



ACSM

government affairs update



October 2010 ACSM Government Affairs Update

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COFPAES QBS Workshop --- The Council on Federal procurement of Architecture & Engineering Services (COFPAES), of which ACSM is a member, will host an all-day workshop on "Qualification Based Selection (QBS) Contracting for A/E Services" on Tuesday, November 9 in Washington, DC. This class, to be taught by Bruce Ware, US Army Corps of Engineers, will provide the elements of the acquisition of firms via the 40 USC 1101/10 USC 2855 and FAR part 36.6 QBS process. Registration for government employees is complimentary. There is a fee for registrants of private firms to attend this workshop. Lunch is included. Visit the [COFPAES web site](#) for complete details on this educational opportunity. The workshop will be held at The American Institute of Architects, 1735 New York Ave., NW, Washington, DC.

Digital Mapping Act --- Legislation was recently introduced that would authorize the Secretary of Commerce to establish a program to develop a coordinated and comprehensive Federal coastal mapping effort for the Nation's coastal zone to include all coastal State and territorial waters of the United States, and for other purposes. The name of the bill is the Digital Coast Act of 2010 (H.R. 6215) and was introduced by Rep. Dutch Ruppersberger (D-MD). The relevant sections of the bill are as follows:

SEC. 4. COASTAL SERVICES CENTERS.

(a) Establishment- The Secretary may establish coastal services centers as may be needed to facilitate products and services to address the needs of local, State, and regional entities involved with coastal and ocean decision-making including those State coastal management and research reserves benefitting from this Act.

(b) Purpose- The purpose of the coastal services centers shall be to--

- (1) support the environmental, social, and economic well being of the coast by linking people, information, and technology;
- (2) collaborate with various branches of the National Oceanic and Atmospheric Administration, other Federal agencies, and nongovernmental entities to bring data, information, services, and tools to the Nation's coastal and ocean decision-makers; and
- (3) identify and address region-specific needs and increase capabilities to address them at the local, State, and regional levels.

(c) Financial Agreements- To carry out the responsibilities of this Act, including to provide program

support to non-Federal entities that participate in implementing this Act, the Secretary may enter into financial agreements including, but not limited to, grants, cooperative agreements, interagency agreements, and contracts with other Federal, tribal, State and local governmental and nongovernmental entities.

SEC. 5. REMOTE SENSING AND OTHER GEOSPATIAL DATA LAYERS.

(a) In General- The projects carried out by the Secretary pursuant to section 4 shall collect and integrate other available coastal data with--

- (1) shallow bathymetric data;
- (2) airborne elevation data;
- (3) large-scale land use and land cover maps;
- (4) benthic habitat and aquatic vegetation mapping;
- (5) parcel data;
- (6) planimetric data; and
- (7) socioeconomic and human use data.

(b) Coordination- The Secretary shall coordinate the activities carried out pursuant to this Act to maximize data sharing and integration and minimize duplication by--

(1) coordinating activities when appropriate, with--

(A) other Federal efforts, including the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501 et seq.), the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), and the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.);

(B) coastal States and United States territories;

(C) local governments; and

(D) representatives of nongovernmental entities;

(2) participating, pursuant to section 216 of Public Law 107-347 (44 U.S.C. 3501 note), in the establishment of such standards and common protocols as are necessary to assure the interoperability of remote sensing and other geospatial data with all users of such information within--

(A) the National Oceanic and Atmospheric Administration;

(B) other Federal agencies;

(C) State and local government; and

(D) the private sector;

(3) coordinating with, seeking assistance and cooperation of, and providing liaison to the Federal Geographic Data Committee pursuant to Office of Management and Budget Circular A-16 and Executive Order No. 12906; and

(4) providing for the utilization of contracts with the private sector, to the maximum extent practicable, to provide such products and services as are necessary to collect remote sensing and other geospatial data; which contracts shall be considered 'surveying and mapping' services as such term is used and as such contracts are awarded in accordance with the selection procedures in chapter 11 of title 40, United States Code.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary \$100,000,000 for each of the fiscal years 2011 through 2016 to carry out this Act.

Although it is unlikely this bill will make any headway this year, we will work to have the bill reintroduced next year.

Lobby Day Visits --- We received several reports about Lobby Day visits since August. If you have not already sent in your report, it is not too late to do so. As you know, we lobbied Members of Congress on three issues: our Preservation of Railroad Monumentation issue, the 3% Withholding on Government Contracts issue, and our Funding for Trig-Star issue. Overall, the reports we received indicate that the issues were well received and supported. Our biggest hurdle still is educating Members of Congress

about our Preservation of Railroad Monumentation issue. However, once Members of Congress understand the issue, most of them agree it makes sense and they often support it.

Now that the elections are over, if you live in a District or State that has a new Representative and/or Senator, why not pay them a visit, congratulate them on their win and tell them about our issues?

NRCS Brooks Act Violation --- We recently heard from a member in Missouri who came across a NRCS violation. We are trying to find out if there are similar cases like this in other states. In Missouri, the USDA Natural Resources Conservation Service (NRCS) sent a Scope of Services document to landowners involved in Wetlands Reserve Program Boundary Surveys. Under the Scope of Services, and at the request of the NRCS, landowners must submit a statement of survey cost (a quote) to the NRCS Agency Liaison. NRCS will review the quote and, if it is found to be acceptable; it will be incorporated into the Survey Cooperative Agreement. If the quote is not acceptable, NRCS will ask the landowner to obtain two additional quotes. The NRCS must approve the survey cost for the landowner to be eligible for reimbursement.

ACSM is concerned that this procedure violates the Brooks Act, which requires that surveying services (as well as other A/E services) be procured by the federal government using Qualifications Based Selection procedures. In this case, it appears NRCS is circumventing the Brooks Act process. It is the landowner who is hiring the surveyor; but the NRCS must approve the surveyor --- and that approval is based on the price for the surveyor's services.

We will bring this issue up at the COFPAES meeting on November 10. However, in the meantime, we are trying to determine if this is an issue in other states. If you experienced this kind of price requirement from a federal agency for your surveying or mapping services, let us know about it.

FEMA RiskMAP Update --- Recently, we met with FEMA to discuss the progress of its RiskMAP program. After the meeting, FEMA distributed the following information and links for distribution to our membership. We previously sent FEMA links containing information from the FEMA meeting, but we learned that the links are not working. The links below reference the same information and they should work.

The "**Risk MAP FY10 Report to Congress**", "**Risk MAP Digital Elevation Plan**", and "**FY10 Flood Mapping Progress Report and Production Plan**" are available

at: http://www.fema.gov/plan/prevent/fhm/rm_main.shtm

· Further information regarding FEMA's **NFIP Reform** efforts is available at: http://www.fema.gov/business/nfip/nfip_reform.shtm

Both of these links should answer any questions you may have about the progress of FEMA's RiskMAP program