

What's New In SUE

*The Newsletter of the
Subsurface Utility Engineering (SUE) Association*



Coronavirus Puts 2020 SUE Association Conference on Hold

Governmental orders limiting conferences and gathering of persons due to the Coronavirus pandemic has forced the SUE Association to cancel its third annual conference, scheduled to be held July 14-17 in Denver, CO. A reschedule date will be announced once the pandemic has passed and conferences are permitted once again.



In anticipation of the rescheduling, the association's conference program committee is seeking proposals for presentations. To review the call for presentations and submit a proposal, click below.

[Click Here](#)

SUE Association, UESI Sign Agreement

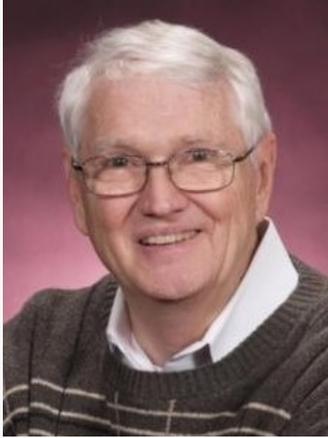
The SUE Association and the Utility Engineering and Surveying Institute (UESI) of the American Society of Civil Engineers (ASCE) have entered into a memorandum of understanding establishing a partnership by which the two organizations will "aid, educate, promote, and inform the subsurface utility engineering (SUE) community and users of SUE services". The agreement seeks to leverage the respective strengths of the organizations for "cooperative and coordinated action on issues and programs of common interest".

[Click here to view MOU](#)

[April is National Safe Digging Month](#)

Honorary Life Member

Charles Paul Scott, a former Federal Highway



Administration (FHWA) who was a leader in the development and implementation of subsurface utility engineering (SUE), has been named the first Honorary Life Member of the SUE Association.

Mr. Scott began his engineering career in 1969 with the FHWA. While with the FHWA, he spent 11 years in FHWA field offices in Nevada, Oregon, California, South Carolina, Tennessee, and Kentucky and 23 years in the Washington, DC, headquarters office. In Washington, he had responsibilities for highway safety, traffic operations, federal-aid policies,

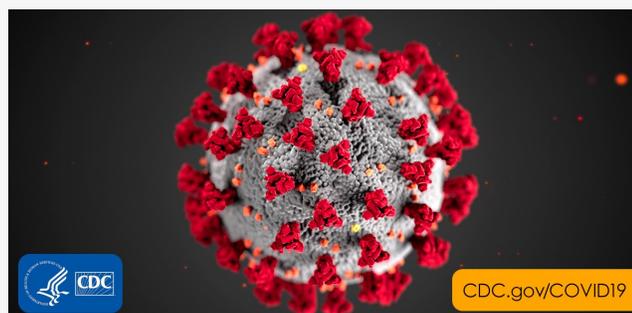
emergency relief, special projects, and utilities. Utilities responsibilities, which he had for the last 12 years of his FHWA career, included coordination of national-level issues pertaining to the relocation and accommodation of utilities on federal-aid highways, development and implementation of utility-related regulations and policies, and promotion of the use of Subsurface Utility Engineering on federal-aid highway projects. He retired from the FHWA in 2003 with 34 years of service and went to work the next work day for the TBE Group.

At the TBE Group (now T2 Utility Engineers), Mr. Scott served as the National Utilities Liaison. Based in the Washington, DC, area, he worked at the national level to coordinate Utility Coordination and Subsurface Utility Engineering activities with DOT's and other public and private clients. He retired from the private sector in 2020 with 17 years of service.

Mr. Scott is the author of over 20 published reports, technical and symposium papers. In 2007, he was awarded the FHWA's Excellence in Utility Relocation and Accommodation Award in the category of Outstanding Individual Contributions. This award recognized his leadership, significant contributions, technical expertise, and commitment to continuously fostering innovative and advanced utility accommodation and relocation practices within the United States and internationally. Over the course of his career, he has played significant roles on various professional committees that have contributed to the utility accommodation industry with research, policy and standard creation, including Chair of the Transportation Research Board's Utilities Committee for nine years and Vice Chair of ASCE Standard Committee that wrote the *Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data* (CI/ASCE 38-02).

SUE as an Essential, Critical Service

As governors implement stay-at-home orders that limit or close certain businesses, the SUE Association has taken action to define SUE operations as critical and essential activities that are exempt from such orders.



The Association drafted and circulated to its member firms a [letter](#) that can be sent to governors explaining the importance of SUE to public health, welfare,

and safety; its role in continuity in the economy; and the ability of the SUE workforce to operate in a safe manner, consistent with Center for Disease Control (CDC) guidelines, so that such operations are permitted to continue.

Moreover, the association is working with the Department of Homeland Security (DHS) to revise the guidance on [Identification of Essential Critical Infrastructure Workers](#) to more clearly include SUE, surveying and engineering. DHS was reminded activities on the current list are dependent on SUE, surveying, mapping, engineering, GIS and geospatial workers to carry out these functions and operations. Additionally, the SUE Association joined a coalition of design and construction groups in a [letter](#) to President Trump seeking inclusion on the DHS list that is being used as guidance when writing and implementing stay-at-home orders. The coalition noted, “services of public works, including airport operations, roads and highways, public transportation, energy, and of critical importance today, expanding, retrofitting, and rehabilitating structures to meet healthcare and other systems and facilities related COVID-19 production needs. This work is essential to our nation’s ability to deliver what is needed during this emergency. These include medical services and supplies, food, and daily necessary goods to the American people.”

If You See Something, Say Something



Subsurface Utility Engineering (SUE) is a professional service, not unlike other professional engineering or professional land surveying services. Federal law, commonly known as the “Brooks Act”, requires the selection of firms for architecture, engineering (A&E) and related services, including surveying and mapping, by a qualifications based selection, or “QBS”, method of contracting. Codified in 40 U.S.C. 1101 et. seq. and implemented in part 36.6 of the Federal Acquisition Regulation (48 CFR 36.6), the law requires evaluation and selection based on the demonstrated competence and qualifications of competing firms, without price, followed by negotiation of a fee that is fair to the government. It is the antithesis of low bid or price competition.

Along with the Brooks Act, Congress has enacted laws applying QBS to several programs that provide funds to non-Federal entities. QBS provisions are found in laws governing grants for highways, transit, airports, water and other infrastructure programs. Almost every state has a “mini-Brooks Act” and QBS for A&E and related services is included in the American Bar Association Model Procurement Code for State and Local Government.

When a SUE firm professional comes across a project solicitation that violates one of these laws, it is confronted with an ethical conflict. Do I compete knowing it is a violation of the law, or do I complain to the wayward procuring agency and risk being “blackballed” for being a complainer?

The SUE Association provides a third option. If a member brings the questionable procurement to the attention of the SUE Association's Executive Director, John Palatiello, he will send a letter to the procuring agency pointing out the requirements under the law. This is done without divulging the identity of the firm or individual who raised the issue.

Palatiello is also Administrator of the Council on Federal Procurement of Architectural & Engineering Services (COFPAES), a nonprofit organization that works to preserve, protect, defend, and promote QBS. He has more than 30 years of experience with the law and process. He has an outstanding record of turning bid requests into qualifications based selections.

The SUE Association, working with COFPAES, is currently working to correct a bid request for SUE services at the Charlotte (NC) airport. In this case, the entity seeking the service is a private firm that is a prime contractor to the Federal Aviation Administration (FAA). The provision of Federal law applying QBS to FAA and airport improvement projects specifically includes both prime and sub contracts.

If you see something, say something. Contact the SUE Association when you see an improper SUE services contract solicitation. The association will help correct the procurement, while protecting your anonymity.

AASHTO, SUE Association Team on State DoT Survey on SUE



The American Association of State Highway and Transportation Officials (AASHTO) and the SUE Association have jointly designed a survey of state departments of transportation to determine the extent of adoption and utilization of subsurface utility engineering (SUE) in the state highway agencies.

A questionnaire is currently in the field for response by members of the AASHTO utilities committee. The chairman of the committee, William Jackson of the Maryland Department of

Transportation/State Highway Administration, worked with the SUE Association on development of the questions. Since 1991, the FHWA has been encouraging the use of SUE on Federal-aid and Federal Lands Highway projects as an integral part of the preliminary engineering process. Costs for SUE services are eligible for Federal participation. The survey will gauge implementation of the policy in the states. Results of the survey are expected to be presented at the SUE Association annual conference.

Maryland Updates Underground Facilities Damage Prevention Law

[SB 877](#), sponsored by Delegate D.E. Davis, et al, revising provisions relating to

the existing Maryland Underground Facilities Damage Prevention Act, has passed the General Assembly and is awaiting approval by Governor Lawrence Hogan, Jr. The legislation resulted from a coalition of stakeholders, led by the Maryland State Highway Administration, who drafted major revisions.

The bill as initially drafted would have removed “design tickets.” Members of the SUE Association in Maryland worked with the Maryland Society of Surveyors and its lobbyist, along with stakeholders and sponsors, to secure amendments to include design tickets in the new legislation. Under the new language, the process and time frames are the same. However, the term “design ticket” has been replaced by “non-excavation tickets.” The bill was passed by the General Assembly and awaits the Governor’s signature.

SUE, ASCE 38-02 Groups to Organize

National organizations that support subsurface utility engineering (SUE) and ASCE Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data (38-02) are being organized to form a coalition for joint advocacy on national



policy. Among the groups being called together by the SUE Association (SUEA) are the American Society of Civil Engineers (ASCE), Associated General Contractors of America (AGC), American Association of State Highway and Transportation Officials (AASHTO), American Public Works Association (APWA), and National Utility Contractors Association (NUCA). Several of these groups participated in a panel presentation at the 2019 SUE Association national conference. The goal of the coalition is to create a broad based, consistent voice for the application of SUE on major public works, transportation, and infrastructure projects, programs, and in legislation.

2020 SUE Association Officers



Photo caption: SUE Association 2020 officers include (l-r) Andrew Sylvest, SAM, LLC. President-Elect; Don Haines, Utility Mapping Services, Inc., Treasurer; Nadia Pimental, KCI Technologies, Inc., Secretary; and Art Worthman, Weston & Sampson, President. For a complete list of the members of the SUE Board of Directors, [click here](#).

Not a Member of the SUE Association? Join Today

The Subsurface Utility Engineering (SUE) Association is organized to promote knowledge, best practices, and the exchange of information in the profession; ensure the protection of public health, welfare and safety; and educate clients and other stakeholders of the value and benefits of subsurface utility engineering services. Be part of this growing association of leading SUE firms, SUE equipment and software providers, and other sectors of the SUE community. Members have an opportunity to take part in activities such as those featured in this newsletter. For membership categories, information, and enrollment, [click here](#).