



October 18, 2022

Ms. Dana Bowman  
Procurement Analyst  
Regulatory Secretariat Division  
General Services Administration  
1800 F Street NW  
Washington, D.C.

RE: FAR Case 2022-003

On behalf of the American Council of Engineering Companies (ACEC) – the business association of the nation’s engineering industry – we wish to convey the A/E industry’s concerns over the proposed rule requiring Project Labor Agreements (PLAs) on federal construction projects greater than \$35 million.

Founded in 1906, ACEC is a national federation of 52 state and regional organizations representing more than 5,600 engineering firms and 600,000+ engineers, surveyors, architects, and other specialists nationwide. ACEC member firms drive the design of America’s infrastructure and built environment.

ACEC believes that employees of engineering firms should be specifically excluded from being parties to PLAs and their representation by unions that represent or are affiliated with trades that also include construction, operations, and/or maintenance workers be discouraged. This is required to avoid conflicts of interest and to protect the public and property from short- and long-term harm and prevent negative impact on the performance, costs, and schedules of projects being implemented.

Employees of engineering firms perform critical roles on construction sites. These include field representatives and surveyors monitoring that the work is being performed in compliance with design documents. To perform such work, these personnel must remain independent and objective. While this rule is directed at construction labor, its terms do not exclude designers, site engineers, surveyors, and other engineering related site personnel.

ACEC is concerned that the quality assurance/quality control role is compromised if engineering field representatives and surveyors are not specifically excluded from PLA coverage. This quality assurance/ quality control process is vital to protect public welfare, safety and health. PLA coverage would likely create a conflict of interest, pitting the field representative’s oversight role against the interests of union members among the construction workers.

Union by-laws often prohibit members from creating conflicts within the ranks or

prohibit a union member from being critical of another member's work. ACEC believes that the potential conflict of interest is clear and must be recognized as the FAR Council crafts this rule. It is a conflict of interest that could compromise project success and in addition to weakening public safety, creates liability to the engineering firm.

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For additional information, please contact Daniel Hilton at [dhilton@acec.org](mailto:dhilton@acec.org) with ACEC staff.