

MESSAGE FROM THE PRESIDENT

by Patrick O'Bannon

I think all discussions on the Internet are periodically recycled. It doesn't matter what mailing list you're reading, the same topics come around again and again. The same points are belabored over and over. On the ACRA-L mailing list it seems that one of the most frequently recurring topics is the supposed inadequacies of SHPO staff. On several past occasions the discussion has begun with a fairly civilized discussion of a particular issue or problem, gradually descending into mud-slinging. On other occasions the thread is initiated by someone gleefully hurling a bomb into a crowded room. In any event, over the several years that ACRA-L has been up and running, we've all failed to move the discussion much past the finger-pointing and name-calling stage.

I think this sort of behavior is unprofessional, boorish, counter-productive, and ultimately self-destructive. There are serious issues out there that deserve to be discussed frankly and openly. If we can treat each other with respect maybe we can recognize that our ultimate goals are similar, even if our immediate concerns differ.

In my opinion, the root problem lies with the tight budgets and low salary levels associated with many SHPO and federal agency review positions. Many of these agencies operate on shoestring budgets that are continually threatened. Agency heads spend considerable time and effort striving to assure that their funding levels are maintained from one fiscal year to the next. Increasing funding is seldom an option, despite burgeoning workloads and responsibilities. Staff are overworked and underpaid, and yet, in my experience, remain almost single mindedly dedicated to their jobs.

There's a tendency on ACRA-L to sneer condescendingly when a SHPO advertises for a position opening and the salary level doesn't match our expectations. In the view of some, these low salaries attract inexperienced people who are not as qualified or as competent as those of us in business. However, in many cases the total compensation package for state or federal employees compares quite favorably with that provided by the private sector. Agency employees often benefit from health plans that are fully paid for by their employers and that are more comprehensive than those we offer. They frequently enjoy better pension plans and more paid holidays. The base salary figure does not tell the whole compensation story, and as business people we should recognize this up front.

Besides, few of us base our lives solely upon the size of our salaries. People choose to work in the public sector for a variety of sound reasons. They want the depth of experience offered by exposure to hundreds of projects; they want the opportunity to set policy and shape projects that are inherent within the review process; or, they simply want to live in a particular location for personal reasons.

Many of us got our start working for state and federal agencies, where we were exposed to a wide range of projects and quickly learned the intricacies of the legislative and regulatory side of historic preservation and cultural resources management. Many of us also decided to leave government and sell our skills and experience on the open market, where they commanded higher salaries. If our agencies had been better funded and we had been paid better, would we have remained in government? Sure.

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Soil Systems, Inc.
Phoenix, Arizona

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Alpine Archaeological
Consultants, Inc.
Montrose, Colorado

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Philadelphia, Pennsylvania

MESSAGE FROM THE

"Errors and Omissions Insurance Update"

ACRA has been informed that the our Errors & Omissions (E&O) plan fell through because there were not enough firms to make the minimum premium. Approximately 17 firms expressed interest and submitted applications. Of these, approximately 9 already had E&O insurance with a \$1 million limit. These firms were interested in the low proposed rates, but needed to check with their clients of see if they would accept a \$250,000 limit. Since these members never responded to the brokers, presumably because their clients would not agree to lower the limit requirements, there were not enough members to meet the minimum premium, even though the minimum premium was lowered from \$25,000 to \$15,000.

We had hoped that by starting small and providing small firms with an exceptionally low cost for such insurance we would be able to develop an insurance package that would ultimately benefit all ACRA members, and would help firms that traditionally have had trouble even finding such coverage. It is unfortunate that after all the work and the expense our brokers incurred to develop this policy over the past three years that an insurance initiative has not met with success.

However, all is not lost. The underwriters are willing to leave the proposal open, especially now that they are more knowledgeable about the actual insurance risks involved. We are, therefore, not under a time limit, but many of the firms that were

interested in the policy will now be forced to get a separate, and significantly more expensive policy and may no longer be interested in the ACRA policy. The insurance brokers are also pursuing the possibility of raising the liability limit to \$1 million, which, combined with the significantly lower premiums the ACRA policy offers, may interest more firms in signing up and in switching from existing policies.

"New Internet Links for the ACRA Website"

This spring several new World Wide Web links have been added to ACRA Website (<http://www.mindspring.com/~wheaton/ACRA.html>). These links are listed below in their respective categories:

Business

ARCHMAT, an ACRA member and supplier of archival and archaeological supplies and equipment.

Documenta, a Canadian firm specializing in digital close-range photogrammetry for historic structures and archaeology.

Historic Preservation

The standard GSA page of Memorandum of Agreement formats.

History

A teaching site at the *University of Columbia* dealing with the African-American settlement that was in Central Park, before it was Central Park

The *Remote Sensing Consortium Website*

...PRESIDENT *cont.*

Criticizing the salary structure of a government agency is not going to result in more timely or consistent project reviews. Perhaps the best way to achieve these goals is to increase the number of professional staff reviewing projects and improve salary levels so that fewer people will be inclined to leave government as soon as they've learned the ropes. ACRA worked long and hard to help defeat efforts to eliminate the Advisory Council on Historic Preservation, an agency that many contractors complain about, but one that we all recognized was essential to the national historic preservation program. Similarly, we in the private sector should be working with our SHPOs to lobby state legislatures for increased agency budgets and improved salaries. In the meantime we should continue to engage in frank discussions regarding issues and topics of concern. I hope we can conduct these conversations in a civilized and respectful manner. After all, nobody can hear what we're trying to say when everybody is shouting at the top of their lungs.

A

Ann Hubber
Historical Research
Associates, Inc.
Missoula, Montana

David Ketz
The 106 Group, Ltd.
St. Paul, Minnesota

Loretta L. Lautzenheiser
Coastal Carolina
Research, Inc.
Tarboro, North Carolina

EXECUTIVE DIRECTOR

Tom Wheaton

"Letter to the Executive Director: One Firm's Experience with the Wage Determination Issue"

(Reprinted with permission of the author. All names are withheld at the author's request.)

March 1998

My Department of Labor (DOL) wage determination case is not entirely closed so like everyone else out there, I am wary of saying a lot for fear it may continue. I need to let ACRA know that the wage determinations set for counties in my state are almost 1/3 to 1/2 higher than what is normally paid. These rates have meant that government agencies who follow the wage determination regulations can no longer fund the archaeological work through private contracts, and even though my company has time left on an open ended government contract, they are not giving me any work. The future, until the rates are fixed, is dismal for my company. The future compliance with historic preservation legislation for government agencies is yet another issue.

I have had a long (15 months) hard battle with the DOL and an even more frustrating 10-month negotiation with a government agency before settling. Since the June 1997 wage determination, the government agency has not given my company any work which, needless to say, I had counted on in my short-term (2-year) business plan. I had to hire a legal team (2 lawyers) to show that the DOL and the Contracting Officer (CO) representing a government agency mutually made mistakes. I made the mistake of being totally ignorant of the issue just like other archaeologists until I read about it in ACRA-L. This was after I was well into an open ended contract. I have a small company and my lawyers were able to spend plenty of time and money researching the issue and fighting for me. I finally ran short of legal funds and had to lay them off. Since October 1997, I have had a consultant, an ex-government contracting officer, negotiate with DOL and the government agency for me. He is outraged with how his former government agency handled my case. I talked with M. Baskin once and he advised me to keep working with both DOL and the agency on local and regional levels and not to go national. I was able to do this but at times I thought about seeking national political help (or "60 minutes"). He also said to call back when the rulings were in writing. The DOL rulings which were never written (a blessing and a detriment) changed several times throughout the last 15 months.

The DOL first ruled 100% of all my employees (lab included) since 1995 had to be back waged 100% of the time for the old (pre June 1997) archaeological technician rate. For my state this rate is almost twice the real prevailing wage. This meant more money for me to back wage than my company took in as gross receipts in 1995 or 1996! The government agency said they would not help. In fact,

when the 1997 wage determinations came in and two of the three rates were lower than the one old rate, they said I needed to reduce my rates! One difficulty in solving my case was compounded by the fact that my contract was a fixed unit cost and not cost reimbursable. I had to be advised and listen to such horrible concepts as bankruptcy, buy outs, penalties, personal liability, and law suits many times in the last 9 months. DOL told me none of my employees had ever complained, and they could see that I had a good law abiding company. They knew I was caught up in a government situation which did not make sense, and the rates were so high one DOL investigator even joked about getting a job from me. At this point I should say that the local and state DOL employees were sympathetic, but they did not have the responsibility to fix it. My case was lost once, but then found, and it often circled from local to state to regional to national and back to local.

My legal team was able to convince the CO representing the government agency that he was not telling the truth when he said they knew the wage determination in 1995 was in force for their government contract. With an Freedom of Information threat the lawyers got the CO to admit that my company was also not 'low bid' and that none of the other companies knew about or used the old wage determination rate either. They also convinced the CO that if the government agency knew it was in effect, then they illegally awarded a contract which they knew from day one they could not fund. This is apparently something the government is not allowed to do. Later in the negotiations, my consultant had to remind the CO that my rate in 1994 on a similar contract without a wage determination was the same price bid on the 1995 job and the CO had never questioned it. I need to state that the archaeologists inside the government agency were supportive and honest. One archaeologist met with their agency legal counsel and stated that in 1995 he did not know about the wage determination. This contradicted his own contracting officer's statement and I believe was a turning point in my case.

My legal team and the government agency had to prove that even though wage determinations were requested for all possible localities the contract would cover, DOL forgot to include the

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... LETTER cont.

wage determinations for the counties where most of the work was subsequently conducted. My team also had to prove when DOL interviewed my employees about what they did, the questions they asked about archaeological work came from an interagency government definition and not the Service Contract Act definition. My local DOL person, and I am sure other government employees, did not realize that professional archaeologists 'dig holes,' too. We do not work in ivory towers and have uneducated and unskilled laborers dig for us. At one point the CO acting for the government agency decided to withdraw a response to my claim only two hours before my time to file with the U.S. Court of Appeals (my only legal course of action) ran out. The stress level for my case was always this high for me, my accountant, my lawyers, and my consultant.

The latest DOL ruling was that the 1997 wage rates were in force for all work after June 1, 1997. This reduced the back wage bill (still much more than my company has) and also basically meant that neither federal agency had to admit they made mistakes. The government agency finally found a way to help with wages and issued an amendment to my contract to pay only the difference in what my company pays and the DOL rates until we finish all the work. The DOL said that if I would comply with their ruling the case would be closed. Of course nothing is ever in writing with DOL, so I have to trust people in government I do not trust.

There are the morale problems, lower level employees working on the government contract make more money than professionals working on private jobs. I know the rates and bid the rates on other federal proposals, but all my competitors do not know or use the rates. Other federal agencies are not aware of the rates or choose not to use or enforce them. The rates are not even close to prevailing wages. DOL admits they do not have the time or personnel, to conduct the research necessary to establish correct 'prevailing' rates. No one has helped me with legal fees or paying for my accountant's time, the extra bookkeepers I had to hire, my employee's time in meetings and doing more paperwork, and my own time spent supplying all parties with information. Now I have the biggest problem, NO WORK. I have had to lay off over 2/3 of my employees, sell vehicles, cut my salary, cut back hours for clerical and accounting, cut down on all expenses, and bid on everything out there which is not much (partly due to the wage determinations).

As everyone knows, portions of the federal system are broken. The downsizing of government has meant that many experienced and knowledgeable people are not in government any more. This meant that I had to pay my legal teams and consultants to tell the government employees what the laws, regulations, and procedures were. As you know, fixing a glitch in the government once it

"News from the SAA Meeting"

Three of the four awards presented by the Society of Professional Archaeologists (SOPA) at the recent Society for American Archaeology (SAA) Conference in the Seattle, Washington, were awarded to ACRA members. Roberta Greenwood of Greenwood & Associates received the Distinguished Service Award for her many years of service promoting professionalism in archaeology; Alan Skinner of AR Consultants received the SOPA Special Service Award for his multi-year efforts to develop and finally obtain approval of an archaeology merit badge for the Boy Scouts of America and for his public outreach program "Share Your Archaeology" (SYA); and Bill Lipe, immediate past president of SAA and an associate member of ACRA, received the John F. Seiberling Award, SOPA's highest

honor. These may be the last year awards are given by SOPA as it ceases to be a society and becomes the Registry of Professional Archaeologists.

Loretta Newmann, of CEHP, Inc., an ACRA board member and ACRA's governmental affairs consultant, received a standing ovation when she was awarded SAA's Distinguished Service Award at SAA's annual business meeting in Seattle. She was honored for her pivotal role in cultural resource legislation and regulation over the past two decades including her work on the historic Shipwreck Act, NAGPRA, and the 1992 CFR 800 regulations. She was also honored for bringing professional lobbying to SAA, making it a player on Capitol Hill. It is truly gratifying to see that ACRA has attracted such leaders in their fields.

is in the system is a formidable task. There are government employees who never return calls or respond to letters, who seem to never do their job, and who lie or do things at all costs to protect their jobs. Fairness and honesty may be virtues some of us possess, but we are fast becoming a minority. As you can see, my wounds are fresh and my stress levels are still high. My corporate attorney reminds me frequently, 'Nothing in life is fair.'

Thanks for your advice in my case. I thank other archaeologists who have gone through similar cases for talking to me also. I know why we are all hesitant to talk. I thank some of the people involved in my case for their moral support. Please keep ACRA fighting for better business and fairness and for the cultural resources. I will have better days—soon. Also, in the midst of this 15-month process I had several people, including lawyers and consultants, ask me if any legal actions had ever been taken against UAFT. I do not know if anything could be done, but they have caused a lot of pain to people who care about cultural resources and a lot of employers who really fight for and care about employees' jobs and benefits. I support the goal of making a better living for all of us who love archaeology and I know things can and will be get better, but the manner it is being done is not the fair or right way to change.

ANNOUNCEMENTS

If you have an announcement you would like to publish in the June issue of *The ACRA Edition*, please submitted to the editors by May 23, 1998.

"Forum on Regional, State, and Local Professional Archaeology Councils Convenes At the Annual Meetings of the Society for American Archaeology"

By Al Tonetti, ASC Group, Inc.

At the recent Society for American Archaeology (SAA) meetings in Seattle, an Invited Forum on "Regional, State, and Local Professional Councils and the SAA" was convened by the SAA. The purpose of the meeting was to explore relationships between professional councils and the SAA. ACRA was formally represented by Shaune Skinner and Barry Price. Also present were three SAA Board members, a representative of the National Association of State Archaeologists (NASA), and representation from about one-third of the state professional archaeological councils.

Discussion focused around the need to find better ways to communicate between professional councils and the SAA. Everyone agreed that sharing information, concerns, and ideas was important and that professional councils should formally organize and affiliate with the SAA. During this discussion, participants cited ACRA-L and ACRA's Website as models of successful communication. A steering committee was formed to further explore communication links, to draft bylaws governing a professional council's organization, and to prepare a proposal to the SAA for Interest Group status for the organization. Interest Group status

would allow the organization to conduct business meetings, forums, etc., at SAA meetings, and to have space in the SAA Bulletin for discussion of issues. ACRA members Gloria Cozdizk and Karen Hartgen, representing state councils at this meeting, volunteered for the steering committee. The steering committee is headed by David A. Phillips, Jr. of New Mexico, who chaired and facilitated the forum, and who originally approached the SAA with the idea of bringing the professional councils together to discuss organizing and affiliating with SAA.

A C R A B o a r d o f D i r e c t o r s

Duane Peter
Geo-Marine, Inc.
Plano, Texas

Michael R. Polk
Sagebrush Archaeological
Consultants L.L.C.
Ogden, Utah

Dan Roberts
John Milner Associates, Inc.
West Chester, Pennsylvania

OSHA Training for CRM Practitioners

Mineral Wells, West Virginia
 May 19-21, 1998

The Council for West Virginia Archaeology has recently been awarded a \$6,860.00 training grant to provide OSHA training to small businesses in West Virginia. The grant is funded through the West Virginia Small Business Development Center. The goal of the Small Business Work Force (SBWF) program is to help companies receive the training needed to strengthen their business, give it a competitive edge, and allow for growth by providing training grants. Eligibility requirements are:

- 1) Fifty or fewer employees,
- 2) A for-profit organization,
- 3) West Virginia based for at least one year,
- 4) Less than 3.5 million in revenue,
- 5) Current with all West Virginia taxes, worker's compensation, and other insurance.

Horizon Research Consultants, Inc.'s, president, Dr. Gloria Gozdzik, initiated the process and wrote the grant. She also serves as the President of the Council for West Virginia Archaeology.

The American Cultural Resources Association (ACRA) will provide the training for ACRA members and eligible others who may be interested in attending the sessions. Expenses for the 2-day workshop will be in place thanks to the grant and the efforts of ACRA in developing the workshop. The grant allows for all qualifying ACRA members to take advantage of the workshop at no cost except for transportation, lodging, and meals. The costs associated for such training often run from \$500 to \$600, thus this is a real opportunity for those member firms that may be eligible to participate.

Course topics include an OSHA Overview, Liability Considerations, Related Regulatory Concerns, Chemical Hazards,

Biological Hazards, Physical Hazards, Equipment Demonstration - Excavation/Shoring, Electrical Hazards/Utility Hazards, and Health and Safety Program enforcement. A detailed course outline is available on the World Wide Web at: <http://www.horizoncrm.com/news/OSHA.html>.

The workshop will be held at the AmeriHost Inn in Mineral Wells, West Virginia (near Parkersburg), on May 19-21, 1998. A block of 20 rooms has been reserved at a cost of \$45 per room, per night. For reservations, call 800-434-5800 and specify that you will be there for the Council for West Virginia Archaeology OSHA training.

If anyone is interested in attending the OSHA training workshop, please contact either Dr. Gloria Gozdzik at Horizon Research Consultants, Inc., (304-599-5799 or ggozdzik@horizoncrm.com) or Chuck Niquette at Cultural Resource Analysts (606-252-4737 or CMNIQUETTE@AOL.COM).

ACRA's 1998 Annual Meeting

The fourth annual meeting of the American Cultural Resources Association will be held October 8-11, 1998, at the Embassy Suites Hotel in Englewood, Colorado. Englewood is located on the southern edge of Denver near the Denver Tech Center and is 30 miles from the Denver International Airport.

The conference will be hosted by Western Cultural Resource Management (WCRM) of Boulder, Colorado. This year's Conference Chair is Tom Lennon, WCRM's president. The program for the conference is still being finalized, but the conference will be structured much the same as past conferences:

Thursday, October 8 -
 Board of Directors Annual Meeting

Friday, October 9 -
 Registration, Workshops, and Reception

Saturday, October 10 -
 Registration, Plenary, and Sessions
 Sunday, October 11 -
 Members Annual Meeting

The accommodations for this year's conference are exceedingly nice. All rooms are 'King Suites,' each consisting of a private bedroom with a separate living room. Amenities included a dining/work table, wet bar, microwave, coffee maker, refrigerator, two telephones, and two remote control televisions with cable and in-room movies. Included in the \$89 room rate (single or double) is a complimentary cooked-to-order breakfast each morning, daily complimentary Manager's Reception with alcoholic and nonalcoholic beverages, an indoor pool, a whirlpool, and a fitness center.

Full conference details will be included in Registration Package that will be mailed to members this summer. However, if you have any questions, contact Tom Lennon, WCRM, 7765 Durham Circle, Boulder, CO 80301; 303-449-1151; E-mail: WCRM@ix.netcom.com.

LABOR RELATIONS COMMITTEE REPORT

March 25, 1998
Seattle, Washington

The Wage Determination Front

Review of the November 1997 DOL Meeting

On November 12, 1997 the DOL hosted a meeting with UAFT, representatives of the AFL-CIO and the International Union of Operating Engineers, the USDA Forest Service, the Corps of Engineers, TCR-Carrow, and ACRA. The purpose of the meeting was to discuss the new 3-tiered structure for Archaeological Field Technician. In a consensus position, the agencies and ACRA reiterated that 1) the old system was untenable and 2) the new system is not perfect, but at present there is insufficient information to conclude that the 3-tiered system does not work. In fact, ACRA's current concern is that reopening the issue may result in a regression to job descriptions and wage grades for Archaeological Technician which are significantly outside of mainstream practice (i.e., UAFT's agenda).

The Committee on Prevailing Wage Compliance

In January 1998 some ACRA members received a flyer from the Committee for Prevailing Wage Compliance (CPWC). The CPWC flyer was apparently sent by the UAFT in an attempt to assert their interpretation of the revised Archaeological Technician position descriptions and the November meeting with DOL. Maury Baskin provided ACRA with a brief review of the CPWC flyer on February 12, 1998; his review was subsequently distributed to the membership. The committee has assembled a list of additional questions for Baskin's response having to do with the current wage determination situation as well as other wage and hour labor questions associated with Archaeological Technician employment. This information will be disseminated to the membership, when available.

The Current Situation

The Labor Relations Committee continues to monitor the situation. We plan to file a Freedom of Information Act request to review all correspondence concerning this issue to date. The Committee also plans to prepare an analysis of the difference between prevailing wages and Federal wage determinations. Our goal will be to establish a database to support a member firm in their challenge to the DOL. We may also be able to take this analysis to the Bureau of Labor Statistics (at the state level), identify how the wage determination rates were determined, and assist with a realignment of the wage to a rate more equitable to the area.

Clearly, one of the issues generated by this situation is a sense of frustration in the CRM community about where to draw the line with UAFT in terms of ACRA taking the lead in interpreting DOL's recently revised Archaeological Technician position descriptions.

To understand the situation let's start with the proposition that the DOL in this administration wants to do the union's bidding. In this light, ACRA is quite fortunate to have achieved any changes and it is unreasonable to think we will continue to be this lucky. Remember, what we have achieved has been accomplished through our support for, and association with, the federal agencies - and the support has been mutual to this point. Our gains were made because we were able to act surreptitiously without UAFT's knowledge: UAFT dropped the ball. I guarantee the UAFT will not let this happen again. The meeting last November with UAFT and DOL only happened because UAFT wanted to make absolutely certain that DOL affirmed their place at the table. UAFT is now fully tuned in and DOL has indicated that no new decisions will be made without UAFT input.

Furthermore, you must remember that the agencies, while acknowledging victory with the DOL, also recognize that the new position descriptions are less than perfect. However, rather than returning immediately to prolonged negotiations with UAFT and the DOL over yet another set of position descriptions, the agencies have collectively agreed to let some time (and precedent) pass before revisiting the issue. If we break ranks with the federal agencies, ACRA's voice in this issue will certainly be diminished at the DOL plus we risk alienating the agencies and loosing our positive association.

At the November DOL meeting ACRA and the agencies stated that the current situation should be tested. This position recognizes that, while there may be confusion at all levels about how to implement the classifications, until the DOL rules that a violation has occurred, it is premature to say the system is not working.

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... LABOR *cont.*

What about the option of breaking rank with the agencies and establishing once and for all ACRA's interpretation of the descriptions? To accomplish this, ACRA would need to go on record with the DOL and request an opinion concerning a specific situation from the DOL Wage and Hour W&H Administrator. Based on a very specific scenario we could request a written answer for "good faith" defense. However, keep in mind that the DOL would send our request to the UAFT for their opinion before responding to us. Furthermore, this course of action would take about a year before we receive an answer. On the other hand, if we don't go to the W&H administrator then UAFT will have to find specific contractors who they felt were underpaying their employees. Then UAFT would file a complaint to the DOL who then sends an investigator to make sense out of the job descriptions and determine who was underpaid for which tasks. It is most likely that this type of complaint would be handled by DOL at the regional level and it is not automatic that ACRA members will be found in violation for their interpretation of the position descriptions.

In a more positive light, appealing unrealistically high wage determinations is a worthwhile pursuit for ACRA. The procedure for challenging wage determinations is this: on a specific project RFP, a contractor files a challenge using evidence based on private-work wage surveys and demonstrating that comparable federal employees

don't make as much as proscribed under the wage determination. The challenger takes this information to DOL W&H (and concurrently files with the soliciting agency) at the regional level. This procedure is very slow and the challenger is faced with the question of what happens to the bid while the appeal is pending. If the agency does not want to wait for a DOL response then the job goes forward; although it is possible that the agency may recognize the appeal and modify the contract mid-term. In filing the appeal it would be important for the challenger to show why the wage determination is not appropriate (i.e., not because of the job duties but because the Tech 1 position should be comparable to a GS4, and a GS 4 does not make \$17/hr, nor does anyone employed in the private sector).

Other Labor Relations Committee News

Apprenticeship Program

The Labor Relations Committee is currently working in conjunction with the Education Committee on drawing up plans for an Archaeological Technicians' Apprenticeship Program following the statutes detailed in the Apprenticeship Program in the Bureau of Apprenticeship and Training arm of the Department of Labor. This government program was outlined for the Board of Directors at the March 25, 1998, meeting and the committee was asked to clarify several points in the government's program before drawing up a structured plan for the Archaeological Technicians Apprenticeship Program. Further details on this program will be announced when the committee has had an opportunity to address the comments from the Board.

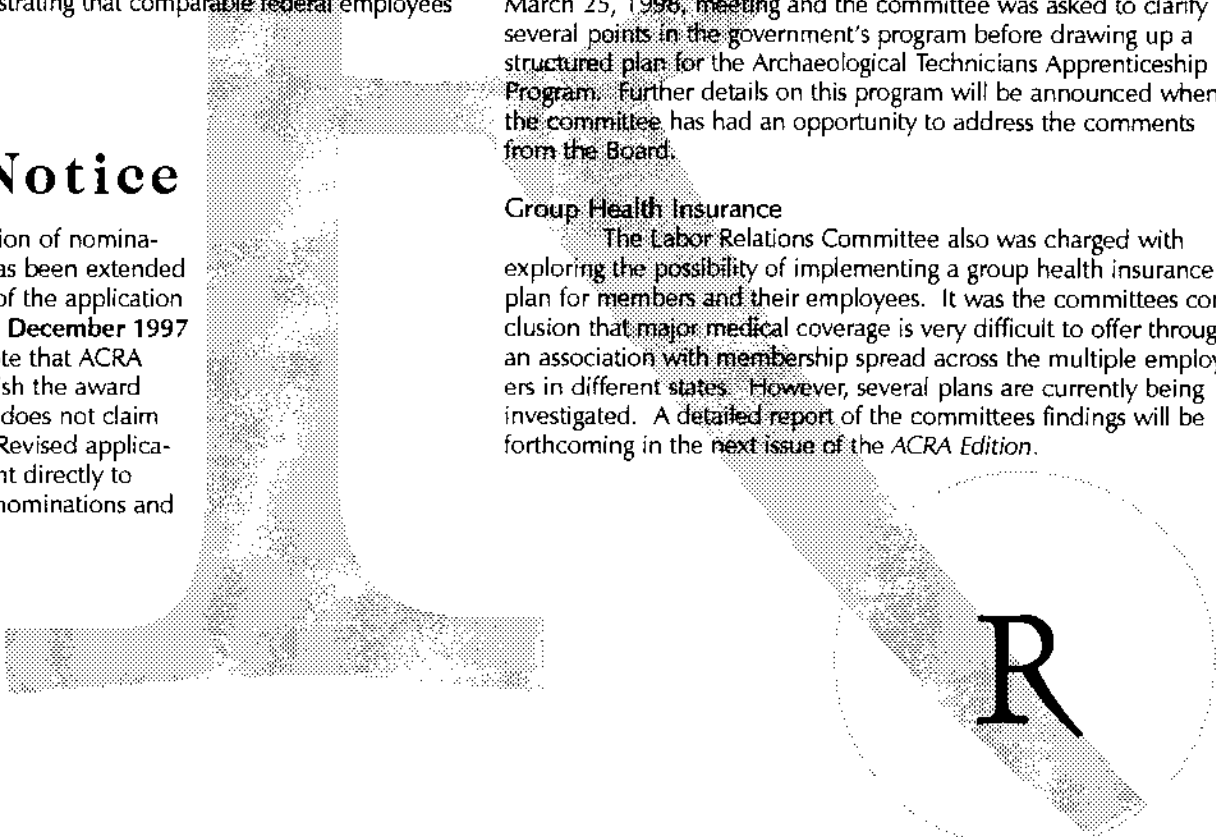
Group Health Insurance

The Labor Relations Committee also was charged with exploring the possibility of implementing a group health insurance plan for members and their employees. It was the committee's conclusion that major medical coverage is very difficult to offer through an association with membership spread across the multiple employers in different states. However, several plans are currently being investigated. A detailed report of the committee's findings will be forthcoming in the next issue of the *ACRA Edition*.

ACRA Awards Notice

The deadline for submission of nominations for ACRA Awards has been extended to July 1, 1998. A copy of the application form can be found in the **December 1997 ACRA Edition**. Please note that ACRA reserves the right to publish the award announcements first and does not claim rights to the work itself. Revised application forms will also be sent directly to members. Please direct nominations and questions to:

Charissa Wang, AIA
 ACRA Awards Chair
 c/o Hardlines:
 Design & Delineation
 4608 Indianola Avenue
 Columbus, Ohio 43214
 tel: 614-784-8733
 FAX: 614-784-9336
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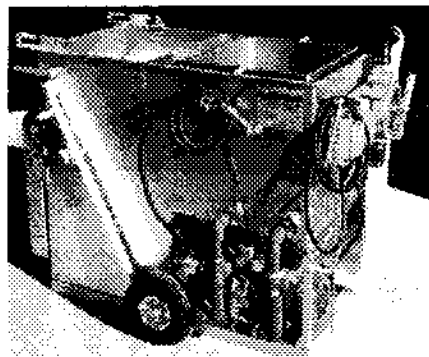
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ACRA Treasurer's Report

March 1998
 Submitted by Don Weir

Financial

The year ending 1997 resulted in a budget surplus of approximately \$15,500.00. This has been carried forward to 1998. Dues for 1997 were \$47,052.50, which does not include \$2,700.00 in 1997 dues recognized in 1996. Dues collected as of March 16, 1998, are \$30,900.00

Cash

The bank balance for ACRA's Business Account as of March 16, 1998, is \$52,001.11. Current balance in the Video Fund is \$501.71. The Legal Fund balance is \$2,569.89. There are no outstanding legal bills at this time. Donations to the Legal Fund are \$2,025.00 for 1998.

Tax Status

On the advice of a CPA, we have filed an extension for our 1997 Tax Return. This is now due on September 30, 1998. An estimated tax payment of \$850.00 was made. Tax forms for 1996 have not been filed. The amount of our final tax liability for 1996 and 1997 will be determined, in part, by what portion of our lobbying costs are deductible as business expenses.

Once we determine our tax liability for 1996 and 1997, we can proceed with the application for Tax-Exempt Status.

ACRA Board Meeting held March 25, 1998, in Seattle, Washington, during the annual meeting of the Society for American Archaeology.



Seated: Anne Hubber, Kay Simpson, Patrick O'Bannon, Dana McGowan, Loretta Neumann, Susan Chandler, Charrisa Wang, Kathryn Toepel.
 Standing: Mike Polk, Loretta Lautzenheiser, Kevin Pape, David Ketz, Don Weir, Cory Breternitz, Chuck Niquette, Tom Lennon, Tom Wheaton.

A C R A O f f i c e r s 1 9 9 7 - 1 9 9 8

President Elect
 Cory D. Breternitz

Treasurer
 Donald Weir

STRAIGHT FROM THE T-SQUARE

Associate Editor Donald M. Durst, Architect

"By Who's Definition"

There is a growing and vocal call from medium size firms in the architectural and engineering (A-E) industry to increase the definition of small business from its current position of \$2.5 million. The medium size A-E firms argue that they reach the current size definition too quickly and they lose their small business status.

The Small Business Administration (SBA), a supposed advocate of small businesses, proposes to raise the size standard for engineering firms to \$7.5 million and to increase the standards for surveying and mapping firms to \$3.5 million. SBA is undecided about what the definition should be for architectural firms. The current different size standards creates a confusing problem for federal agencies who are trying to procure multiple services at the same time—a common practice today.

Federal agencies often procure architectural, engineering, and environmental services under one contract. Federal agencies bundle these services together in Indefinite Delivery-Indefinite Quantity (IDIQ) contracts. IDIQ contracts are multiple year and open ended agreements that are awarded to a single firm. These IDIQ contracts allow federal agencies to work directly with one contractor for the life agreement without any additional solicitations regardless of the type of services.

The American Institute of Architects (AIA) and its membership are split on this issue. AIA feels that raising the size standard may extend the number of qualified firms competing for the same contract and facilitate agencies in meeting their small business requirements. However, there is concern

from AIA members belonging to smaller and emerging firms that raising the size standard will block them from winning a fair portion of federal contracts.

Since 1988, SBA has not raised the definition for architectural firms. Some believe the size standard should be raised to keep up with inflation. An increase due to inflation raises the size standard to \$3.8 million. However, the SBA wishes not to use inflation as the sole determining factor. Instead, the SBA claims to use four factors in determining if a new size standard is actually warranted.

First, SBA compares the average firm size with the total industry revenue. Second, they review the distribution of firms by size. If the majority of an industry's output is by smaller firms, this would tend to support a low size standard. Third, SBA looks at the start-up cost for a business. If an industry has a high start-up cost, then the small business definition should be higher. Finally, the SBA assesses the competition within an industry as measured by the proportion or the share of the industry sales garnered by the producers above a relatively large firm size.

ACRA membership consists primarily of small businesses. Although there are fewer pure CRM solicitations than A-E contracts, any increase in the size standard will have a pronounced effect on our industry. CRM firms relying on subcontracts from environmental engineering companies will be hurt because that prime may now qualify as a small business. This prime contractor no longer has to meet any small business requirements. Historically, state agencies

follow federal definitions as a basis for their own guidelines. If the federal government raises the definition, state and city governments will follow.

It was originally believed that raising the small business procurement from \$25,000 to \$100,000 would generate additional opportunities for small firms. Instead, we have seen the proliferation of IDIQ where less than \$100,000 delivery orders are bundled together and awarded to large firms, thereby circumventing the original intention of the law.

The Department of Defense (DOD) stated at a recent AIA meeting that they cannot release contracts for less than a \$100,000, which coincidentally is the small business threshold. However, the DOD will bundle individual task orders of less than \$100,000 into a single mega-IDIQ contract. The result — small businesses must either compete against very large firms (and most likely lose), or join a team as a subcontractor and give up control.

As a result, it is unlikely that raising the small business standard will truly benefit small firms. It is already difficult to convince other federal agencies to place contracts into small business set-aside programs. Many contracting officers think that small businesses do not have the capacity to complete a contract and therefore they will not even provide an opportunity to small and emerging firms. This policy has a detrimental and snowball effect.

When a small firm responds to a full and open solicitation, they are typically rejected out-right by the procuring agency. The small firm then applies to the next solic-

itation, again they are rejected. Eventually, they will feel there is no chance of being selected by the procuring agency, therefore, they choose not to even respond anymore. Later, federal agencies say they cannot get small business to respond to their solicitations and they actually wonder why.

Raising the small business standard will have detrimental effects on small businesses, especially the smaller and emerging firms. The increase will benefit only a few firms that are in the transition of becoming a large firm. When a firm reaches the threshold of transforming from a small business to large one, that company must decide which arena they wish to present themselves. If a firm wishes to remain small, they must conform to the established standards and not reinvent the standards as they grow.

Small business owners need to write to the SBA and to their congressional representative to protest the proposed increase of the definition, to express concern over the lack of small business set-aside projects, and to protest the bundling of small projects into mega-IDIQ contracts. Written comments should be sent to:

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ARCHAEOLOGY NEWS

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"Some Comments on Point Typology"

I hoped to use this second column to address the comments that I had solicited in my introductory statement to the readers, but I have not received any comments yet. I am keenly interested in the comments of the readers and hope to be able to provide a forum for the expression of your opinions on archaeological issues. Failing that, I may resort to printing beer recipes. I make a very good pale ale.

But there are more germane topics to be addressed first. Having been working with projectile points lately, I'd like to use this issue to express some of my thoughts on points. Like most archaeologists that work with prehistoric materials, especially lithic artifacts, I've used points as temporal diagnostics, often without much thought about the assumptions behind these temporal assignments. Projectile points are a product of individuals within a particular cultural group and point styles should be thought of as culturally diagnostic and not necessarily a temporal indicator. This topic has been explored at length in the literature and would probably be best reserved for a future issue (anyone interested in writing on this topic is invited to contact me). Projectile point types tend to be considered as indicators of a broad period of time, often spanning thousands of years. This imprecision makes those of us who work with lithics envious of ceramics specialists who work with artifacts associated with much narrower time frames. In some areas more careful examinations of points and their associated assemblages has led to the development of pre-ceramic phases. This has been especially successful in the American Bottoms where points formerly associated with the entire Late Archaic are now more specifically associated with a roughly 400 year long phase (McElrath 1993).

Subtle variations within point types such as degree of basal thinning and the angle of notches may in some instances be more culturally or temporally sensitive within the

broad morphological characteristics that are used to identify named types. I am currently working with an assemblage where the aspects of these two mentioned characteristics are co-occurring. The degree of basal thinning is more pronounced on the side-notched points from one of the Late Archaic components than on the other. Also, the notches of one set of points are angled differently than the other. Unfortunately, the number of points is small, and the organic preservation is poor and the dates are questionable. However, these kinds of variables will continue to receive my attention.

While I have noted the potential use for considering subdivisions within point types, there is also a great deal of overlap between different named types. Having studied and done archaeological work in several regions of the United States, I've noticed that many different named point types are morphologically similar and are diagnostic to the same period. To see this, one need only look through a point guide such as the manuals published by the Oklahoma Anthropological Society (Bell 1958, 1960; Perino 1968, 1971). Looking through these guides, I often wonder if the increased regionaliza-

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tion thought to have occurred through time is in fact a product of our typologies and a desire that most of us have to name things. Noel Justice, in his book on projectile points, considers this aspect of named types by grouping points into clusters of types that resemble one another in form and manufacture technique (1987). Justice also provides lists of other named types that fall within the defined characteristics of the clusters or types within clusters. I find his technique to be well reasoned and recommend this manual to anyone working in the eastern half of the country. Similar point groupings based

on morphology have been used by other researchers, including myself, for specific projects. One notable example of this technique was done for the points from the Cannon Reservoir project in northeastern Missouri, which resulted in the publication of a very useful dated point sequence (O'Brien and Warren 1983).

So, in my opinion, the examination of projectile points has often resulted in too many named types with overlapping characteristics and also in too few subdivisions within types. While this may seem contradictory, I think that the consideration of sub-

tle variables within types could allow for points to be better used as more specific cultural and temporal markers. At the same time, the grosser morphological correlates indicate the broader patterns that may relate to the connections between contemporaneous cultural groups and within a cultural group through time.

As I have previously stated, I welcome any comments on this or another topic. I can be reached via e-mail at flint26@salamader.com or by post at P.O. Box 34, Decorah, IA 52101.

EDDIE RICKENBACKER HOUSE UPDATE

Charissa Wang

In last September's *ACRA Edition*, John Gladden, AIA, announced the drive to save the Eddie Rickenbacker House. Although the fate of the property has not been completely determined, the situation is looking brighter.

Since September, much work has been accomplished. A Phase I environmental assessment was completed for the property. A written strategy and management plan has been presented to the City of Columbus along with a Short & Long Term Facility Maintenance Plan. The next step is to obtain an appraisal of the property.

A coalition of community groups and professional organizations is still negotiating with the current owner over the purchase price of the house. This diverse coalition is composed of local residents, Columbus Housing Partnership, Livingston Avenue Collaborative for Community Development, Driving Park Area Commission, Columbus Landmarks Foundation, Columbus Neighborhood Design Assistance Center, and the Columbus Chapter of the American Institute of Architects.

The Eddie Rickenbacker House, located on the east side of Columbus, Ohio, was the boyhood home of Rickenbacker and is a National Historic Landmark. Rickenbacker was the most decorated combat pilot of World War I and later became president of Eastern Airlines.

It is the goal of the coalition to preserve the house at its original location and to ensure the property is maintained and becomes a contributing building to the neighborhood. Our call to all aviation buffs and military historians still stands: we welcome your thoughts, time, and contributions to save the Eddie Rickenbacker House.

For additional information:

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