



The Reality of Design Build in NY

November 4, 2011



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Channel Setting Instructions for *ResponseCard RF*

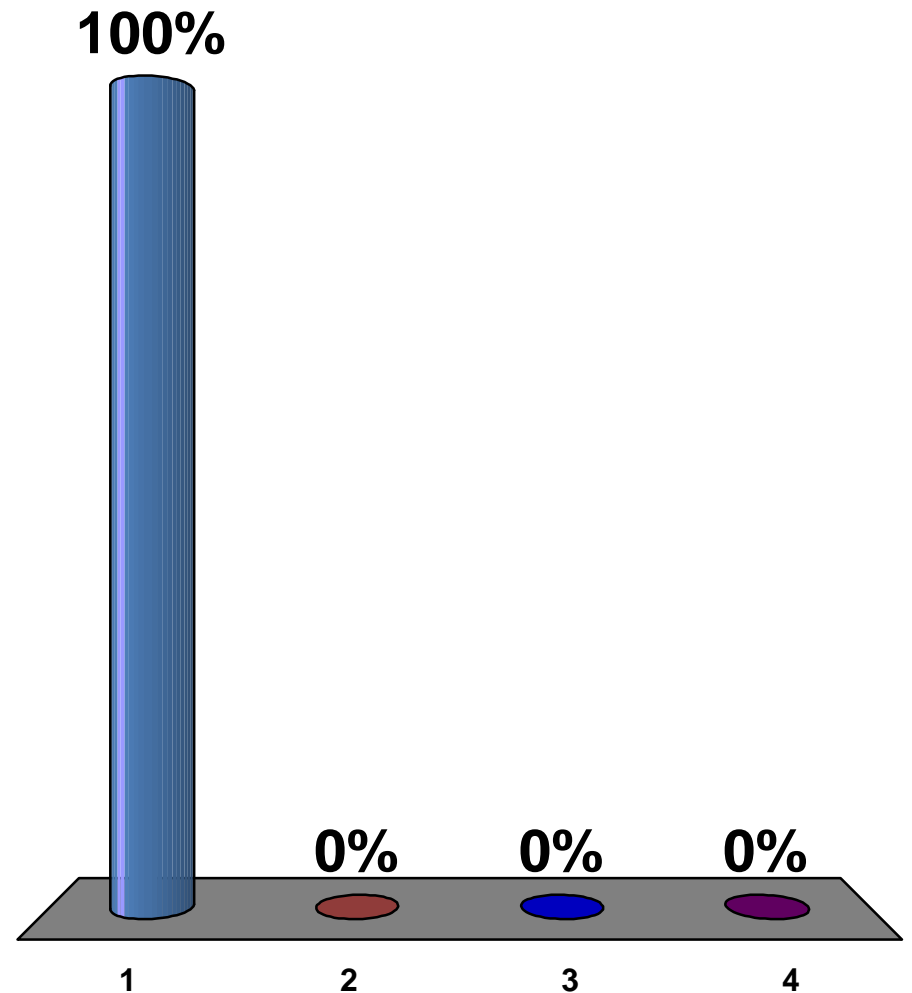
1. Press and release the "GO" or "CH" button.
2. While the light is flashing red and green, enter the 2 digit channel code (i.e. channel 1 = 01, channel 21 = 21).

Channel is 41

3. After the second digit is entered, Press and release the "GO" or "CH" button. The light should flash green to confirm.
4. Press and release the "1/A" button. The light should flash amber to confirm.

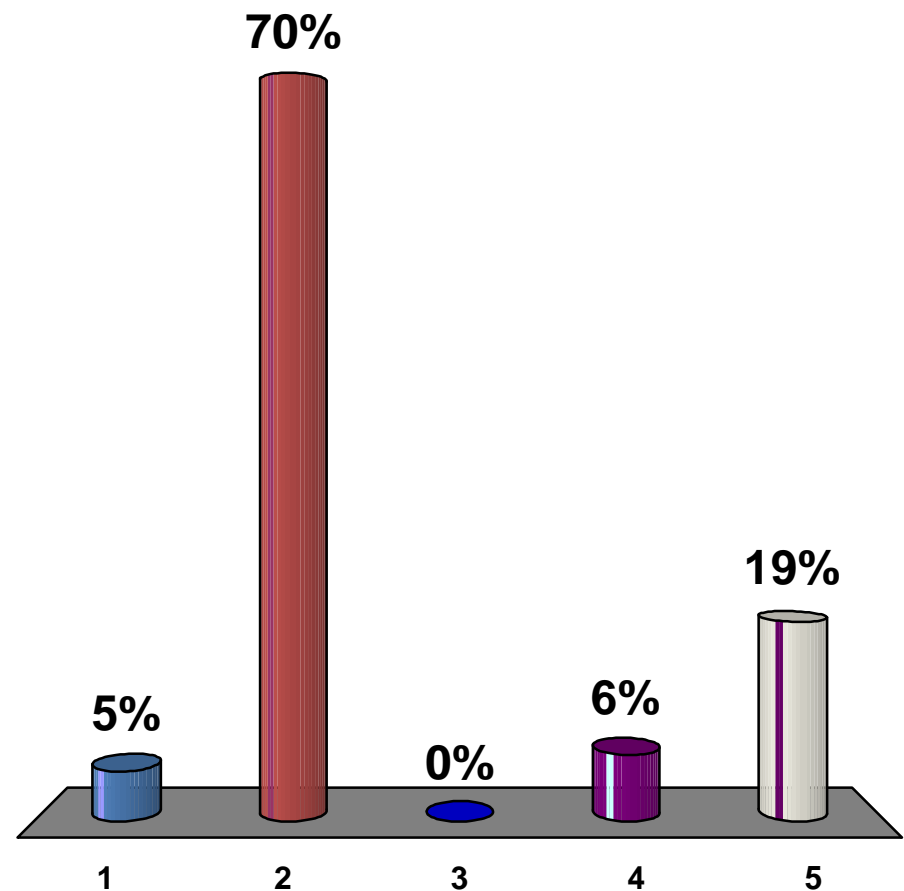
D _ S _ G _ _ U _ L _

1. B N I I D E
2. O Q O C E M
3. E J P O U N
4. D M A O A Q



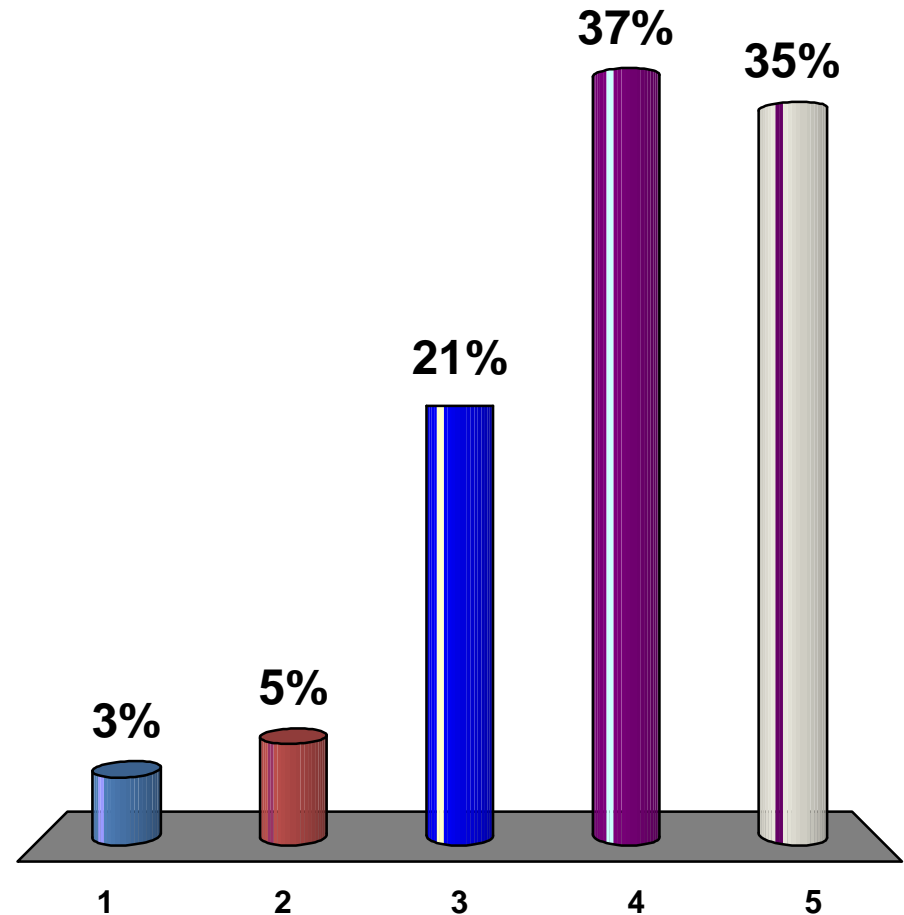
What is your profession?

1. Architect
2. Engineer
3. Landscape Architect
4. Lawyer
5. Other



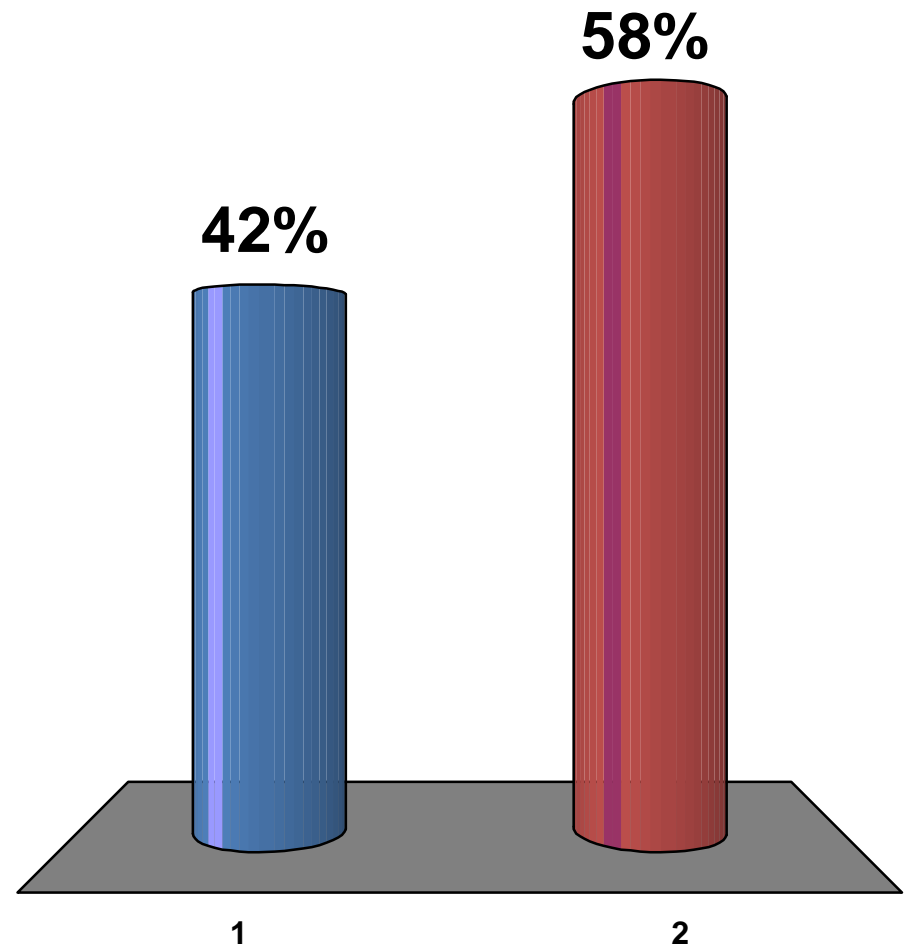
How many years of experience do you have?

1. 1 to 5
2. 5 to 10
3. 10 to 20
4. 20 to 30
5. Over 30



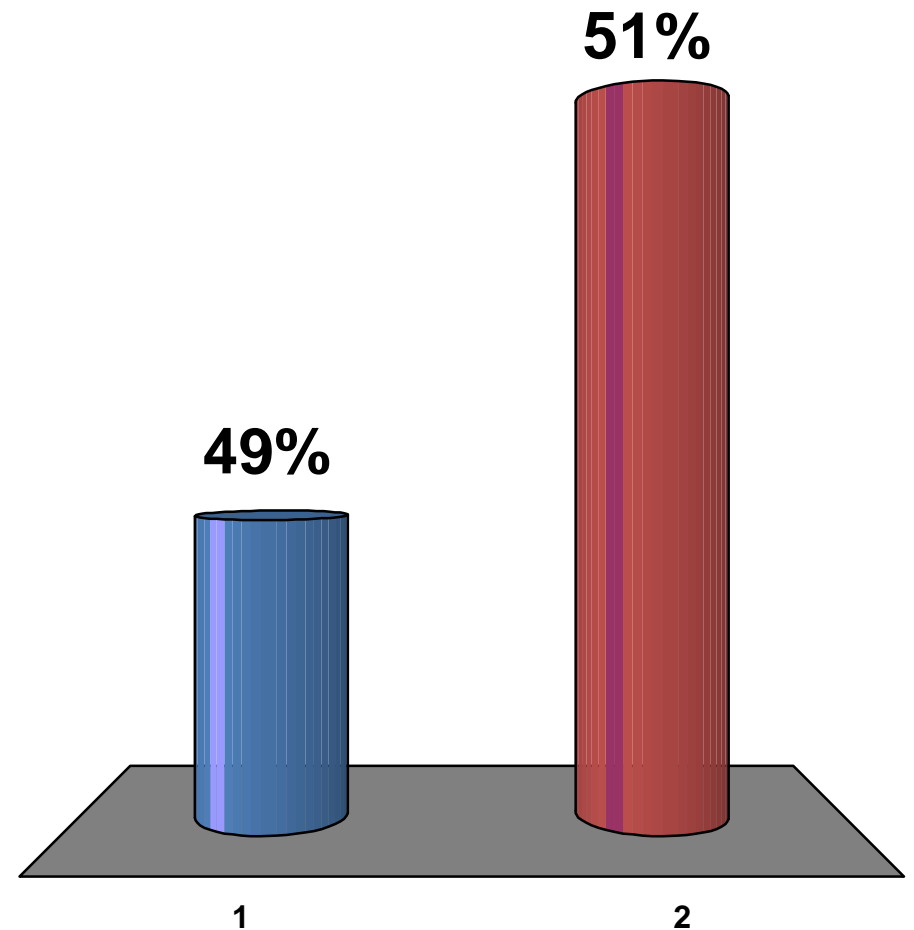
Where is most of your practice in NY?

1. East of the Hudson River
2. West of the Hudson River



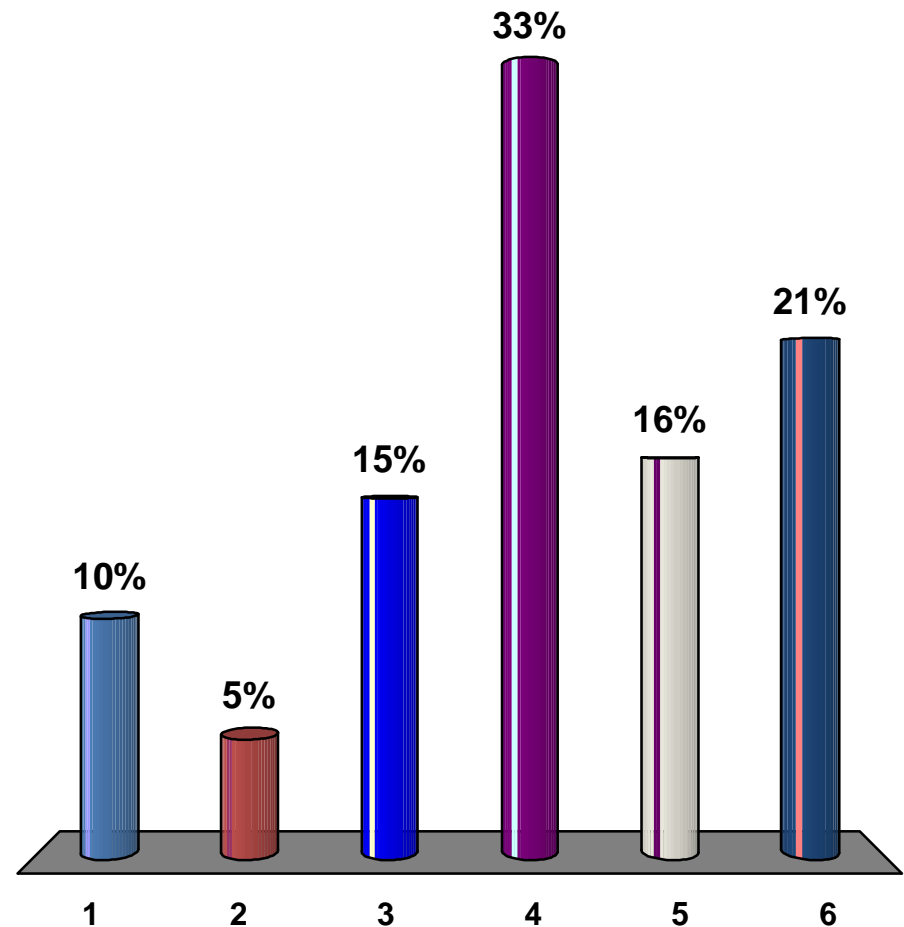
Are you a member of NSPE?

1. Member
2. Non-Member



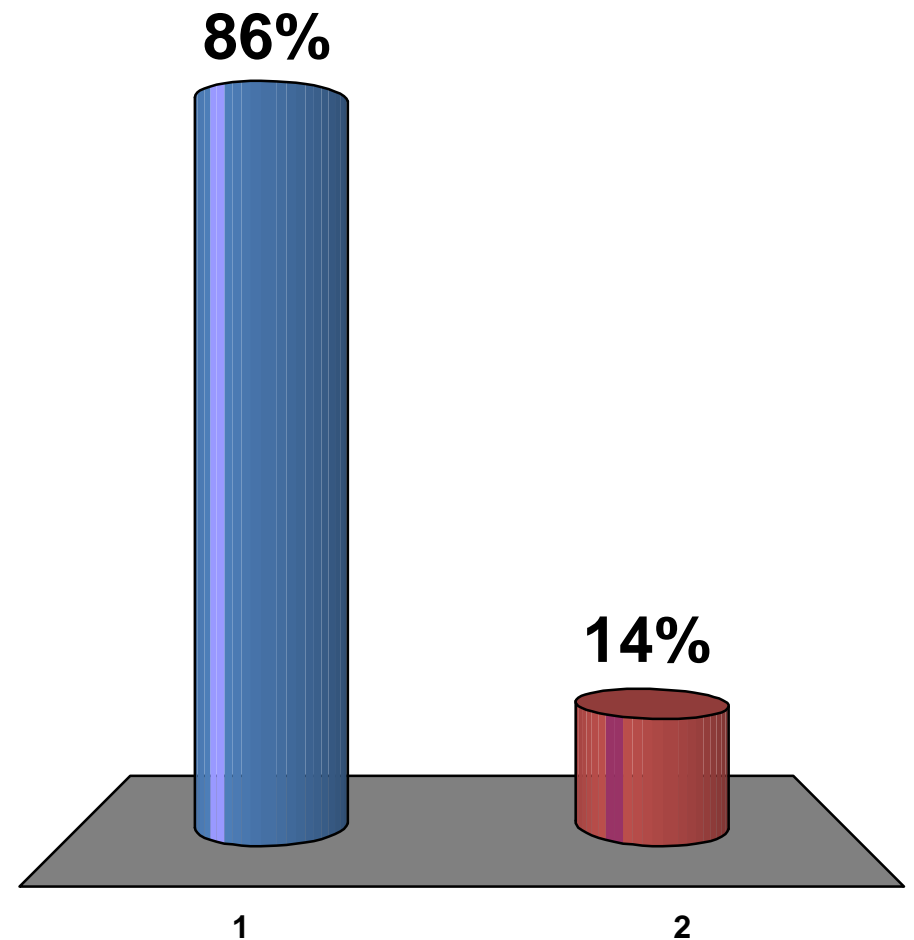
What type of corporation is your business?

1. Sole Proprietor
2. LLP
3. LLC
4. Professional Corporation
5. General Business Corporation
6. Other



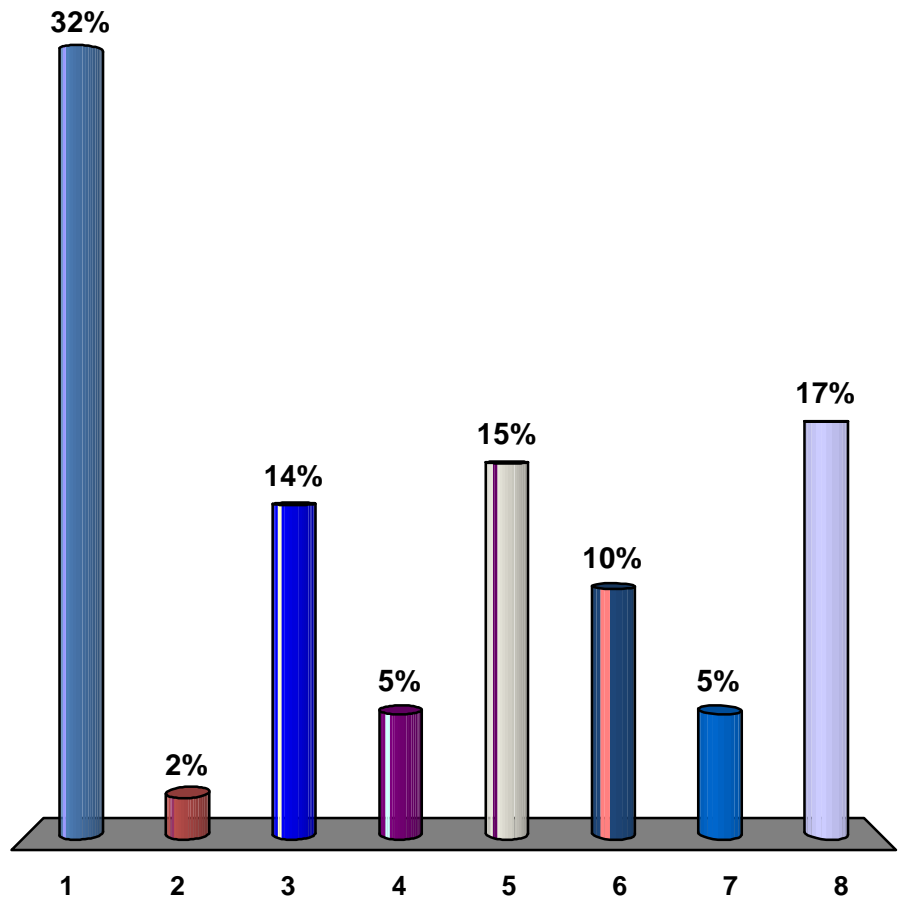
Was your business formed in NY State?

1. In NY
2. Outside NY



What services does your business offer?

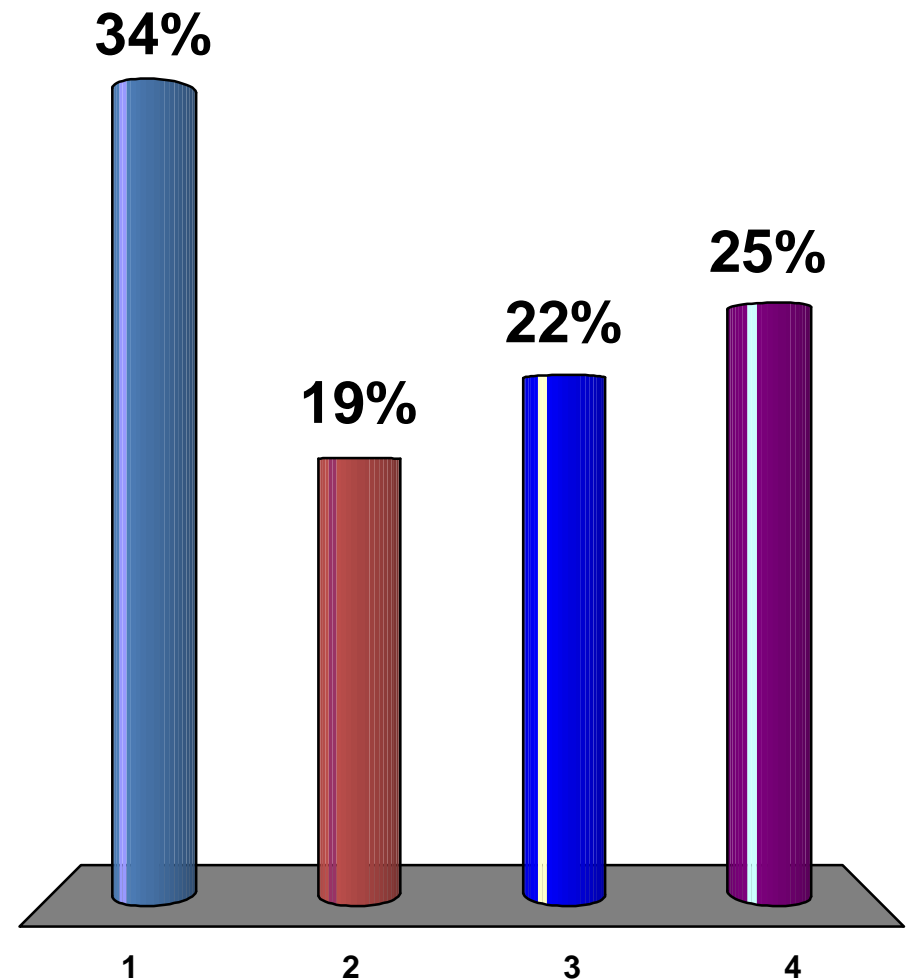
1. Engineering only
2. Architecture only
3. Engineering and Architecture
4. Construction only
5. E/A and Construction
6. Government
7. Education
8. Other



As a subconsultant or subcontractor to a contractor what professional service has your business provided?

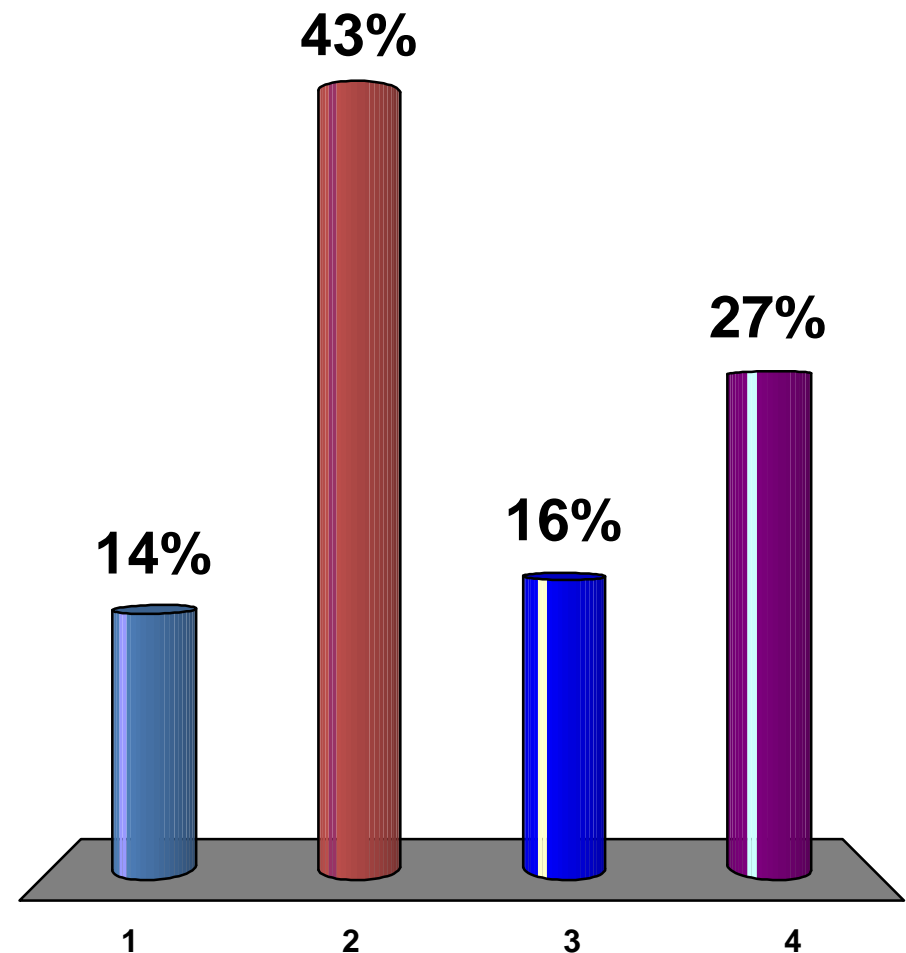
(Check all that apply)

1. Contractor's means and methods (i.e., sheeting, temporary structures, etc.)
2. Design Delegation (i.e., pre-engineered buildings, proprietary equipment, etc.)
3. Design-Build (i.e., building, infrastructure, etc.)
4. Not applicable: Have not been a subconsultant or subcontractor to a contractor



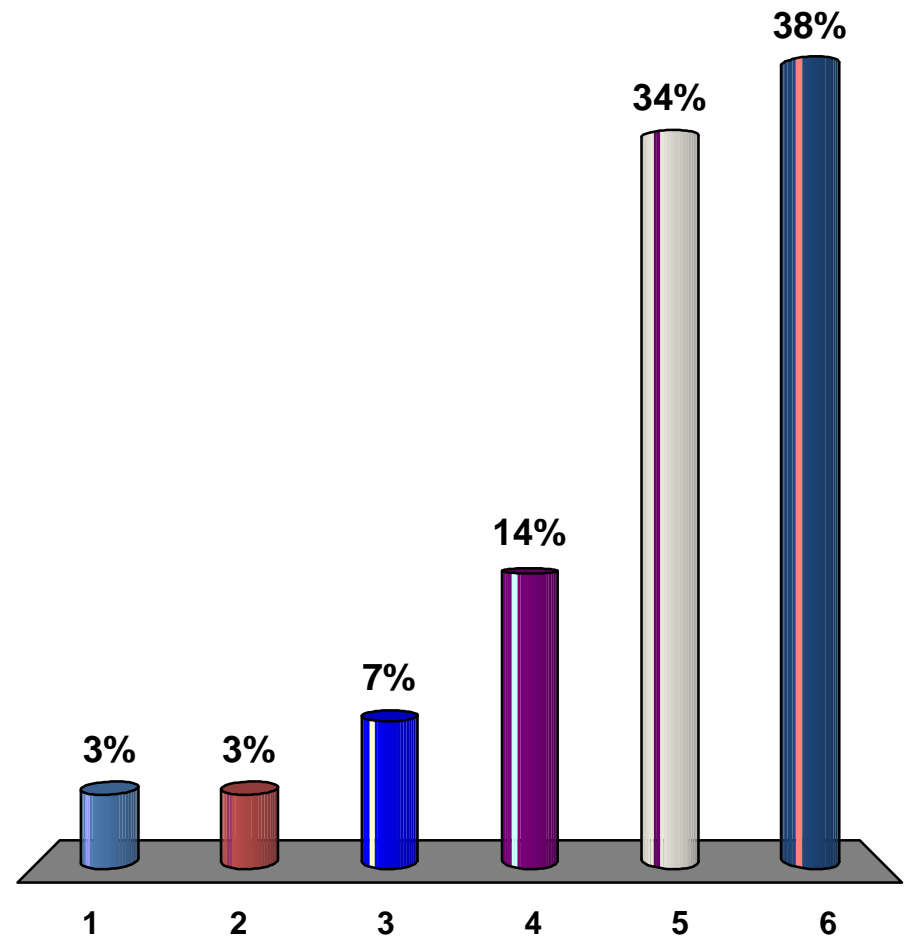
When you were a subconsultant or subcontractor to a contractor, what was the contractor's role?

1. Construction Manager
2. General Contractor
3. Subcontractor
4. Not applicable: Have not been a subconsultant or subcontractor to a contractor



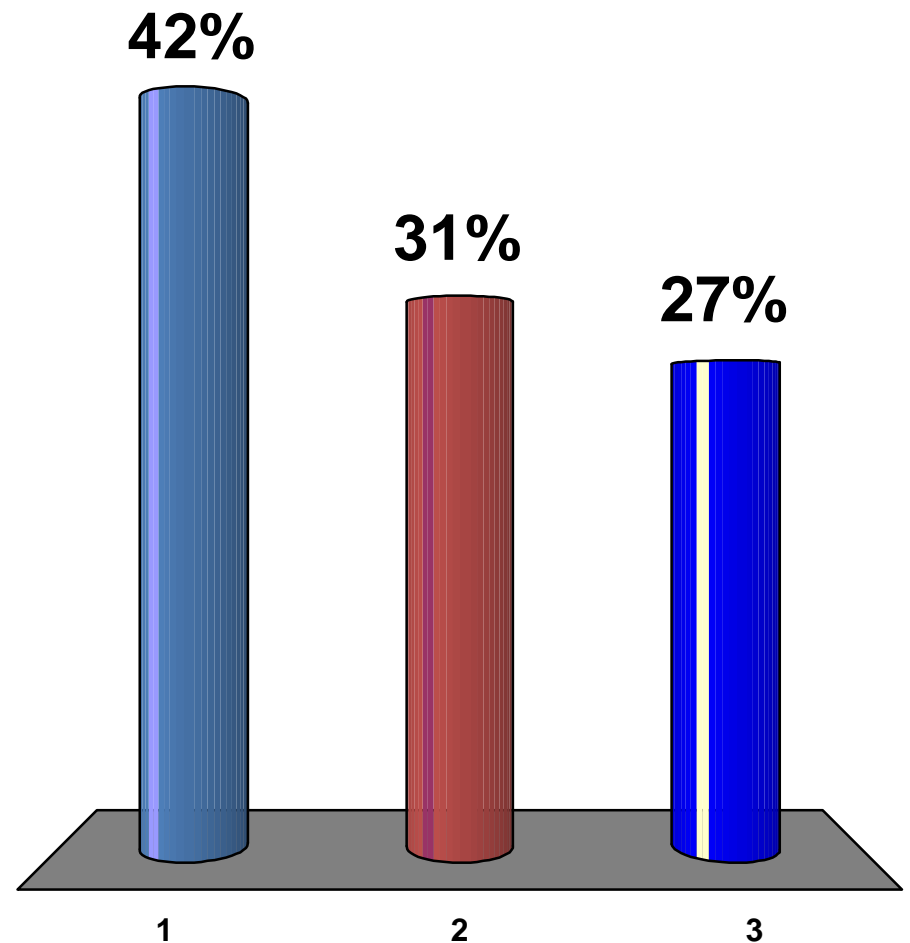
As a subconsultant or subcontractor to a contractor what professional design services did you provide?
(check all that apply)

1. Architecture
2. MEP
3. Environmental
4. Site
5. Structural
6. Not applicable



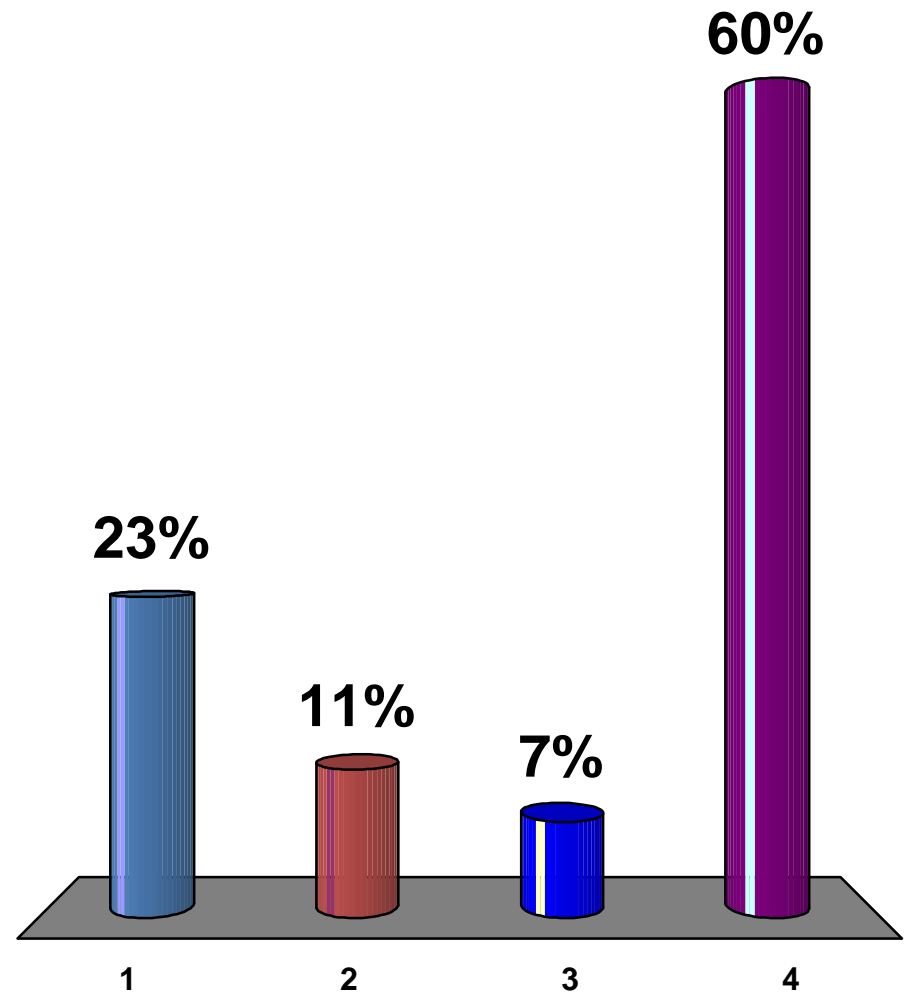
Where have you participated in a design-build project? (Check all that apply)

1. New York State
2. Other
3. None



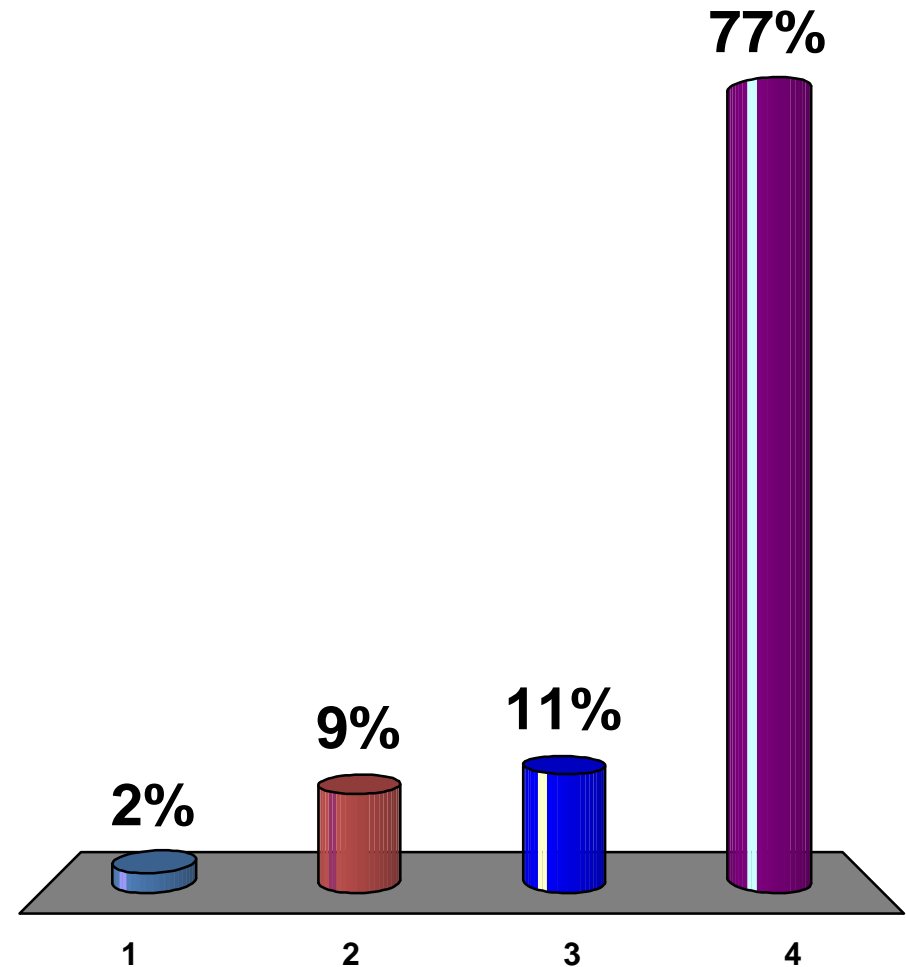
Roughly what percentage of your design-build contracts in NY
are between
Contractor and Designer?

1. 100%
2. 50% to 99%
3. 1% to 49%
4. None



Roughly what percentage of your design-build contracts in NY
are between
Project Owner and Designer?

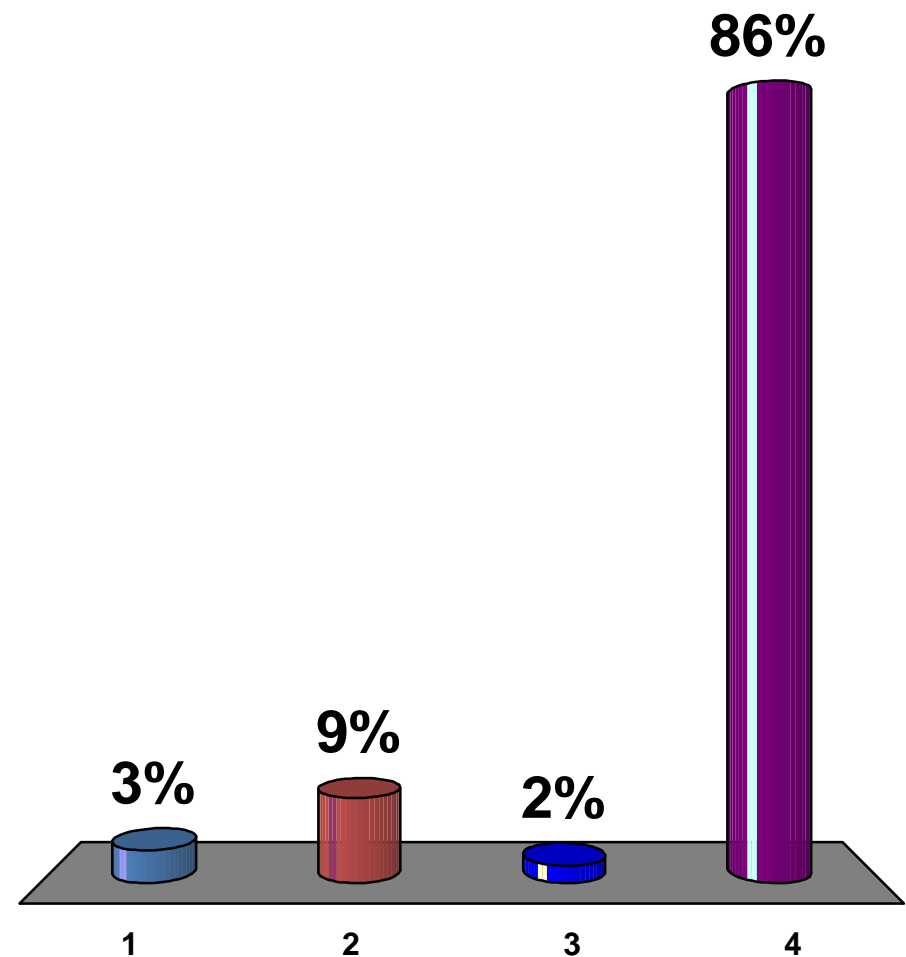
1. 100%
2. 50% to 99%
3. 1% to 49%
4. None



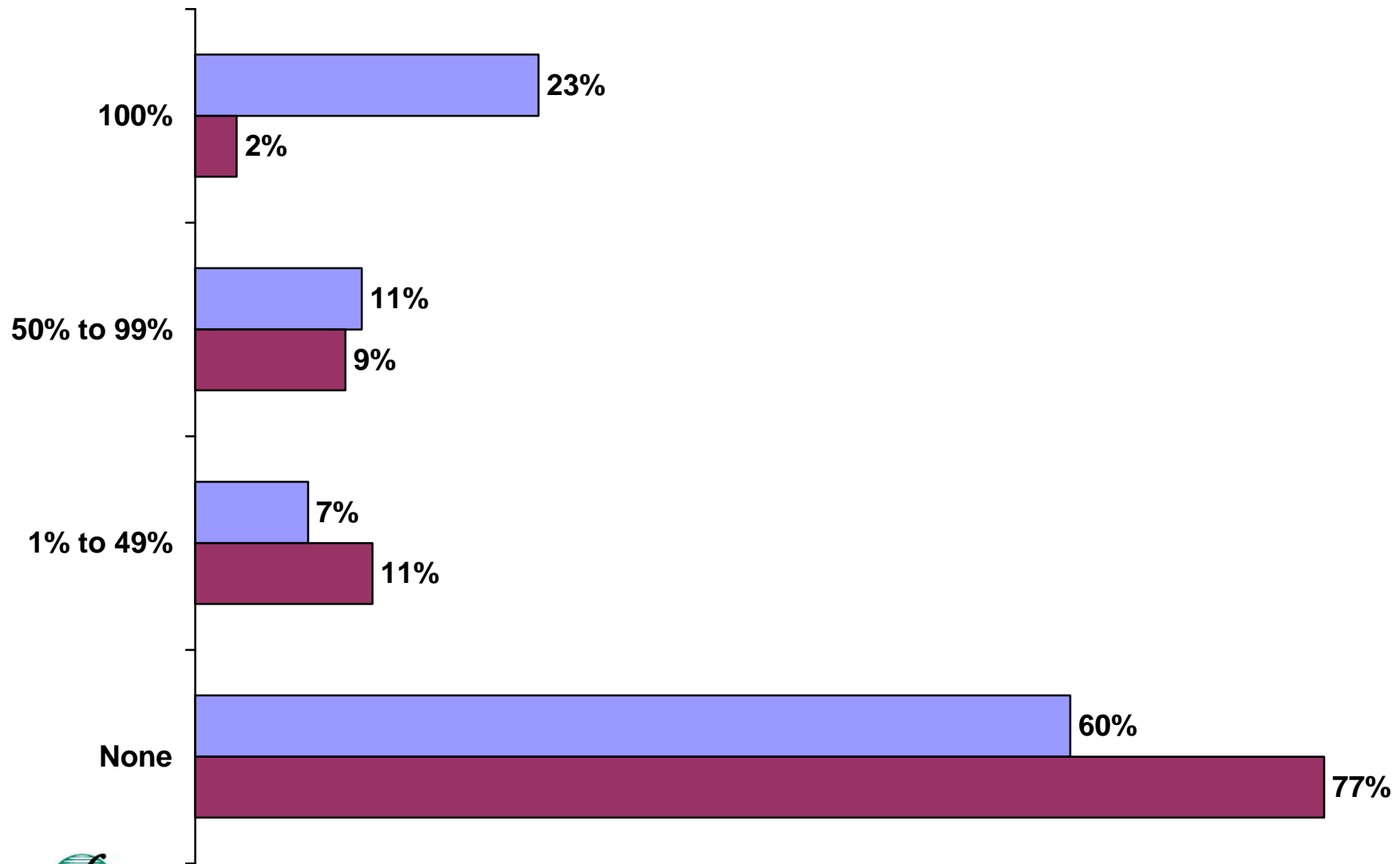
Roughly what percentage of your design-build contracts in NY are between

Project Owner, Contractor, and Designer?

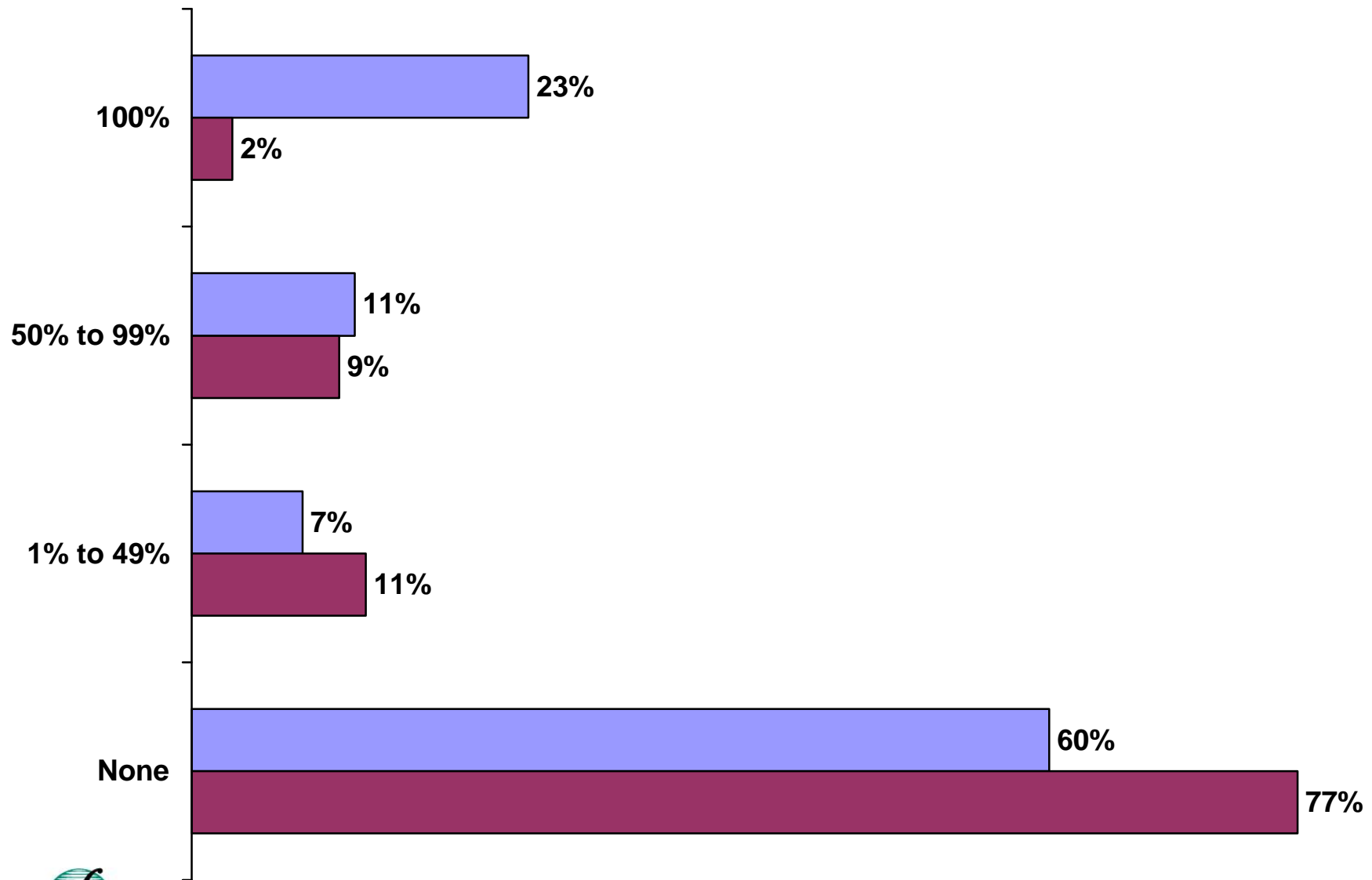
1. 100%
2. 50% to 99%
3. 1% to 49%
4. None



Roughly what percentage of your design-build contracts in NY are between Project Owner and Desig...

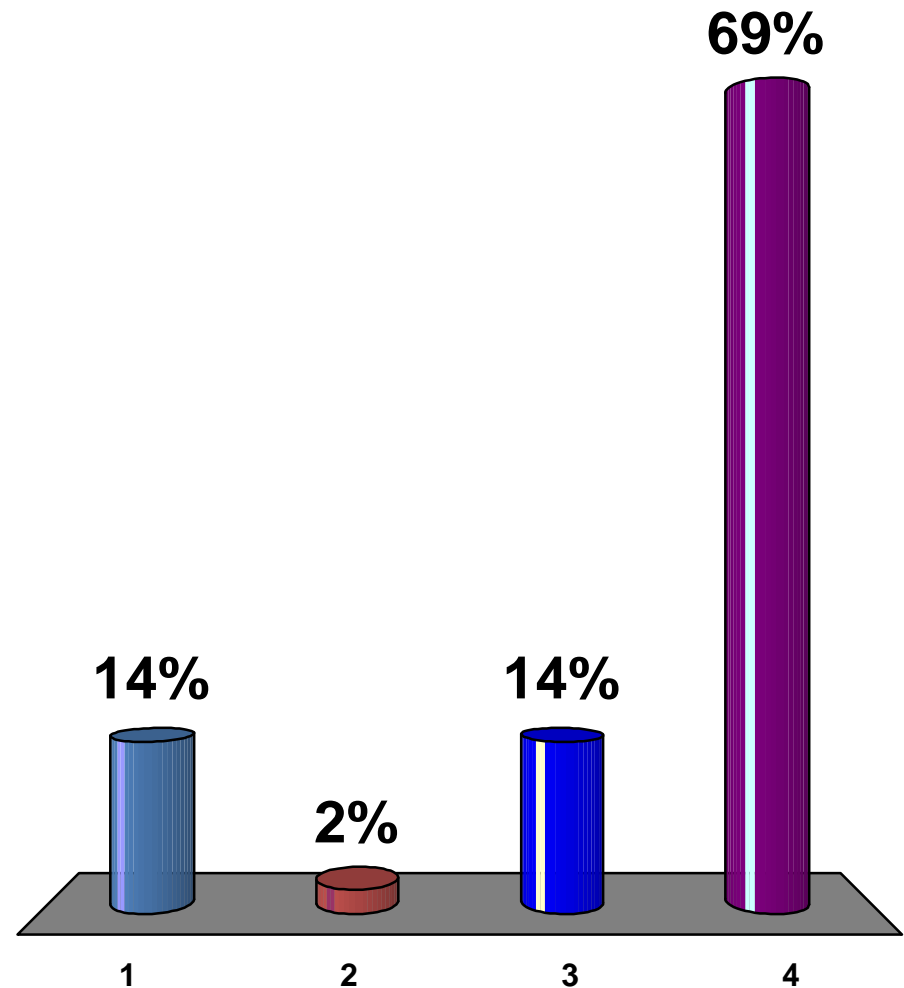


Roughly what percentage of your design-build contracts in NY are between Project Owner and Desig...



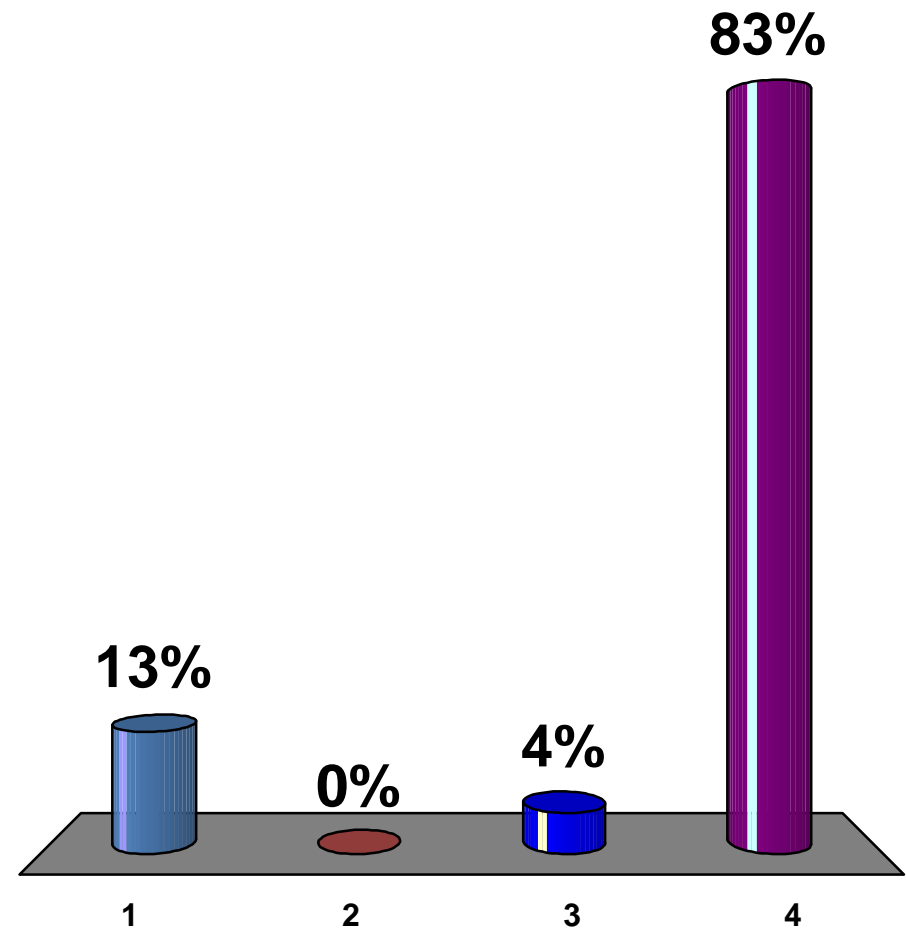
Roughly what percentage of your design-build projects in NY were federally funded?
(Choose one)

1. 100%
2. 50% to 99%
3. 1% to 49%
4. None



Roughly what percentage of your design-build projects in NY were approved by the NY legislature?
(Choose one)

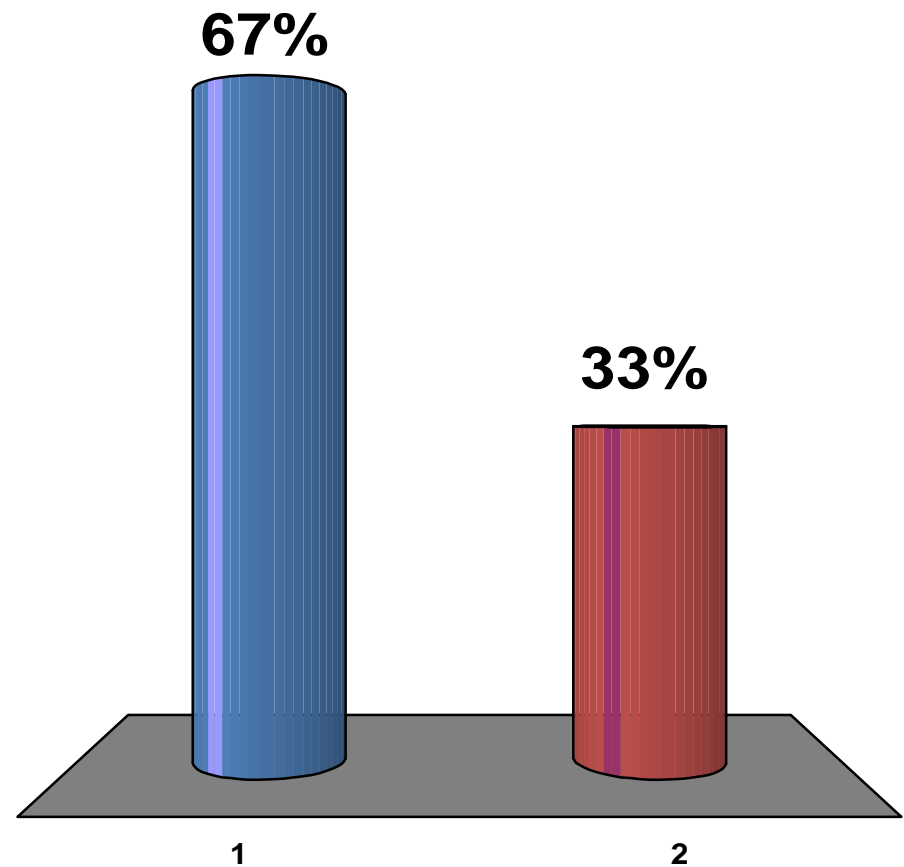
1. 100%
2. 50% to 99%
3. 1% to 49%
4. None



Design-Build is not legal in NY unless: the contract segments design and construction services, is signed by all three parties (i.e., Owner-Designer-Builder), the NY Legislature has approved special legislation, or the project is conducted on federally owned land.

Did you know that the above statement applies to public projects?

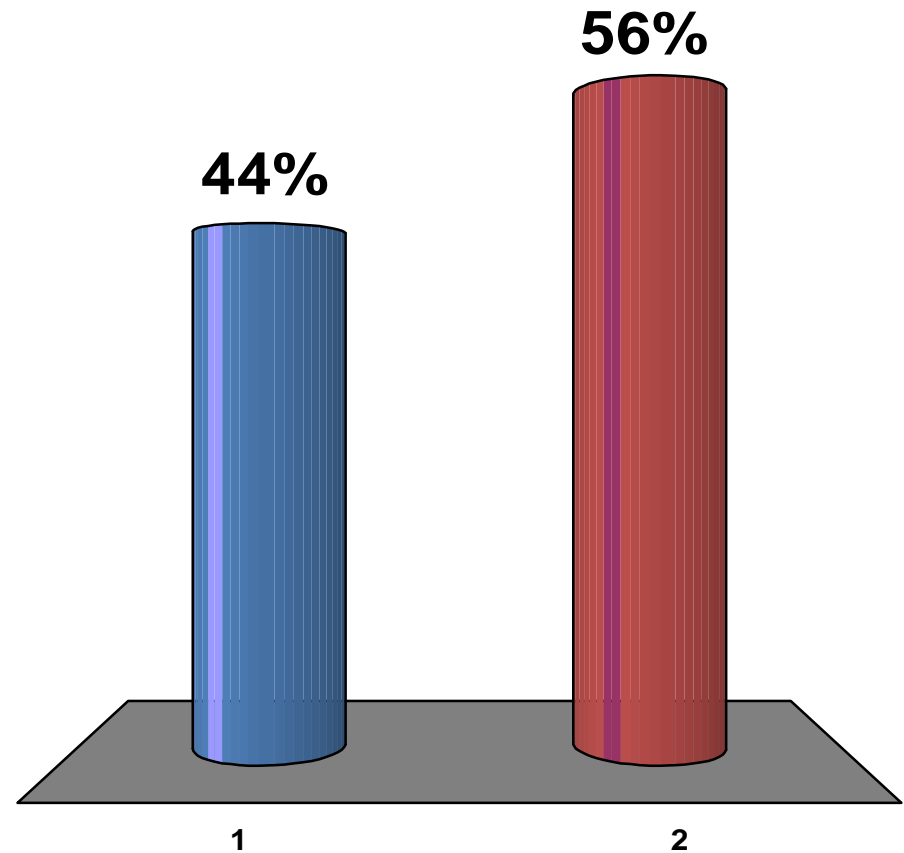
1. Yes
2. No



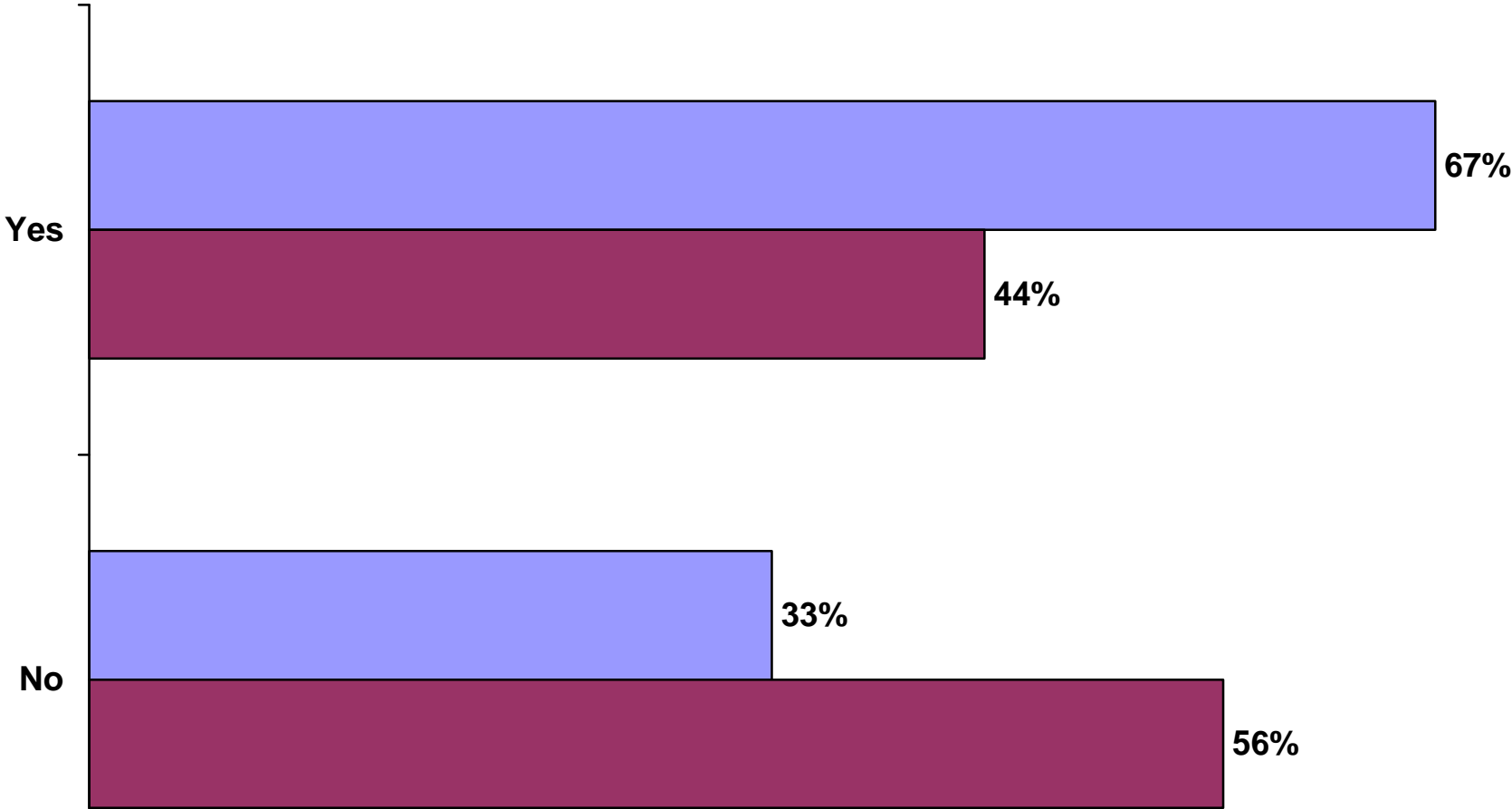
Design-Build is not legal in NY unless: the contract segments design and construction services, is signed by all three parties (i.e., Owner-Designer-Builder), the NY Legislature has approved special legislation, or the project is conducted on federally owned land.

Did you know that the above statement applies to private projects?

1. Yes
2. No



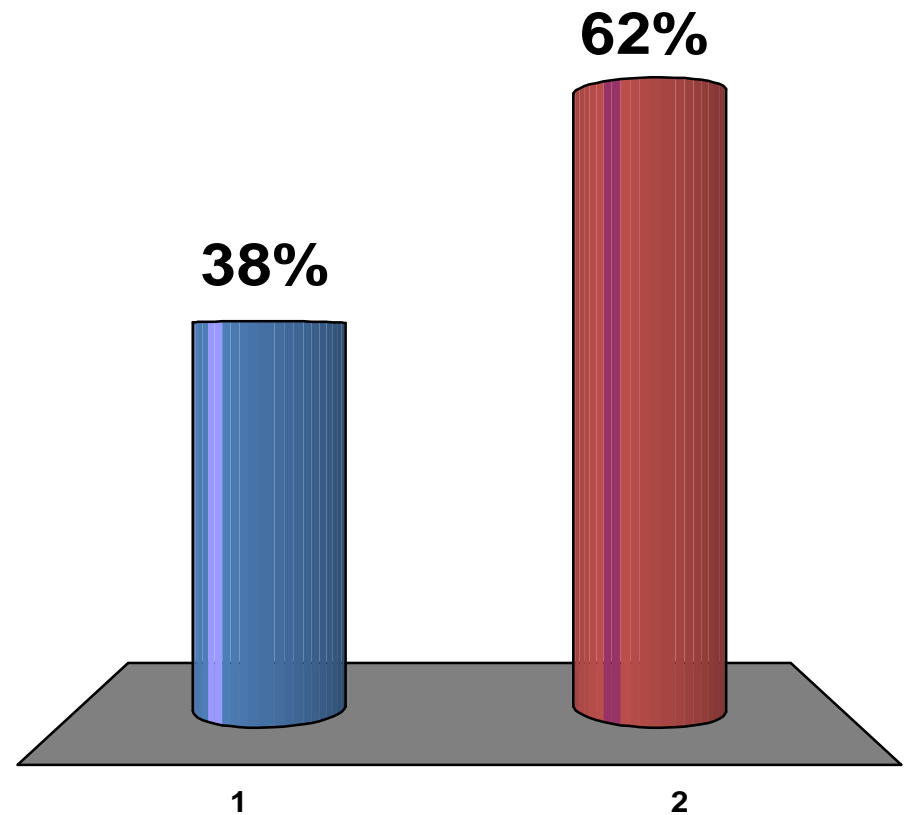
Design-Build is not legal in NY unless: the contract segments design and construction services, i...



Design-Build is not legal in NY unless: the contract segments design and construction services, is signed by all three parties (i.e., Owner-Designer-Builder), the NY Legislature has approved special legislation, or the project is conducted on federally owned land.

Do your public clients agree/understand that the above statement applies to their projects?

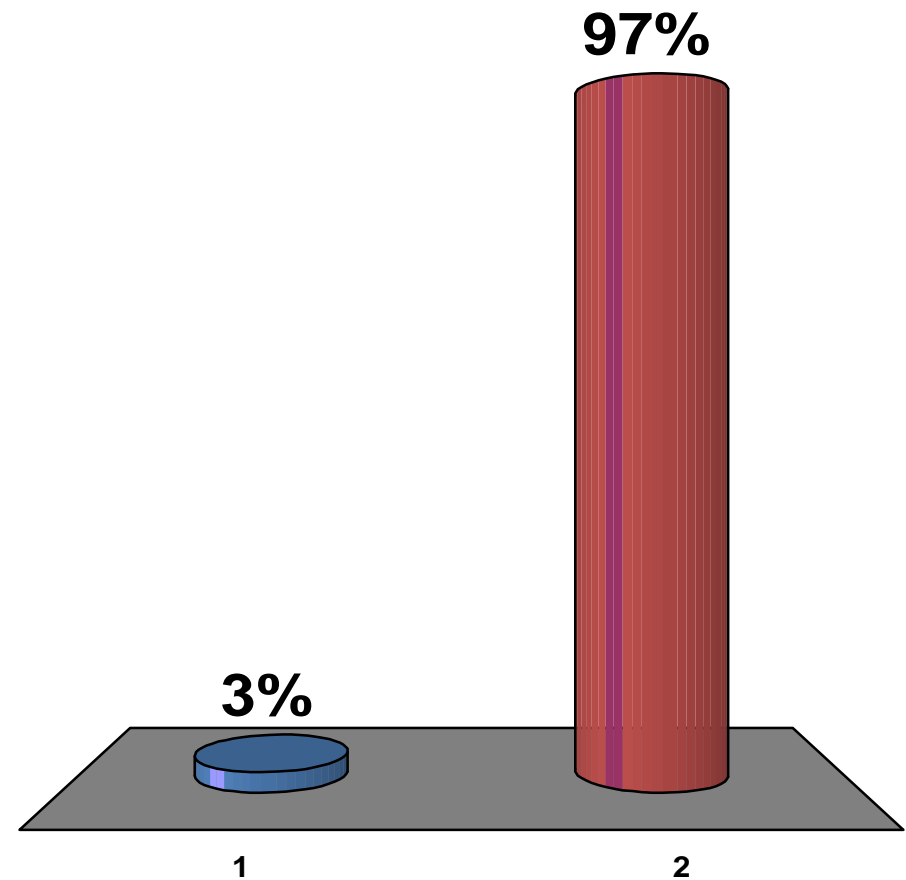
1. Yes
2. No



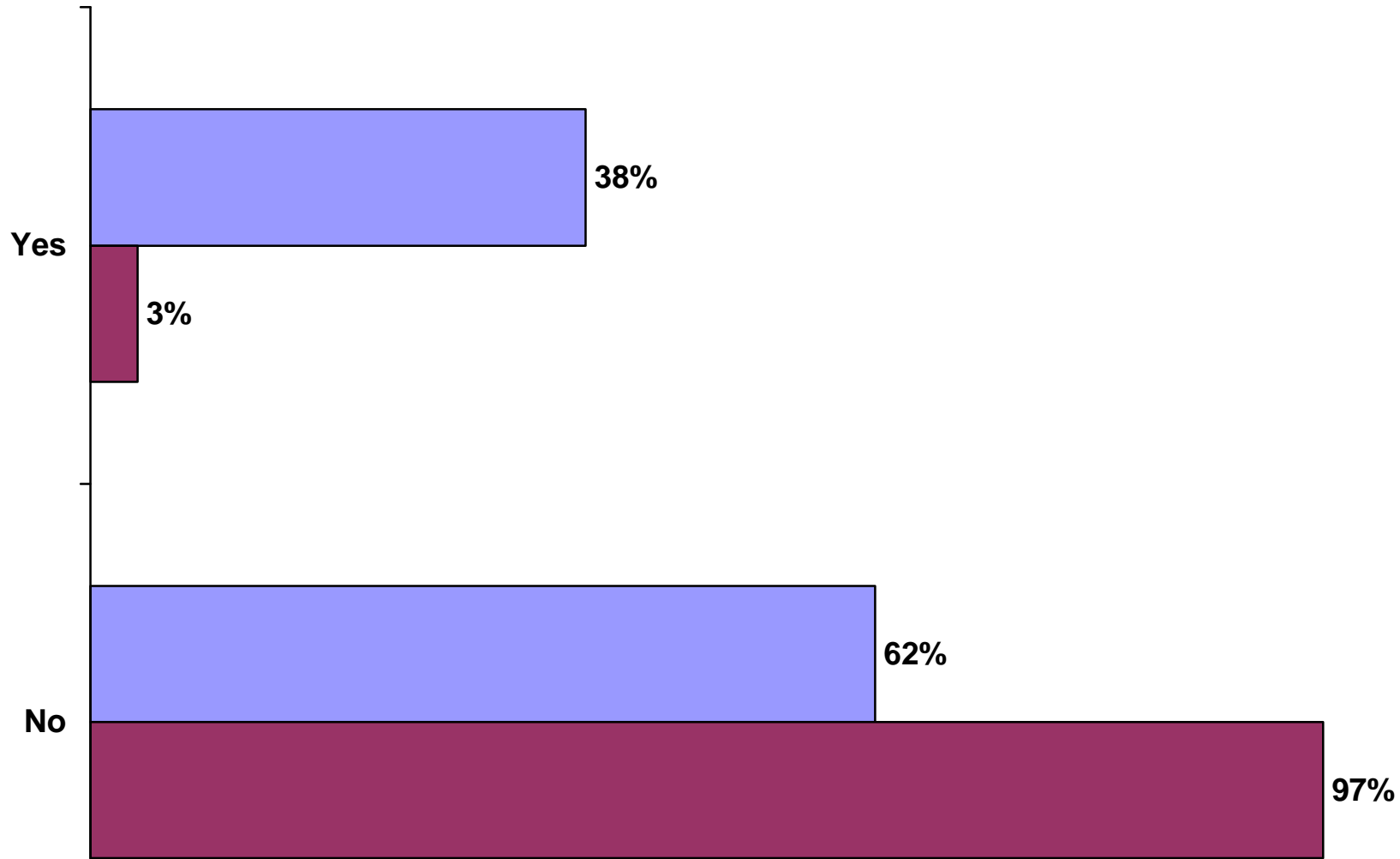
Design-Build is not legal in NY unless: the contract segments design and construction services, is signed by all three parties (i.e., Owner-Designer-Builder), the NY Legislature has approved special legislation, or the project is conducted on federally owned land.

Do your private clients agree/understand that the above statement applies to their projects?

1. Yes
2. No

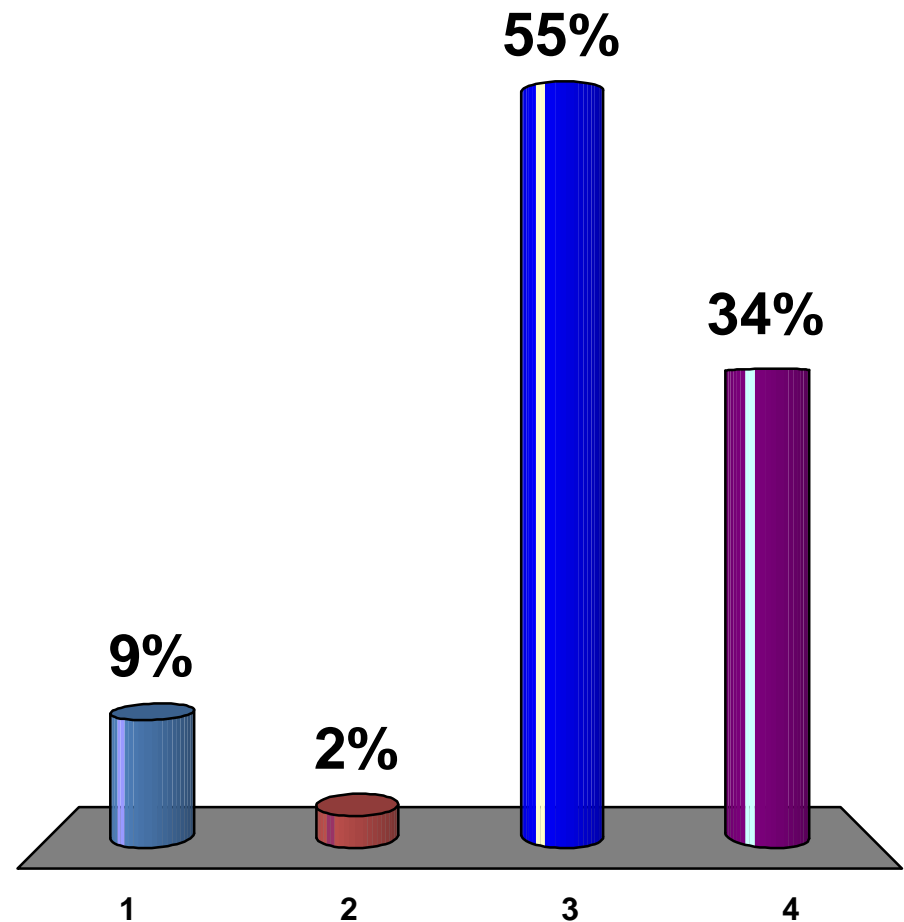


Design-Build is not legal in NY unless: the contract segments design and construction services, i...



For what type of project should current Design-Build laws apply? (Choose One)

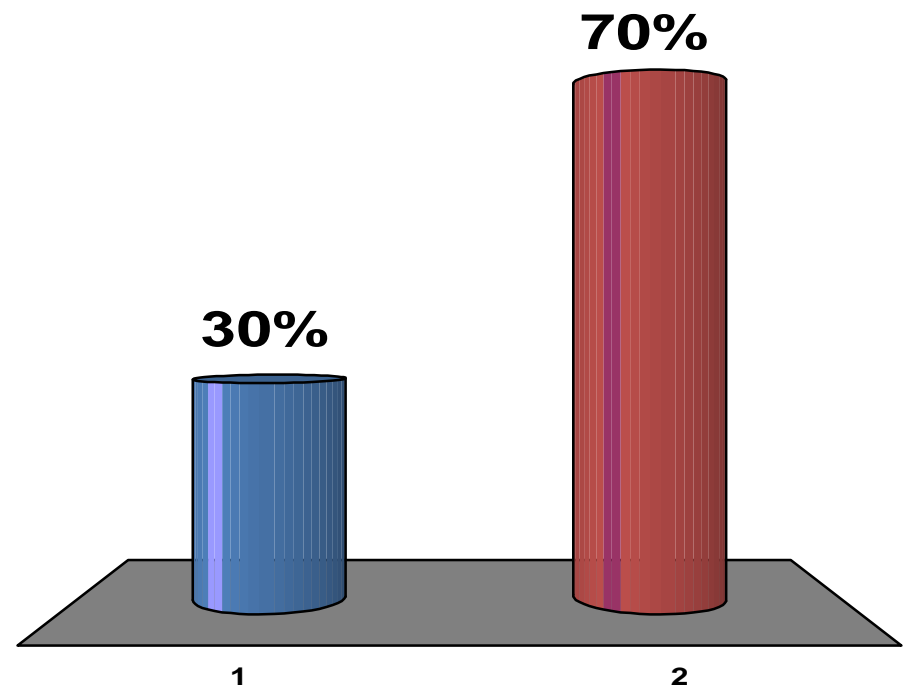
1. Public Projects Only
2. Private Projects Only
3. Public and Private Projects
4. None



Although the NY Legislature has not approved special legislation for this example project, nor is the project conducted on federally owned land; a project owner has been advised that based on case law, design build can be legal when their contract with the contractor specifies the design professional's name and fee amount.

If the design professional is not a party (does not sign) this contract, is it ethical for them to enter into an agreement with the contractor to provide professional design services for the same project?

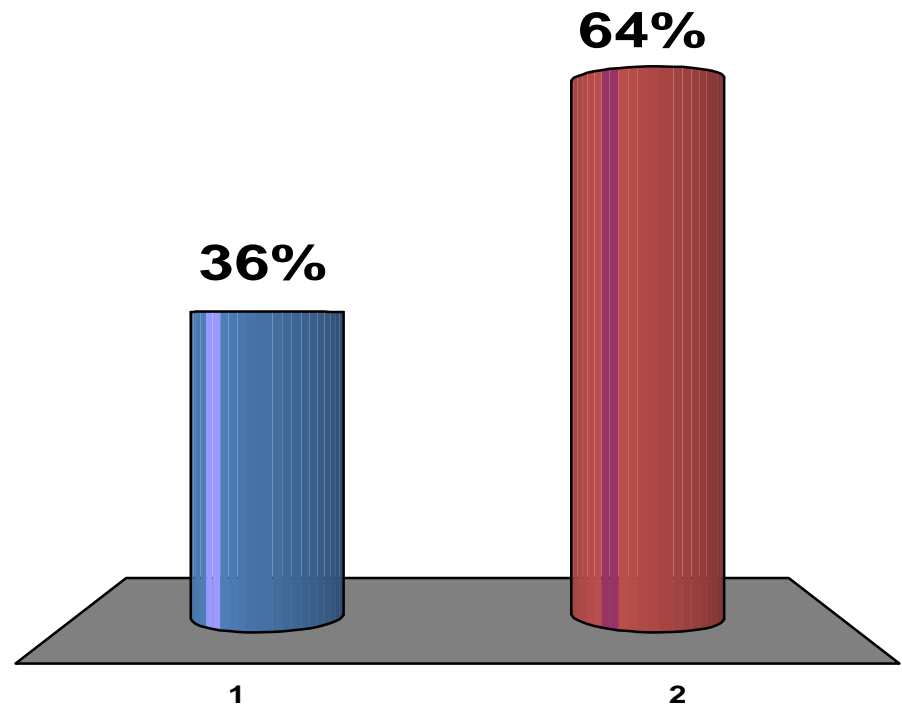
1. Yes
2. No



Although the NY Legislature has not approved special legislation for this example project, nor is the project conducted on federally owned land; a project owner has been advised that based on case law, design build can be legal when their contract with the contractor specifies the design professional's name and fee amount.

In your opinion, should NYS consider this an act of professional misconduct?

1. Yes
2. No



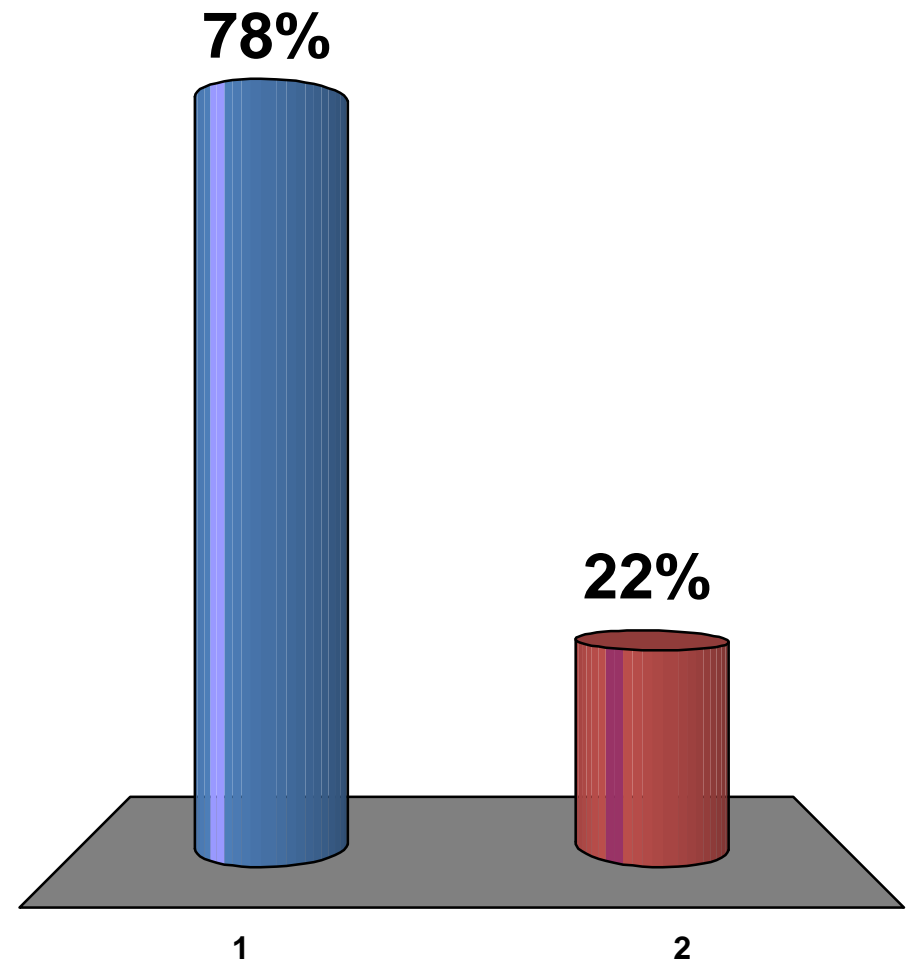
Although the NY Legislature has not approved special legislation for this example project, nor is the project conducted on federally owned land; a project owner has been advised that based on case law, design build can be legal when their contract with the contractor specifies the design professional's name and fee amount.

If NYS does not consider this unlawful, but NYS considers it an act of professional misconduct, is it ethical for a design professional to enter into an agreement with the contractor to provide professional design services for the same project?

1. Yes
2. No

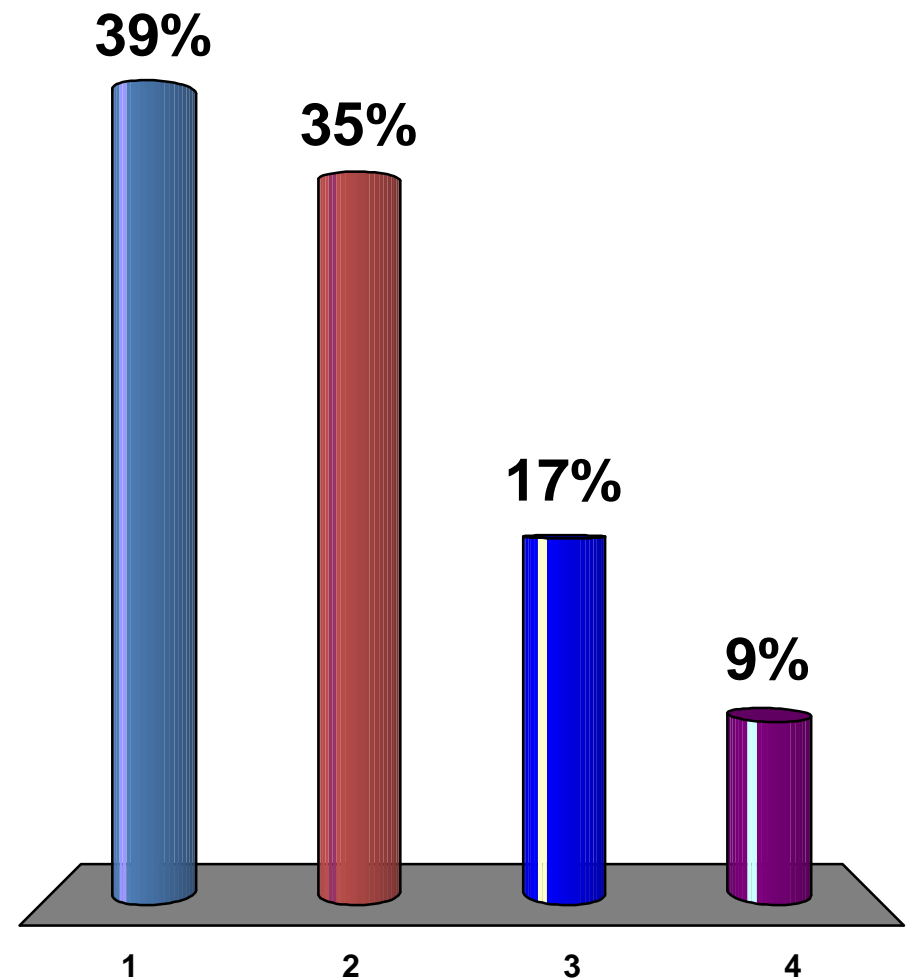
Should NY license contractors that want to provide design-build services?

1. Yes
2. No



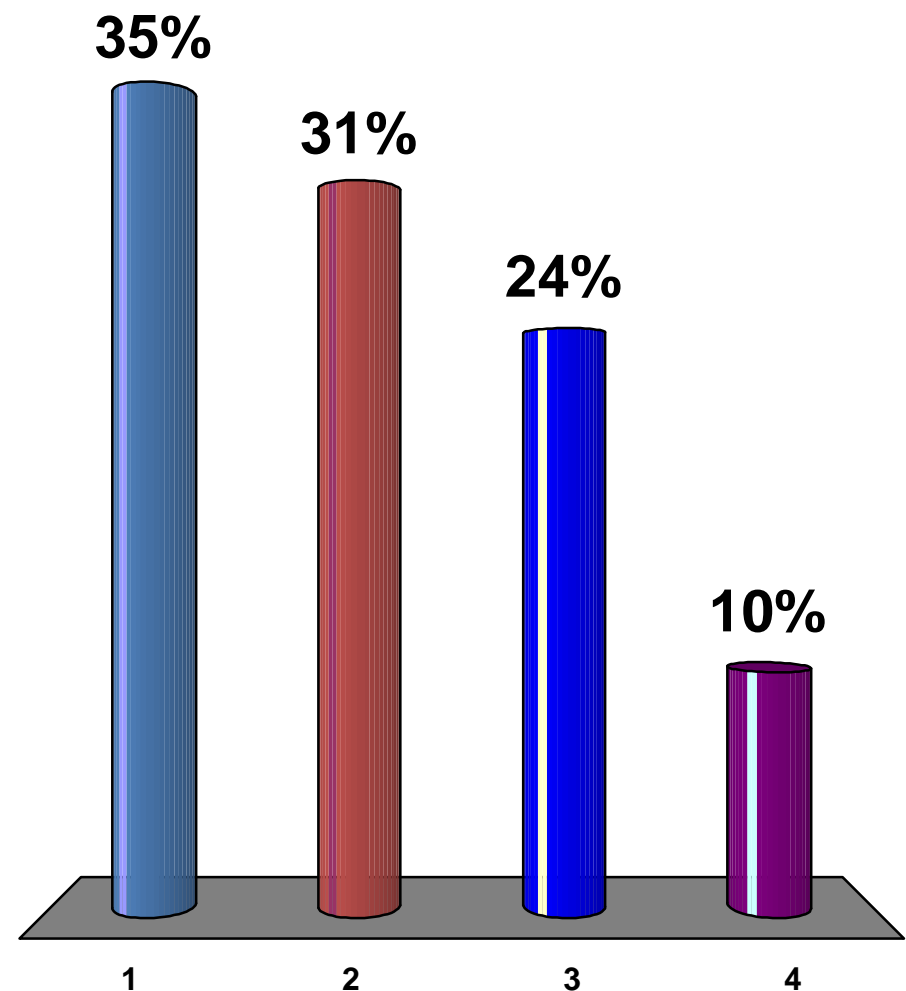
Are you concerned the design professional will be selected solely based on price rather than qualifications?

1. Strongly Agree
2. Agree
3. Disagree
4. Strongly Disagree



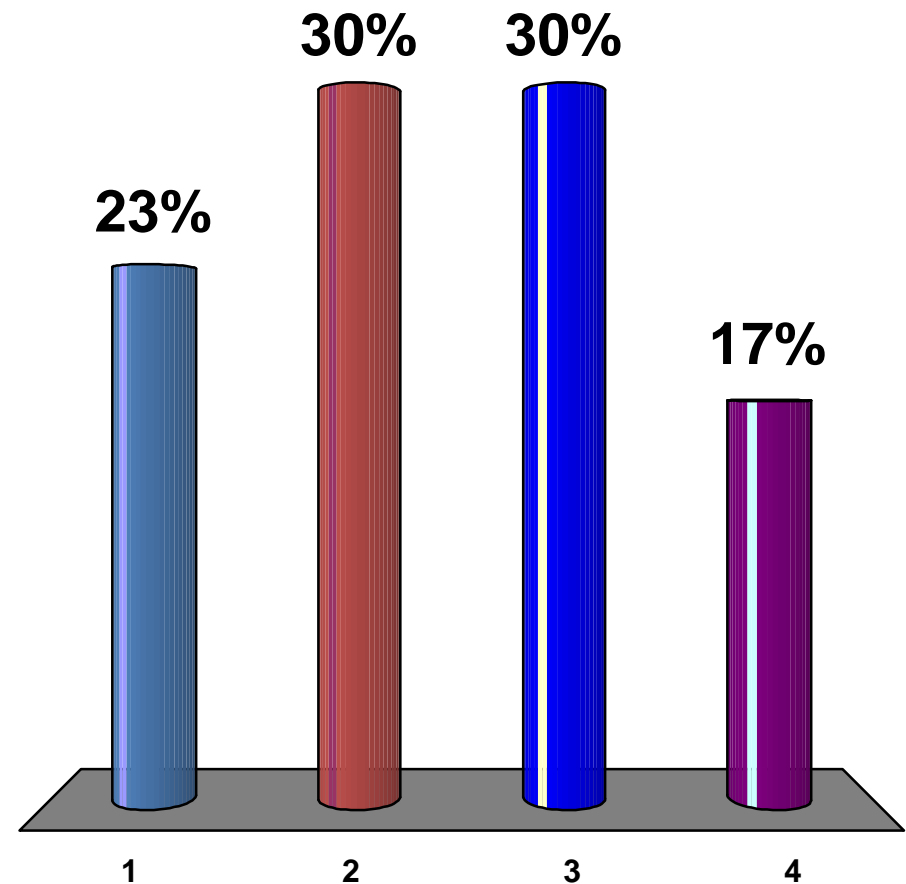
Are you concerned the design professional's risk and liability will increase in greater proportion than the reward?

1. Strongly Agree
2. Agree
3. Disagree
4. Strongly Disagree



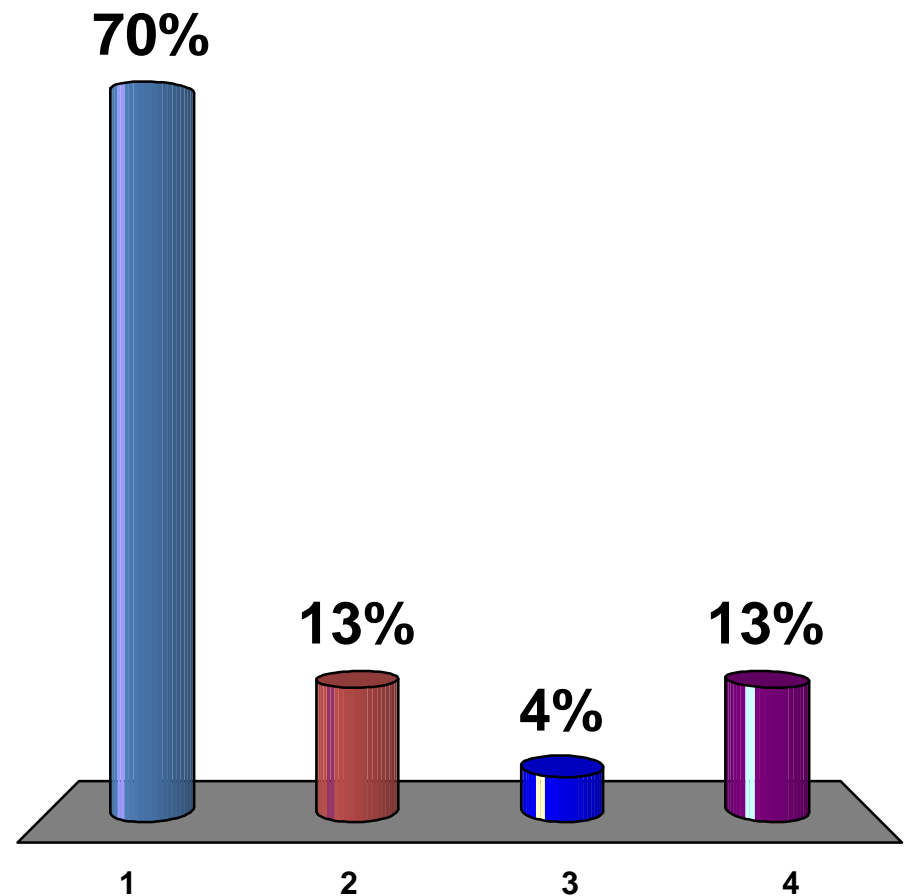
Are you concerned the design professional will be pressured to cut corners and sacrifice health, safety, and welfare of the public?

1. Strongly Agree
2. Agree
3. Disagree
4. Strongly Disagree



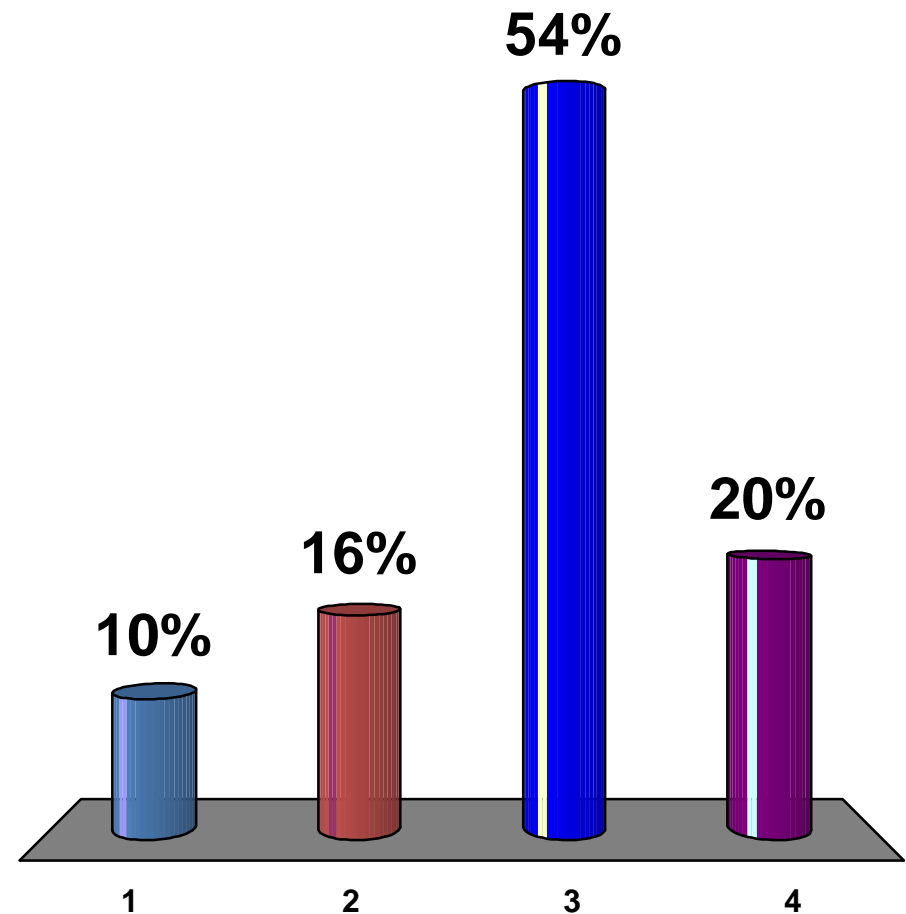
Are you concerned the laws will become more complicated?

1. Strongly Agree
2. Agree
3. Disagree
4. Strongly Disagree



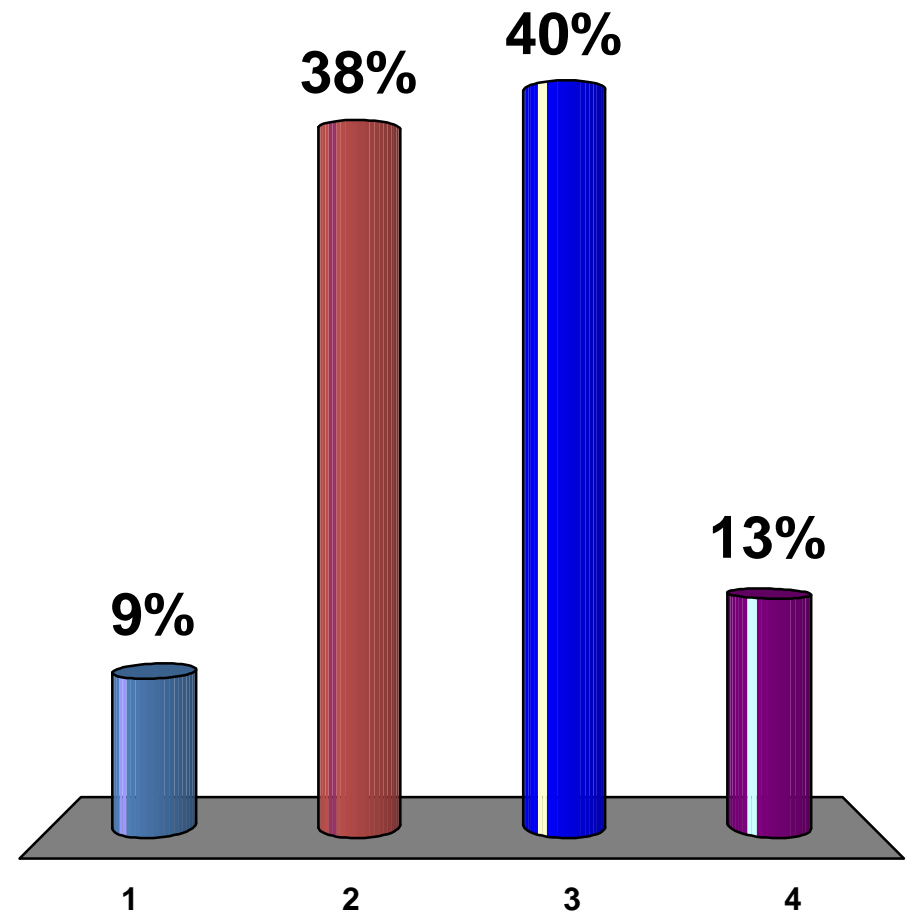
Are you concerned there will be less competition as a result of fewer engineering companies willing to take the risk by offering Design-Build services?

1. Strongly Agree
2. Agree
3. Disagree
4. Strongly Disagree



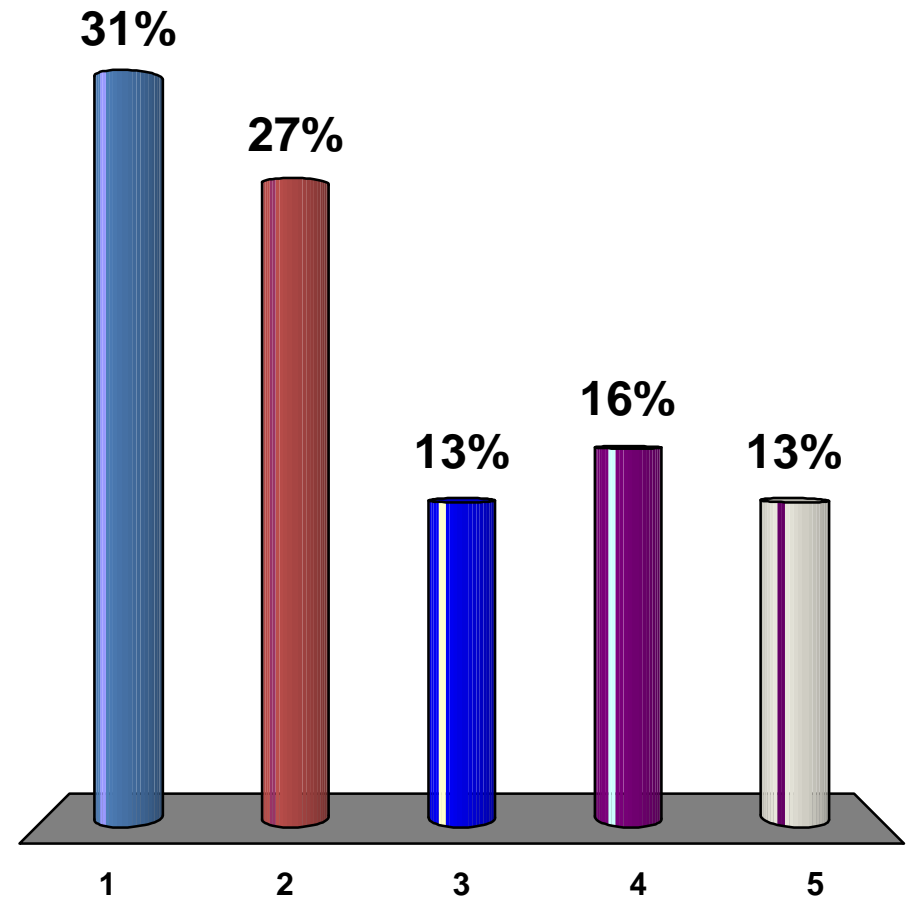
Are you concerned contractors are not familiar with Design-Build protocol and will follow a Design-bid-Build protocol?

1. Strongly Agree
2. Agree
3. Disagree
4. Strongly Disagree



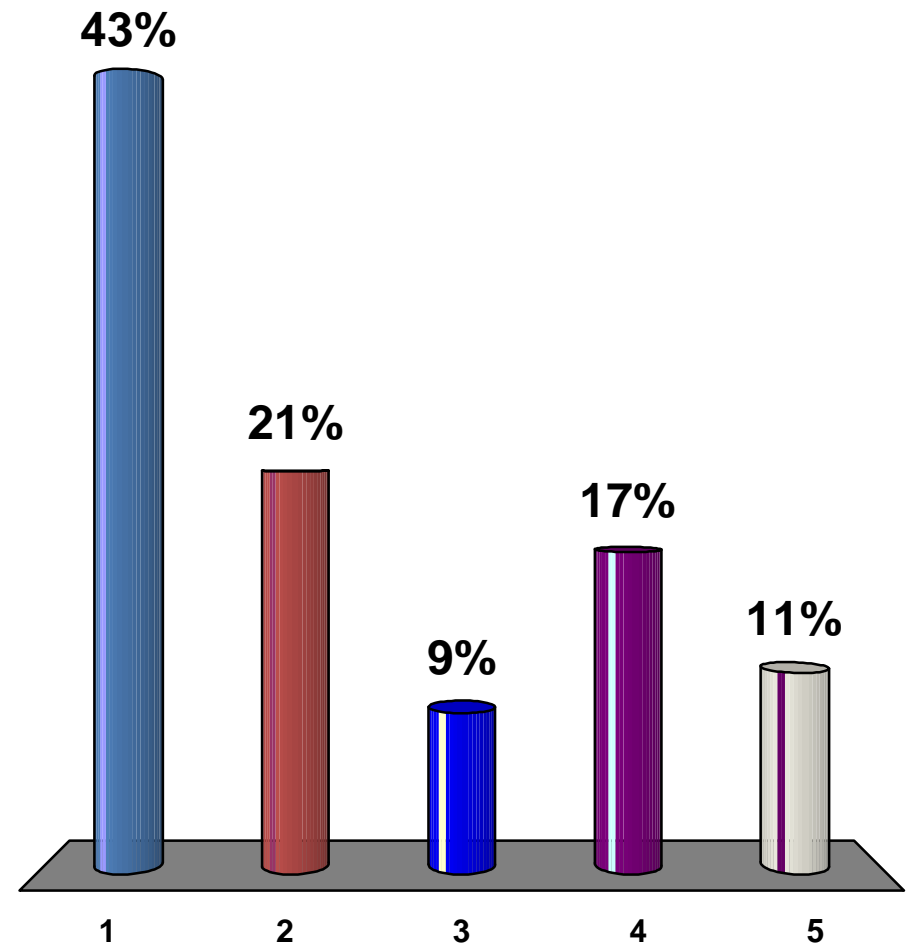
Should NY eliminate the requirement for the project owner to contract directly with the design professional; and require a contractor to specify the design professional's name and fee amount in their contract with the project owner for public projects?

1. Strongly Agree
2. Agree
3. Neutral
4. Disagree
5. Strongly Disagree



Should NY eliminate the requirement for the project owner to contract directly with the design professional; and require a contractor to specify the design professional's name and fee amount in their contract with the project owner for private projects?

1. Strongly Agree
2. Agree
3. Neutral
4. Disagree
5. Strongly Disagree



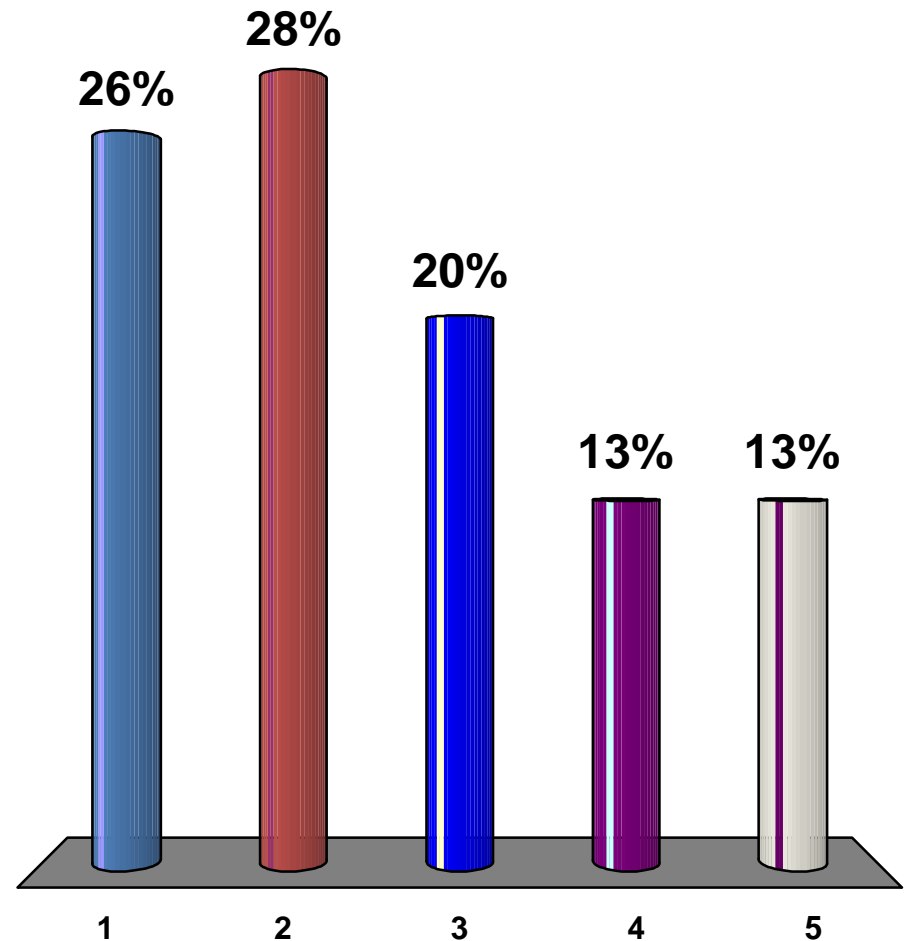
One option for a Design-Build law requires a two step bridging protocol where a registered design professional (either in-house or retained) represents the owner throughout the entire project.

Step 1 - The owners design professional is selected based on their qualifications and experience to prepare design criteria, analyses, reports and opinions of probable cost for the proposed project. The owners design professional develops the project design requirements (including any alternative analyses) to approximately 35%.

Step 2 - The 35% design is used to solicit proposals from design/build teams. The design/build design professional(s) is named in the proposal and retained for the duration of the design/build project to provide design services, documentation, and review. The design professional expands the 35% design to the level needed by the contractor to construct the project to meet the owner's requirements.

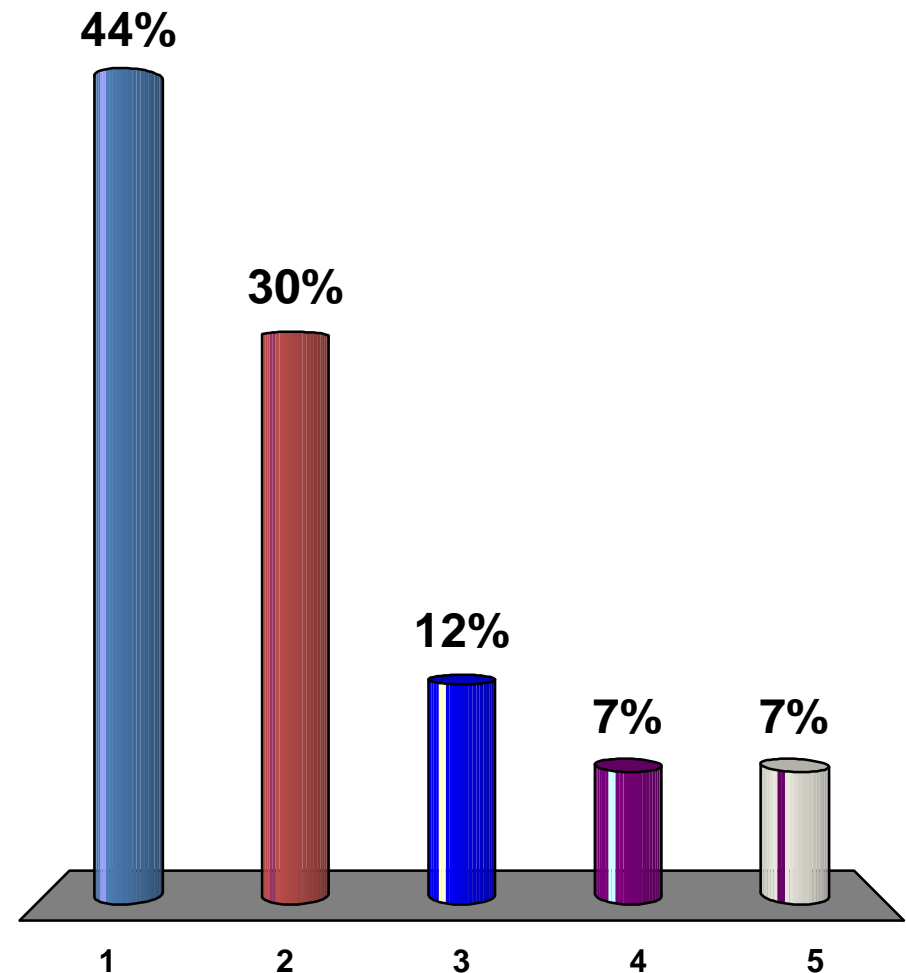
What is your opinion of the two step Design-Build law?

1. Strongly Agree
2. Agree
3. Neutral
4. Disagree
5. Strongly Disagree



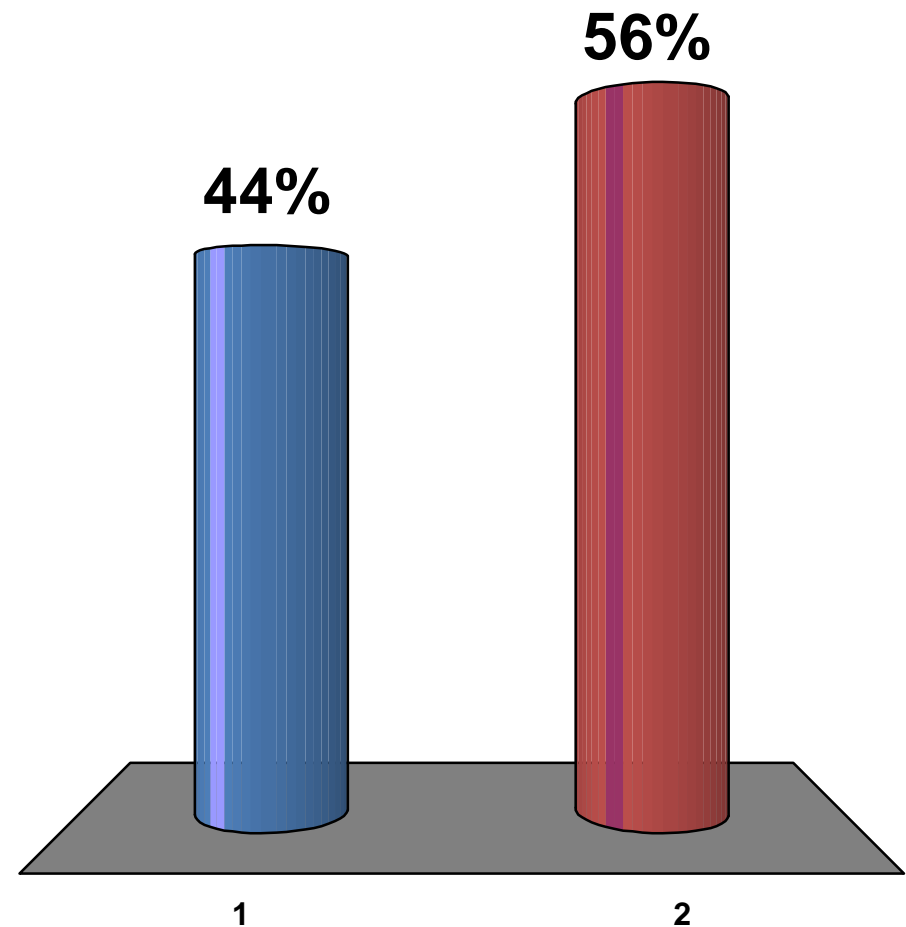
Should the two step Design-Build law include QBS to select both Design Professionals?

1. Strongly Agree
2. Agree
3. Neutral
4. Disagree
5. Strongly Disagree



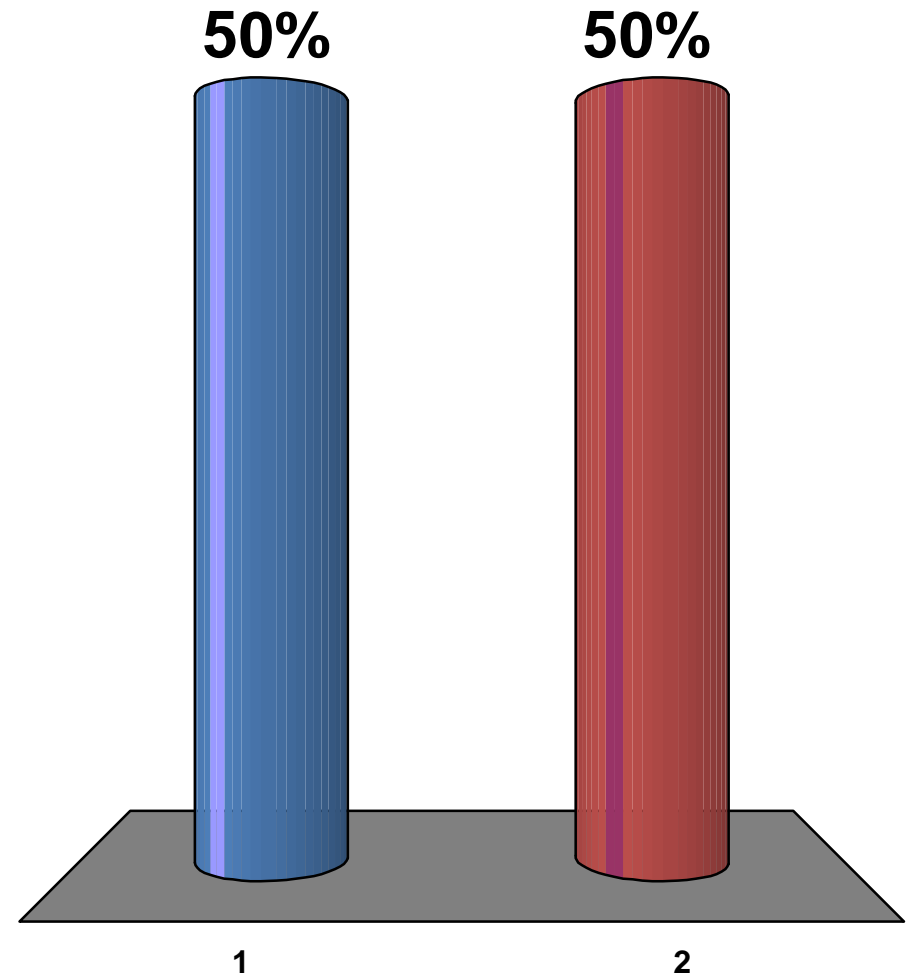
Which change should NY make to the laws applicable to Design-Build for Public Projects? (Choose One)

1. Eliminate the requirement for design professionals contract direct with owner
2. Two Step



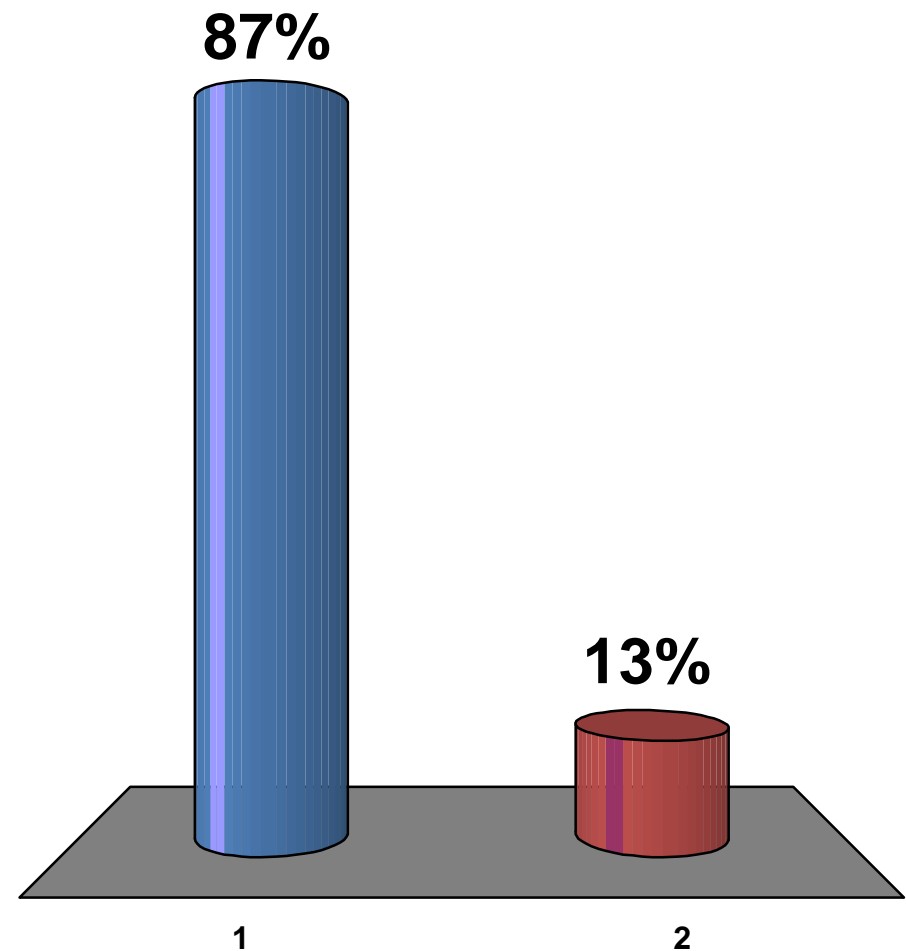
Which change should NY make to the laws applicable to Design-Build for Private Projects? (Choose One)

1. Eliminate the requirement for design professionals contract direct with owner
2. Two Step



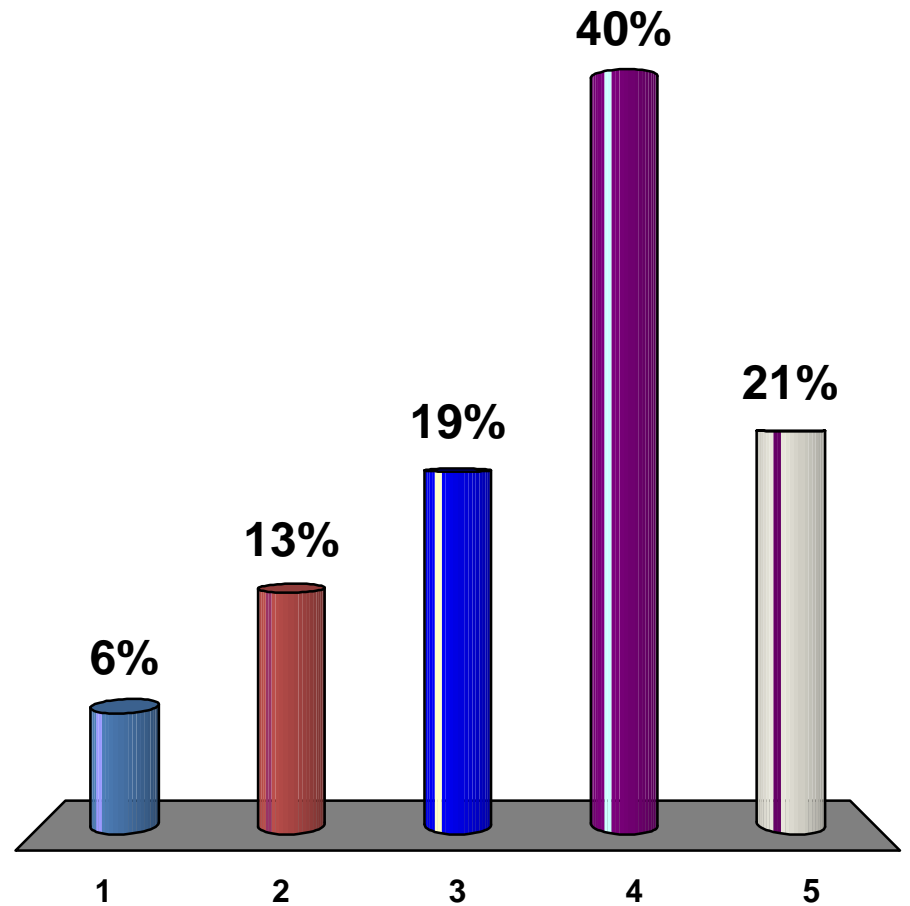
Was today beneficial?

1. Yes
2. No



How does today rank? (With 5 being High)

- 1.
- 2.
- 3.
- 4.
- 5.





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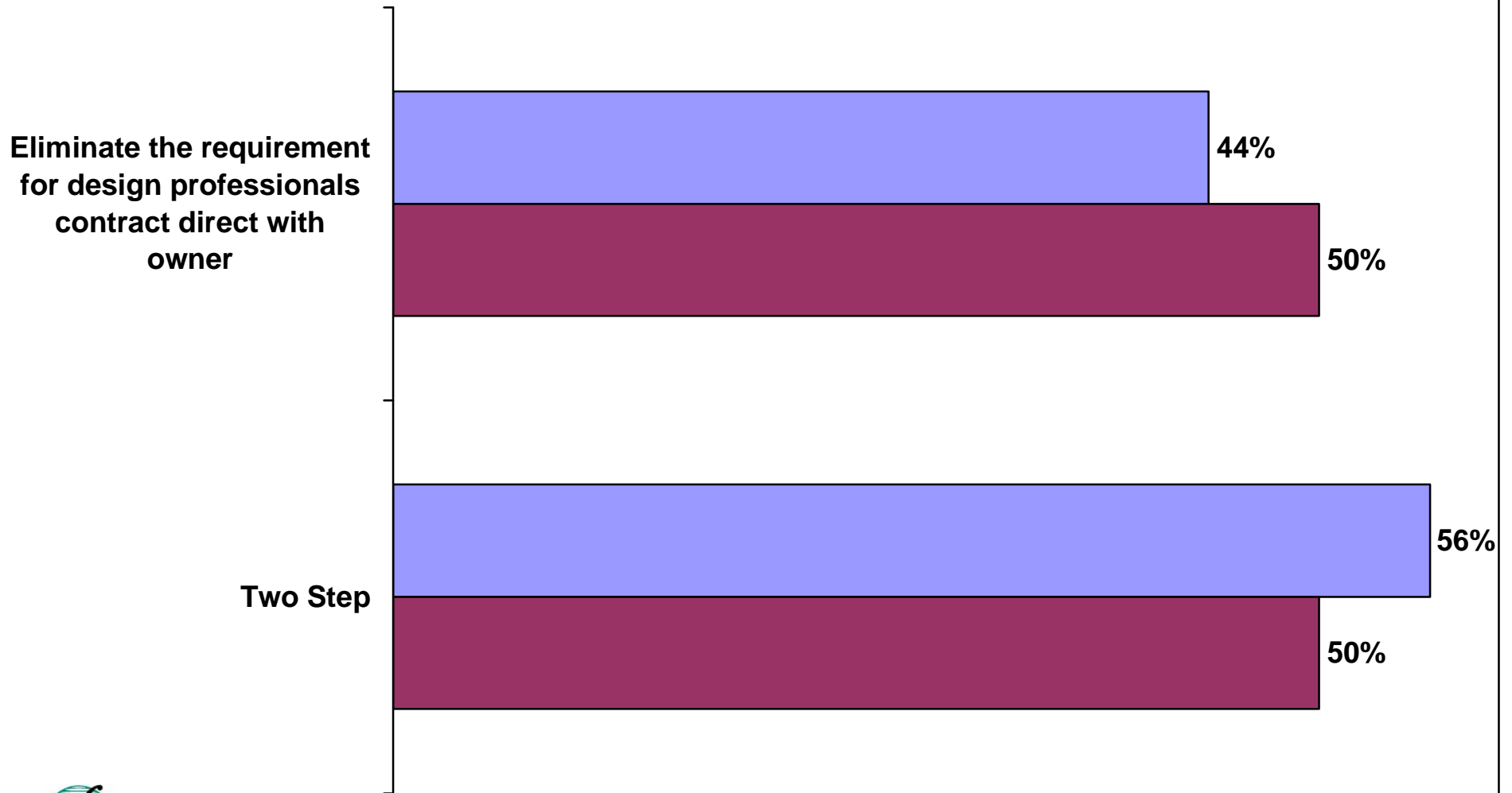
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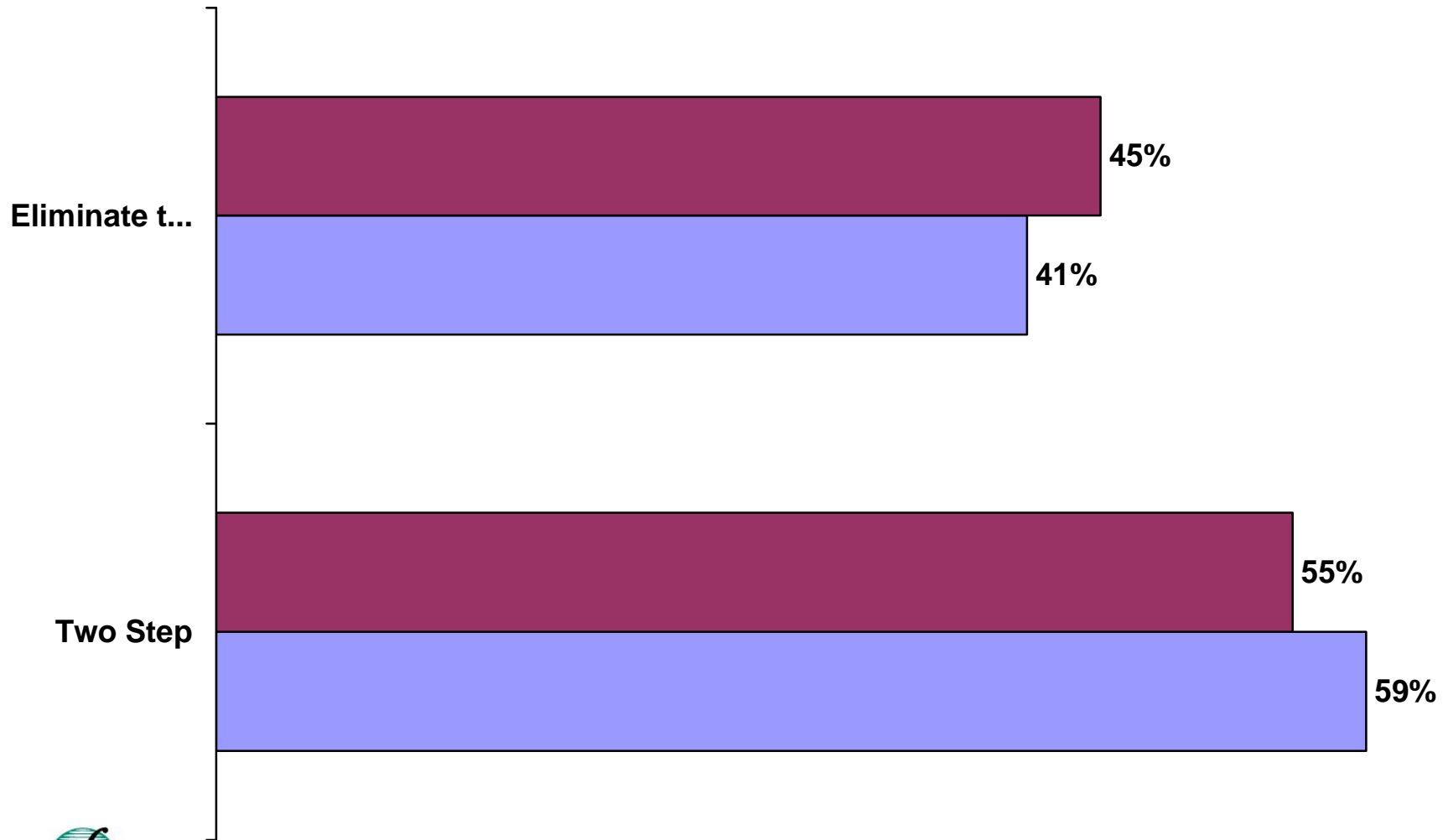


***The New York State Society of
Professional Engineers, Inc.***

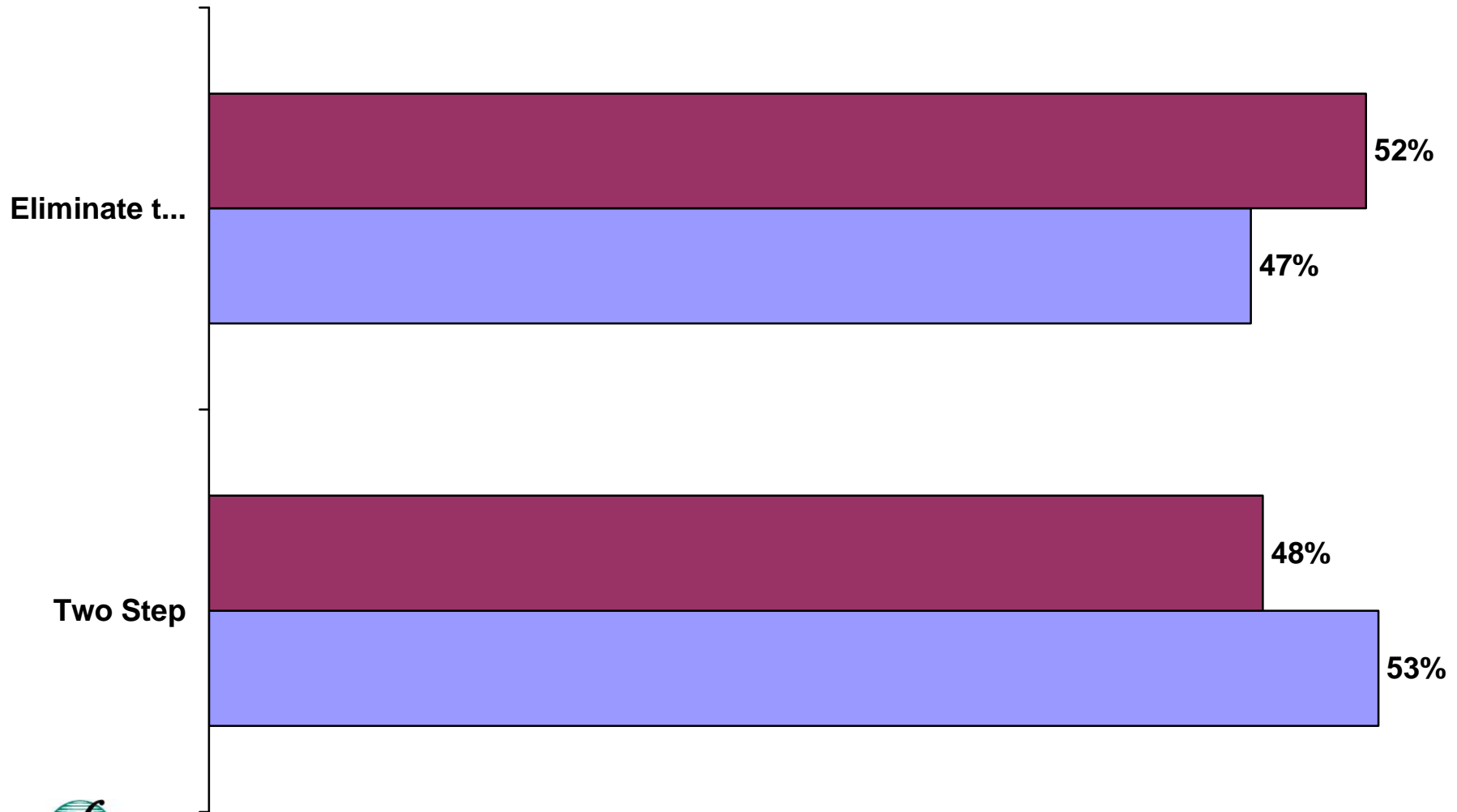
Which change should NY make to the laws applicable to Design-Build for Private Projects? (Choose ...



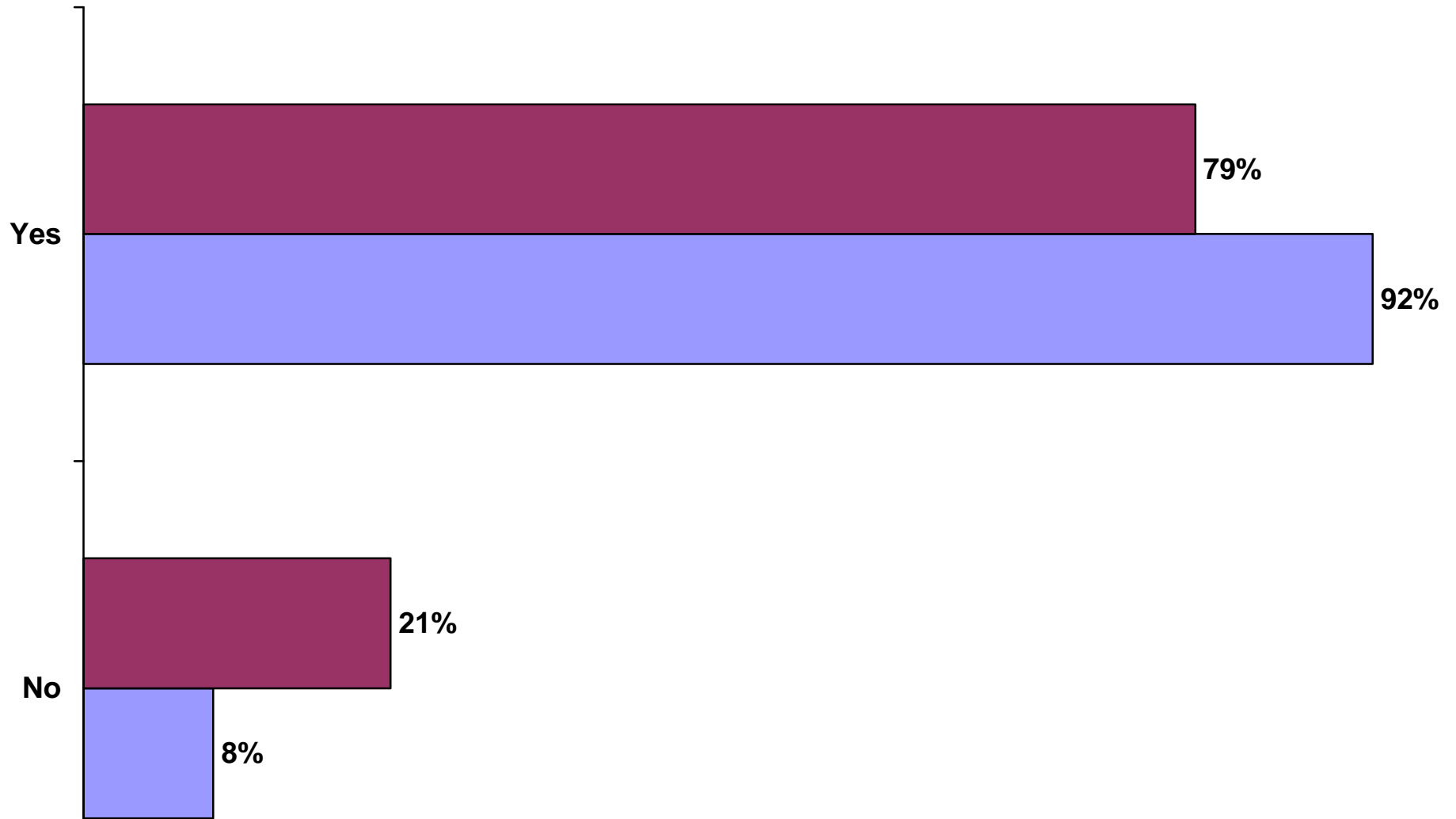
Which change should NY make to the laws applicable to Design-Build for Public Projects? (Choose One)



Which change should NY make to the laws applicable to Design-Build for Private Projects? (Choose ...



Was today beneficial?



How does today rank? (With 5 being High)

