State Auditor and NCDOT Present to House Transportation Committee:

See the NDOT Presentation [here](#). See the State Auditor Presentation [here](#).

Senate Transportation Committee discusses NCDOT Funding and Oversight

The Senate Appropriations Committee took up the NCDOT funding and oversight bill this morning as a PCS to HB 77. Attached is the bill and the bill summary prepared by legislative staff. House Appropriations will be considering HB 1225-Education and Bond Act of 2020 later this afternoon after the House Session at 3:00 pm. A copy of the bill PCS is [here](#).

ACEC in contact with US Army Corps of Engineers over Task Order Selection and Guidance Procedures

This spring, the Army Corps of Engineers introduced new guidance for the Task Order (TO) selection process for multiple award architect and engineer (AE) contracts. This guidance included requirements for Task Order Requirement Notifications (TORNs) and Task Order Questionnaires (TOQs).

ACEC, led by the Federal Agencies and Procurement Advocacy (FAPA) Committee, spent much of 2019 addressing varied Corps actions to compete all TOs, including SF330 resubmissions, and urging the Corps to take a different approach, as the changes added more costs and time to both industry and the Corps. The changes being proposed were also generally opposed by Corps personnel that you and your firms deal with on a regular basis, however, they were being pushed by legal counsel within the Corps.

ACEC has written the Corps twice expressing our concerns and invested in a legal analysis arguing that the Corps’ current process was consistent with the Brooks Act and the proposed changes were not necessary. We presented that analysis in person following a meeting between the FAPA Committee Chair and Vice-Chair and Dr. Christine Altendorf, Chief of Engineering and Construction. The resulting changes agreed to by the Corps included limiting response length to three pages, making the [Task Order Questionnaire] optional, not mandatory, and limiting the response time to five business days.

After issuance of the new guidance, as many have experienced, Districts have continued to go about this their own way, with little consistency across the Corps. We have heard from many of you that continue to object to the changes. As a result, we surveyed our membership to give us a better understanding and
measurement of these concerns. Some of those findings include:

- While this process was determined to be optional, almost 84% of respondents believe they would be disadvantaged by not providing updated information.
- With limited exceptions, most respondents indicate that it takes at least three (3) days to respond to a TOQ. With several indicating it takes as long as 10 – 14 days.
- Nearly every participant indicated it would lead to increased overhead costs to the firm.
- There is little consistency across Districts in both length of response time and maximum size.
- For more than 75% of the firms who responded, the level of effort expended exceeds 20 labor hours.
- Response times after submitting a TOQ are extremely long. Firms have reported submitting one in late January and as yet have not heard anything. Another was submitted in early May and was informed by the Corps District that they have not even started reviewing the submittals a month later.

Last week we sent a letter (click here) to the Army and Department of Defense, as they have taken an interest in learning of industry’s concerns. We have also learned that they have asked the Corps to provide them with data showing claimed savings achieved in time and costs.

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**SBA releases two new versions of Loan Forgiveness Application**

SBA has released two new versions of the PPP loan forgiveness application: the [standard PPP loan forgiveness application](#) and the [EZ loan forgiveness application](#). Both are designed to implement the PPP Flexibility Act (HR 7010). The EZ application is available to borrowers that:

1. Are self-employed and have no employees; OR
2. Did not reduce the salaries or wages of their employees by more than 25%, and did not reduce the number or hours of their employees; OR
3. Experienced reductions in business activity as a result of health directives related to COVID-19, and did not reduce the salaries or wages of their employees by more than 25%.

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