

EC/EDI and the Exploding Cost of Obtaining Federal Contracts

By Charissa Y. Wang, AIA

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On October 13, 1994, President Clinton signed the Federal Acquisition Streamlining Act, which has two major repercussions that affect CRM. First, it raised the ceiling of small business set-aside projects from \$25,000 to \$100,000. There has also been discussion of raising that figure to as high as \$250,000. What this means is that any federal project that is less than \$100,000 or \$250,000 will automatically be set aside for small businesses only. Since most individual CRM projects fall into this price range, the result is that more federal CRM projects will be available only to small businesses.

The second consequence of the Act is that it mandated the federal government to set up and implement EC/EDI--Electronic Commerce/Electronic Data Interchange--for these small business procurements. The goal of EC/EDI is to eliminate paper from the federal procurement process. Computer servers would be set up to link the business with federal agencies. A business would download a Scope of Work from the com-

puter using a modem. A proposal would be written on a computer, and sent in electronically through the modem. There would be no multiple copy submissions, no copying/binding, and no overnight mail deliveries. Federal procurement would thus be streamlined.

If this scenario seems too good to be true, it is. There are two major drawbacks to the EC/EDI system. The first is that it could cost businesses a lot of money to set up and run EC/EDI. Unlike the current system, where businesses mail/deliver their proposals directly to the procuring agency, EC/EDI requires the use of a "Value Added Network," or VAN. The VAN is a computer server that basically acts as a middleman between you and your client. The basic idea is that the federal government sends all the project announcements to the VAN, who holds it for you to download. When you have prepared a proposal, you send it to the VAN, who then sends it to the

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Examples of Cost for A Value Added Network

1. Purchase translation software\$ 200.00
2. Set-up Fee \$1200.00
3. Monthly service to maintain mailbox to receive SOW and to send bids . . \$ 500.00/mo
4. Subscription Fee to VAN \$ 40.00/mo
5. Session Fee--cost to log on and use system to check for SOW and to send in bids\$ 1.00/use
6. Transaction Fee--cost to send bids based on number of characters you use. Could be pretty hefty if you put in a lot of technical details . . . \$ 00.35/1000 characters
7. Envelope Fee (in a paperless procurement?)--cost to send more than one bid(s) as one package\$ 00.37/package
8. Self-test kit--to self test your new system before logging on for the real test. If you do not punch in everything correctly, and provide the proper responses within the set time limits, you fail the test, are logged off, and you must start over \$50.00/kit

EC/EDI..

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appropriate agency. This system is separate and distinct from the Internet, and has its own costs. Examples of these costs (straight from the EC/EDI handouts) are listed below.

Beside the financial aspect, the other major problem with EC/EDI is that projects are procured through low-bidder methods. The result is that federal CRM projects in the \$100,000 or \$250,000 range will be procured in the same way the government buys toilet paper.

Hardlines: Design & Delineation had a VAN company come into the office to demonstrate the software and system. The proposal screen is strictly fill-in-the-blanks, with a space for your dollar amount. Some software packages have space for "comments," but not all. As a result, any "comments" that you put in (such as your firm's qualifications) probably won't get read. Not only that, but the more comments you put in, the higher your "transaction fee" could be!

Some ACRA firms may have already received ominous "EDI or DIE" postcards. They basically say that unless you have hooked up to EDI, you won't find out about projects in the \$100,000 or \$250,000 range. That pretty much covers most CRM projects; after all, we do not build fighter jets.

But what about the *Commerce Business Daily*? This publication is scheduled to be phased out. It is still operational and agencies still have option to advertise in it, but for jobs less than \$100,000, they are not required to do so. As a result, if you ignore EDI and continue to rely on the CBD, you now can no longer be certain that you have seen *every* job.

When we first heard about EC/EDI, we assumed we could utilize the Internet to contact our federal clients. After all, why do we really need the VANs? Why can't we communicate directly with the agencies themselves?

The reason is that when EC/EDI was first proposed, governments did indeed plan on offering the service directly. However, the private sector (consisting of firms such as MCI and AT&T) declared that the federal government cannot offer a service that private industries (such as themselves) could provide. Thus was born the VAN industry.

To illustrate the "middlemen" role of the

VAN, Tom Wheaton recently came across an agency posting on the Internet that stated they were posting project announcements three days after the bid closing date in order *not* to interfere with EDI companies! This proves agencies could offer EDI service without the VAN, and for no more than what you would pay an Internet Carrier.

However, there is light on the horizon. The first thing you should do is educate yourself--your local SBA offices are offering free EDI seminars. Since we've attending a few of these, experience tells us that these seminars ultimately become riot sessions as attendees realize what this means and start protesting. Seminar leaders start sweating as a barrage of questions from indignant small business owners begins.

The other thing you can do is the same activism routine. Call congressmen and senators and let them know you support EDI, but urge the elimination of the VAN system. You can also contact your federal clients to educate them about what EDI means to small businesses. By going low bid, the quality of the services and product will inevitably *decrease*. Do they really want archeology, history, and architectural history projects to be procured like paper towels?

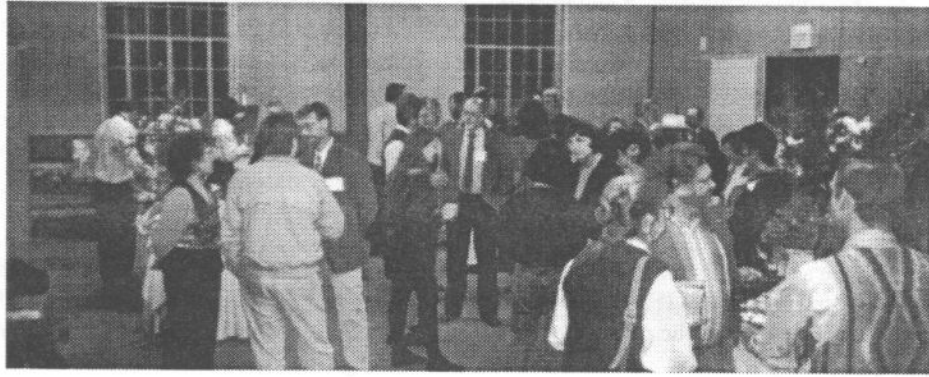
If you feel you must sign up with a VAN, shop around. The prices listed above were put out when VAN services were just beginning. As more VAN servers appeared, competition has forced prices down. It is now possible to find a VAN carrier that charges a simple flat fee for unlimited service. One large firm now pays \$1,200/year for their VAN service (after initial set-up). However, you should beware of new VAN companies that have no track record--if *they* don't submit your proposals on time or if their system crashes with no backup, *you* will lose a lot of business.

To end on a somewhat more positive note, there are some agencies that refuse to procure services through the EDI low bid-process. Wright-Patterson Air Force Base, our local, friendly installation where we do a lot of work, has told us that they will NOT procure CRM projects in this manner. So please, encourage your clients to do the same so we can keep CRM a qualifications-driven professional service.

Charissa Wang
Principal/Partner Hardlines: Design & Delineation
Columbus, OH

ACRA Annual Meetings Go West

By Dana McGowan



Members mingle at the Friday night reception, which was hosted by Jones & Stokes Associate, Inc., at their Sacramento office.

The 1996 annual meetings of the American Cultural Resources Association were held October 31-November 3 at the Hyatt Regency Capital Park in Sacramento, California. Prior to the regular session, ACRA hosted two workshops on Friday afternoon. The workshops, given by CEHP and Woodward-Clyde Consultants, were on Native American consultation and OSHA and worker safety. These workshops drew nearly 100 attendees, resulting in standing room only. All who attended the workshops reported them to be very worthwhile. Following the workshops and as a prelude to the regular meetings, Jones & Stokes Associates hosted a party at their office, where a lavish repast of food, beer, and local wines helped prepare the conference attendees for Saturday's sessions.

Saturday's sessions were kicked off by opening remarks from ACRA President Chuck Niquette, ACRA Executive Director Tom Wheaton, and Cherlyn Widdell, California's State Historic Preservation Officer (SHPO). This set the stage for the morning

plenary session, opened by a very thought-provoking speech by Mike Moratto concerning the relationship between the cultural resources management (CRM) industry and global economic trends. Mike was followed by a panel session devoted to ideas about how CRM will be conducted during the last half of the 1990s. Speakers in this session included Cherilyn Widdell, Jan Townsend (National Park Service), Marilyn Nickels (Bureau of Land Management), and Ron Anzalone (Advisory Council on Historic Preservation).

Conference attendees selected from two afternoon sessions, one on how to make the most of historic preservation dollars and the other on topics relating to business issues of CRM. After the meetings, most of the conference attendees continued discussing these issues in the bar and on through dinner.

Sunday morning was devoted to the business meeting which was directed by Mike Polk, incoming president of ACRA. Most of the business meeting was dedicated to informing the membership about

decisions reached during the board meeting and to review the progress of each of the ACRA committees. During the business meeting Chris Butler, from C & D Butler, Inc., gave a presentation on possible group coverage for errors and omission insurance. Tom Wheaton closed the meeting with a discussion of the results of the membership survey and ACRA's plans to respond to the input that was provided.

While not at meetings, conference attendees reportedly took advantage of the excellent weather and sights (and possibly sites) that can be seen in the Sacramento area. High on the list of spots visited were the world class Sacramento Railroad Museum, State Capitol, Napa/Sonoma wine region, and the north coast area.

With the 1996 meetings behind us, it's time to look for a likely spot for the 1997 meetings. If you have suggestions for a location or would like to host the next meeting, contact Dana McGowan, ACRA vice president and arrangements coordinator for the 1996 meetings, at 916-737-3000.

1997 ACRA Annual Meeting

The ACRA Board is soliciting proposals for the 1997 Annual Meeting. Anyone interested in hosting next year's meeting can contact:

**Dana McGowan
Jones & Stokes Associates, Inc.
2600 V Street
Suite 100
Sacramento, CA 95818-1914
916-737-300
FAX 916-939-3030
e-mail Danamcg@ix.netcom.com**

STRAIGHT FROM THE T-SQUARE

By Donald M. Durst, Architect

"Brief Report From The AIA Federal Agency Liaison Group Meetings"

Each year, the American Institute of Architects (AIA) holds four days of roundtable meetings between representatives from various federal agencies and several AIA constituents. This year, during the week of November 11, there were representatives from the General Services Administration (GSA), Veterans Administration (VA), Postal Service (PS), Army Corps of Engineers (COE), and Naval Facilities Engineering Command (NAVFAC). The AIA invited approximately 23 architect-owners, including myself, from architectural firms of all sizes. The dialogue between all parties were extremely informative and at times very energetic.

In the next few issues of the *Edition*, I will attempt to provide a more in-depth analysis of the various topics discussed during these meetings. Although the meetings expressed the concerns architects have working with the federal government, many of these topics also apply to the CRM service industry. This article will serve as a cursory review of some of the major issues that were discussed at the meetings.

1. The Coming of the End of FACNET?

Depending on which agency was presenting, EC/EDI and its FACNET infrastructure appear to be losing support. GSA, VA, and the Postal Service say their agencies will not use FACNET; they feel this system is out-dated and inefficient. These three agencies are establishing home pages on the Internet in order to advertise their projects. However, the COE is developing an Electronic Bid Sets (EBD) Program. The good news is EBD would be on the Internet and free. The bad news is COE wants to use the EBD for projects greater than \$100,000. In other words, large companies can track their solicitations for free while small businesses still have to pay to subscribe to FACNET.

NAVFAC stated they still believe FACNET should be used by *all* federal agencies. It turns out that NAVFAC was awarded the contract to develop FACNET. The representatives from NAVFAC stated they would consider talking to the COE about their EBD Program. Obviously, NAVFAC is not going

to give up their pet project without some kind of fight.

2. Redesigning the SF-254 and SF-255.

The COE had been designated the agency to redesign the SF-254 and 255 forms with the long-term goal of converting the forms to a standard electronic format. The new SF-255 would become a stand-alone document and the SF-254 would then be used for small projects and any emergency procurement. The COE representatives stated it will be at least two years before a new version is released. Any changes will have to be announced for public comment.

3. The Definition of Small Business May Get Bigger.

Several AIA members urged the federal government to raise the threshold of "small business" from the current \$2.5 million in average revenues to \$7.5 million. It was argued that the \$2.5 million cut-off has remained the same for eight years and the cost of inflation has actually made the definition of small business even smaller. All the federal agencies informed the round table that any changes must be addressed by the Small Business Administration.

4. Membership for Federal Employees into the AIA.

This year, the AIA has started an initiative to recruit new members, specifically at three target groups. The first group is young architects--people who have just graduated from school and have not yet successfully completed all their registration exams. The second group contains educators--architects who teach full time at the university level. The final group consists of public architects; specifically, architects who work in local, state, and federal agencies.

Each federal agency was excited about the idea of having their architects join the AIA. However, each group felt the dues, approximately \$500 per year, were too expensive. The AIA stated that they are looking at ways to give public architects a discount. It was decided by all participants that this issue merited further study.

5. Indefinite Delivery/Quantity Contracts: They May Get Longer.

Indefinite Delivery contracts are here to

stay. The AIA felt these contracts are circumventing the Brooks Act, which is also known as Qualifications Based Selection for Architectural and Engineering Services. Each agency had their own policy. GSA is not interested in open-ended contracts for architectural services. The COE, VA, and the Postal Service stated they will continue to solicit *three* year contracts. However, NAVFAC informed everyone they were not happy with their present *five* year contracts; they would like to issue *ten* year ones instead! At this time, there is a law that limits the length of open-ended contracts to five years. (This effectively prevents firms from willing Navy contracts to their children!)

6. ISO 9000, Does Your Company Meet the Standards?

ISO 9000 is a set of business standards that describe various quality management systems. ISO 9000 standards are supposedly generic and flexible. It is claimed the standards can be applied to *any* product, service, business, or industry. A company becomes ISO 9000 "registered" through a third party auditor for a fee. The fee has only been running around \$100,000 per application. However, the COE believes conformance to this system will enhance the ability of a business or industry to deliver what the customer wants.

Is this starting to sound familiar? At the moment, everyone can relax because the COE stated they are not requiring its contractors to become ISO 9000 registered. Instead, four Corps districts--Kansas City, Louisville, Portland, and Savannah--are currently in the process of evaluating this latest fad in quality management system. No other federal agency discussed this topic.

As you can see, the AIA meetings generated a lot of discussion. There are several issues, such as compensation for design proposal submissions, qualifications-based selections for professional services, metrication, and service liability, that I have not even begun to touch upon because of space limitations and the publisher's deadline. Some issues discussed and not discussed here will have a major impact on the CRM industry. Other topics were more "for your information." In later issues, I will attempt to elaborate more on some of these topics.

ACRA Plans Regional OSHA Workshops

By Chuck Niquette



The recent ACRA annual conference in Sacramento included a four-hour workshop on OSHA compliance. The course was taught by safety specialists from Woodward-Clyde, one of

whom was an architectural historian for the company. For participants, the workshop was a real eye opener into an arena of workplace safety requirements for which all CRM businesses are liable, but about which most of us are poorly informed.

ACRA is currently working with Woodward-Clyde to determine whether or not it might be viable to conduct regional, three- or four-day workshops to educate our members and others on OSHA compliance matters. Our preliminary working model would be one in which a fee would be charged for each participant. If enough people to sign up and a financial break-even threshold were met, the course would be taught. If we failed to get enough people to sign up, then we would skip over that particular workshop site in favor of holding the training session elsewhere. We have yet to figure out how many people we would need to reach the break even point.

Currently, we are looking for suggested sites for our pilot effort. Send suggestions to **Chuck Niquette, Cultural Resources Analysts, Inc., 143 Wathem Ave., Lexington, KY 40508; 606-252-4737; e-mail NMNIQUETTE@AOL.COM.** Chuck will keep a running list of suggestions.

For those of you who don't think OSHA is relevant, here is a list of the top 25 safety violations cited by Indiana OSHA in 1995. How would you measure up when the inspector asked you to produce evidence of the following written programs? Documentation of your training programs and policies, including course outlines, who taught the course and when?

1. No written HAZCOM program.
2. Lack of employee HAZCOM information & training.
3. Improper grounding.
4. Failure to instruct employee in recognition of hazards.
5. Fire extinguishers not provided.
6. No written safety/health program.
7. No MSDS for each hazardous chemical (including oil, gasoline and compressed air).
8. Use of machinery without Lockout/Tagout.
9. HAZCOM - written program failed to identify all hazardous chemicals and substances.
10. No written fire protection program.
11. Hard hats not worn where required.
12. Guardrails on TWFS.
13. HAZCOM -chemicals and substances not marked with identity.
14. HAZCOM - employer did not maintain MSDS sheets.
15. HAZCOM - chemical containers did not have warning label.
16. Cord grips - strain relief.
17. Failure to protect employee from cave-in.
18. No employees trained in first aid, CPR, and blood born pathogens at the job site.
19. No first aid supplies at job site.
20. Improper egress from trench excavations.
21. OSHA log 200 form not provided/maintained.
22. Failure of employer to insure competent person inspections.
23. Failure to provide safe access to scaffold.
24. Scaffold built under competent person.
25. Properly braing TWFS.

Of the list of most cited violations provided, there are only a few that would not apply to almost any archeological mitigation job in the country. Many of these violations apply to the office as well as a field work site. The ramifications of these citations involve thousands and thousands of dollars.

If you are interested in learning more about OSHA training, please contact Chuck to express your interest.

Traditional Cultural Properties Workshop

by Mike Polk

The Second Annual Meeting of ACRA in Sacramento featured two introductory workshops for CRM managers. The first of these was entitled "Consulting with Native Americans About Traditional Cultural Properties: A Training Course." It was taught by Tom King and Reba Fuller and offered by CEHP, Inc., in conjunction with ACRA.

Because it only lasted a half day, the course consisted primarily of a survey of the consultation process, though it delved into details of the study in some areas. The course was well organized and informative, providing important guidelines for Cultural Resource Managers who increasingly find themselves dealing with Traditional Cultural Properties (TCPs), whether they be Native American properties or Hispanic, European, Asian or African traditional properties. The course covered basic definitions, issues and case law, and agency perspectives. Reba Fuller also added a discussion of how local Native American groups in California have found creative ways to work with the Forest Service and other agencies to protect important TCPs. Native American coordinators have been hired by several forests to help in this process. Two excellent videos on the subject were also part of the course including "Through the Generations" produced by NRCS, NPS, and ACHP and "Sacred Sites" produced by the U.S. Forest Service. A longer, two day course which provides more in depth study into the TCP consultation process, is also offered through the National Preservation Institute in Alexandria, Virginia (<http://www.npi.org>).

1996 Annual Members Meeting

Hyatt Regency Hotel, Sacramento, California

Sunday November 3, 1996

Ann E. Hubber: New ACRA Board Member

Ann E. Hubber received her M.A. in History from the University of California Santa Barbara in 1989, graduating with the 13th Public History class. She joined the Missoula office of Historical Research Associates, Inc. (HRA), that same year and is now a Principal Investigator/Project Manager, responsible primarily for completion of National Parks Service Historic Resource Studies; miscellaneous Section 110 surveys; mitigation plans; and the development of research designs and survey strategy.

While Ann brings a new perspective to the board of directors (that of a historian working almost exclusively in the West, for public rather than private interests), her member firm employs archaeologists as well as historians and is engaged in a wide variety of CRM projects throughout the nation.

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The Annual Members Meeting was brought to order at 9:00 a.m. by Chuck Niquette, ACRA Past President. Chuck thanked the members for the opportunity to serve as their president and in particular, thanked Tom Wheaton for his support and help during the last year. Chuck introduced Mike Polk, newly elected ACRA President and turned the meeting over to him.

Treasurer's Report - Charissa Wang

Charissa reported that ACRA had a current balance of approximately \$13,000 with \$5,000 of outstanding invoices. This does not include the income from the conference.

Review of Board Meeting - Tom Wheaton

Elections - Chuck Niquette decided to step down as president of ACRA, therefore the Board elected Mike Polk as the new President. Since Mike was currently serving as Secretary, Duane Peter was elected to fill this vacancy.

Amendments to Bylaws - Amendments to the bylaws were approved by the Board. The amendments detail procedures for the removal of board members who fail to attend two consecutive board meetings without prior notice; specify March 15th of each year as the due date for dues; and change notification for board meetings from 21 days to 14 days notice.

1997 Annual Meeting - The Board has had one offer to host the 1997 annual meeting. This offer came from Charles Markman of St. Louis. The board has decided to distribute RFPs for the annual meeting before making a decision of next year's location.

Past President - President Elect - The board voted to create the offices of Past President and President Elect. These officers would serve on the Executive Committee.

Awards - Mike Polk

Legislative and Governmental awards were announced by Mike Polk. The 1996 Legislative Award went to Congressman David Skaggs for his role during the 1995 and 1996 Legislative Sessions in protecting funding for the Advisory Council on Historic Preservation and other related preservation agencies and projects. Congressman Skaggs has

exemplified ongoing support of Historic Preservation and Cultural Resource Management principles.

(Nominated by: Western Historical Studies, Inc.)

The Governmental award was given to Mr. C. L. (Leroy) Irwin for his unqualified support of cultural resources, ongoing dedication to ensuring that the Florida Department of Transportation complies with the requirements of the National Historic Preservation Act of 1996, and his personal commitment to building a strong Cultural Resource Management Program for the Florida Department of Transportation. (Nominated by: Janus Research)

Colin Busby, of Basin Research Associates, Inc., presented the Industry Award to Coeur Rochester, Inc., for a strong commitment to cultural resources by integrating cultural resources into the planning process for mining development, educating their employees on compliance issues and educating the public through the funding of both an exhibit building and an interpretive display at a local museum. (Nominated by: Basin Research Associates, Inc.)

Mike Polk announced that Jeanne Harris received an award from the Board for outstanding service in the founding of ACRA and its newsletter.

New Board Member

Anne Hubber of HRA was introduced as the newest ACRA board member.

Liability Insurance - Chris Butler

Chris Butler of C & D Butler, Inc., discussed professional liability (or errors and omission) insurance and the possibilities of setting up group rates for ACRA members. There are two options to explore:

1. An ACRA sponsored plan, within which members could have individual policies costing under \$2500, depending on factors such as company size and the size of deductibles. Advantages are that there would be expense reimbursements and only one agent to deal with, who would understand the nature of CRM work. Disadvantages include a large number of ACRA members would need to participate and the program has to grow. If the program does not grow,

participants will have to go back to individual policies, which means that they would no longer have coverage for errors and omissions that occurred during the time of the first policy.

2. An ACRA shared policy that would list ACRA first. Individual firms could buy into the policy. Advantages are that this policy would appeal to smaller firms. Coverage cost would be in the \$1,000 range. Disadvantages are a shared limit and rates for firms with claims would be the same as those with no claims.

The Business of Archaeology Workshop

Kevin Pape discussed the Business of Archaeology workshop, which was a joint effort of ACRA and the Ohio Historic Preservation Office. Organized by David Snyder, this workshop focused on the need to educate agencies and small CRM firms about the business of doing archaeology. Several members felt that this type of workshop (for all CRM, not just archaeology) should be held in their states.

OSHA - Chuck Niquette

Chuck Niquette shared a personal story of his firm's trouble with OSHA. He presented the members with the idea for a proposed ACRA-sponsored workshop conducted by Woodward-Clyde. This would be a 3-day intensive workshop that would cover the basic procedures required to meet OSHA regulations.

Questionnaire Results - Tom Wheaton

Tom Wheaton discussed the results of the membership questionnaire. (Handout details the results.)

Committee Reports

A brief review of committee reports that were presented at the board meeting.

Newsletter - Jeanne Harris

Best Practices - Mike Polk

Competitive Practices - Patrick O'Bannon

Membership - Mike Polk noted that he wants to make this committee very active this year and will push the committee into action.

Education - Joe Schuldenrein

Conference Committee - Dana McGowan

Since the board meeting, Dana has decided to compile some of the papers presented at the conference into a packet or proceedings that can be sent to everyone who attended the meeting.

Awards Committee - Adrian White

Adrian discussed the future plans for the Awards Committee. Next year the guidelines and call for

nominations will be printed in the February ACRA Edition and nominations will be open until the end of April.

Labor Relations - Kevin Pape

Miscellaneous Business

SHPO List - Tom Wheaton

As a follow up to sending the ACRA member list to SHPOs around the country, Tom wrote to them asking for lists of approved CRM firms for possible joint venture. None of the states that have responded include the list provided by ACRA.

New Dues Category - Tom Wheaton

During the 1996 annual meeting several prospective members from very small firms stated that they thought the \$150.00 dues rate for firms >\$100,000 was too high and asked if the rate could be lowered or if a category for >\$50,000 could be created. Small member firms in the audience spoke up and said that the rate was not too high and well worth the benefits they received from ACRA.

The meeting was adjourned at 12:30 p.m. by Mike Polk.

ACRA Board Honors Jeanne Harris at Annual Meeting

Several awards were planned to be given at the annual ACRA conference in Sacramento, but there was one award given that was not announced. This was a special award, an award that was given by the ACRA Board to **Jeanne Harris** of Gray & Pape, Inc., of Cincinnati in gratitude for her persistent dedication and excellence in promoting and supporting the founding of and the continuing growth of the American Cultural Resources Association.

Ms. Harris is the Editor of both the *ACRA Edition* (the ACRA Newsletter) and *The Grapevine*, the premier CRM newsletter. Ms. Harris is currently the Archaeology Laboratory Director at Gray & Pape, Inc., a position she has served in since 1990.

Ms. Harris was honored during the annual Board Meeting on Thursday, October 31, 1996.

Ann Hubber..

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Historic Research Associates, Inc., incorporated in 1974, has offices in Missoula, Montana; Seattle, Washington; and Washington, D.C. The 35-member professional staff includes historians, archaeologists, attorneys, and environmental scientists working in one or more of HRA's primary divisions: litigation support, potentially responsible party searches, historic resource planning, and cultural resources management.

HRA's membership in ACRA is inspired by a number of concerns, including new federal wage determinations for archaeological technicians; the need for new standards for graduate training for public historians; protection of private industry from unfair competition from the public sector; the need to creatively and effectively redefine the NHPA survey and evaluation process; and the desire to stay appraised of industry trends with impacts for CRM firms.

Best Practices Committee Report ACRA Board Meeting, Sacramento, California

October 31, 1996

By Mike Polk, Chairperson, Best Practices Committee

The Best Practices Committee of ACRA has been sporadically active since its beginning in Washington, D.C. in October, 1995. The committee was established in an effort to identify and solve problems that ACRA members have observed in the responsiveness of the SHPOs and Agencies, to make them less prone to costly review comments and decisions, and to generally promote accountability in the process. Recently, the committee contacted Eric Hertfelder, Executive Director of the National Association of State Historic Preservation Officers (NCSHPO), the originator of the idea for a Best Practices Committee comprised of members from both the government and private sectors. Mr. Hertfelder provided some enlightening suggestions about how ACRA-L can be used to help in furthering the "best practices" mission of ACRA and, more importantly, the CRM field as a whole.

Mr. Hertfelder's most important remark about the best practices idea had to do with the establishment and workings of ACRA-L. He notes: "I think the idea of a best practices committee has been somewhat overtaken by the discussions on ACRA-L. These postings are what really engage your members, or at least that is my impression, and of course many if not most of them touch on some aspect of 'practice'."

He is quite correct in his assessment. While not planning it for that particular purpose, the ACRA-L internet format has provided an important conduit through which to monitor practices in the CRM field. In fact, it has only been over the last few years, with the more widely accepted use of the Internet that such large scale and rapid discussion of a variety of

topics has been possible. Now, problems (or solutions to problems) that occur in the field in one part of the country are discussed by distant colleagues who may help in offering solutions. Prior to ACRA-L such discussions were one-on-one, through newsletters or not at all. Also, there was not even consideration that such discussions might be of interest to or that solutions might be found with people located 2,000 miles away in another region of the country.

Nevertheless, there are problems inherent in using the ACRA-L format to explore the practices of CRM, identify problems, and find solutions. Again, Mr. Hertfelder notes: "The problem is...that the postings rarely include enough data and background for useful conclusions. This takes work, and time, and wider participation by members. Occasionally a string goes on long enough for all the facts to come out, and one can come to some conclusion, but just as frequently the string peters out after some shouting and name calling."

True enough. Part of the problem stems from the unfocused and undirected nature of ACRA-L. It is open to any and all comments on subjects and often a string will fly off in a particular direction and the thread will eventually become totally unrecognizable from the original post (just like normal conversation). Interestingly, however, this is also part of the beauty of the forum. It allows for spontaneous conversation, for people to bring up ideas that, in a more structured atmosphere, would not even be allowed to be voiced. That kind of structure can be destructive to discussions and block out ideas which may many times be in opposition to "conventional wisdom." It is some-

times those very maverick ideas which are the solution to problems.

So, what is the solution? Again, Mr. Hertfelder's remarks:

The daily traffic on ACRA-L gives you many opportunities to identify topics. [The Best Practices Committee or some other entity or person] ...could try to inject some discipline into the discussions by gathering and presenting the facts while the discussion is going on and/or prepare some report to provide closure after the report is over. It would be a "What have we learned from this exercise" type of report, and put on the net for comment and revision. For example, for the discussion of test pit intervals, you might have gotten a copy of the Virginia SHPO's new archaeological survey guidelines, a copy of the letter from the President of the Council of Virginia Archaeologists commenting on the guidelines, and obtained background information such as the fact that the President of COVA was on the drafting committee for the new guidelines. If this had been done, perhaps all the energy expended on a speculative situation would have been put to better use."

I believe this is a good way to move toward resolution of problems and conflicts in the practice of CRM, between contractors and agencies particularly. The addition of industry into the mix would be attractive, but most would probably find little reason to participate in such a forum at this time since they are more often forced to comply with laws governing cultural resources. Nevertheless, ACRA may find it useful to explore means of including industry in some kind of dialog to improve the image of the

cultural resources field among various industries and show them how it may even benefit them to be proactive in protecting and even enhancing cultural resources under their control or to be affected by their work.

In the committee's last report (March, 1996), I speculated on one avenue to pursue in this regard (a mediator role for ACRA between industry and consultants and agencies). Perhaps an expanded ACRA-L or an ACRA-I (ACRA-Industry) internet discussion list could be implemented as an inexpensive, yet effective way of improving communication between the CRM community and industry. Getting cultural resource specialists talking with industry specialists across the internet could be quite exciting and informative for both sides. There are enough people in industry who use this medium, and enough who regularly deal with cultural resource issues, to make it a practical idea.

One last thought. The idea of being able to bring the ideas bantered about on ACRA-L to closure needs further exploration. As noted above, too many of the threads on the list seem to end in space and never move to any kind of consensus or conclusion. Perhaps some of them do, but most of us never find out about it. As an alternative to the way Best Practices has been operating, I recommend that the ACRA Board terminate this committee and appoint a person to monitor the list who can then delegate a member of ACRA to follow that thread to a conclusion or at least follow it to some end. The person chosen to follow it would ideally have some interest in it. It would probably be the person who was most active in the discussion. This person could then distill the discussion into a "brief" to send (via e-mail) back to the ACRA representative who, in turn, would present the "briefs" to the ACRA Board or some component of the board. These "briefs," after approval of some kind, could then be irregularly published in the newsletter ACRA Edition and posted on ACRA-L to help all in improving practices in the field of cultural resource management.

Liability (Errors and Omissions) Insurance

By Chris Butler, C & D Butler, Inc.

Several weeks ago I had the pleasure of attending the Second Annual ACRA Conference in Sacramento. I spoke at the Sunday morning business meeting about securing less costly professional liability insurance (also known as errors and omissions insurance) for the members. I thought it would be beneficial to summarize what was discussed in the meeting.

The response I received from the members attending the meeting was that professional liability insurance is an important issue for many companies. At the beginning of the conference a questionnaire that I prepared was distributed to members. The purpose of the questionnaire was to get a better understanding of how many companies were interested in obtaining professional liability insurance.

The response to the questionnaire indicated that many of the companies did not carry this insurance. Most of the respondents felt that premiums in the range of \$1,000 to \$2,000 were reasonable and would be acceptable. Several companies indicated that higher premiums would be acceptable, but these firms have higher revenues. It was interesting to hear several members comment on the fact that professional liability insurance is becoming a requirement in many prime contracts and in subcontracts, as well. This seems to be more common and seems logical considering the claims environment of our society.

I received a favorable response to the possibility of having a master policy which would have ACRA Members listed on the policy. The members would share a large limit of liability and premiums would be based on a rate per thousand dollars of

revenue. This concept received a very favorable response from the smaller firms which did not have professional liability coverage. As I continue to work on this option, you will be kept informed through e-mail and the *ACRA Edition*.

I want to encourage all of you without professional liability to begin giving serious thought to acquiring this insurance. Mike Polk and I discussed the need to better inform the members on why this coverage is so vital to your business. It was interesting to hear Chuck Niquette share with the members his experience involving a lawsuit concerning an archaeological project in Kentucky. He did not carry professional liability insurance at the time and, though the lawsuit was eventually dropped, it cost him more than \$20,000 in legal fees, expenses that professional liability insurance may have helped cover. I encourage you to share any information about your experience with professional liability claims. This will be helpful when I discuss pricing with the insurance company.

In the next issue of the *ACRA Edition*, I will discuss the key elements of the professional liability policy. In the meantime, I encourage you to call me if you have any questions or want to learn more about this policy. I can be reached at 770-751-6270.

[Editor's note: We encourage you to send in stories for publication in the *ACRA Edition* about lawsuits or other situations in your business where professional liability insurance has been important or in which it would have been important had you had the coverage at the time].

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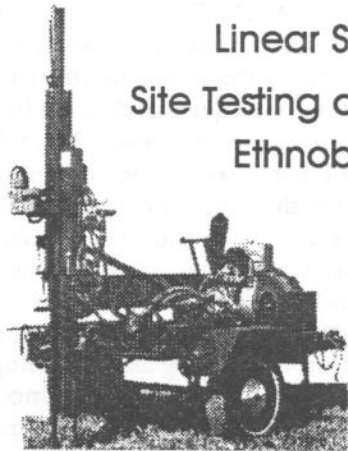
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ACRA Edition is a monthly publication of the American Cultural Resources Association. Our mission is to promote the professional, ethical, and business practices of the cultural resources industry, including all of its affiliated disciplines, for the benefit of the resources, the public, and the members of the association.

This publication's purpose is to provide members with the latest information on the association's activities and to provide up-to-date information on federal and state legislative activities. All comments are welcome. Please address comments to:

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