

# Building Arkansas

Official Magazine of the American Council of Engineering Companies of Arkansas & the Arkansas Society of Professional Engineers



## Engineering good contracts

What do you do when clients are expecting the impossible of engineers and potentially voiding the professional liability insurance that protects them both? Ultimately, you might have to change the law. That's what ACEC/A is considering doing this upcoming legislative session. Matt Crafton, P.E., Crafton Tull's president and CEO, left, and Garver's Jerry Holder, P.E., say Arkansas needs a simple approach like one that lawmakers passed in Alabama. It would declare null and void clauses that require firms to indemnify clients, pay for their lawyers, add them to their policies, or require them to reach unrealistic and ill-defined standards. Insurance doesn't cover any of that.

# Emerging Leaders get risk lesson

Cadence Insurance's Estes talks contracts with large class of 19

Elliott Bell, E.I., a Crafton Tull engineer working out of the company's Fort Smith office, didn't learn about contracts in his college engineering classes. But the ACEC/A's Emerging Leaders program can help fill in the blanks.

This year's 19-member Emerging Leaders class – one of the largest ever – got a lesson in contracts and risk reduction from Ken Estes with Cadence Insurance Oct. 30.



Estes

The Emerging Leaders program gives design professionals a chance to learn about contracts and other topics that prepare them to take the next step in their engineering careers. They had already had a two-day leadership development series in September. Future sessions will cover state government and Business 101. They will also have a senior leadership roundtable with experienced engineers before graduating at the ACEC/A's 2nd Annual Award Lunch and Membership Meeting April 22.

Estes told the Emerging Leaders that the cost of a claim is really the tip of the iceberg. The greater invisible costs include the principals' time in dealing with



**PICTURED LEFT TO RIGHT** are Ronald Smith, UES; Dr. John Dennis, PLS, Crafton Tull; Patrick Foy, P.E., Half; Chase Allison, P.E., Garver; Joseph Hart, CDI Contractors; Joe Adams, E.I., Garver; Beau Gay, CEI Engineering; Travis Keymer, E.I., Michael Baker International; Bailey Carr, P.E., McClelland Consulting Engineers; Garrison Smith, P.E., Burns & McDonnell; Claire Schoppe, P.E., McClelland Consulting Engineers; Alison Richins, P.E., Olsson; Kris Gifford, P.E., Michael Baker International; Andrew Morrison, P.E., Mickle Griffin; Elliott Bell, E.I., Crafton Tull; Ryan Mills, P.E., Horner & Shifrin; and Kapil Dhital, P.E., Olsson. Not pictured are Matt Cox, P.E., Kimley Horn, and Colton Wylie, P.E., Garver.

the issue as well as other problems arising from their lack of attention on them. A firm will spend about 200 hours on a large claim. Put it all together, Estes said, and a firm will need to earn revenues about 10 times the size of the loss.

Bell, 37, came to the engineering profession as a second career after previously earning a degree in biology and becoming an environmental consultant. He had some experience working with contracts before joining the Emerging Leaders program.

"I love the client part," he said. "The contracts are just part of that. And looking at it from a big picture: Where am I putting myself at risk, the company at risk, where can I put some of that risk

off on somebody else, those kinds of scenarios."

Another benefit was the networking and camaraderie. The program has reunited Bell with three of his University of Arkansas - Fayetteville classmates: Chase Allison, P.E., of Garver, and Travis Keymer, E.I., and Kris Gifford, P.E., of Michael Baker International.

"We all graduated the same year, and so we're all working, studying for tests together at one point, and now we're all quote-unquote competitors, but we're all working in the same field, same industry," Bell said. "There's plenty of work to go around, and so I think just supporting each other, it all goes around, comes around."

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**18** Matt Crafton, P.E., Crafton Tull's president and CEO, left, and Jerry Holder, P.E., Garver's director of enterprise solutions, say contract legislation is needed to protect the interests of both engineers and their clients.

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This year's 19-member Emerging Leaders class – one of the largest ever – got a lesson in contracts and risk reduction from Ken Estes with Cadence Insurance Oct. 30.

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### [Officials cut ribbon on 30 Crossing](#)

Transportation officials, dignitaries and engineers celebrated the fact that the 30 Crossing project was “substantially complete” with a ceremonial ribbon cutting in the Clinton Presidential Center parking lot Dec. 3.

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### [Wiley named ARDOT's new director](#)

The Arkansas Highway Commission on Dec. 4 named Jared D. Wiley, P.E., as director of the Arkansas Department of Transportation. He is the sixth person to serve in that position in the past 52 years.

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### [Cover / ACEC/A seeks contract law changes](#)

Engineering firms in Arkansas are being pressured to sign contracts containing professional liability insurance provisions that their insurance companies won't cover. The solution is a law like one enacted in Alabama in 2021 that ACEC/A hopes will pass in Arkansas.

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### [Member Spotlight / Walter P Moore puts down roots in NWA](#)

Walter P Moore, an international engineering firm based in Houston, has expanded with a new office in Bentonville to support strategic growth in the region.

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# Standard of care contract language should be right

We each have expectations regarding the products we purchase and the services we utilize. Our clients also have expectations, but what is a reasonable standard of care to be expected in the engineering and surveying industry, and how should contracts address it? And, what is insurable under professional liability insurance policies?

Perfect practice is not required, but it is expected that you will exercise the care and skill you've obtained in the industry and through specialized training. Just as you expect your family to be safe when utilizing structures and amenities, the community maintains the same expectations. Even when seeking a cost-saving alternative, engineers must prioritize the public's health, safety, and welfare. Our clients want to ensure we are held accountable if there is a design problem, which is why all design and surveying firms should carry professional liability insurance. However, there are some specific limitations that accompany such coverage in regard to the expected standard of care.

"Standard of care" is a common term used in professional service contracts, but what does that mean? The EJCDC Agreement Between Owner and Engineer includes the most appropriate standard of care language for design professionals and surveyors: "The standard of care for all professional engineering and related services performed or furnished by the engineer under this agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality."

However, clients and their attorneys sometimes attempt to insinuate that any design error constitutes negligence for which an engineer can be held liable.

It all comes down to language. If the contract does not reflect your professional liability insurance coverage, you could be putting the company at risk. Words



**Jerry Kelso, P.E.**  
ACEC/A President

like "best," "highest," "leading," and "expert" should be avoided. These terms indicate a higher standard of care than is reasonably expected. Any contractual provision that requires you to perform above the standard of care would likely result in a loss of insurance coverage on a claim.

Your professional insurance policy covers an ordinary standard of care and does not cover expectations of perfection. Keep this in mind when negotiating contracts and make sure the standard of care clause outlines a reasonable expectation for your firm's abilities and insurance coverage.

It is important to note, though, that the legal definition of standard of care can change from state to state. The responsibility falls on you to understand that standard in the state where you're practicing. What might be considered standard practice in one state or area could be different in another.

Another pitfall many clients can easily fall into when creating a contract with a design professional is the desire for their entity to be listed as an "additional insured" on your professional liability insurance policy. This isn't possible under a professional liability insurance policy and is likely an instance of the client not understanding that professional liability insurance covers the design professional and not the client or other third parties. Such requests should be declined and explained as well. It is important to read through a contract thoroughly to ensure you're not agreeing to requests that cannot be fulfilled.

Getting the job and signing the contract are exciting times in procuring our work, but it is important not to rush into a signature. Language that might seem ordinary can be inflammatory, risky or uninsurable. Be attentive to this and correct contract language before signing on the dotted line.

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# Don't just join: Get involved

The secret to getting ahead is getting started, and I would also add getting engaged. In my last column, I focused on supporting engineers at the beginning of their careers, and how we can best help them grow.

But for those who are already established, the question shifts: How do you keep your career growth momentum going? Joining professional organizations like the ASPE is a solid start, but to truly benefit, it is essential to get involved and to make the most of what organizations like ours offer.

ASPE is dedicated to equipping engineers with the knowledge they need to thrive. We do this through formal programs like our upcoming spring conference, which offers diverse programming that goes beyond technical training. Today's engineering field demands more than technical know-how. It also requires soft skills such as leadership, communication, and collaboration that can enhance our ability to support clients, lead teams, and communicate about our projects.

Having served in several roles in ASPE, I know firsthand the value of soft skills, and the value of a professional environment to learn and practice them in. I also know how these skills can contribute to growing careers, opening doors, and setting engineers apart from the competition. Going through the ranks at ASPE, I made mistakes, learned to lead meetings, and learned to organize teams. Through these experiences, I was able to build my network and raise my profile as a young professional in a growing company and industry. None of this would have been possible without intentional participation and a commitment to getting engaged.

The skills gained through these experiences translate directly to your career, making you more marketable, a better communicator, and a more dynamic engineer. Most importantly, they forge genuine connections with those in the industry. Beyond our statewide chapter, ASPE also has local chapters in Central and Northwest Arkansas that offer opportunities to get engaged with a closer-knit community.



**Mary Fair, P.E.**  
ASPE President

These smaller groups are where connections are made, ideas are shared, and careers are advanced – but these opportunities are only available to those who intentionally participate.

Showing up, networking, and contributing to the conversation is how we collectively grow our networks, advance our careers, and

refine the soft skills needed in the workforce. By getting involved, we are also investing in the broader engineering community, ensuring everyone grows together.

I know that getting engaged is no small ask, especially for those of us juggling busy lives – families, deadlines, and all the other demands that come with balancing work and personal commitments.

That's why it's important to understand what ASPE offers in return for your time and effort. ASPE's mission is to advocate for you as an engineer and to provide professional development opportunities. We serve engineers in all disciplines to ensure the security of the profession we have worked tirelessly to succeed in. We do this by, among other things, lobbying for engineers, monitoring legislation that could harm our profession, and continually fighting to protect professional licensure. These tools, in addition to the rest of what ASPE offers, provide a solid foundation for established professionals to grow and surround themselves with others who are just as committed to excellence as they are.

ASPE offers more than just a network. It offers a community and the tools needed to thrive in your career. As members, we can all contribute to the strength of that community simply by participating and engaging with one another. By getting involved and participating in ASPE's programs, at any level, we are investing in our careers and the future of our profession. The skills we develop and the connections we make will help us maintain momentum in our career's growth and ensure that the engineering field in Arkansas continues to thrive. So, take the next step – participate, and make the most of what ASPE offers. I hope you will consider supporting ASPE's mission as you plan for 2025.

## In the News

### Crafton recognized as ACEC Fellow



**Crafton**

Matt Crafton, P.E., LEED AP, president and CEO of Crafton Tull, was recognized as an American Council of Engineering Companies Fellow at the 2024 ACEC National Fall Conference in New Orleans.

Crafton joins a distinguished and exclusive group of Arkansas Fellows: Garver Chairman Emeritus Dan Williams, P.E.; retired Garver Chief Administrative Officer Bert Parker, P.E.; Rick Geraci, P.E.; CEI President and CEO Jeff Geurian, P.E.; FTN Associates co-founder Dennis Ford, Ph.D., P.E.; the late Carl Yates, president of McGoodwin, Williams and Yates; and the late Brock Johnson, president and CEO of Garver.

"I'm incredibly humbled and grateful to our ACEC Arkansas board of directors and other industry colleagues in the state who nominated me for this recognition," Crafton said in a press release. "I'm also thankful for Crafton Tull's support of my service in this great organization. ACEC is truly the voice of the engineering industry, and our firm is very proud to support its mission."

### Crafton Tull's Rupe promoted to VP



**Rupe**

Crafton Tull's David Rupe has been promoted to vice president and will lead the firm's environmental team in his new role.

Rupe joined Crafton Tull one year ago and works from the Rogers office. He has more than 20 years of environmental experience. He oversees permitting and compliance processes, specializing in Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, National Environmental Policy Act, and Section 7 of the Endangered Species Act.



**Calendar of events**

**January 21-22**  
**February 18-19**  
ACEC/A Leadership Excellence Symposium  
Northwest Arkansas

**March 6**  
Engineering Excellence Award Gala  
Chenal Country Club  
Little Rock

**April 17**  
ASPE Annual Conference  
Aloft Little Rock West

**April 22**  
2nd Annual ACEC/A Awards Luncheon and Membership Meeting  
Little Rock

Rupe previously served as a regulatory project manager for the U.S. Army Corps of Engineers – Little Rock District, working from the Rogers regulatory field office.

### Crafton Tull's Hale, Woessner earn PEs

Crafton Tull's Conlee Hale, P.E., and Trent Woessner, P.E., recently received their professional engineer licensures.



**Hale**

A graduate of the University of Arkansas, Hale has worked at Crafton Tull for four and a half years.



**Woessner**

Woessner also graduated from the University of Arkansas, and he has worked at Crafton Tull for two years. Both work on the firm's private development team in Fayetteville designing primarily commercial and residential projects.



### Garver employees attend 14th Summit

Almost 1,400 Garver employees from nearly 60 offices attended the 14th annual Garver Summit in Arlington, Texas, this year.

Every full-time employee at Garver is invited to the multi-day event. The Summit's activities includes team meetings, a themed awards show, wellness and GarverGives events, and, this year, the return of team competitions.

The first night of Summit, employees nominated for the Spirit of Garver Award and those who've won the honor in years past attended a dinner at Globe Life Field, home of the Texas Rangers Major League Baseball team. In addition to receiving special recognition, they practiced their swings in the batting cages, played catch in the field, and toured the stadium.

The next day, all employees donned the Garver football jerseys they'd received at check-in and boarded tour buses that drove them directly into AT&T Stadium, home of the Dallas Cowboys. When they disembarked, they ran or walked through the tunnel onto the turf to cheers from the firm's Office of the Year finalists. Garver employees could do self-guided tours of the players' and cheerleaders' locker rooms and attempt a field goal or catch a touchdown pass. Team competitions were held on the field.

The next morning, employees chose to participate in a 2.5-mile run or hour-long yoga session as part of Garver's award-winning wellness program. Others attended a STEM kit packing event led by Garver's corporate giving program, GarverGives, benefiting students at Percy STEM Academy in the Arlington School District.

*In the News continues on page 10*



# ENGINEERING ARKANSAS

**PINNACLE HILLS  
ROUNDBOUT**  
ROGERS, AR



**Crafton Tull**



## — In the News

### Garver's John noted by biz magazine



John

The *Northwest Arkansas Business Journal* has named Garver's General Counsel Kurtis John to its 2024 C-Suite Awards class. Along with nine other senior-level executives from across the region, John was recognized for his contribution to Garver's success, civic involvement, and professional achievement.

During his career, he has been involved with billions of dollars of private and public infrastructure contracts.

### Garver's Roberson honored by museum



Roberson

The Museum of Discovery in Little Rock named Garver Principal Accounting Officer and Controller Beverly Roberson a 2024 Spark! Star. Roberson was honored with six other community leaders who actively support the advancement of STEM learning during a gala held at the museum in November.

Roberson has championed multiple programs within Garver that uplift young professionals, including the firm's internship and networking programs. She also provides financial guidance to disadvantaged business enterprise engineering firms through the Garver Partners program. She is a member of the Arkansas chapter of Women's Transportation Seminar and the Accounting and Financial Women's Alliance.

### Benchmark Group to design facility for Clear Water Ventures

Rogers-based Benchmark Group has been hired by Rhode Island-based Clean Water Ventures (CMV) to conduct architectural design and engineering for its

clean water-green energy and green hydrogen facilities in California.

The first green CWV facility design is located on a 5.2-acre site in the city of Lancaster and will be developed in two phases. Phase I will feature CWV-secured multiple reactor plant operations to supply the city's green hydrogen initiatives. Phase II will follow within two years of Phase I's full operation.

Benchmark Group and Clean Water Ventures are collaborating on several other locations in California. These facilities will produce green hydrogen, clean energy, and clean water.

Roy DiBenerdini, CEO of Clean Water Ventures, Inc., said, "Working with the BG team has been very exciting, as they have been able to grasp and wrap their expertise around our vision."



Adams

which affect our planet now and for generations to come. We felt it was a good fit since our companies are aligned with providing innovative and sustainable solutions. We look forward to a long-term relationship as we collaborate on projects to ensure a greener environment for all."

Jason C. Adams, P.E., executive vice president of Benchmark Group, said, "Benchmark Group is excited to be partnering with CWV on the critical topics of clean water and clean energy,

### Burns & McDonnell designs Bentonville street improvement

Cyclists, pedestrians and vehicles in Bentonville can navigate a safer and more efficient 1.5-mile stretch of Eighth Street from Southwest I Street to Southeast J Street thanks to a street improvement project designed by Burns & McDonnell.

The project features a four-lane boulevard with necessary turn lanes, a two-way cycle track, and sidewalks.

The Burns & McDonnell team carefully integrated bicycle and pedestrian facilities with vehicular turning



movements during the design of intersections and traffic signals. Safety enhancements included improved pedestrian and bike crossings, traffic signals with leading pedestrian intervals, lighting, and reduced lane widths to slow vehicular speeds.

This roadway supports commercial, residential and mixed uses. It also forms the southern boundary of the downtown district along part of the corridor and is adjacent to both the existing Walmart headquarters, as well as the newly constructed headquarters.

"Enhancing street safety for cyclists and pedestrians creates a more secure and accessible environment for everyone, promoting healthier and more sustainable urban mobility," says Aaron Boehmler, P.E., CPM, project manager at Burns & McDonnell. "Projects like this enable us to make essential improvements that cater to a diverse range of users."

### Michael Baker adds Lewis, Hodges



Lewis

Dillon Lewis has joined Michael Baker's Bridge team in Little Rock. He has practiced bridge design for two years and has experience in seismic design, prestressed girder design, substructure design, and bridge inspection.

Lewis graduated from the University of Arkansas-Fayetteville in December 2022 with a bachelor of science degree in civil engineering.

In addition, Dale Hodges has joined Michael Baker's Little Rock design team as a technical specialist in right-of-way design and survey services.

*In the News continues on page 12*





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## In the News (Cont'd)



**Hodges**

He retired from the Arkansas Department of Transportation after three years in the survey division and 28 years in the right-of-way engineering section. He served as a draftsman, reviewer, and right-of-way specialist before retiring as section head.

He brings to the Michael Baker team his extensive knowledge of ARDOT right-of-way plans and legal descriptions, as well as microstation/inroads proficiency.

### Michael Baker brings four pros on board



**Ayala**



**Gross**



**Jarman**



**Berryhill**

Michael Baker International has hired a number of construction inspectors in northwest Arkansas to support multiple ARDOT construction projects in Districts 4 and 9, including the \$128 Million XNA Airport access road project and the \$181 Million Highway 612 (Springdale Bypass) extension project.

Israel Ayala, Troy Goss, and Kyle Jarman are all experienced field inspectors and construction materials testing technicians who are supporting ARDOT's resident engineer offices in Fayetteville and Bentonville.

James "Bo" Berryhill has also joined the Michael Baker Arkansas construction services team. He brings his knowledge of construction inspection and materials testing to ongoing projects in northeast Arkansas, initially supporting ARDOT's District 10.



### Halff Best Place to work, says Ark Biz

Jonathan Clemons, P.E.; Brian Vazquez, PA, CLARB; Natalie Rogers, P.E., CFM, and Joe Moore represented Halff to accept the Best Place to Work in Arkansas recognition by *Arkansas Business* in partnership with Workforce Research Group in September 2024. To be considered for this honor, companies must have a facility in Arkansas with at least 15 employees. From there, employers are asked to complete an in-depth questionnaire about their company, while employees are invited to take a survey that asks for their honest feedback about their workplace.

This marks the second straight year that Halff's Arkansas offices have been recognized as a Best Place to Work. Halff has five state locations, one of which opened this summer in Fayetteville.



### Halff Jonesboro health project wins APA planning award

Halff's Jonesboro Health Accelerator Plan won 2024 Plan of the Year (Communities of 30,000 or more) from the American Planning Association Arkansas chapter.

In conjunction with its ongoing work on the Jonesboro Parks and Recreation Master Plan, Halff was asked by the city of Jonesboro to prepare a companion

"health accelerator" plan to assist the city in building a parks and recreation system renowned for being inclusive for all.

A grant from the U.S. Centers for Disease Control and Prevention funded this initiative designed to improve Jonesboro's "social determinants of health" by enhancing access to, and providing inclusive recreation experiences within, Jonesboro's municipal parks system for persons with physical, emotional, and/or mental disabilities.

### Halff employees earn certifications

Three Halff employees have earned professional certifications.

Wyatt Brewer, P.E., and Joshua Vines, P.E., both earned their professional engineer licenses.



**Brewer**



**Vines**

Brewer is a structural engineer who works in transportation out of Halff's Little Rock office. He has experience in structural analysis and design, working with various building materials to deliver innovative and cost-effective solutions.

Vines joined Halff's Little Rock office in 2020 with experience in civil/traffic analysis and design.

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Mississippi River Bridge, Highway 49



DeRoche Creek - Interstate 30  
Lateral Slide Bridge Replacement

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## **HUSSAM SALEEM, P.E., S.E.** / ENGINEER OF THE YEAR

As a project manager and structural engineer, Hussam shines with his expertise in designing bridges, performing load ratings and preparing comprehensive plans, specifications and estimates to construct new bridges or repair existing ones. A career highlight includes successfully managing the US Highway 49 Bridge Rehabilitation project with a team of over 20 people, delivering on time, within budget and to the client's expectations. Hussam's positive and take-charge attitude makes him a standout engineer in all that he does.



## **ETHAN BAKER, P.E., S.E.** / YOUNG ENGINEER OF THE YEAR

Ethan brings a wealth of experience in bridge engineering and project management. As a dynamic bridge project manager, he has spearheaded major projects like the Garland County Bridge Improvements, ARDOT Bridge Preservation and US Highway 82 Widening and Bypass. His roles have encompassed a wide range of engineering duties, meticulous project management and seamless coordination across multiple disciplines.

**On behalf of the entire Michael Baker Wolf Pack, we thank Hussam and Ethan for *Making a Difference* for our colleagues, clients and Arkansas communities.**

## In the News (Cont'd)



McCollough

TJ McCollough, P.S., became a licensed surveyor in Kansas. TJ is a survey team leader who works out of Half's Fort Smith office. He has more than ten years of surveying experience in Arkansas, Oklahoma, Texas, Missouri and Tennessee. TJ had received his surveyor license in Arkansas in 2023.

## Half's Deaver joins Leadership Ft. Smith



Deaver

Half's Allen Deaver, P.E., has been selected as one of the 25 members joining Leadership Fort Smith 2025.

Leadership Fort Smith, led by the Fort Smith Regional Chamber of Commerce, is a 10-month program that offers participants a backstage pass to the Fort Smith region. The program is designed to educate and motivate citizens to become leaders in the community, focusing on the strengths, challenges, needs and overall community issues that participants can directly address.

Deaver is a project manager for Half's Fort Smith office who handles projects such as public works and land development.



## Fayetteville Chamber honors Olsson office

Olsson's new office building has been recognized by the Fayetteville Chamber of Commerce. The firm received the Next Generation Award for its modern and forward-thinking office amenities.

The 39,000-square-foot office complex is located at 3537 N. Steele Boulevard. It

includes open spaces, conference rooms, electric vehicle charging stations, "Zoom rooms" and a rooftop patio area.

Olsson provided all structural, mechanical, and electrical engineering for the civil site design; landscape architecture; geotechnical investigations; and special inspections. It partnered with Core Architects on the design. C.R. Crawford Construction of Fayetteville was the contractor and construction manager.

The Chamber's Construction and Developers Awards Banquet honored outstanding commercial and infrastructure projects completed the previous year. Projects were evaluated and selected by a committee of industry leaders and are judged using a criteria matrix assessment of the highest industry standards.

## MCE's Hamilton, Elliot earn PE licenses

McClelland Consulting Engineers' Haley Hamilton, P.E., and Jarrett Elliot, P.E., recently earned their Professional Engineering licenses.



Hamilton

Hamilton joined MCE in October 2021 with six years of experience in the planning, design, construction and project management of water/wastewater infrastructure projects. These include pipe lines, pump stations, lift stations, treatment plants, drainage systems and roadways. She is a 2015 University of Arkansas graduate with a bachelor's in civil engineering and a mathematics minor.



Elliot

Elliot joined MCE's Little Rock office in May 2023 with more than three years of aviation design experience. He has worked on several projects and specializes in project development, grant and report writing, project design, building assistance, and construction administration. He graduated from Louisiana Tech University in 2020 with a bachelor's degree in civil engineering.

## MCE announces nine new hires

McClelland Consulting Engineers has hired nine staff members for its Little Rock, Fayetteville and Fort Smith offices.

Five staff members will work in the Little Rock office: Stephen Youngblood, P.E.; Kimberly McIntyre; Magen Burch; Lance Hobbs; and David Watkins, PLA.

Youngblood is a project designer for the water/wastewater department. He contributes to the design wastewater metering and aeration, water booster stations, elevated storage tanks, and a fluoride feed system.

McIntyre was hired as an office controller for the accounting department. She has worked in accounting throughout her entire career and has served in the controller capacity since 2003.

Burch is a payroll specialist in the accounting department. She has four years of experience in employee relations and two years of experience in payroll.

Hobbs joined the construction materials testing department as a technician intern in September.

Watkins is assistant department head for the land development department. He has experience in master planning, site design, transportation corridor enhancements and stormwater solutions.

Meanwhile, MCE's Fayetteville office has hired Caden Morse, Chase Smith, and David DeLong.

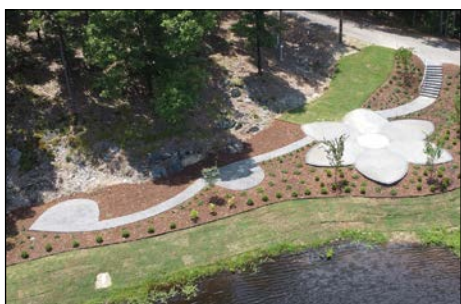
Morse was hired as a lab materials intern with the construction materials testing department.

Smith joined MCE as an entry level survey crew field technician. Born and raised in Elkins, he earned his bachelor's degree in environmental studies from the University of the Ozarks. While a student there, he played for the baseball team as left fielder, second baseman, and designated hitter.

DeLong also joined MCE as a Draftman IV in the structural department. He has an associate's degree in draft and design and a bachelor's in project management from ITT Tech Institute. Originally from Cedar City, Utah, he recently moved to northwest Arkansas with his wife and four children.



MCE's Fort Smith office hired Jacob Ortlieb as a project designer for the structural engineering department in September. He has a bachelor's and master's degree in civil engineering from the University of Arkansas.



## MCE designs daffodil plaza

McClelland Consulting Engineers did the civil engineering design work for the Linda C. Smith Daffodil Plaza at the Wildwood Park for the Arts, a 105-acre park in West Little Rock's Chenal Valley.

Smith was an advocate for the arts and a pivotal figure in the park's development. The plaza features a flower-shaped layout that celebrates her favorite flower, the daffodil. In the spring, 1,000 daffodils will burst into color. The plaza was placed by the design team to preserve the established wood line and minimize its footprint on the land, honoring the natural surroundings. The landscaping overlooks Swan Lake.

The project faced the challenge of creating an accessible memorial that would blend into the park's landscape while ensuring durability for long-term use. The project team worked closely with Wagner General Contractors, Little Rock Landscaping, and Olive Branch Landscaping.

## ASPE sets date for conference

Plans are being made for this year's ASPE Annual Conference, which will

be Thursday, April 17, at the Aloft Little Rock West Hotel.

This will be the second year for the revamped one-day conference in Little Rock. Last year's was the best attended in years.

ASPE leaders are looking for presenters and sponsors. Anyone interested should contact Mary Fair, ASPE president, at [MKFair@GarverUSA.com](mailto:MKFair@GarverUSA.com).

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# Officials cut ribbon on 30 Crossing

Retiring Tudor celebrates project bridging Little Rock and NLR as ARDOT's largest ever effort and first ever design-build one

Transportation officials, dignitaries and engineers celebrated the fact that the 30 Crossing project was "substantially complete" with a ceremonial ribbon cutting in the Clinton Presidential Center parking lot Dec. 3.

That was the description given by Arkansas Department of Transportation Director Lorie Tudor, P.E.

One day earlier, Tudor had informed the Arkansas Highway Commission she was retiring. She has served as ARDOT's director five years and worked for the agency 41 years. She started as a clerk typist before earning her civil engineering degree.

The centerpiece of the \$634 million 30 Crossing project was the building of a new Interstate 30 bridge across the Arkansas River. The project also involved numerous other improvements. As Highway Commission member Marie Holder explained, it encompassed sections of I-30, I-530, I-440, I-630, I-40, I-430 and I-57. It widened I-30 and demolished and reconfigured the Highway 10 interchange. It crosses the Arkansas River and two Union Pacific rail yards and created almost 16 acres of green space.

"Ninety-three thousand cubic yards of concrete, 22,000 tons of structural steel, 9,000 tons of reinforcing steel, 164,000 tons of asphalt, and 513,000 cubic yards of embankment went into this project," she said.

The 30 Crossing is part of the Connecting Arkansas Program, a collection of 31 projects promised to voters when they passed a 10-year, half-cent tax for highways in 2012.

Construction was done by Kiewit-Massman Construction (KMC), a joint venture between Kiewit Infrastructure South Co. of Fort Worth and Massman Construction Co. of Kansas City, Missouri. Construction began in fall 2020 and was completed six months ahead of schedule.

It was ARDOT's largest ever highway construction project and covered the



**"SUBSTANTIALLY COMPLETE."** Above, Arkansas Highway Commission members joined area mayors and others in a ceremonial ribbon cutting in the Clinton Presidential Center parking lot. Pictured from left are Commission members David Haak and Alec Farmer, ARDOT Director Lorie Tudor, P.E., North Little Rock Mayor Terry Hartwick, Little Rock Mayor Frank Scott, and Commission members Marie Holder, Philip Taldo and Keith Gibson. Left, Tudor embraces Garver's Jerry Holder, P.E. Garver has been the Connecting Arkansas Program's program manager.

state's busiest roadway section. Prior to construction, it was estimated that the traffic count would be 120,000 vehicles a day in 2020, and that number would grow to 143,000 in 2045.

This was ARDOT's first design-build project, and as Tudor noted, it created a framework for future such projects. Tudor said the design-build method expedites project completions because planners can have a final design on one piece of the project, build it, and still be designing other aspects of the project.

Burns & McDonnell was the lead designer for KMC. Andy Fries, P.E., project manager, said on the firm's website, "By leveraging our experience in bridge design, we were able to cut costs and speed up construction."

Burns and McDonnell's design was different from the traditional design-build approach where work is packaged by phase. Instead, it was packaged by

geography. This approach broke the work down into smaller, more manageable projects, the firm said on its website. It also minimized traffic disruptions.

Tudor credited Garver, the program manager for the Connecting Arkansas Program, for at times operating as an extension of the ARDOT staff overseeing construction. Jerry Holder, P.E., now Garver's director of enterprise solutions, drew praise during the event for educating members of the public, some of whom were opposed.

Little Rock City Director Dean Kumpuris said Holder convinced him of the project's need over lunch. Along with ARDOT's Keli Wylie, P.E., Holder patiently explained the rationale for the project in public meetings.

"They're what helped convince a number of people in this community, because of their willingness to listen, that this was a worthy project," he said.



# Wiley named ARDOT's new director

The Arkansas Highway Commission on Dec. 4 named Jared D. Wiley, P.E., as director of the Arkansas Department of Transportation (ARDOT). He is the sixth person to serve in that position in the past 52 years.

The commission announced the hiring after an executive meeting.

Wiley will succeed Lorie Tudor, who on Dec. 2 announced her retirement effective Jan. 10. He has been serving as ARDOT'S chief engineer for preconstruction since April 2023.

"I am humbled and honored by the trust the commission has shown in me," Wiley said in a press release. "I commit to building on the legacy of cooperation and collaboration that was established by my mentor, Director Tudor. She has taught me and our staff many things over her 41-year career."

Wiley began his career with the department as an engineering student in-



Wiley

several positions in the Planning Branch, where he oversaw the department's traffic count and roadway inventory programs before becoming consultant coordinator in the deputy director and chief engineer's office in July 2013.

He was promoted to assistant division head of the Transportation Planning and Policy Division in January 2014. He was

promoted to be division head of program management in May 2015. In April 2020, he was promoted to the position of assistant chief engineer for planning. From there he became chief engineer for preconstruction. He holds a bachelor of science degree in engineering with an emphasis in civil engineering from Arkansas State University.

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### Taldo new Commission chair

In a business meeting prior to Wiley's promotion, the Highway Commission elected Philip Taldo of Springdale as chairman. He was appointed by Governor Asa Hutchinson to the commission in 2017 and has been serving as vice chairman. He replaces Alec Farmer of Jonesboro, who will complete his 10-year term on the commission in January.

Keith Gibson of Fort Smith, was elected vice chairman



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# ACEC/A seeking contract law changes

Engineers shouldn't be pressured to indemnify clients, pay for their lawyers, or add them to insurance policies, and they shouldn't be held to unreasonable standards. Insurers don't cover those provisions, anyway.

Engineering firms in Arkansas are being pressured to sign contracts containing professional liability insurance provisions that their insurance companies won't cover. The solution is a law like one enacted in Alabama in 2021 that ACEC/A would like to see pass in Arkansas.

That law would state that the following contract provisions are null and void: broad-form indemnification, where firms are responsible for their clients' liabilities; duty to defend clauses, where the firm pays for the clients' legal fees prior to negligence being established; additional insured clauses, where clients seek to be added to firms' professional liability insurance policies; and standard of care requirements that go beyond generally accepted practices.

Engineering firms' professional liability insurance will not cover any of those provisions.

Jerry Holder, P.E., Garver's director of enterprise solutions, and Matt Crafton, P.E., Crafton Tull's president and CEO, said the legislation would protect engineers from being liable for other people's actions. At the same time, it would ensure that clients appropriately have access to engineering firms' insurance policies when engineering firms are negligent.

Crafton said clients' lawyers sometimes draft these contracts using language similar to that used for materials suppliers and construction contractors. But design professionals' professional liability insurance policies are different.

"The way that the engineers sit today, we run the risk of becoming an insurance company for our clients," Holder said.

At press time, ACEC/A leaders were determining whether they should try to pass a two-page law with provisions similar to one passed in Alabama in 2021. They were deciding whether the time was right to try now or whether they should



**ACEC/A LEADERS** Matt Crafton, P.E., Crafton Tull's president and CEO, left, and Jerry Holder, P.E., Garver's director of enterprise solutions, say contract legislation is needed to protect the interests of both engineers and their clients.

wait for a future session. Other states, including Texas, Georgia and North Carolina, also have passed professional liability insurance reforms.

ACEC/A unsuccessfully attempted to amend current Arkansas law during the 2023 session. That legislation involved multiple pages lining out some existing passages and adding text to others. That approach was confusing for legislators in a session where 1,849 House bills and 590 Senate bills were filed. It also inspired opposition from affected stakeholders.

"The last time we tried this two years ago, we were trying to modify existing legislation," Holder said. "That went over like a lead balloon."

For the next attempt, whichever session it occurs, ACEC/A will take the Alabama approach with a simple, clear, short piece of legislation. It is meeting with stakeholders including contractors and government agencies to explain why

having consulting firms be fully insured is in everybody's interest. Meanwhile, it's trying to educate its own members about the issues.

Broad-form indemnification is one of the four provisions that would be void and unenforceable under ACEC/A's potential legislation. Such provisions require design professionals to take financial responsibility for their actions whether negligent or not, or even to take responsibility for damages caused by other parties. "Indemnify" means "to compensate for a loss."

Because professional liability insurance policies only cover the design firms, the firms themselves must pay those expenses out of pocket.

The legislation also would void any contract provision saying design professionals have a "duty to defend" a client if a third party sues it. Those provisions require the design firm to pay for the cli-



ent's legal expenses. Again, professional liability insurance policies do not cover clients' legal expenses unless negligence by the design professional is found.

Holder described a scenario where an engineering firm produced a good design on a road widening project, but when work began a drunk driver killed a construction worker. The worker's wife would sue the contractor, the city, the engineer, probably the engineering inspector, and lastly the drunk driver, who probably would be uninsured. If the engineering firm's contract contained a duty to defend clause, it would have to defend the city immediately before anyone's guilt is established. The city would hire the best, most expensive lawyer, and it may be a couple of years before the case would even reach the courtroom. At that point, the engineering firm may have spent hundreds of thousands of dollars defending its client.

"All we want to do is to say that everybody defends themselves, and that if

at the end of this, the engineer is guilty of negligence, then they are on the hook for paying for that client's defense, which at that time would be paid by the engineers' insurance," Holder said. "But we shouldn't be footing the bill like an insurance company before we're found negligent of anything."

This is not just a hypothetical situation. Crafton pointed to a Connecticut case where the engineering firm agreed to defend a government client. When it was sued, the engineer was required to pay the legal bills. The judge dismissed the engineer from the case because it wasn't liable, but the firm is still required to pay the legal bills.

The third contract provisions the legislation would render null and void would be any that add additional insured entities to a policy. Again, professional liability insurance policies cover only the design firm, not other entities.

The final class of provisions rendered null and void would be those that require

design professionals to provide anything more than the typical standard of care that insurance carriers cover. Such a standard would be defined as the level of professional attention a competent professional would ordinarily provide. Some clients try to specify that engineering firms provide the "highest and best" service, which is uninsurable.

"All we want to be able to do is make sure that our clients can get to our insurance if we do something wrong, and if we put 'highest and best' in there, our insurance will not cover us," Holder said. "If you're a client, you should want that because you should want to be able to get to our insurance company."

Crafton said the legislation is needed because engineers aren't trained to understand legal and insurance principles. Firms like Garver and Crafton Tull have attorneys who can do that work, but many small firms don't have lawyers on staff or so easily available, and they're not

*Continues on [page 21](#)*

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**ACEC/A TRAP SHOOT.** The third annual ACEC/A Trap Shoot was held Nov. 6 at the Jacksonville Shooting Sports Complex. Top right, Matt Wood with ECCL, left, and John Ruddell, P.E., with Garver, right, tied for the individual award. They are pictured with Jerry Hill, director of the complex. Middle right, Terracon won the team award. Pictured with Wood are, from left, Corey Bowen with Bass Concrete, Aaron Hunter, P.E., with Terracon, and Jacob Earls and Tommy Cooper with Clark Contractors. Top left, Crafton Tull's Reed Waters, a landscape designer in the Prism Design group, shatters a trap. Middle left, Alan Caster, P.E., with Michael Baker International takes a shot. Below right, Garver's Paul Strickland, P.E., takes aim.





as experienced regarding legal matters. Crafton said contracts can be 20-25 pages that are written in very legalistic language with numerous attachments.

Most contracts don't have problems. The ACEC/A has a partnering committee that works with the Arkansas Department of Transportation. ARDOT contracts do not contain any of these clauses. But lawyers with some state agencies have a tendency to insert them. Specifying in the law that such provisions are null and void would ensure they don't get slipped in and put a small firm out of business.

"There are some cities and counties out there that don't understand how serious this is, and they'll say, 'Well, hey, this other engineering firm left it in there. Why won't you?'" Holder said. "And you want to say, 'Well, because that engineering firm doesn't have a lawyer on staff or they don't have a law firm to turn to, and they don't know any better.'"

Holder said Garver is most successful at removing such provisions when Garver's attorney talks to the client's attorney.

It is more challenging when he, an engineer, is trying to explain the problems with the client's engineer.

### Don't just sign any contract

Regardless of what happens with the legislation, Crafton advises any engineering firm to have an attorney or insurance broker who is familiar with the industry review any contract.

Crafton Tull uses a professional liability insurance broker who is also an attorney. It has walked away from these types of contracts.

"We advise everybody, don't just sign something," he said. "Review that contract, and if you need legal help, then get it from your insurance company or from a lawyer."

Crafton Tull also tries to use industry standard contracts. A national coalition, the EJCDC, has drafted standard contracts used for decades. Otherwise known as the Engineers Joint Contract

Documents Committee, it is composed of the American Council of Engineering Companies, the National Society of Professional Engineers, and the American Society of Civil Engineers.

"Our firm uses those as much as we possibly can because they're very good, very fair, straightforward contracts that avoid these kinds of insurance issues, but sometimes we can't," Crafton said.

He said ACEC/A firms are not seeking to pass the legislation to avoid the consequences when they actually have been negligent.

"We are not trying to harm anybody," he said. "We're not trying to harm our clients. We're not trying to harm contractors or anybody else. We have no intention of trying to get out of anything. If we're negligent, we do something wrong, then we're going to have to pay for it – we and our insurance company. We're not trying to avoid responsibility. What we're trying to avoid is not being covered by insurance."



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## ACEC/A Member Spotlight

# Walter P Moore puts down roots in NWA

Engineering firm opens Bentonville office in response to regional development

Walter P Moore, an international engineering firm based in Houston, has expanded with a new office in Bentonville to support strategic growth in the region.

As the lead civil engineering firm for the 350-acre Walmart Home Office campus, Walter P Moore has been involved in the project since its inception in 2018. The campus, featuring 31 offices, amenities, and parking structures, is slated to open in the first quarter of 2025.

Ted Vuong, P.E., LEED AP, ENV SP, managing director of civil engineering in Walter P Moore's Houston and Bentonville offices, shared that more than 80 engineers and staff contributed to the Walmart project.

"Our expertise focused upon master planning, civil engineering, water resources engineering, traffic and transportation planning, and site structural engineering," Vuong said.

The firm provided structural engineering and construction services for the campus's retail sections and specialty projects. With its expertise in designing large-scale campus facilities and technically complex projects such as the ExxonMobil campus in Houston, it was well prepared for the project.

"We have the ability to assign the necessary number of strategic, technical, and planning personnel to ensure the successful delivery of a world-class campus to the owner, stakeholders, and the community," Vuong said.

Having an established presence in northwest Arkansas the past six years allowed the firm to plant roots. Its Bentonville office is growing thanks to the Walmart project and additional ones that have created more opportunity in the region. The firm plans to increase the Bentonville-based staff by as many as 10 people in 2025, beginning with a regional managing director followed by staff engineers and designers.

Vuong aims to create an environment for professional growth that addresses



**WALTER P MOORE** was the lead civil engineering firm on Walmart's corporate campus, which is represented through the above renderings.

the firm's client relationships in northwest Arkansas.

"Our office provides the opportunity to work on projects that will bring significant changes to the community," Vuong said.

Additionally, Walter P Moore focuses on providing an "extraordinary client experience" for its wide scope of project clientele.

"We are here to help, lead, and guide our clients through the process of problem solving and development," Vuong said. "We become deeply invested in the partnership with our clients and serve as their trusted advisors to help them deliver their project vision to the community where they live, work, play, and serve."

In addition to the new Walmart Home Office campus, Walter P Moore is collaborating and providing civil engineering services for regional projects including the Alice L. Walton Foundation, Mercy, Heartland Whole Health Institute, and Cleveland Clinic Campus, which will expand access to healthcare in northwest

Arkansas. This project is especially important to the region because it will deliver transformative, value-based care focused on reducing cost while also offering innovative specialties and integrating virtual care.

Other Walter P Moore projects in northwest Arkansas include the new 115,000-square-foot University of Arkansas for Medical Sciences Health Orthopedics & Sports Performance Center in Springdale. The firm is also working on large projects in Bella Vista, Highfill, and Fayetteville.

"We are very fortunate and honored to be doing a lot of projects that will change the landscape of northwest Arkansas," Vuong added.

Highlighting their commitment to the region, their impactful work on the Walmart campus, and their relationships with local leaders and philanthropists, Walter P Moore was honored with Bentonville's inaugural Design Firm of the Year Award in the Large-Scale Development category in 2024.

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