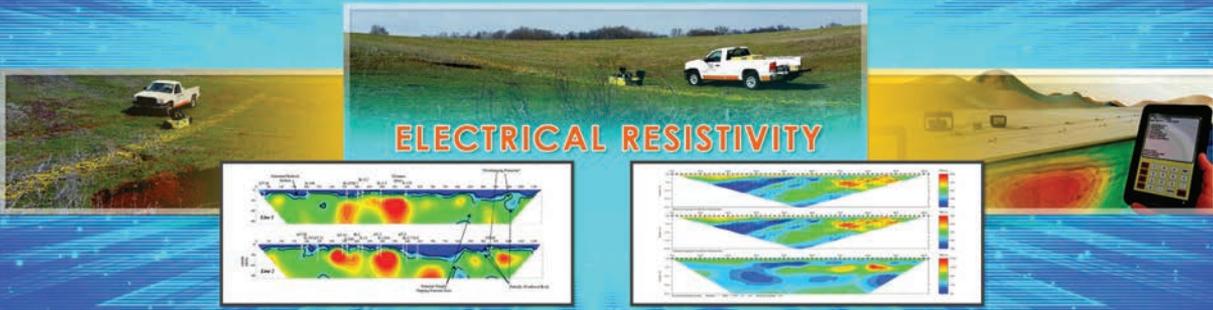
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PARTNERING AGREEMENT

Between

ENERGY and ENVIRONMENT CABINET of KENTUCKY

And

AMERICAN COUNCIL of ENGINEERING COMPANIES of KENTUCKY

The Energy and Environment Cabinet of Kentucky (EEC-KY) and the American Council of Engineering Companies of Kentucky (ACEC-KY) seek through this agreement to continue a partnership between our organizations for the purpose of sharing information and working together to promote professional knowledge and continue enhancement of the health, safety, and welfare of the Citizens of the Commonwealth of Kentucky.

We are committed to work together toward the following goals:

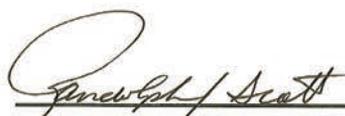
- Promotion of common interests relating to our involvement in the practice of quality engineering as it impacts all areas of the Commonwealth's Environment and Natural Resources;
- A continuing dialogue between EEC-KY and ACEC-KY at the Cabinet, Department, and Division Levels to advance the health, safety, and welfare of the Citizens of the Commonwealth;
- Promotion of continuing education, use of best practices and technology, and enhancement of the delivery of professional design services; and
- Promotion of public education and sound public policy regarding environmental and public protection issues within the Commonwealth.

We the undersigned agree to undertake and implement the above as applicable to each of us.

Entered into this 18th day of June 2013.



 Dr. Len Peters
Secretary, EEC-KY



 Randolph Scott, PE, PLS
President, ACEC-KY

PARTNERING AGREEMENT

Between

FINANCE and ADMINISTRATION CABINET of KENTUCKY

And

AMERICAN COUNCIL of ENGINEERING COMPANIES of KENTUCKY

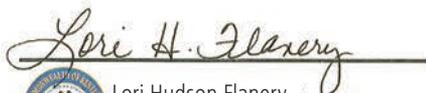
The Finance and Administration Cabinet of Kentucky (FA-KY) and the American Council of Engineering Companies of Kentucky (ACEC-KY) seek through this agreement to continue a partnership between our organizations for the purpose of sharing information and working together to promote professional knowledge and continue enhancement of the health, safety, and welfare of the Citizens of the Commonwealth of Kentucky.

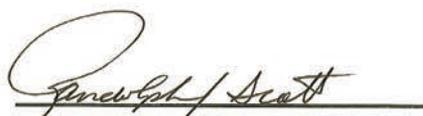
We are committed to work together toward the following goals:

- Promotion of common interests relating to our involvement in the practice of quality engineering as it impacts all areas of the Commonwealth;
- A continuing dialogue between FA-KY and ACEC-KY at the Cabinet, Department, and Division Levels to advance the health, safety, and welfare of the Citizens of the Commonwealth;
- Promotion of continuing education, use of best practices and technology, and enhancement of the delivery of professional design services; and
- Promotion of public education and sound public policy regarding construction, finance and administration issues within the Commonwealth.

We the undersigned agree to undertake and implement the above as applicable to each of us.

Entered into this 18th day of June 2013.


 Lori Hudson Flanery
Secretary, FA-KY


 Randolph Scott, PE, PLS
President, ACEC-KY

PARTNERING AGREEMENT

Between

TRANSPORTATION CABINET of KENTUCKY

And

AMERICAN COUNCIL of ENGINEERING COMPANIES of KENTUCKY

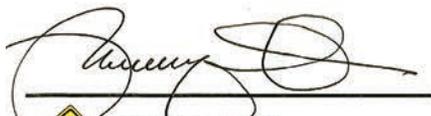
The Transportation Cabinet of Kentucky (KYTC) and the American Council of Engineering Companies of Kentucky (ACEC-KY) seek through this agreement to continue a partnership between our organizations for the purpose of sharing information and working together to promote professional knowledge and continue enhancement of the health, safety, and welfare of the Citizens of the Commonwealth of Kentucky.

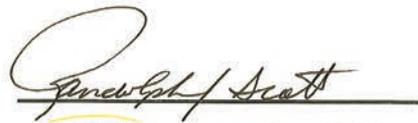
We are committed to work together toward the following goals:

- Promotion of common interests relating to our involvement in the practice of quality engineering as it impacts all areas of the Commonwealth's Transportation Infrastructure;
- A continuing dialogue between KYTC and ACEC-KY at the Cabinet, Department, and Division Levels to advance the health, safety, and welfare of the Citizens of the Commonwealth;
- Promotion of continuing education, use of best practices and technology, and enhancement of the delivery of professional design services; and
- Promotion of public education and sound public policy regarding environmental and public protection issues within the Commonwealth.

We the undersigned agree to undertake and implement the above as applicable to each of us.

Entered into this 18th day of June 2013.


 Mike Hancock, PE
Secretary, KYTC


 Randolph Scott, PE, PLS
President, ACEC-KY

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- ✓ Promote **harmony, cooperation, and mutual understanding** among independent professional engineers engaged in private practice;
- ✓ Insure that **ethical professional standards** worthy of an independent professional engineer are maintained;

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