The CMAA National Conference & Trade Show at San Diego in October 2010 brought together more than 10,000 CM professionals from chapters across the United States. Additionally there were delegations from five foreign countries, as far away as Argentina, Korea and Australia. CMAA’s growth is expanding both on a national and international scale. It was a great opportunity to meet with so many CM’s from across the US both to network and share industry experience. The CMAA New England Chapter was one of the few chapters receiving achievement awards and was honored with an award for Owner Participation. It was a great privilege for me along with Past Chapter President, Paul Hemphill, to receive this award. Our Chapter has very active owner participation with 3 Officers, 1 Director, many Committee Members and a total of 34 owner members.

The NE Chapter was well represented at the conference as 41 members attended, including 17 students from Wentworth Institute of Technology. Wentworth has one of the most active Chapters in the country and it was recognized at the conference as the Student Chapter having the most attendees. We are certainly proud of the Wentworth Student Chapter since we are the Regional Host Chapter for it, and have a special relationship with both the CM students and the Wentworth CM faculty. It was great to share some time with these bright and passionate CM students. They worked hard to raise funds to attend the conference and to both learn from the program offered and from the industry professionals they met.

My conversation with many of the CM’s outside of New England invariably touched upon the state of the economy and project work load. Their situations are not much different from our local situation; they are experiencing the same sluggish economy, which is in some cases worse than that of New England’s. In some instances their general economy is showing positive signs, but the design and construction arena continues to lag behind. Where some traditional work has dried up, firms are seeking work outside their normal realm to keep staff working. Staff reductions have mirrored reduced work volume and many have been asked to do more with less staff and less resources. In some ways the resulting changes have forced them to be more efficient and as a result more competitive. In general CM’s feel they are better prepared to handle the assumed increased work load as the economy improves and the industry rebounds in the next year or two.

The conference provided us many educational programs, where we learned from many seasoned CM professionals. They shared experience on various projects with management approaches, specific challenges, effective solutions, technical challenges and legal issues facing us today. These educational sessions offered many ideas and strategies applicable to our projects. Additionally there were numerous exhibitors, who shared their innovative advancements in project controls, scheduling and reporting technology. This technology as applied to specific projects offers potential savings in both manpower and time, reduction in delays and ultimately greater efficiency and cost savings. New and updated technology is available to improve the CM process.

I also participated in Officer Leadership Training, where Regional Chapter Officers came together to share their local experience. I came away with some fresh ideas on how other chapters are successful with programs, membership, the hosting of student chapters, revenue enhancement and educational programs, which will help me and our chapter in the year ahead. I learned through various interactions with other CM attendees that the New England Chapter is a medium sized chapter, which is nevertheless growing steadily. The most recent membership report indicates it is approaching the 250 member level; this is a milestone for us and a reflection on the popularity of CMAA and construction management as a professional discipline.

As we look ahead as a chapter, our future is to attract young professionals to the discipline and chapter. The seed to attract and retain the young professionals can be planted through a healthy relationship with CM students and the CM Student Chapters. Our excellent relationship with the Wentworth CM program is well established. In 2010 we became the Host Regional Chapter for a new Student Chapter at the University of Southern Maine. We are working to provide them further advisory and technical support and to strengthen our relationship with their members. Additionally we will expand our outreach to other New England colleges with active CM Programs, so as to encourage Student Membership in CMAA and to establish other Student Chapters. Also we can encourage these CM students to pursue Construction Manager-In-Training (CMIT) status, so they will receive the guidance and support to ensure they are on the correct track to qualify for their CCM certification.

These are exciting times in the construction management arena. Both national and regional organizations as well as student chapters are growing in size and number, so that the number of student chapters may exceed the number of regional chapters within the next year. While we continue to face some uncertainty with our economy, I believe we are witnessing a ground swell of approval and enthusiasm by the new professionals in our industry for the construction management discipline and CMAA. We as the local chapter leaders and chapter members have a superb opportunity to advance the CMAA agenda and influence.

Ralph Jacobs, PE
President, CMAA – New England Chapter
Presidents Letter
Ralph Jacobs, PE

CMAA New England Chapter Officers & Directors

Are You Ready for the New Massachusetts Prompt-Pay Act
Joseph A. Barra and Jonathan Hausner

Wentworth Launches New MSCM Program

CMAA National Conference Wins Big with Wentworth Student Attendees

Mentoring Wentworth CM Students

Call for Nominations 17th Annual CMAA-NE Awards

CMAA Chapter and Member News
Kay Barned-Smith, AIA, CCM

Upcoming CMAA Standards of Practice Course

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This Newsletter is published for members of the CMAA New England Chapter of the Construction Management Association of America for the purpose of informing the members of local and national news, chapter events and industry trends. Articles published in the CMAA New England Region Chapter Newsletter contains the opinions of the authors and do not necessarily represent the position of the CMAA New England Chapter. Inquiries regarding the newsletter can be directed by e-mail to: rcollins@pmaconsultants.com

We are seeking contributors for upcoming newsletters. Those contributions could include technical articles, descriptions of projects, or profiles of individual or firm members. If you have information you would like to contribute, or if you have ideas about information or other types of material which you would like to see in the newsletter, please contact:
Rob Collins, rcollins@pmaconsultants.com

We look forward to your contributions.
The new Massachusetts Prompt Pay Act, sometimes referred to among the local Construction Bar as “The Construction Lawyers’ Annuity Act”, will affect private construction projects where the general contract is executed on or after November 8th and whose primary value is $3 million or more (except residential projects with less than 5 units). Many contracting and payment practices that were once commonplace and even expected on large Massachusetts projects are now forbidden by law. At the very least, the Act will require more communication up and down the construction food chain as industry professionals reevaluate the way that they process payment applications, negotiate change orders and pay for goods and services.

How the Act has changed the current landscape:

By its title, the Act is intended to promote fairness in private construction contracts. While the jury is still out as to whether the Act’s self executing remedies actually achieve that goal, the statute affects five (5) important tenets:

1. The Act sets specific time limits for the preparation, submission and approval of applications for payment. A failure to comply with the Statute’s time standards will render the proposed application for payment approved as a matter of law. The Act also requires that any rejection (in whole or in part) of a payment application be specific as to the factual and legal basis for nonpayment; and

2. The Act defines specific time frames for processing, approving and rejecting proposed change orders. Similar to the remedy for failing to timely reject an invoice, a failure to comply with the Statute’s deadlines renders the proposed change order approved as a matter of law. Any such rejection (in whole or in part) of a proposed change order must be specific as to the factual and legal basis for such rejection; and

3. The Act effectively invalidates the commonly used “Pay-if Paid” or “Pay-when-Paid” provisions frequently used by contractors, construction managers and upper tier subcontractors. However, the Statute allows such provisions under two limited exceptions that must be expressly provided for in the contract. The first exception is if the work performed by the party owed money is defective. The second exception allows the clause to be enforced if the upstream payer is insolvent. However, this last exception also requires that the party to whom money is owed has previously recorded a Notice of Contract before submitting its first payment application; and

4. The Act renders unenforceable any contract provision that requires a party to continue working when an approved payment is more than 30 days late. However like any rule, there are exceptions. For example, such clauses will be considered enforceable when the creditor is in default of its contract obligations or if there is a legitimate dispute regarding the quality or quantity of the creditor’s work. Notably, these exceptions apply only if the creditor has received prior written notice of the controversy and has been paid all amounts not in dispute.

5. The Act limits the reach of a contract provision that restricts an aggrieved parties’ ability to trigger the contract’s dispute resolution remedies. No longer can one party require a creditor to wait until the end of the project in order to resolve a dispute regarding payment or contract changes.

The Act’s impact on current practice:

• Industry Professionals will need to modify their current contract forms:

• General Contractors and CM At-Risk Contractors must now have very detailed discussions with the project’s owner regarding the payment and change order process;

• CM Agents and Design Professionals will have increased exposure for failing to timely review and process Applications for Payment and Proposed Change Orders as part of their construction administration responsibilities;
• Lenders will need to accelerate their disbursement approval process;

• Industry Professionals who decide to reject any or part of an application for payment and/or proposed change order will now need to read their contracts and understand their contract defenses as such defenses must be specifically identified in any such rejection;

• Rejections to payment applications and proposed change orders must be certified as made in good faith, thus potentially increasing a non-paying party’s exposure to claims under Massachusetts Consumer Protection Statute MGL c. 93A.

• The time honored payment response “I don't have to pay you because I haven’t been “paid” is virtually a thing of the past.

• Any previous contract practice that relied upon Performance Milestone Payments must be carefully tailored to ensure that it doesn’t run afoul of the Statute’s invoicing requirements;

These are only a sampling of the impacts that the Act will have upon the landscape of new large scale private construction projects in Massachusetts after November 8th. Because this note is only intended to touch on the highlights of the new Statute, we recommend that all parties engaged in the business of construction in Massachusetts take the time to review the Act with their favorite construction attorney.
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In November, Wentworth Institute of Technology opened dedicated learning space consisting of a seminar conference area and faculty offices designed specifically for the newly launched Master of Science in Construction Management (MSCM) program. Enrollment for this year’s inaugural class is more than twice the projected enrollment – 28 students are currently taking the first two courses in the ten-course program. This professional degree program is designed to educate construction professionals in advanced management principles and in construction management (CM) issues, topics, and practices.

The key differentiators that make Wentworth’s MSCM program unique are that it examines common general management techniques; explores advanced CM issues specific to the built environment; and utilizes a combination of technologies and team instruction by leading industry professionals and academics. Students are exposed to research methodology and problem solving, and are encouraged to publish their scholarly works in relevant journals.

The MSCM program and curriculum were designed through the close collaboration among faculty, alumni, and industry leaders. Offered as a hybrid model to address accessibility for students, the MSCM program is taught part-time, using a combination of on-site and distance education pedagogy. On-site classes are scheduled on weeknights, and occasionally on weekends, and are administered through Wentworth’s College of Professional and Continuing Education. The program can be completed in less than two years, and thesis and non-thesis options are available which allow for a variety of employment and educational opportunities.

Designed to be the top professional degree program for graduate construction management in New England, the MSCM addresses industry needs. Graduates will possess the knowledge and skills needed to advance their careers and successfully function in middle and upper management level positions in construction-related industries. For example, positions could include senior project managers, project executives, corporate executives, business owners, and construction educators. The MSCM program represents Wentworth’s second master’s degree offering, following the launch of a Master of Architecture degree in November 2009.

Additional information about the MSCM program can be accessed at www.wit.edu/ccev/mscm or by contacting Carl Sciple at 617-989-4817 or sciplec@wit.edu.
WENTWORTH INSTITUTE OF TECHNOLOGY
Introduces Master of Science in Construction Management

- Program creates real world applications and improves management skills
- New software and technology for construction professionals expose students to research methodologies and problem solving
- Graduates will be prepared to assume advanced managerial and leadership positions in construction-related careers
- Curriculum developed by faculty, alumni, and industry representatives
- Program can include thesis or non-thesis options, and publication of student work in professional journals will be encouraged
- Books, materials, and a laptop with current industry software are included in the cost of tuition
- Evening classes are held on Wentworth’s campus, located on Huntington Avenue in Boston, conveniently accessed by public transportation

For more information, visit www.wit.edu/mscm or telephone 617-989-4300
In the first weekend of October seventeen Wentworth Students flew from Boston to San Diego to attend the CMAA National Conference. This is the third year in a row that students from Wentworth have been in attendance at the National Conference. This conference is so valuable to the students and since most professional conferences are not open to students, we are especially grateful that CMAA has opened its doors to us. At these conferences we are able to attend educational sessions, networking events, key note speaker presentations and trade shows.

Students most often gravitate to the educational sessions about safety and specific projects. We are fascinated to learn of the large jobs companies can complete and their strategies to do so. Safety is an important factor on everyone’s mind and we are interested in learning about the new technology available that keeps us and fellow workers safe on the job site. A junior, Jordan Armstrong, who attended the trip, writes, “The educational sessions were very interesting and one that stuck out for me was about a much larger project than I have ever been a part of- the new Panama Canal which affects many more people than those living in Panama. It was very interesting to hear about the different strategies to complete this huge project.”

The trade show was the most popular among the students. The trade show gave us the opportunity to talk with companies about construction strategies and to see and test out new technology. Typically, it is a great way for us to network with professionals in the field, and to gather business cards which may result in an internship or full-time employment. The networking went beyond the trade show and included meals and networking receptions. It was an opportunity to bond with the industry professionals and to seek advice about our individual career paths. Dan Weber, a junior at Wentworth states, “It is rare that you are given the chance to meet, talk, and learn from hundreds of people from different fields in the construction industry. The men and women you meet are filled with all kinds of invaluable information and advice which they love nothing more than to share with you.” It is the people of CMAA who really make the difference by going out of their way to make us feel welcome and comfortable.

Every year the conference starts off with a key-note speaker at breakfast, and this year the speaker was amazing, capturing all of our attention. Pat Clancy, a junior at Wentworth notes, “The keynote speaker who stood out was Stan Slap, who spoke about the “Seven Deadly Sins of Management”. His speech on management, including his discussion about how many managers are actually poor at managing, was excellent.” Alex Grant, a junior at Wentworth had a similar reaction, “The guest speaker on management really got my attention and taught me new ways to look at business as a whole as well as the struggles that come with being in a management position.”

This conference is a great learning tool for the students at Wentworth because it gives us a chance to bring the classroom to life and also to bring what we learned back into the classroom. James Tranghese, a senior at Wentworth writes, “One of the greatest benefits I had from the trip was the improvement in my speaking and communication abilities. Sometimes it is difficult to be comfortable speaking to the men and women who attend these events, but due to the large number of encounters I had over the course of the three days I feel as though I greatly improved my communication skills.”

With all of the positive feedback and the invaluable learning experience we received, Wentworth students will surely continue to attend the annual conferences for as long as we are invited back. In fact, we have already started to plan our trip for next year to Washington DC.
Calling All Mentors
The CMAA NE Chapter members have supported the mentoring of Wentworth Construction Management students for the past seven years. The mentoring program for 2011 will begin in early January and we are reaching out to our membership for volunteers once again. We still have 15 mentoring slots available to those who would like to share their industry knowledge and experience with an up and coming Construction Management student. If you have participated before, you know how rewarding the mentoring relationship and experience can be. If you haven’t taken the opportunity in the past, jump on board this year and learn a bit about what the CM student expectations are and be a guiding light for 5 months to one of the industry’s future professionals. You have the opportunity to have a very positive impact along their path and the rewards are immeasurable. Please see the attached Mentoring Wentworth CM Students document, which describes the mentor’s responsibilities, requiring only 10 hrs. of your time. Please contact Professor Scott Sumner, sumnere@wit.edu, or me, ralphjacobs001@comcast.net, if you would like to join the mentoring team.

Thanks very much for your consideration of this request.

Ralph L. Jacobs, P.E.
N.E. Chapter President

Mentoring Wentworth CM Students

Time Frame: Mid-January through mid-May 4 months

Mentoring Responsibilities:

1. Provide an abbreviated resume, < 1 page.
2. Attend kick-off meeting between mentors and students @ Wentworth in mid January. (~1 ½ hours)
3. Invite student to your office or work area and spend 2-3 hrs. talking about your position, your firm, how the office functions and the CM role of your firm within the industry. (~2-3 hours)
4. Invite your student to participate in a construction project site visit. Review the project and the role you and your firm play in the construction process. (~ 3 hours)
5. Maintain contact with the student via e-mail or telephone to answer questions and offer guidance, from January through May. (~2 hrs.)
6. Invite your student to attend a CMAA Chapter Meeting held at Wentworth Institute.

The program requires less than 10 hours of your time over a 4 month period. Suggestions: See if your firm will hire your protégé as a summer intern. This is only a suggestion and not a requirement for those who mentor.

Please contact Ralph Jacobs at rjacobs@massport.com or Scott Sumner at sumnere@wit.edu to join the mentoring team.

This is a great opportunity for you to positively affect the life of a Construction Management student.
CMAA New England is calling for nominations for the 17th Annual Awards Program. This year’s program will present awards on April 20th at the Radisson Hotel in Boston.

Each year, CMAA New England recognizes projects that have demonstrated excellence in construction project management. Categories for submission include infrastructure and building projects for new and renovation construction. The awards programs also looking for projects that have demonstrated excellence in program management and for a Person of the Year.

Nominations are due March 11, 2011 and submission instructions will be posted to the New England Chapter website. For questions: please call David Doane at (508) 458-0601 or email at: ddoane@fstinc.com

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New England Chapter CMAA
University of Southern Maine (USM) Student Chapter

In the fall of 2006, USM initiated a degree program in Construction Management which is accredited by the Association of Technology, Management, and Applied Engineering (ATMAE). The program’s primary focus is commercial and institutional vertical construction, and currently has an enrollment of 50+ students. USM’s CMAA Student Chapter received its Charter in March of 2010, and has 11 active members under the leadership of Jamison “JP” Schwartz, our student chapter president.

The students are primarily graduates from the state’s community colleges in their Construction and Building Technology Programs. And even in the current construction economy, the majority of students have jobs within the ACE industry. This is helped by the program’s class schedule, which offers classes two or three times a week in the late afternoon and early evening, enabling students to gain work experience while completing their bachelor’s degree.

The students have been highly sought by CM firms in southern and central Maine because of their work ethic, capabilities, class room education, and ever growing on-the-job work experience, which enhances their knowledge of professional construction and program management. For example, one such construction firm that is employing and supporting our students is Allied Cook Construction of Scarborough, Maine. Dave Cook, president of this family-owned Construction Management firm, is also an active supporter of USM’s CM program and the Construction Management Association of America. Dave Cook serves on our USM CM Advisory Board and it is primarily through Dave Cook’s leadership, professionalism and excellence in managing development that our student chapter was formed.

David Early
USM Student Chapter Faculty Advisor

CMAA New England Golf Outing
Reserve Wednesday, May 11, 2011

As customary, the yearly CMAA New England Chapter’s Golf Outing for CM Scholarships will be this coming Spring on the second Wednesday of May, the 11th. Tentatively, the Outing will be held again at Wentworth Hills Golf Club in Plainville, MA located behind the Wrentham Outlets Mall. As players will tell you, it’s a great time, but more importantly, it is also the Chapter’s largest contributor to CM Scholarships. Your continued support is always appreciated.

Scenes from the 2010 Golf Outing
Recent November Breakfast Program on the MassDOT Accelerate Bridge Program (ABP)

The ABP is a $3 Billion, 8 year effort to reduce the number of structurally deficient bridges in Massachusetts. The core of the program includes five major projects comprising $1.2B of the overall program:

- Fall River Bridge Rehabilitation – Western Expressway
- Longfellow Bridge Rehabilitation – Over Charles River
- Burns Bridge Replacement – Rte 9 Shrewsbury – Worcester over Lake Quinsigamond
- Fore River Bridge Replacement – Rte 3A Quincy – Weymouth over Fore River
- Whittier Bridge Replacement – I-95 Newburyport-Amesbury over Merrimack River

Michael O’Dowd,
Major Projects Manager
MassDOT Accelerated Bridge Program

Mr. O’Dowd discussed the particular challenges of the MassDOT’s five major projects. In addition Mr. O’Dowd discussed the 3 bridge replacement projects that will commence the design-build procurement process in 2011 and addressed the unique challenges and opportunities for the design build teams.
The CMAA New England Chapter is proud to sponsor The CM Standards of Practice Course (SOPC) which is designed for CM professionals seeking to master Construction Management Core Competencies and the CMAA Body of Knowledge.

The Standards of Practice Course and included Study Kit are intended to enhance an individual’s Construction Management knowledge. The course is a valuable aid to individuals preparing to take the examination to become Certified Construction Managers by providing a convenient review course of construction management topics.

Course Content and Study Materials
The Standards of Practice Course focuses on eight (8) areas of the construction management body of knowledge over three (3) consecutive days.

The subjects covered are:
- Professional Practice
- Project Management
- Contract Administration
- Cost Management
- Safety & Risk Management
- Quality Management
- Value Engineering
- Time Management

A seven-volume compendium of the CMAA body of knowledge, referred to as the Study Kit is provided to each registered participant.

The kit includes the following:
- CMAA Capstone text
- CM Standards of Practice
- CMAA Contract Administration Procedure
- CMAA Cost Management Procedures
- CMAA Quality Management Guidelines
- CMAA Time Management Procedures
- Four-document set of both A-Series and CM At-Risk Contract documents

Educational Credit
The credit value for the SOPC is 24 Professional Development Hours (PDH), 2.4 Continuing Education Units (CEU), as well as AIA Learning Units.

Location and Schedule
Wentworth Institute of Technology, Boston Massachusetts
March 28-30, 2011 - 8:00 AM to 5:00 PM

Cost
Non Members $750.00   Members $550.00
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Paul Henshall, CCM
President, CMAA New England Chapter

"Gig IT Consulting is currently redesigning our web site and prior to that resolved some outstanding domain and application issues. They were highly recommended by another vendor and I can see why, as they have impressed my staff and I with their knowledge and experience, as well as their commitment to our business."

Charlotte R. Stevens
Marketing Manager, Stewards Inc.
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