

**ASPE
ORANGE
COUNTY
CHAPTER 3**

AMERICAN SOCIETY OF PROFESSIONAL ESTIMATORS

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ORANGE SPEEL NEWSLETTER



OUR MISSION

Since 1956, ASPE serves the construction & engineering industries by providing education, training, fellowship and opportunities for professional estimating development.

WWW.ASPENATIONAL.COM WWW.ASPECHAPTER3.ORG

PRESIDENT'S MESSAGE

Happy Holidays and Happy New Year! We are starting the New Year out with a bang! Our monthly meeting on January 12 will feature Andrew Howard of Alston and Bird LLP speaking on Consensus Documents. I encourage everyone to attend this very informative presentation. In February, we have Glen Worthington speaking on future plans for the Irvine Great Park. We are also going to start reaching out to our membership for future technical and ethics articles. If you have a desire to write an article, please let me know! I hope the New Year finds everyone healthy and prosperous and I look forward to seeing everyone at the Ayres Hotel on January 12!

- *Mike Mills*



Mike Mills
President, ASPE Chapter 3
Orange County

ASPE

CODE OF ETHICS

Canon #1

Professional Estimators shall perform services in areas of their discipline and competence.

Canon #2

Professional Estimators shall continue to expand their professional capabilities through continuing education programs to better enable them to better serve their clients, employers and the industry.

Canon #3

Professional Estimators shall conduct themselves in a manner, which will promote cooperation and good relations among members of our profession and those directly related to our profession.

Canon #4

Professional Estimators shall safeguard and keep in confidence all knowledge of the business affairs and technical procedures of an employer of client.

Canon #5

Professional Estimators shall conduct themselves with integrity at all times and not knowingly or willingly enter into agreements that violate the laws of the United States of America or of the states in which they practice.

CALENDAR OF EVENTS

- Jan 12, 2011 – Dinner meeting
- Feb 9, 2011 – Dinner meeting
- Feb, 2011 – ASPE Spring Regional Conference in San Diego
- Mar 9, 2011 – Dinner meeting
- Apr 13, 2011 – Dinner meeting
- May 11, 2011 – Dinner meeting
- June 8, 2011 – Dinner meeting
- July 13-16, 2011 – ASPE National Convention in Nashville, Tennessee

Tentative

Aug 2011 – Annual Golf Tournament

THOMAS JEFFERSON SAID, “MAN HAS NO NATURAL RIGHT IN OPPOSITION TO HIS SOCIAL DUTIES”

By: Gregory R. Clayton, PE, CPE, LEED-AP, Contracting Engineers, Inc. www.4cei.com

Recently, the emphasis on our rights in this country has obscured the unalienable duties imposed upon mankind by divine law. An individual's unalienable rights are protected by two unalienable duties, public duties and private duties. An individual's public duties relate to public morality and are supported by local or state laws or ordinances and enforced by the police power of the state. Private duties are those that exist between an individual and his Creator. Ethics is a moral philosophy and the only real enforcement is the self-discipline by the individual himself where the accountability to his creator and his community rests.

It could be said that our unalienable duties public and private are an inherent part of the Creator's Natural Law. They represent the responsibility imposed on each individual to respect the absolute rights or unalienable rights of others. Treat others as you would want to be treated rule.

Today there is a lot of confusion and serious debate in our country about what “Social Justice” is, who will decide what is just and who has the sovereign power of authority to enforce what is just. Should the state or the individual or group compensate victims of injustice? In some states in America, victims of a crime may apply to the state for damages. This policy only encourages crime and injustice rather deterring it. It encourages a bandit to say to his victim “Do not worry. You will get it back from the state.”

Divine Law or true justice, requires the individual criminal or group to completely restore or pay for the damages or losses he caused. If the criminal is too irresponsible to restore the losses or repay the victim, he receives a stiff prison term with no parole. This true justice system, called “reparation,” system was practiced by the ancient Israelites and Anglo-Saxons. In recent times a number of states have begun to adopt the reparation system placing responsibility on the individual where it belongs.

So are conducting our affairs within the law, ethical? Unfortunately, ethics or moral philosophies have nothing to do with what is legal. So moral philosophy starts with the duty of the individual to respect the unalienable rights of others and the public. The public accountability is to the community and the private individual accountability is to the Creator. People accepting and practicing these duties are disciplined in honesty, competency and completeness giving them integrity and are respected within their communities. They also appear to be happy and positive people regardless of their circumstances. When individuals of a community of people are self governed and accountable to Natural Law, little or no community or state governance is necessary. The individual now has life, liberty and the means to truly pursue happiness. These are the principals the Founders of our great Nation used in constructing our Constitution. They understood the law of nature dictated by God is binding globally in all countries, all peoples and at all times. ASPE Canons encompass this moral philosophy which defines ASPE and the moral philosophy of its members.

ASPE Code of Ethics

Continued...

Canon #6

Professional Estimators shall utilize their education, years of experience and acquired skills in the preparation of each estimate or assignment with full commitment to make each estimate or assignment as detailed and accurate as their talents and abilities allow.

Canon #7

Professional Estimators shall not engage in the practices of “bid peddling” as defined by this code. This is a breach of moral and ethical standards, and a member of this society shall not enter into this practice.

Canon #8

Professional Estimators and those in training to be estimators shall not enter into any agreement that may considered acts of collusion or conspiracy (bid rigging) with the implied or expressed purpose of defrauding clients. Acts of this type are in direct violation of the Code of Ethics of the American Society of Professional Estimator

Canon #9

Professional Estimators and those in training to be estimators shall not participate in acts, such as the giving or receiving of gifts, that are intended to be or may be construed as being unlawful acts of bribery.

EXTRA, EXTRA!!!

CERTIFICATION

By: Art Quinion

Professional evaluation through Certification is one of the many ways the American Society of Professional Estimators endeavors to promote the profession and benefit the construction industry. ASPE Certification is the highest form of professional recognition an individual estimator can receive and is being sought by more construction estimators every year. Through its Certification Program, the American Society of Professional Estimators recognizes the estimating proficiency and ethical awareness of the Certified Professional Estimator (CPE).

If you would like to become certified, the certification process requires the candidate to write a 2,500 word technical paper, in addition to taking two examinations. The first exam is a General Knowledge Exam (GEK) consisting of approximately 500 questions across a variety of construction topics including AIA documents and general estimating knowledge. The candidate has four hours in which to complete this test. In addition, each candidate must also take a Discipline Specific Test (DST). These exams are a test of the candidate's specific area of expertise. Currently ASPE has Discipline Specific Tests in numerous categories including General Estimating, Earthwork, Concrete, Roofing, Plumbing, HVAC Sheet Metal, and Electrical to name a few. The DST exam is an eight hour test with true/false and multiple choice questions as well as estimating problems that are basically mini-estimates. There are two testing cycles per year. The timeline for the next testing cycle is approaching soon, so you will need to fill out an application for certification as soon as possible. Once approved, you will be required to complete an online or chapter workshop to begin the testing process. The chapter will also be presenting an Introduction to Certification workshop in the near future, in addition to the required online workshop, to review what to expect from the technical paper and two tests.

Once recognized as a CPE, you will be expected to keep abreast of current trends and improved practices in the construction industry. Your conformance with this requirement is measured under the provisions of the Continuing Certification Program. CPEs subject to recertification must document active participation in the areas of ASPE service: professional, educational and creative contributions to construction estimating. Among the elements of continuing certification are review of technical papers, and the contribution of questions and problems to the Certification Test Data Bank.

As the Certification Chairman for ASPE Chapter 3, I'm available to answer any questions you may have about the certification process. Please feel free to email me at artq@phoenix-planning.com or call me at my office at (949) 581-9370.

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FOR YOUR INFORMATION...

COMPANY MEMBER REPRESENTATIVES

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90 FOLLOWERS ON TWITTER!

FOLLOW US TOO! "ASPE3ORANGECTY"

TWITTER ACCOUNT

By: Paulette Rutlen

Twitter: **ASPE3OrangeCty**

Do you Tweet? With the advent of all of the social networking going on I figured we should be keeping up with the technology. For those of you not in the know, Twitter is a website that allows postings, called tweets, of no more than 144 keystrokes (yes, spaces count). With Twitter you can find individuals such as ASPE's national Executive Director (ASPENatExecDir), other chapters (ASPE12Reno or ASPE51SLCUtah), construction related organizations such as NAWIC, MC2, or McGraw Hill.

I intend on finding links to individuals and organizations that may be of interest to our membership. If you find an organization that you think would be of interest to our chapter membership let me know. Just post a tweet to ASPE3OrangeCty and I'll be sure to link us to the account.

Do you have insights to pass on to our membership regarding the construction industry in Orange County? With a Twitter account you can pass them along quickly. After all, how long can it take to type 144 characters? See a website or blog you think may be of interest, post the link with one tweet and the whole chapter can see it too.

Try it out. Even if you never post anything, you can follow the postings of whoever you may find interesting. Hopefully, one of those will be ASPE3OrangeCty.

FACEBOOK ACCOUNT

facebook

15 FACEBOOK FRIENDS!

By: Anita Beukman

Our chapter Facebook account is up & running—ASPE Chapter 3, Orange County—we have added a few friends from last month and we need more! If you have an account, look us up, so you can follow our status for upcoming events!

BECOME OUR FACEBOOK FRIEND & LOOK US UP:

"ASPE CHAPTER 3, ORANGE COUNTY"

ASPE ORANGE COUNTY CHAPTER 3

MEETING INFORMATION

Date: Wednesday, January 12, 2011

Time: 5:30 p.m. - Social Hour & Networking

6:30 p.m. - Program

COST: \$40 Dinner Menu: *Salmon, Chicken Cordon Bleu or Rotelle Pasta (Veggie)*

RSVP at www.aspechapter3.org

Location: Ayres Hotel

325 Bristol Street

Costa Mesa, CA



TOPIC

CONSENSUSDOCS

PRESENTED BY

ANDY HOWARD

OF ALSTON + BIRD LLP

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J. Andrew Howard

Partner

Andy Howard is a partner in the Construction & Government Contracts Group at Alston & Bird LLP, where he has substantial experience advising clients on myriad federal procurement and construction law issues. In addition to advising clients on the unique procurement policies and procedures applicable to federal contracting, Mr. Howard represents contractors, construction managers and other construction industry professionals in a multitude of public and private construction matters, including the drafting and negotiating of design and construction contracts, and in mediating, arbitrating and litigating complex construction claims and disputes.

Mr. Howard is the co-author of *The ABCs of Federal Government Contracting* published by Thompson Reuters, and is a contributing author of *The Construction Law Handbook* published by Aspen Publishers; *The Construction Contracts Book: How to find Common Ground in Negotiating Design and Construction Contract Clauses* published by the American Bar Association; and *The Complete Compliance and Ethics Manual, 2nd Ed.*, 2010, published by The Society of Corporate Compliance and Ethics.

Mr. Howard is a member of the American Bar Association's Public Contract Law Section and Construction Industry Forum, where he serves on the Steering Committee for Division II (Contract Documents), the Membership Committee, and routinely lectures on the topic of public construction contracting.

ASPE ORANGE COUNTY CHAPTER 3

ADVERTISING OPPORTUNITIES

Business Card	Per Issue	\$25.00	If you would like to advertise with us, contact ChiaYen Yuan at chiayen.yuan@fgould.com for more details.
¼ Page Ad	Per Issue	\$50.00	
½ Page Ad	Per Issue	\$100.00	
Full Page Ad	Per Issue	\$200.00	

BECOME A MEMBER

Applications for membership can be downloaded from the national website, www.aspenational.org, or on our local website, www.aspechapter3.org. For more information, contact Gary Casper at casperces@sbcglobal.net

THOUGHTS OR SUGGESTIONS?

We are looking for your ideas and input regarding our newsletter and dinner programs. Do you have an idea for an upcoming dinner meeting? Would you like to be a presenter at one of our dinner meetings? Is there a topic of discussion that we should write an article about? Would you like to be a contributor to our newsletter? Please contact ChiaYen Yuan at chiayen.yuan@fgould.com

VOLUNTEERS WANTED!

We need your help! Anyone who is interested in serving on a committee for the OC chapter, please contact MikeMills at michael.mills@jacobs.com for more information. This is a great way to give back to ASPE both personally and professionally. We encourage you to attend a board meeting to see what it's all about. We meet every other month in a physical location and all ASPE members are welcome to attend.

Serving construction estimating professionals by promoting ethical behavior, professional development, continuing education, standardization, certification and fellowship.



WE LOOK FORWARD TO SEEING YOU AT THIS MONTH'S MEETING!