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## Summary of ACRA Questionnaire

By Tom Wheaton, Executive Director

Thanks to those who returned a completed questionnaire. This is one of the few ways the Board of Directors has to get a realistic idea of what the membership is thinking. The intention of having the membership complete questionnaires was to find out whether the board is responding to our membership's needs and to give the board some direction for the coming year. In general, the results were positive. In a few cases, we even had unanimous consent. Overall, 42 firms responded, which is not as many as we would have liked, but is considerably more than the 25 percent or less that surveys of this nature often produce.

One of the main sections of the questionnaire was approval ratings on initiatives taken by the board. There seemed to be general consensus that our initiatives in support of funding for the President's Advisory Council, which included testifying in the U.S House of Representatives, our internet campaign, enlisting the help of other preservation organizations, and hiring CEHP to help us lobby, all received better than 90 percent approval. Other initiatives that scored higher than 90 percent included, in descending order: setting up an ACRA web site (<http://www.mindspring.com/~wheaton/ACRA.html>); mass mailings to potential members; meeting with the Keeper of the Register and 25 state SHPO staffs; preparing and distributing an ACRA brochure at meetings; adopting a business ethics statement; supporting attempts in Kentucky and Montana to stop state funded competition; meeting with the Advisory Council and other agencies to discuss the ill-fated Section 106 regulations; sending news releases to other newsletters; setting up a competitive practices committee to look into nonprofit competition; mailing our membership list to all

SHPOs (which apparently had little or no effect); setting up ACRA-L; exploring a professional liability insurance program; supporting CRM in Pennsylvania; setting up a committee to address the Department of Labor's (DOL) job descriptions; meeting with the USFS and other agencies in Washington to appeal the DOL job descriptions; meeting with various federal agencies at SAA to discuss the DOL's job descriptions; setting up a membership committee to attract small firms (which has not been very active, unfortunately); supporting the video, "Who's Minding the Past" (we are listed in the credits); and charging members and nonmembers for advertising on our web site.

All but one of the remaining initiatives had over 50 percent approval. Notably, these include: setting up a separate legal fund for the DOL appeal; sending out information on labor practices; and developing a brochure to address union organizing activities. These all received over 75 percent support. Since these both involve communicating with the membership, and since there was some concern by the membership in other portions of the questionnaire that we had not communicated very well, it is surprising to note that providing a newsletter separate from the Grapevine and the weekly online lobbying updates by CEHP, received only 71 and 65 percent support, respectively.

The two lowest ranked initiatives were the national conference in Washington D.C. and subscribing to Preservation Plus, an online governmental affairs BBS. These received 64 and 50 percent ap-

(...continued on Page 2)

## Board Of Directors

**Cory D. Breternitz**  
Soil Systems, Inc.

**Lee Cox**  
Dolan Research, Inc.

**David Heisler**  
Calverton, MD

**Ann Hubber**  
HRA, Inc.

**Dale Jaeger**  
The Jaeger Company

**David Ketz**  
The 106 Group Ltd.

**Thomas Lennon**  
Western Cultural  
Resource Management, Inc.

**Dana McGowan**  
Jones & Stokes Associates, Inc.

**Loretta Neumann**  
CEHP, Incorporated

**Charles Niquette**  
Cultural Resource Analysts, Inc.

**Patrick O'Bannon**  
Kise Franks & Straw

**W. Kevin Pape**  
Gray & Pape, Inc.

**Duane Peter**  
Geo-Marine, Inc.

**Michael Polk**  
Sagebrush Archaeological  
Consultants, L.L.C.

**Daniel Roberts**  
John Milner Associates, Inc.

**Kathryn Toepel**  
Heritage Research Associates, Inc.

**Charissa Wang**  
Hardlines: Design & Delineation

**Donald J. Weir**  
CCRG, Inc.

**Thomas Wheaton**  
New South Associates, Inc.

## Questionnaire..

...continued from Page 1

proval, respectively. There seems to have been some confusion about the national conference, since some respondents seemed to think this year's conference would be in D.C., and they wanted a conference closer to home.

The other major portion of the questionnaire was grading various issues and goals of the association. These were graded from 1, being a number one priority, to 5, being lowest in priority, and an average score was calculated for each issue between 1 and 5. More variation in opinion was apparent when respondents were allowed to rank issues and goals on a sliding scale. The average scores generally ranged between 2.0 and 2.5, indicating a majority supported these issues and goals. Issues and goals receiving majority support included such items as defining more standard terms for the various job categories in CRM; improving salaries and wages; increasing consistency in Section 106 enforcement from state to state and agency to agency; promoting small business in federal procurements; discouraging anti-small business requirements such as phased billings and EDI; promoting professionalism in the industry; working with other organizations to achieve our goals; following up on legislation to make sure we get what we need done; and developing a series of position statements on various important issues. The goal with the most support (1.9) was actively lobbying Congress for programs and regulations that benefit cultural resources and ACRA members.

Some of these goals and issues showed a difference when primarily archaeology firms were compared with primarily history firms, although these two groups were generally in agreement. Unfortunately, not a high enough number of the other types of firms submitted questionnaires to make meaningful comparisons. Obtaining group discounts for insurance and other items was of little interest to historians (3.5), but of more interest to archaeologists (2.6), but still was not supported by the majority, even though the professional liability insurance initiative itself had 94 percent support. Apparently, specific initiatives have more support than generally stated

goals. Another issue that showed wide variation between archaeologists and historians was addressing publicly supported competition. Archaeologists perceived this as a problem (2.4) while historians gave it their lowest priority, 4.0. There was also a difference on improving salaries in which archaeologists (2.6) seem to feel that they are making enough, but historians (1.8) still feel that they do not. The last major area of difference is the question of poor student preparation. While neither group sees this as a major problem, despite vocal exchanges at meetings and on ACRA-L, historians (3.5) see it as significantly less of a problem than archaeologists (2.7).

The greatest differences between small and large firms was on the question of improving salaries and the question of publicly supported competition. Large firms did not feel that salaries were a problem (3.5), while the smallest firms clearly thought they were (2.2). On publicly supported competition, large firms felt it was extremely important to combat this (1.7), while the smallest firms felt this was less of a problem (2.6). On the other issues, there were no significant differences in opinion.

ACRA's activities generally were well received. The newsletter received a score of 1.5 with equal support from historians and archaeologists. The committees and ACRA-L scored 2.2 and 2.3, respectively. The ACRA web site came in slightly above average at 2.5, and the national conference came in last with 2.9. Since the conference makes money for the organization, promotes networking, professionalism, education about business, and so many other things that received nearly unanimous support of the membership, this low score for the conference is hard to explain. (I personally suspect that the people who are against it have not attended one, especially the Sunday morning business/gripe session where anything and everything is discussed.)

Again, there was a difference between historians and archaeologists on some of these activities. Historians generally disapproved of the national conference (3.7), the ACRA web site (3.2), and active committees with member involvement (2.8). While half of the archaeologists did not approve of the conference either (2.9), they were still more receptive than historians. Archaeologists supported the web site (2.4) and committees (2.0). The smallest businesses thought that committees were of less importance (2.8), while the larger businesses felt that committees were an important function of

ACRA (1.7). Business size did not appear to affect opinion on the other activities.

As for future goals and activities, only one of the four goals presented received majority support, and that was preparing publications on topics such as OSHA and labor relations for the membership (2.4).

However, using the publications to produce income for ACRA (3.1) did not meet majority approval. The other possible goals included a computer BBS or newsgroup on the Internet which scored 2.8; and providing a faxback system for our publications (4.3). (Please keep in mind that a BBS is not a website, but a bulletin board much like Preservation Plus that you have to phone into separately from the Internet, and that a newsgroup is not a listserver, but a bulletin board of messages that you have to actively seek out and do not receive via e-mail.)

Finally, respondents were asked how we should run the financial side of things. Very few (only nine) supported going to an all volunteer staff; slightly more supported raising dues. The majority supported keeping New South Associates (NSA) as the association manager, but they also supported looking into hiring a professional Association Management Company (AMC). More on this in an accompanying article.

All in all, the board seems to have a majority of support for most of its activities and initiatives. In the future, as we communicate more fully, the board and membership will become more attuned to each other and ACRA will become even more effective. I would like to end this with something that Mike Polk recently sent around to the Board of Directors when he was frantically trying to come up with letters on ACRA's position on the National Park Service position qualifications. He was told by the NPS people dealing with this issue that they really wanted the opinions of two organizations, ACRA and the NCSHPO. For those of you who think we are not doing anything of specific use to you and your organization or your field, you might consider that ACRA is helping to determine who will qualify for various positions in your field. Your input on the questionnaire, on ACRA-L, and directly to board members, carries a lot more weight than you might think. Please volunteer to take on an issue or help on a committee. And don't forget to pay your dues.

## History News

*Contributing Editor*

*Carol Mehls*

Were you pleased with the results of the elections locally and nation-wide? In Colorado, the return of Rep. David Skaggs from the Second Congressional District is viewed as a plus. Other returns are less positive. Please write and let us know how preservation oriented candidates fared in your local or statewide elections.

On a different note, did anyone see the RFP from the Nebraska State Historic Preservation Office dated July 22, 1996? The RFP was for Nebraska Historic Buildings Reconnaissance Survey and National Register of Historic Places Nomination for Jefferson County, Nebraska. The RFP was fairly standard except for the Total Budget section. The RFP stated, "The applicant shall certify the ability to provide sufficient funds or in-kind donation to match the federal share requested. The selected applicant may be required to provide documentation verifying the existence of match, in-kind or cash, reserved for this project. **NOTE: No bids will be accepted which are not accompanied by documentation of the offeror's ability to provide a non-federal match of at least 15% of the total project cost.**"

Is this now the standard practice that for-profit businesses must provide a match? Perhaps an option would be to reduce the budget by 15% and state, "good luck sucker."

I wrote the Nebraska State Historic Preservation Office and have not received a reply about whether or not this is standard for Nebraska and whether anyone actually bid on this project.

Happy New Year!



# STRAIGHT FROM THE T-SQUARE

Contributing Editor

Donald M. Durst

## "NAVY VS ARMY: THE ELECTRONIC FOOTBALL FIELD"

By Donald M. Durst, Architect

Anybody who has lived in this country for any length of time, knows about the rivalries between all the branches of the armed services--particularly that between the Army and Navy. The Army and Navy rivalry extends from Congressional funding to football games. Well, a new playing field is opening up for our prestigious military heads and this new field deals with how the public is to conduct electronic commerce with the federal government.

Assuming you have not been solely on an archaeological survey in a cave, you are probably aware of the controversy caused by the federal government's push to have small businesses utilize the FACNET system to respond to solicitations. If not, please read the June 1996 and November 1996 issues of the *ACRA Edition*. In one sentence, FACNET requires small businesses to pay an electronic server to download solicitations and to transmit the offeror's bid back to the procuring agency. It turns out that FACNET is a Navy project--specifically, a NAVFAC project.

Never fear, the cavalry (Go Army!) may be coming to save the day for some people. The Army Corps of Engineers (COE) is developing a program called Electronic Bid Sets and Documents (EBS). It is *their* equivalent of the Navy FACNET system. EBS is intended to be posted *for free* on the Internet. Businesses would not be required to pay or subscribe to an additional server to receive this information. The catch is that at this time, the COE only envisions this system serv-

ing solicitations worth more than \$100,000.

All solicitations valued under \$100,000 have been set aside for small businesses. Solicitations worth more are open to all companies regardless of size. This means large businesses can receive their solicitations at little to no cost while smaller companies must still pay a FACNET provider to learn about their jobs. Hmm, this seems upside down.

*What is EBS?* The EBS, in its current form, is intended to provide a standard format for the delivery and distribution of *electronic* solicitation documents. Electronic files are derived, through the conversion of printed and electronic format, of contract clauses, specifications, and drawings. This data would be delivered on a CD-ROM. The COE had scheduled an Implementation Strategy session on November 1, 1996. There was to be a Working Group meeting later that month. I am unaware if either of these meetings were held but my assumption is that they probably did take place.

*Why is the COE developing the EBS?* For the same propaganda (oops, I mean *reasons*) that developed FACNET. EBS will supposedly streamline the business process, be cheaper for the contracting office, enhance contracting, utilize current technology, and comply with the government's goal of complete electronic commerce. Haven't we heard all this before?

According to the COE representatives present at a recent American Institute of Architects (AIA-National) meeting, EBS has the potential to be a decent electronic commerce system. EBS would be available on the Internet. If EBS is expanded and subtly refined, small businesses would be able to use the system and not have to subscribe to any extraneous servers. EBS allows for technical evaluation of an offerer's

proposal and therefore is not driven by low price. This would help the federal government to move in a logical fashion towards a paperless bid process.

But, as stated earlier, EBS is intended for projects valued over \$100,000. At the AIA-National meeting, COE representatives were asked if EBS could be extended to include small business projects. The COE replied they would look into the possibility and report back to the AIA. Since the COE appears to be willing to consider extending their program, ACRA should establish a dialogue with the COE to encourage them to expand their program to include all solicitations, regardless of size. We should encourage the COE to keep EBS free and to allow the system to be distributed through convenient outlets such the Internet.

The AIA is also closely following this development since the COE originally intended this format for architectural, engineering, and construction projects. It seems to me the next logical step is to procure CRM services through EBS. ACRA should utilize this opportunity to contact AIA-National (since they put this topic on their meeting agenda) and this time, to really open up a permanent dialogue on a shared concern. Electronic commerce affects the constituents of both organizations.

Based on the material I have read, I do not for a moment believe EBS will cure all the ills of converting to electronic commerce, nor will it be completely painless. However, at present, small businesses only have two choices: FACNET and EBS. With some minor modifications, I think I would rather take my chances with the Army's offer. Remember, Army came from behind to beat Navy 28 to 24! So there is hope. Go Golden Knights!

# Frequently Asked Questions About EDI

## What is EDI?

Electronic data interchange, or EDI for short, is the computer transmission of routine business documents - like RFQs, purchase orders, and invoices - between trading partners. The trading partners can be government agencies and their suppliers or public sector businesses and vendors. EDI documents are transmitted in a format defined by the American National Standards Institute (ANSI) to enable everyone to use the same system.

## What's the difference between EDI and EC?

EDI is sometimes used interchangeably with the term "electronic commerce" or EC. Actually, electronic commerce has a broader meaning which includes electronic technologies such as faxes and e-mail, as well as EDI.

## What is the January 1, 1997, federal mandate requiring the broad use of electronic commerce?

Back in 1994 President Clinton signed an executive order called "Streamlining Procurement Through Electronic Commerce," which was aimed at cutting paperwork for the \$200 billion of goods and services procured annually by the federal government. This order required "broad use" of electronic commerce by January of 1997. EDI is an important component to electronic commerce and it's use is outlined in the President's 346-page document.

## What is my incentive to switch to EDI?

First, you protect your standing as a government agency supplier. Second, you gain the advantage of getting all the RFQs that apply to your business profile without having to search the CBD (agencies which use EDI for at least 75% of eligible purchases are not required to

post a CBD listing on acquisitions of \$100,000 or less). Finally, you can streamline business paperwork and improve the efficiency of your own business.

## How do I get EDI?

EDI is available from many vendors. You need to get software for your PC, value-added network access using a modem and the electronic forms your customer uses.

## How does the information on the forms get to government agencies?

Both you and the government agencies you work with have a mailbox. You access this mailbox via your modem and telephone connection.

## What is a VAN?

VANs, or value-added networks, are dedicated transmission facilities and communication lines which can link organizations anywhere in the world. It is important to use a reliable VAN with "redundancy" and "fault tolerance" since you are trusting it with your important documents.

## How fast does a document travel with EDI?

Usually documents arrive at the recipient's e-mail box within a few minutes. Most agencies download their mailboxes at regular intervals throughout the day.

## Will I get an acknowledgment of receipt?

Yes, you will get a receipt that shows the status of all your transmissions. Some documents also generate specific acknowledgments.

## What is profiling?

Profiling service gives you the opportunity to filter specific RFQs and other documents from the thousands issued every day. You can request RFQs, for example, by type, geography, size, and many other factors.

## Are all RFQs listed?

Yes. In fact, RFQs under \$100,000 will no longer be required to be listed in the CBD by agencies which meet EDI threshold criteria. Without EDI you may miss out in them.

## How much does all this cost?

After you purchase EDI software you will incur charges for using the VAN, just as you are charged for your phone service. Often the cost of sending a document is less than a postage stamp, not including the savings from eliminating handling and rekeying.

## Can other companies look at my EDI transmissions?

No. You have several layers of security, such as passwords and firewalls, to prevent that from happening.

## How often do I check the network for my e-mail?

Every day if you like. You dial in with a toll-free number so if you don't have mail you incur no cost.

[This information was reprinted with permission from "Frequently Asked Questions About TrustedLink Commerce" by Harbinger, Atlanta, Georgia; 800-825-4282.]

## SECOND ANNUAL ACRA CONFERENCE ACRA BOARD MEETING MINUTES



Board members (From left to right): Tom Wheaton, (Jeanne Harris, newsletter editor), Mike Polk, Patrick O'Bannon, Charissa Wang, Dan Roberts, Don Weir, Ann Hubber, Lee Cox, Chuck Niquette, Dana McGowan, Duane Peter, and Kevin Pape.

The ACRA Board convened at 3:30 p.m., October 31, 1996, at the Hyatt Regency Hotel, Sacramento.

Board Members present (representing a quorum) were Charissa Wang, Thomas Wheaton, Michael Polk, Duane Peter, Don Weir, Chuck Niquette, Patrick O'Bannon, Dana McGowan, Lee Cox, Dan Roberts, and Kevin Pape.

Also present at meeting: Jeanne Harris (Gray & Pape); Sheri Murray Ellis (Sagebrush Consultants, L.L.C., Ogden, Utah); Joe Schuldenrein (GRA, New Jersey); Ann Hubber (HRA, Missoula, Montana - pending new board member).

### Minutes:

Secretary (Mike Polk) distributed final minutes from the Washington, D.C. board meeting and draft minutes from Baltimore Interim Board Meeting.

There were questions that were brought up about the Baltimore meeting having to do with the budget making process that we undertook there. The minutes are unclear about the process, especially about the money reallocated for lobbying. It was decided that the

following paragraph would be added to the Baltimore minutes to clarify the process. It will be inserted at the beginning of the budget debate section:

Before we discussed the budget for remainder of the year we requested that Gray and Pape, New South and CEHP indicate how much was still owed them to that point. Gray and Pape indicated that up to \$1,500 was still owed for the Newsletter production. Nothing was owed for New South management costs and up to \$3,000 was owed to CEHP for lobbying expenses. We then knew how much money we had to work with and began to develop a budget for the remainder of the year.

There were no other comments or questions about the minutes.

### Committee Reports:

#### Labor Relations Committee - Kevin Pape

Discussion began about whether ACRA should put together an information packet or some other information for ACRA members about hiring practices. There was some concern that we should not do this without either

having Baskin write it or at least review it. Kevin will put together general information for the ACRA Edition. Kevin will draft an information page for distribution to board for their review.

#### Education Committee - Joe Schuldenrein

There was considerable discussion about the Education Committee's ideas about internships and what ACRA's policy was on this issue. In fact, there was discussion about what ACRA's policy is on policies (ACRA has no policy on that - a subject to be brought up later in the meeting). Joe agreed to write an article for ACRA Edition on the subject of Internships and the relationship between CRM companies and universities. He encourages input from members of the board and ACRA members in general to this discussion.

#### Conference Committee - Dana McGowan

A few comments on were made about conference logistics. Dana was applauded by the entire board for both her and her company's efforts in putting the conference together.

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Break in the committee reports due to a presentation to the board by Mike McFaul, geoarchaeologist and owner of Laramie Soils. He was specifically interested in briefing us about the Kennewick, Washington, burial that the Corps of Engineers is struggling over right now. He wants ACRA to send a letter to the COE supporting scientific study of the bones. The board declined to specifically send a letter indicating that such a letter should more properly come from SAA, SHA, SOPA, and other archaeological societies and organizations.

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Best Practices Committee - Mike Polk

Mike discussed the history of the committee and how ACRA-L appears to have superseded the need for such a body. It was his recommendation that ACRA-L threads be monitored more closely and that closure be sought on issues. A summary of the issues and the outcome could then be posted for all to see on ACRA-L. Tom Wheaton and Chuck Niquette plan to specially address this closure issue on ACRA-L. One other idea had to do with the possibility of setting up a new list for industry and CRM so that dialog between the two could take place. Mixed reactions were received on this issue. There was no objection if someone wanted to pursue this possibility, though no one felt it a pressing issue at this time. The cost of setting up and operating an ACRA-I (Industry) or some such list would cost less than \$300 per year. Because there appears to be no more important issues for this committee to continue to pursue, President Niquette dissolved the committee.

Awards Committee - Adrian White

Adrian was not present at the board meeting. The report from her committee was read by the board.

Membership Committee - (David Ketz)

NO REPORT

Competitive Practices Committee

(Patrick O'Bannon)

NO REPORT

Worker's Safety Committee (Loretta

Neumann)

NO REPORT

**Other Business:**Presentation of Business of Archaeology Workshop:

Kevin Pape presented information about this program. This workshop

was held to give ACRA a way to help agency archaeologists and consultants better understand how business is conducted in the field. This was not concerning technical aspects of the science. Rather, it focused on how to operate a business which had overhead, profit, payroll, insurance and other aspects involved with it. It was a very successful workshop and had a very good review by participants. It appears to have worked because it was kept simple. Profit was explained and it was a revelation to many contractors and others. President Niquette thanked Patrick and Kevin for their role in this activity on behalf of ACRA. Kevin will talk more about this at the membership meeting on Sunday.

The board was impressed with the results and asked Kevin and Patrick to put together a recommendation to the Board on how to take this model further. They will work this up as a model to be able to take to other states or regions. The president appointed Kevin Pape as Chairperson of a new committee: **Business Workshop Committee.**

Officers Voted on for ACRA:

The next order of business was to vote on a slate of officers for the coming year. The following votes were taken. The names of nominees for positions were brought forward and approved by the Nominations Committee, Chaired by Tom Wheaton:

**President**

*Michael R. Polk* Approved by board

(New)

**Vice President**

*Patrick D. O'Bannon* Approved by board

(Reconfirm)

**Vice President**

*Dana McGowan* Approved by board

(Reconfirm)

**Secretary**

*Duane Peter* Approved by board

(New)

**Treasurer**

*Charissa Wang* Approved by board

(Reconfirm)

Vote on Amendments to ACRABylaws:

There were several changes that have been proposed to improve the working of the bylaws of the organization. These proposed changes were passed around to the board more than a month ago by Tom Wheaton. The changes specifically voted on here are attached in the appendix.

## 1. Article II, Section 4 change

**Approved by board**

(Policy to require members to pay annual dues by April 1 to remain in good standing as an ACRA member)

## 2. Article III, Section 2 change

**Approved by board**

(Policy to terminate a board member's incumbency in the event that the board member's employer is no longer a member in good standing or the board member misses two consecutive board meetings without giving prior notice)

## 3. Article III, Section 5 change

**Approved by board**

(Policy to allow special meetings of the Board to occur with written notice of only 14 days by mail, or written notice of 7 days by facsimile, telegram, or electronically)

## 4. Article XI change

**Approved by board**

(Policy to allow Bylaws to be altered, amended, or repealed and new Bylaws implemented by majority of Directors at meeting with written notice of 14 days prior to meeting, or at least 7 days if notice comes via facsimile, telegram, or electronically)

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## New Members

Susan E. Baldry  
Palo Alto, CA

Susan Winchell Sweeney  
Speculator, NY

Rich Jackson  
Panama City Beach, FL

Bruce Love  
CRM Tech  
Riverside, CA

Nancy Farrell  
Cultural Resource  
Management Services  
Paso Robles, CA

Anne G. Giesecke  
Arlington, VA



## Board Meeting..

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### Treasurer's Report on CEHP budget situation:

Charissa Wang reiterated the problems that had recently been discovered concerning overpayment to CEHP late last year. The board debated the issue and decided on a voice vote that ACRA will not pay CEHP anymore for lobbying services, with Loretta's concurrence, until the overage earlier paid by ACRA (totaling \$4,206.73) is paid, in kind, by services from CEHP.

### Treasurer's Report:

The Treasurer handed out a balance sheet showing the remaining income for 1996 and the expected expenses. Total balance of ACRA currently is \$11,200.00 (approximately). The remaining expenses for 1996 include the following:

ACRA-L	\$ 144.00
non-profit status	
150.00	
newsletter (all 1996)	1,682.00
miscellaneous	250.00
bank expense	33.75
printing	1,000.00
postage	120.00
travel	750.00
supplies	100.00
management (4 hrs/wk)	1,209.60
<b>Total Expenses</b>	<b>\$5,439.35</b>

Subtracting this amount from the current funds leaves \$5,760.65. There was then some discussion about the proposed budget. The first item to be discussed was that of management services provided by New South Associates. Tom Wheaton provided some information about the search for AMCs (Association Management Companies) that had taken place. There was very little about the proposals to compare. There were five responses, but it was clear that the

cost of services provided by these organizations would not compare with that we receive from New South. The costs for these companies ranged from \$27,000 up to almost \$100,000. We might reconsider such a step in the future, but for now the board decided it would find the money to continue to support Tom Wheaton at 40 percent of his time as ACRA Executive Director.

As a beginning, the board approved additional management funding of \$3,628.80 for the remainder of the year to cover 40 percent of Tom Wheaton's time at New South. This amount excludes the 4 hrs/wk that is already in the budget.

The discussion then moved to debate about the proposed budget for next year. The estimated income for the year (1997) is \$57,891.85 based, conservatively, on the prior year's figures which includes dues, conference income, web ads, newsletter ads, donations, and balance forward from 1996. It was quickly noted that the budget for the general fund included money only for the online updates. The situation was discussed and it was felt that ACRA has become known because of our lobbying activity and our helping to save the Advisory Council through that lobbying. Money needed to be found to pay for a limited amount of lobbying activity. It was decided that \$10,000 needed to be excised from the proposed general fund budget proposal to pay for lobbying during the year from CEHP.

The idea of the online updates was discussed at length and it was decided that this was informative, but was more of a reactive stance in the political arena and ACRA needed to stay as a proactive player in promotion of preservation issues in Washington, D.C. As such, it was decided that the online updates should be done when there is information on issues to be provided to the members. In order to supplement the lobbying budget, additions were made to the \$4,000 which had been budgeted for online updates. It was decided that \$1,700 of the money expected to be made from the conference be put toward lobbying, and that \$2,000 of the printing/copying budget be excised from that



line item be put into lobbying. Finally, \$2,300 of the contingency fund was taken and put into lobbying, thus bringing the total to \$10,000.

There was some discussion about the problems with taking funds from some line items to put toward lobbying. Also, by authorizing more money for New South management expenses in 1996, the funds for 1997 will be reduced. It was decided that the final determination of what to move to lobbying and how to adjust the budget would be left to the Executive Committee, but the amount was to be \$10,000 to go toward lobbying and a final budget for 1997 was to be prepared by this committee based on this information.

A final budget of \$57,177.53 for 1997 was approved by the full board.

**1997 ACRA Conference**

Discussion turned to the need to know where the next ACRA Conference will be held. There has been one volunteer from a firm in St. Louis, though the board seemed weak on details about the person and company. It was decided that the middle of the country would be good since the first two have been on the coasts. It was decided that the best way to approach it would be to ask for proposals for a meeting site for 1997. A final choice on the site will be made by the Executive Committee in early January 1997. The request for proposals will go into the November 1997 ACRA Edition and will be written by Dana McGowan.

**Professional Liability Insurance**

The idea of providing an affordable professional liability insurance

to ACRA members has been talked about since the inception of ACRA. Tom Wheaton discussed a little about the idea and indicated that Chris Butler will talk on the idea Sunday at the membership meeting.

**President Elect - President - Past President Idea**

Because of the problem of continuity in the presidents office, it was decided that past president and president elect positions should be started to help the president and board in its business.

The positions of President Elect and Past President was approved by the full board.

**Policy on Policies in ACRA**

There has been an ongoing problem with what policies are in ACRA, how to establish what ACRA policies are and what to tell people when they ask. The Executive Director has a particular problem with this. In fact, because ACRA operates ACRA-L it is often the case that people assume that ACRA has taken certain positions through statements made by Tom or other board members on the web. There was no time to continue this discussion, though it was agreed that it needs to be decided. Joe Schuldenrein, Education Committee Chair, was particularly interested in this since he would like ACRA to have a policy on internships in CRM. It was decided that this issue would be pursued at the Sunday membership meeting. If it is not resolved there it will have to be taken up at a midyear meeting.

Meeting Adjourned October 31, 1996, at 7:00 pm.

**Special Supplemental Board Meeting**

Called to order November 1, 1996, 7:00 p.m. at the offices of Jones & Stokes Associates, Sacramento, California.

Present: Michael R. Polk, Chuck Niquette, Dan Roberts, Cory Breternitz, Thomas Wheaton, Kevin Pape, Lee Cox, Dana McGowan, Patrick O'Bannon, Don Weir, Charissa Wang (a quorum)

A vote was taken on whether to elect Ann Hubber of HRA, in Missoula to take over the board seat of Carol Mehls who recently resigned - unanimous approval. This means that Ann Hubber will fill a board position to run until the Annual Meeting in 1999.

A vote was then taken on whether to dismiss two other board members from the board (in light of the newly approved wording in the bylaws). These two include Shelly Bookspan of Santa Barbara and Judy Robinson of Washington, D.C. - unanimous approval.

Meeting Adjourned November 1, 1996, at 7:10 pm.

Respectively submitted by,

Mike Polk  
Secretary  
American Cultural Resources Association

# Liability (Errors and Omissions) Insurance

By Chris Butler, C & D Butler, Inc.

As the members of ACRA know, I have been writing about different insurance topics each month. In the March issue, professional liability was discussed in some detail. I think the article gave a good overview of what the policy is designed to cover. However, one of the areas not covered was the difference between the business and professional liability policies. Unfortunately, there can be some confusion as to the difference in the two policies. Many people assume that the business liability policy will cover them for occurrences which are actually not covered under the policy. In this month's issue, I would like to discuss one of the major differences between the two policies.

The purpose of a business liability policy is to pay those sums of money that the insured becomes legally obligated to pay. The damages must be because of bodily injury, property damage, personal injury, or advertising injury. The insurance contract gives definitions of those terms so that the insured has a clear understanding of what they mean.

Bodily injury means bodily injury, sickness or disease, including death. A good example would be a client who trips over a misplaced box in your office. He breaks his leg and has medical expenses of \$5,000. Obviously, there was bodily injury and you were at fault. Your business liability policy would cover you for this claim.

Property damage means physical injury to tangible property, including any resulting loss of that property. An example may be a space heater accidentally left on overnight. It starts a fire that destroys not only your office, but the entire building.

Your business liability policy would cover you for the damage to that part of the building not occupied by you and the loss of the use of that building.

The third coverage is personal injury. This means injury other than bodily injury, arising out of one or more of the following offenses: oral or written publication of material that slanders or libels a person or organization, or disparages a person's organization's goods, products, or services; or oral or written publication of material that violates a person's right of privacy. The intent of this coverage is to cover those acts which are done without knowledge of the falsity of material. If you knowingly make a false statement, the policy would not respond.

The purpose of the business liability policy is to pay for damages because of an event that has caused injury to a person or property. The key point that many people forget is that the policy's intent is not to cover a financial loss to a third party, unless there is "bodily injury," "property damage," or "personal injury." Therefore, if a company performs a service and that service is done improperly, causing financial loss to the client, but not bodily injury, etc., the business liability policy will not respond.

The purpose of a professional liability policy is to provide an insured coverage for wrongful acts. The wrongful act can be an alleged error, omission, or negligent act you make in the performance of your profession. The key point is that this policy should respond to claims made against you alleging an error in the service you provide which has caused financial loss. A good example was provided in the March

issue of the newsletter. For example, during an inventory survey, your firm mistakenly fails to identify an important archaeological site. The site is then discovered after construction begins and all construction work has stopped while investigation of the site is undertaken. Your firm has made a mistake and it is causing a financial loss to the construction company which is incurring thousands of dollars of loss per day in down time. Your general liability policy will not insure this claim. Unless you have professional liability, you have no protection. This is the sort of situation that could put a company out of business.

As you can see, the professional liability policy responds in some circumstances which could be financially devastating. A business liability policy is a must and every ACRA member should have this policy, but, the reality is that for many members, a professional liability policy should become a top priority.

I encourage you to call me and discuss your own needs concerning this coverage. (770-751-6270)



## ACRA Receives a Letter of Gratitude from Advisory Council on Historic Preservation

### Advisory Council On Historic Preservation

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The Old Post Office Building  
1100 Pennsylvania Avenue, NW, #809  
Washington, DC 20004

November 18, 1996

Mr. Charles Niquette  
President  
American Cultural Resources Association  
143 Walton Avenue  
Lexington, Kentucky 40508

Dear Mr.  Niquette:

As you know, the President signed the Omnibus Parks and Public Lands Management Act on November 12. Among other provisions important to the preservation community, Public Law 104-333 contains reauthorization of the Advisory Council on Historic Preservation at \$4 million annually through the year 2000. Congress has also appropriated \$2.5 million to fund us through FY 1997. In summary, the Council's future is secure for the next year and I want to take this opportunity to extend, on behalf of the Council members and staff, our sincere gratitude and appreciation for your contribution to our success. Loretta Neumann was invaluable as an infallible source of information and counsel as we pursued our goal.

As the Council plays a unique role in the preservation system established by the National Historic Preservation Act, our survival is critical to the overall health and effectiveness of the program. Your commitment to the vision of NHPA, as demonstrated by your efforts to secure both appropriations and reauthorization for the Council, reinforces the active partnership that undergirds the program.

With continued support from our preservation partners as exhibited over the past year, we are confident that the Council and the other elements of the program will continue to flourish.

Sincerely,



John M. Fowler  
Acting Executive Director

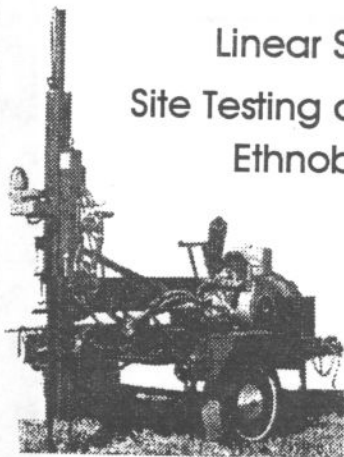
# LaRamie Soils Service



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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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