

ACEC

AMERICAN COUNCIL OF ENGINEERING COMPANIES
of Mississippi

The Voice of Mississippi's Engineering Industry.

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2014 Engineering Excellence Awards



Grand Conceptor Award Winner: Compton Engineering, Inc., for Relocating the Round Island Lighthouse. Pictured left to right: Scott Tipton, Councilman, City of Pascagoula; Joey Duggan, Compton Engineering, Inc.; Brenda Simkins, Councilwoman, City of Pascagoula; David Tadlock, Councilman, City of Pascagoula; and Jeff Dungan, President, ACEC/MS.



Grand Award Winner: Burns Cooley Dennis, Inc., for Slope Stabilization Wall for Southern Portion of Ameristar Casino. Pictured left to right: Brad Campbell, Burns Cooley Dennis, Inc. and Jeff Dungan President, ACEC/MS.



Grand Award Winner: EAI/WEI, LLC, for DeSoto County Regional Wastewater Program. Pictured left to right: Bill Austin, DeSoto County Regional Utility Authority; Tom Bryant, Pickering Firm, Inc.; Judy Marshall, DeSoto County Regional Utility Authority; Jeff Dungan, ACEC/MS President; Jim Hust, Waggoner Engineering and Carl Ray Furr, Pickering Firm, Inc.



ACEC/MS Scholarship Award Winner **Robert E. Burle, Jr.**, pictured with Jeff Dungan, ACEC/MS President.

UPCOMING EVENTS

July 24 - 27 Deep South Convention
Grand Hotel Marriott Resort, Point Clear, Alabama

August 22 Roosevelt Day, Roosevelt State Park - Morton, MS

April 27 - 30 ACEC Consulting Congress Day - Washington, DC

ACEC/MS PRESIDENT'S MESSAGE

By Jeff Dungan

The 2014 ACEC-MS Winter Meeting was a success. Thank you to all who helped to make it successful. As usual, the meeting was well planned by Judy and Leah. The educational seminars and committee meetings were well attended and very informative. I especially enjoyed the panel of ACEC firms on succession planning and ownership transition led by Tom Wagner.

The Engineering Excellence Awards banquet was also a great success thanks to our member firms who submitted several outstanding projects. I was particularly impressed with the Grand Conceptor Award winner, *Re-locating the Round Island Lighthouse for the City of Pascagoula*, submitted by Compton Engineering, Inc. The 1859 lighthouse was toppled by Hurricane Georges in the late 1990s and further damaged by Hurricane Katrina in 2005. In speaking with David Compton about this project, it was obvious to me that the project had quite a bit of family significance as well. David's father, Lloyd J. Compton, and founder of Compton Engineering in 1973, initiated the project to restore the lighthouse in 1985. After his passing in 2001, David continued the effort with remarkable success, and the result is the re-location and restoration of the lighthouse to its new home near the city's downtown district. I plan to visit the lighthouse in the near future to admire this significant piece of Mississippi history.

As I write this article, the Mississippi legislature is concluding the legislative budget process. I want to personally thank Judy and Al for all of their hard work in lobbying on our behalf. Much progress has been made on increasing awareness of the need for increased transportation funding, as well as, several key pieces of legislation that affect our profession. There is still more work to do, so please continue to promote our interests to your local legislative delegation.

The ACEC national meeting and concurrent Consulting Congress Day will be held in Washington, DC on April 26-30. I would like to encourage all of our members to attend a national meeting such as this. I think you will be pleased with how well run our organization is and how critical it is in protecting our business interests in Washington.

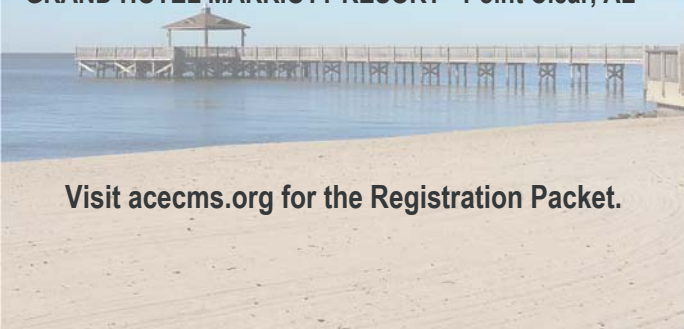
I hope to see each of you at our annual Deep South Convention which will be held at the Grand Hotel Marriott Resort Golf Club & Spa in Point Clear, Alabama on July 24-27, 2014.



THANK YOU to David Compton, Marty Crowder, Jeff Dungan, Randy Battey, Scott Burge, Ron Cassada, Jimmy Kemp and Jimmy Nelson for attending and visiting with their Senators and Representatives on February 20 during our *ACEC/MS Day at the Capitol*.

SAVE the DATE July 24 - 27, 2014

2014 Deep South Convention
The American Council of Engineering Companies
Alabama ~ Louisiana ~ Mississippi
GRAND HOTEL MARRIOTT RESORT - Point Clear, AL



Visit acecms.org for the Registration Packet.



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Honor Award Winner: Neel-Schaffer, Inc., Columbus Soccer Complex. Pictured left to right: Kevin Stafford, Neel-Schaffer, Inc.; Jeff Dungan President, ACEC/MS and Roger Short, Director, Columbus-Lowndes Recreation Authority.



Honor Award Winner: Cook Coggin Engineers, Inc., for Corinth Surface Water Facilities. Pictured left to right: Mayor Tommy Irwin, City of Corinth; Kent Geno, Cook Coggin Engineers, Inc., and Jeff Dungan President, ACEC/MS.



Honor Award Winner: Pickering Firm, Inc., for the Old U.S. 90 Fishing Pier Reconstruction. Pictured left to right: Zach Parchman, Pickering Firm, Inc.; Frank Parker, Pickering Firm, Inc.; Rick Ferguson, Pickering Firm, Inc.; Dan Gaillet, Public Works Director, City of Biloxi; Jeff Dungan, President, ACEC/MS and Andy Phelan, Pickering Firm, Inc.



People's Choice Award Winner: Cook Coggin Engineers for Corinth Surface Water Facilities. Pictured left to right: Senator J.P. Wilemon, Representative Nick Bain, Representative Tracey Arnold, Representative Bubba Carpenter, Alderman J.C. Hill, City of Corinth; Kent Geno, Cook Coggin Engineers, Inc.; Mayor Tommy Irwin, City of Corinth and Jeff Dungan President, ACEC/MS.

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ACEC PRESIDENT'S UPDATE

By Dave Raymond

- The White House and the Chairman of the House Ways and Means Committee advocated legislation that would reform tax laws and raise new revenue to support the reauthorization of MAP-21
- The State Department, in its final supplemental environmental impact statement (EIS) for the Keystone XL Pipeline project, concluded the pipeline is unlikely to have a significant climate impact, a major step forward towards approval of the project.
- ACEC is working with the House Transportation & Infrastructure Committee on P3-related initiatives to include in the reauthorization of MAP-21; Parsons Brinckerhoff's COO Greg Kelly shared industry views on P3s with a working group of the House Committee, including a key point emphasized by ACEC that P3s should be used to supplement, not supplant, core public funding for infrastructure.
- Joined with a coalition of over 100 organizations urging support for the Achieving Less Excess in Regulation and Requiring Transparency Act, which would reduce the regulatory burden on businesses.
- Members of ACEC's Environment and Energy Committee discussed industry priorities for the final version of the Water Resources Development Act (WRDA) with senior House committee staff.
- Senate committee staff briefed ACEC members on draft legislation that will focus on energy grid reliability and affordability, and asked for ACEC's input.
- AASHTO released its 2014 National Compensation Matrix (NCM), which state DOTs use as a guide in evaluating executive compensation in firm overhead; ACEC participated in its development, in collaboration with AASHTO and the Federal Highway Administration.
- ACEC's Federal Agencies and Procurement Advocacy Committee met with senior Corps of Engineers officials to resolve issues of concern, including the need for more timely information from the agency on market opportunities, streamlining the task order process, and problems associated with the transition to a new system of firm evaluations.
- Senior House committee staff briefed ACEC members on the status of ACEC-backed legislation to limit the use of single-step design build.
- ACEC lobbyists briefed and gained input from members of the large firm Design Professionals Coalition (DPC) on key industry priorities – including MAP-21 reauthorization, WRDA, tax reform, SEC municipal advisor rule, and state DOT FAR compliance.



APRIL 27-30, 2014 - WASHINGTON, D.C. GRAND HYATT HOTEL



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This is the summary of the Lien Law, SB 2622 that should be on the way to the Governor this week. Please look at this carefully. It affects all of you. We will do a seminar on this in the near future. Please watch out for it.

LIEN BILL TO PROTECT LICENSED CONTRACTORS, 1ST & 2ND TIER SUBS AND MATERIALMEN, AND REGISTERED ARCHITECTS, ENGINEERS AND SURVEYORS

- The lien bill provides lien rights on private jobs that are the same in scope to the protections subs and materialmen have now on bonded public jobs.
- Coverage of claimants has been conformed to coverage in the Little Miller Act (Sec. 85-7-401):
- Liens are included for licensed contractors, subs and sub-subs; materialmen to the general contractor and to subs of the GC; and registered architects, engineers and surveyors (Secs. 401-403).
- Lien claimant must be in substantial compliance with his contract to assert a lien (Sec. 405).
- Claims of lien are to be filed within 90 days of claimant's last labor, services or materials. (Sec.405).
- The initial suit on a lien is against the contractor or sub the claimant dealt with, defined as a "payment action" (Secs 401, 405(c));
- The claimant's "payment action" must be made before any "lien action" for foreclosure (Sec 305);
- However, the payment action can be skipped, and a direct lien action allowed against the owner, if the contractor one dealt with has died, gone bankrupt, or asserted a pay when paid clause to avoid payment. (Sec. 405(d)).
- Time limit for suit on a payment action is 180 days from lien filing (Sec 405);
- Liens expire automatically and become void automatically after 180 days if no suit is filed (Sec 421);
- Time limit for a lien action of foreclosure where the debtor has died, gone bankrupt, or is not paying because of a pay when paid clause is also 180 days from lien filing (Sec 405(c));
- A construction lender's priority over liens is determined at the time that the deed of trust is filed. As long as no construction liens have been filed in the land records at the time that the deed of trust is filed, the deed of trust will maintain priority over any subsequently created or filed liens. This statute expressly revokes the line of cases that puts the lender's priority at risk every time that the lender makes a construction disbursement. (Sec 405(2)(b)).
- Lien claimants not in privity with the GC on commercial jobs must identify themselves to GC within 30 days of first delivery of labor, services or materials, or if no GC is on the job, to the owner (Sec.407(2));
- Residential owners are entitled to a 10 day pre-lien notice; and if a pre-lien notice has not been made, residential owner can pay the GC and have an absolute defense to further payment for the work paid for (Sec 409).
- Liens on commercial jobs are dissolved if owner or lender can show they paid in reliance on lien waivers collected by the GC or on the GC's sworn statement that subs or suppliers are paid (Sec 413);
- However, GCs are subject to triple damages for any false affidavits or statements of payment (Sec. 413);
- Liens can be bonded out by an owner before a closing of a loan or a sale at 110% of lien amount so the bond takes the place of the lien (Sec. 415);
- If the GC gives a payment bond covering payment of subs and suppliers, the bond takes the place of any liens (Sec. 431)
- With passage of the construction lien bill, Mississippi will join every other state in providing construction lien laws protecting contractors, 1st and 2nd tier subs and materialmen, architects, engineers and surveyors.

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