



ACEC New York: Top issues for engineering firms in 2019

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Albany, NY ACEC New York has confirmed policy priorities for the upcoming 2019 legislative session.

Increase Use of New York Private Design Firms

ACEC New York continues to highlight the efficiencies, flexibility and capacity brought by private engineering design firms which provide greater value for the taxpayer. A 2011 NYU Polytechnic Report documents a 15%+ savings when private engineering firms are utilized. This administration's focus on nimbly and responsively delivering infrastructure improvements demands strong partnership between public clients and the state's professional design communities.

Budget Priorities

ACEC New York also supports a budget that prioritizes sensible and sustainable infrastructure funding. Within this priority, ACEC New York recommends exemption of capital funding from the local property tax cap, provision of mandate relief for municipalities, and investment in capital projects, in addition to maintenance of existing infrastructure. They believe that it is important to ensure that infrastructure funding is evenly and fairly distributed across New York State and that ongoing maintenance and upkeep is not overlooked while new projects are undertaken. ACEC New York also supports the "Fix Our Transit" coalition as it works to explore sustainable funding sources for transit, roads and bridges, while improving traffic flow and safety for commerce and people.

Indemnification

ACEC New York continues to work with public and private stakeholders to protect engineering firms from unreasonable, uninsurable indemnification demands. All too frequently, the defense and indemnity clauses in public works contracts expose consulting firms to liabilities that are outside the control of the consultant and cannot be covered by insurance. These misguided clauses are uninsurable and offer only illusory protection while putting businesses at risk of failing and prevent individuals who are harmed from just compensation. ACEC New York continues to lead the effort to reform the way these clauses are worded.

Other ACEC New York legislative priorities for 2019 include:

- Qualifications-Based Selection (QBS): QBS remains the the most effective way to procure

professional design services and ACEC New York will continue to highlight the advantages of QBS. QBS brings procurers the best quality and the best overall value, and it avoids the pitfalls associated with low-bid professional engineering service contracts. It fosters the development of innovative designs with lower lifecycle costs. They look forward to working with contracting entities across the state to enhance the effectiveness and outcomes of professional design service procurements.

- Support DPC ESOP Expansion: ESOP expansion legislation would allow an employee stock ownership plan to own a greater amount of a design professional firm. Licensed design professionals would control and manage the firm, but a larger number of employees can share in the benefits of ownership.
- Corporate Form Fairness: Engineering and professional design firms are authorized to provide services in many different corporate forms including Design Professional Corporations (D.P.C.), Professional Corporations (P.C.) and Corporations (Inc.) Engineering firms should receive uniform, predictable and fair regulatory treatment regardless of their form of corporate organization.

ACEC New York is a proactive coalition of almost 300 firms representing every discipline of engineering related to the built environment—civil, structural, mechanical, electrical, environmental, geotechnical—and affiliated companies. Their shared goals are to further the business interests of our membership, enhance the quality and safety of the environment we live and work in, and help ensure the vitality of their communities.

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