Engineering Public Policy

NSPE Government Relations

PAC → Advocacy → Grassroots

Build and maintain trusted relationships with elected and appointed officials

Influence public policy

Protect and promote the engineering profession

Coalitions

- Clean and Safe Energy Coalition
- Coalition for National Science Funding
- Council on the Federal Procurement of Architectural and Engineering Services
- Engineering Energy Policy Alliance
- FEMA National Incident Management System Public Works Working Group
- High-Performance Building Congressional Caucus Coalition
- High Performance Building Council Energy Efficiency Roundtable
- Research and Development Credit Coalition

Grassroots

- NSPE Legislative Action Center (http://www.capwiz.com/nspe)
  - Action Alerts
  - Current legislation
  - Legislators' voting records on important legislation
  - Find your legislators
  - Meet with members of Congress at their district offices
NSPE Public Policy Agenda

- Protection of qualifications-based selection and the Brooks Act
- Science, technology, engineering, and mathematics (STEM) education
- Good Samaritan protection for professional engineers volunteering in a declared emergency
- Comprehensive energy policy
- Infrastructure improvement

Protection of QBS and the Brooks Act

- Qualifications-based selection is a procurement method wherein price becomes a factor following selection
- QBS procedure:
  - Review qualifications submitted by interested individuals and firms
  - Rank respondents
  - Negotiate scope, schedule, and fee with the most qualified respondent
  - Result is a fair and reasonable agreement

Protection of QBS and the Brooks Act

- Federal agencies are required to use QBS when procuring architectural and engineering services:
  - Federal Acquisitions Regulation part 36.6

Protection of QBS and the Brooks Act

- NSPE issues:
  - Federal Highway Administration and Federal Transit Administration only use QBS for construction contracts
  - General Services Administration offers A&E services on its Federal Supply Schedule program
Brooks Act defines A&E services as “associated with research, planning, development, design, construction, alteration, or repair of real property”

FHWA and FTA have concluded that QBS only must be used to procure services directly connected or related to construction

BUT full Brooks Act definition of A&E services also includes:

- ...studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operation and maintenance manuals, and other related services.”

NSPE action:

- Submitted comments to Department of Transportation Secretary Ray LaHood asking FHWA and FTA to comply fully with the Brooks Act
- Commented before the DOT General Counsel and the general counsels of FHWA and FTA at a March meeting
- Coalition advocacy with COFPAES

GSA offers A&E services on its Federal Supply Schedule program:

- Professional Engineering Services
- Environmental Services
- Temporary Administrative and Professional Staffing
- General Purpose Commercial Information Technology Equipment, Software, and Services

In FY08, GSA sold $2,766,067,166 in Professional Engineering Services

Services Acquisition Reform Act of 2003 (PL 108-136, Sec. 1427(b)) explicitly prohibits GSA from offering A&E services on the FSS unless they are awarded in compliance with the Brooks Act

GSA continues to offer A&E services, with published pricelists, on the FSS in violation of federal law
GSA and QBS

- NSPE and COFPAES have urged GSA for 7+ years to comply with the Brooks Act and FAR:
  - Remove A&E services from the FSS
  - Remove reference to "professional engineering" from title of Professional Engineering Services Schedule
  - Develop oversight and investigation process to ensure agencies are not purchasing A&E services through the FSS
  - Enable contractors and members of the public to report attempted or completed purchases of A&E services through the FSS

STEM Education

- STEM Master Teacher Corps Act of 2011
  - Sen. Al Franken (D-MN)
  - Establishes a grant program to attract and retain STEM teachers in high-need K–12 schools
  - Grantees receive professional development, instructional resources, and leadership opportunities
  - Creates a network of STEM teachers to share best practices and inform the development of STEM education policy
  - Authorizes $35 million for FY12, "such sums as may be necessary" for FY13–FY16

STEM Education

- Engineering Education (EE) for Innovation Act
  - Rep. Tonko is an engineer
  - First introduced in 111th Congress
  - Establishes a grant program to help states improve K–12 engineering education programs, increase student interest and achievement in STEM subjects, increase the number of teachers qualified to teach engineering, and broaden the diversity of students participating in engineering
  - NSPE sent a letter to Sen. Gillibrand and Rep. Tonko supporting the proposed bill

Good Samaritan Protection for PEs

- Good Samaritan Protection for Construction, Architectural, and Engineering Volunteers Act (H.R. 1145)
  - Rep. Dave Reichert (R-WA-8)
  - First introduced in 110th Congress
  - Provides qualified immunity to engineering, architectural, and construction entities volunteering in a declared emergency
  - Proposed in response to lawsuits against architectural, engineering, and construction firms that volunteered after 9/11 and Hurricane Katrina
Two energy-related industries are inherently dangerous and require PE oversight:
- Nuclear energy
- Offshore oil-drilling

In the wake of the Fukushima Daiichi accident, the International Atomic Energy Agency is recommending robust nuclear safety standards.

Following the Gulf Coast oil spill, the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling declared offshore drilling an inherently risky operation.

Licensed professional engineers should have direct supervision over all engineering design, operations, and maintenance of nuclear power plants and offshore oil rigs.

NSPE action:
- NSPE commented before the Blue Ribbon Commission on America’s Nuclear Future in August and September 2010.
- NSPE commented before Chemical Safety Board in December 2010.

What You Can Do
- Maintain a current understanding of legislative and regulatory issues.
- Educate your local, state, and federal representatives.
- Contact Government Relations for more information:
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  703-684-2844

Politics is too serious a matter to be left to the politicians. – Charles de Gaulle
I like the noise of democracy. – James Buchanan
The people have spoken – the bastards. – Dick Tuck
I reject the cynical view that politics is a dirty business. – Richard Nixon

NSPE Legislative Action Center
http://www.capwiz.com/nspe
Government Relations Latest News

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