**Vision:** To be the recognized advocate for all consulting engineers in Florida.

**Mission:** To represent and promote consulting engineering.
ACEC- FL Risk Management Committee

- Created in 2019 to Manage Various Member Requests for Assistance

- MISSION: The purpose of the Risk Management Committee is to assist member companies and others in understanding and managing risk and, on their behalf, to advocate changes in regulation to properly control or allocate risk.
Risk Management Areas

- Procurement
- Contracts
- Research (White Papers)
- Outreach
Procurement

- Risk Management Procurement Issues
  - Review of RFP Related Issues
  - CCNA Letter Campaign
    - Since 1990, ACEC-FL has sent hundreds of letters to Public Clients for procurement that violates Florida Statute 287.055, the Consultants Competitive Negotiation Act (CCNA)
    - Most letters relate to the inclusion of price or fee as a factor
    - In 2020 alone, there were requests from Regions 2, 3, 4, 5, 6, 7 and a Statewide Request
2020 EXAMPLES:

- A city in Region 5 requested hourly rates and a proposed fee schedule as part of a CCNA submittal. A letter was sent and an addendum was issued by the city that removed the requirements.

- A city in Region 6 requested a “second sealed envelope” to be submitted with the qualification package that included a bid. A letter was sent and an addendum was issued by the city that removed the requirement.

- A city in Region 2 requested hourly rates and estimated hours (defacto way to calculate price) as part of an RFP. A letter was sent and the city cancelled the RFP to reconsider their process.
Procurement

PREVIOUS EXAMPLE:

- In years prior, after award of continuing service contracts, clients have continued to solicit price proposals from already selected firms. Letters have been issued to address that have met various levels of success.

UNSUCCESSFUL 2020 EXAMPLES:

- A city in Region 7 had an item on a Commission Agenda that stated it was piggybacking services from another city. The city wrote back that the services requested were not CCNA services (though by all accounts they appeared to be).

- A city in Region 2 requested a man hour estimate along as part of an RFP response. The city wrote back that it was not intended as a tool to calculate price (though it clearly could be used to do as much).
Contracts

- Risk Management Contract Issues
  - Review of Contract Related Issues
  - Since the inception of the Risk Management Committee, several letters have been sent to municipal clients relating to sample contracts.
  - Many clients include sample contract language as part of the RFP process, which is an ideal time to have letters sent to challenge language (as opposed to after award when the client has more leverage).
Contracts

- EXAMPLE

A city in Region 2 and a city in Region 3 requested contracts that included indemnification language that required the consultant to indemnify all acts. Letters were issued and the standard contracts were revised to bring the language into compliance with Florida Statute 725.08.

A county in Region 5 includes in its standard language that the consultant must have a “superior” standard of care which greater than the burden of proof for negligence and therefore uninsurable. A letter was issued to the county and action is still pending.
The Risk Management Committee has an annual budget to investigate issues relating to chronic contractual issues.

There is an overall list of chronic issues and as an issue rates as the most highly contentious, then it is referred to the ACEC-FL General Counsel to develop a White Paper laying out our position and applicable case law.

To date, one paper relating to clients requesting a “higher than standard” standard of care.
Outreach

All of the committee’s activities will be useless unless the information gets out. We have several goals:

- Develop a presentation (or set of presentations) for external (outside the committee) use;
- Utilize the Regional Structure to hold informational meetings.
- Establish a list of additional entities to engage, such as Florida League of Cities, Purchasing Cooperatives, etc.
- Develop presentations or webinars to effectively engage those groups
For more information contact ACEC-FL Member Services at Membership@fleng.org or 850-224-7121.