

June 2005

### ***Summer Meeting Set for July 16-20***

More than 200 MAPPS members and family members will convene in the Great Smoky Mountains of the Western Carolina city of Asheville for the annual MAPPS Summer Conference, July 16-20. The Grove Park Inn, featured on the *Conde Nast* "Gold List", and selected by *Travel & Leisure* as one of the top 500 resorts in the world and top 50 in North America, is the special site for this year's conference.

MAPPS members from across the United States and Canada will gather to focus on the future of the geospatial profession. Principals, owners, partners and senior executives in leading geospatial firms will attend educational sessions, share information, and network as well as build teams and strategic partnerships throughout the Conference.

General Sessions will focus on the future of the profession through a variety of forums. Of the many sessions, registrants will attend *The Next Generation of Geospatial Professions: Training Entry-Level Workers for Geospatial Careers* presented by Chad Ray of Central Piedmont Community College; *Training Future Leaders: Online and Distance Learning* with Pamela Lawhead, PhD, of the University of Mississippi; *Replanting and Reinvesting in Ownership* by Brian Burnett of Bohannon-Huston, Inc.; The Next Generation of Digital Airborne Sensors involves a panel of data producers and end-user clients offering perspectives on the future of sensors. Through the Looking Glass will outline the future of the geospatial market by market analysts. The Conference's informational sessions also include What's Happening in Congress that Affects MAPPS Membership with MAPPS Executive Director John Palatiello; a panel that will discuss Where are We in Licensing of Photogrammetrists including Mike Ritchie of Photo Science and MAPPS Licensing Committee Chair along with Stan Ponce of the USGS and NCEES Deputy Executive Director Jerry Carter; and How to Read and Interpret Your Financial Statements presented with a magical touch by Bob Mark of Air-Land Surveys. Finally, MAPPS members will vote for new board members and attend to other issues during their Annual Business Meeting. The MAPPS conference is family and kid-friendly. Social events include an evening at the Biltmore Estate Winery and a candlelight tour of the Mansion, whitewater rafting, a golf scramble, and an optional trip to the renowned outdoor theater production of *Unto These Hills* in Cherokee, NC.

MAPPS offers special thanks to Conference sponsors: BAE Systems, DigitalGlobe, Intergraph, Optech, Orbimage, Photo Science, and Vexcel. The conference is open to both MAPPS members and non-members, with significant rate reductions for members. For information on membership and the conference, visit MAPPS at [www.mapps.org](http://www.mapps.org).

### ***MAPPS Testifies on Federal Land Inventory***

"The recent revelation of the identity of who *Deep Throat* was in Watergate, reminds me of the seminal question Senator Howard Baker coined during the Watergate hearings. He asked, 'What did the President know and when did he know it?' In the context of today's hearing, the question is 'What does the Federal government own, and where does it own it?'" MAPPS Executive Director John Palatiello told a Congressional Committee on June 15.



He told the Subcommittee on Forests and Forest Health of the House Resources Committee, "The answer, Mr. Chairman, is the Federal government does not know what it owns, where it owns it, what condition it is in, what its appraised or market value is, what its characteristics are, whether it is still in the public interest for the government to own it, whether it should be surplus and disposed, or what its designated use should be."

*Palatiello testified in support of H.R. 1370, the Federal Land Asset Inventory Reform (FLAIR) Act, introduced by Representative Chris Cannon (R-UT). The bill now has 17 cosponsors.*



# President's Column

by Ken Fleming  
MAPPS President

Recently, my mother-in-law, who owned Park Aerial Surveys, Inc. until 1999, was cleaning out some boxes in her basement when she came across an old file titled MAPPS, which she forwarded to me. Among the documents, there was a list of attendees for the 1983 Vail, Colorado MAPPS Convention as well as the 1988 membership list.

On reflecting on this information and serving as your President, it gave me a deeper appreciation of the tradition, fellowship, and mission MAPPS possesses; and that MAPPS is bigger than any one company or person, and the responsibility and accountability the Board of Directors assumes year in and year out is immeasurable. I am ever so humble to have carried on the tradition, values and mission of MAPPS. As I have talked to people about the last two years, we recognize that MAPPS has faced and embraced many challenges with professionalism, integrity, and passion.

We are a group of individuals with diverse opinions, backgrounds, and experiences, yet we find common ground in many areas of which we all should be proud. However, we need to remain focused on QBS, as it is continuing to be challenged, as well as licensing our professionals.

The new leadership of your association will be addressing several issues that will test our cohesiveness, will, and resolve. You should know that by combining our association's resources with the experienced, well seasoned Board of Directors, each issue that impacts the public health and safety of the citizens of the United States is seriously considered and discussed to ensure the quality of life is held at a premium. Also, it should be known that your Executive Director, John Palatiello, is a vital component and valuable resource to our association.

When I stepped into the Presidency in the summer of 2003, I laid out a multi-point plan to address the current issues. Each objective, I am happy to say, has been accomplished or we are continuing to fight the fight. These issues included 1) making the association stronger by being more membership driven, increasing the staff support, expanding the Board of Directors and making the nominations process more transparent; 2) addressing the licensing of our professionals; 3) continuing our aggressiveness in the federal market with initiatives such as assisting DHS with a geospatial office, keeping the pressure on federal agencies to adhere to QBS standards and participating and engaging in several legislative measures that effect the geospatial community; 4) recognizing that we live in a global community, but are steadfast in the security of our infrastructure by finding solutions to offshoring work; and 5) increasing the MAPPS PAC reserves to promote those candidates that share our vision.

The membership has grown about 10% over the past two years by active members relaying the benefits of MAPPS to others. Our financial footing is solid to support our initiatives as well as a Board of Directors structured investment strategy to maximize our assets. The programs at our meetings were planned to increase value by addressing sensitive and diverse subjects, all through the efforts of our Programs Committee. This association is only as good as its' members and it is you who make it strong and influential.

I have been involved in other leadership positions in other organizations, but the fellowship, mission, and accomplishments I shared with you have been the most rewarding. Since the beginning of MAPPS, my family has been involved in many facets of this association; and as a Board member and President, it has been an honor to listen to you and to serve you. My best to each of you.

## ***New MAPPS Board Members Nominated***

Five MAPPS member firm principals will be nominated for positions on the association's Board of Directors at the association's annual meeting in Asheville, NC. The nominees are Dave Hart (Continental Mapping Consultants, Sun Prairie, WI), Dick McDonald (Michael Baker, Jr., Inc., Beaver, PA), Michael Bullock (incumbent) (Intermap Technologies, Inc., Englewood, CO), Anne Miglaresse (EarthData, Frederick, MD), and Brant Howard (CompassData, Centennial, CO).

Earlier this year, MAPPS President Ken Fleming appointed former Director Ron Drake (Wilson & Company, Inc., Salina, KS) and current Director Tim Lowe (Lowe Engineers, Atlanta, GA) as Co-Chairman of the 2005 Nominations Committee. Joining Messrs. Drake and Lowe on the committee were Harry Stiller (HAS Images, Dayton, OH), Susan Marlow (Smart Data Strategies, Franklin, TN), Bobby Tuck (Tuck Mapping Solutions, Big Stone Gap, VA), Bob Richards (Fugro Pelagos, Anchorage, AK), Brant Howard (CompassData, Inc., Centennial, CO), Mark Mattox (EMC, Inc., Greenwood, MS), and Larry Deibert (Horizons, Inc., Rapid City, SD).

The Nominations Committee made its recommendation to the Board of Directors. The slate has been recommended to the full membership by the MAPPS Board. Elections for the positions will be held during the MAPPS Annual Business Meeting at the Summer Meeting in Asheville, NC on Tuesday, July 19. In accordance with the Bylaws and Robert's Rules, additional nominations can be made from the floor by a member in good standing at the Annual Business Meeting at which elections are held. Individuals nominated must also be members in good standing.

## ***Land Inventory*** (continued from page 1)

"Once the multipurpose inventory is complete, the government can become a better real property asset manager, and a responsible steward of its land holdings. This will result in more efficient land management, again providing savings. Additionally, areas for multiple-use can be better identified, thus enhancing the American citizens' use of public lands and generate more revenue from leasing, mineral rights, recreation and fees from other activities. Moreover, legislation to facilitate a process by which the Federal Government can more efficiently sell its surplus lands can be enacted. This will not only help state and local government by providing them land they can manage as open space, or these lands can be sold to the private sector for economic development, thus expanding the local tax base and creating jobs. The proceeds of these sales can be used to balance the budget and pay down the debt, be invested in higher priority activities such as roads, schools, parks, environmental protection, resource management and maintenance in our National Parks," Palatiello said.

The FLAIR Act defines the inventory in accordance with the data content recommendations of the National Academy of Sciences 1980 Report "Need for a Multipurpose Cadastre" and several subsequent reports.

## ***Groat Resigns as USGS Director***

Secretary of the Interior Gale A. Norton announced the resignation of Dr. Charles G. Groat as Director of the U.S. Geological Survey (USGS). Dr. Groat will resume his distinguished academic career, accepting appointments at the University of Texas at Austin, effective June 17, 2005.

Dr. Groat was confirmed as the 13th Director of the USGS on November 13, 1998. He plans to accept appointments as the Jackson Chair in Energy and Mineral Resources in the School of Geosciences and the founding Director of the Center for International Energy, and Environmental Policy at the University of Texas at Austin. Before his 1998 appointment as USGS Director, Groat served as Associate Vice President for Research and Sponsored Projects at the University of Texas, at El Paso, following three years as Director of the Center for Environmental Resource Management. He was also Director of the university's Environmental Science and Engineering Ph.D. Program and a Professor of Geological Sciences.

Secretary Norton named Dr. P. Patrick Leahy as acting director. Leahy is currently the associate director for Geology of the USGS. A permanent replacement must be nominated by President Bush and confirmed by the U.S. Senate. By law, the USGS Director must be a geologist.

## ***NOAA Seeks Comments on Contracting Policy***

The National Oceanic and Atmospheric Administration (NOAA) is seeking comments on its policy on contracting with the private sector for mapping and charting services. **Comments are due July 3.** The solicitation of comments was prompted by legislation passed by Congress last year, with MAPPS support, after NOAA acquired a digital aerial camera that many firms believed duplicated and competed with the private sector. To view the NOAA notice and talking points developed by MAPPS, visit the MAPPS web site, <http://www.mapps.org/regnews.asp>.

## ***BLM Hires More In-House Cadastral Surveyors***

As part of an ongoing effort to conduct land surveying in Indian country, the Bureau of Land Management (BLM), Office of the Special Trustee for American Indians, and Bureau of Indian Affairs (BIA) has hired land surveyors specifically for Indian lands in six regions. "It gives me great satisfaction to welcome these new employees to Washington," said Ross Swimmer, the Interior Department's Special Trustee for American Indians, who hosted the meeting. "They will play a key role in managing administrative duties and providing technical guidance on survey services performed in Indian Country, and in improving service to individual and tribal trust beneficiaries."

The six new surveyors are part of a larger effort to hire land professionals and develop the Certified Federal Survey Program for licensed land surveyors to establish legal boundaries on Indian lands. Another six are slated to be hired in 2006, ultimately allowing one surveyor to be assigned to each BIA regional office.

"These surveyors will work with the federal agencies and individual tribes to ensure that high-priority work is addressed first," said Jim Hughes, Deputy Director for the BLM, who will also attend the meeting. "Since the Tribes themselves have identified the projects that need to be addressed, the surveying work will address real, on-the-ground concerns," he added.

The new surveyors are Michael Beale, Great Plains Region (Aberdeen, South Dakota); Thomas Caster, Northwest Region (Portland, Oregon); Roger Green, Midwest Region (Fort Snelling, Minnesota); Daniel Ontiveros, Eastern Oklahoma Region (Muskogee, Oklahoma); Ronald Scherler, Navajo Region (Gallup, New Mexico); Richard Widmar, Southern Plains Region (Anadarko, Oklahoma).

Cadastral surveys establish land boundaries and subdivisions that create units suitable for transfer or define the limitations of a parcel's title. Surveyors also identify and establish the legal boundaries between public and private lands to determine the extent and nature of private rights adjoining public or Indian lands for both the surface and subsurface estate. The Office of Management and Budget has long considered surveying a commercial activity. At this writing, it is not known if an OMB Circular A-76 review has been conducted to justify in-house performance of a commercial activity.

## ***MAPPS Board Sets Strategy for QBS Clarification***

Since the founding of MAPPS in 1982, one of the foundations of the association has been support for the qualifications based selection (QBS) process for selection of firms to perform architecture, engineering, surveying, mapping, and geospatial services. Support for QBS has often been called the "holy grail" of MAPPS. Codified in the "Brooks Act" (40 U.S.C. 1101-1104) for Federal agencies, more than 35 state legislatures have enacted "mini-Brooks Acts", state laws which provide for QBS for state agencies, and in some instances, local government as well. QBS for surveying and mapping is also recommended by the American Bar Association in its Model Procurement Code for State and Local Government.

On numerous occasions, Congress has clarified its intent that the Brooks Act applies to a wide range of surveying and mapping contracts. For a number of years, after Congress enacted a new definition of services to which QBS applied by actually amending the Brooks Act in 1988, all Federal agencies were generally complying with the law and using QBS on their surveying and mapping contracts. The exception was the Defense Mapping Agency (DMA), (later known as the National Imagery and Mapping Agency (NIMA) and now as the National Geospatial Intelligence Agency (NGA)).

## ***QBS*** (continued)

Since that time, Congress again clarified its intent and NIMA used QBS on its “Omnibus” contracts and NGA on its “Global Geospatial Intelligence (GGI) contracts.

MAPPS has worked cooperatively with a number of agencies to help them understand their responsibilities under the law and to educate these Federal bureaus on the types of surveying, mapping and geospatial contracts to which QBS should apply. Programs such as the Census MAF/TIGER; Department of Transportation National Pipeline Mapping System (NPMS); FEMA Flood Map Modernization; NOAA shoreline, hydrographic and remote sensing; USGS digital orthophoto and Cartographic Services Contracts, and many others have used QBS for contractor selection, along with longstanding QBS proponent such as the Corps of Engineers and others.

However, when legislation to clarify compliance by DMA/NIMA/NGA was enacted in 1999, the implementing rules in the Federal Acquisition Regulation (FAR) were promulgated without public comment. Moreover, while Congress intended to broaden the application of QBS to mapping services, the regulation writers narrowed it. After several years of lobbying by MAPPS, a notice for public comment was finally published last year.

Concurrent with some of these actions, the U.S. Department of Agriculture issued contract solicitations for professional mapping services for its National Agriculture Imagery Program (NAIP). However, USDA did not follow the Brooks Act. MAPPS had been attempting to educate USDA personnel on the requirements of the Brooks Act under the law, as well as the benefits to the government, the private sector and the taxpayers.

Also concurrent with these actions, the National Council of Examiners for Engineers and Surveyors (NCEES) issued a new model law for surveying for consideration by the state legislatures. That model law includes photogrammetry and GIS within the definition of the practice of surveying, and MAPPS, working with an inter-society committee, has been able to get a “grandfather” provision added to the model law to permit qualified photogrammetrists and other geographic information professionals to be licensed without examination or additional education or experience.

On April 19, 2005, the Federal government’s Federal Acquisition Regulation Council, (FAR Council) issued its final determination on the public comments published last year.



**“Guiseppe saved \$1,000 by low bidding his mapping”**

The MAPPS Board, which has been working on this issue throughout this period, is deeply concerned about the conclusion of the FAR Council. The recent notice is replete with errors, misstatements of fact and inaccurate data. It misstates the legislative history of mapping in the Brooks Act, omits major legislation that Congress enacted to broaden the application of QBS to mapping, erroneously characterizes the NCEES model law, is factually incorrect about the status of state law and regulation.

This notice could have catastrophic affects on Federal agencies and the private geospatial community. Inappropriate interpretation and implementation of the FAR Council’s findings and commentary could result in recalcitrance beyond USDA, but among other agencies as well. (continued)

## ***QBS*** (continued)

To respond to these events, the MAPPS Board has unanimously approved a strategy for implementation. The Board has approved a significant initial investment from cash reserves to implement this strategy. The actions approved by the Board are as follows:

1. Legislation. MAPPS will continue to pursue legislation to provide a new, unambiguous statutory definition of surveying and mapping services subject to the Brooks Act. Such legislation, the Services Acquisition Reform Act, won House committee approval in the last Congress in H.R. 1837.
2. FAR Appeal. MAPPS will file an appeal of the FAR Council ruling. This appeal will outline where the April 19, 2005 FAR notice is factually incorrect.
3. Education and Public Relations. MAPPS will continue to educate key publics about the benefits of QBS. As new personnel enter the profession and new types of firms enter the membership, MAPPS has held sessions at its meetings, and presented papers at meetings of ASPRS, ACSM and other organizations, to help educate newcomers, as well as government agency personnel, learn about QBS, how it works, and its benefits. MAPPS has also published articles in trade publications to espouse the virtues of QBS, including sponsoring events and articles on the 30<sup>th</sup> anniversary of the enactment of the Brooks Act in 2003. MAPPS has also partnered with the U.S. Army Corps of Engineers on their education programs. The Corps has a 5-day A/E contracting course that it presents primarily to its own employees. On a space available basis, the Corps makes seats in the course available to personnel from other Federal agencies, state and local government and the private sector. MAPPS is one of a small handful of associations whom the Corps provides advance notice of its class offerings for the coming fiscal year and MAPPS then provides an invitation to its members, and the Federal, state and local government personnel with whom we interact, via FLIGHTLINE, the MAPPS web site and email notices. MAPPS and COFPAES (Council on Federal Procurement of Architectural & Engineering Services) are working on legislation to enhance the ability of the Corps to financially be able to present this course, particularly to private practitioners and government personnel outside the Corps. MAPPS has also hosted 1-day versions of this class at its joint specialty conferences with ASPRS and facilitated the class to be offered at the NOAA Coastal GeoTools Conference.
4. Protest Support. The MAPPS staff will assist member firms of MAPPS with technical assistance on GAO bid protests against agency contracts which fail to use QBS.
5. Litigation. The Board is consulting with law firms about the feasibility and practicality of suing the Federal government over this matter. Such action may be against an individual agency, or the government's procurement rulemaking structure.

The Board is continuing to meet by regular, periodic conference calls to monitor and act on these actions. Also, as a member of COFPAES, MAPPS is working with a coalition of the A/E societies and associations which share MAPPS concern. Stay informed of any new information through the MAPPS website.



*MAPPS Executive Director John Palatiello, who also serves as Administrator of COFPAES, promotes the Brooks Act before the Acquisition Advisory Panel, a study committee established by Congress to review Federal procurement procedures. To view Mr. Palatiello's presentation, [click here](#).*

## ***Federal Prison Industry Bill Introduced***

A bipartisan group of more than 70 members of Congress has introduced H.R. 2965, the Federal Prison Industries Competition in Contracting Act of 2005, in the U.S. House of Representatives. The bill is virtually identical to legislation passed by the House in 2003 by a 360-65 margin, but was not considered in the full Senate and died at the end of the 108<sup>th</sup> Congress. H.R. 2965 was introduced June 17 by Representatives Peter Hoekstra (R-MI), Barney Frank (D-MA), Carolyn Maloney (D-NY), Jim Sensenbrenner (R-WI) chairman of the Judiciary Committee, John Conyers (D-MI), the Judiciary Committee's ranking Democrat, and Howard Coble (R-NC), chairman of the Crime Subcommittee.

H.R. 2965 provides that FPI can still sell to federal agencies but requires federal agencies to use competitive procedures for the purchase of products and services, rather than a sole-source or preferential basis. It makes permanent the language included in the FY02 and FY03 Defense Authorization bills, the FY04 Consolidated Appropriations bill and the FY05 Omnibus Appropriations bill that were all signed into law by the President. Under H.R. 2965, agency contract officers, not FPI, would determine if FPI's offered products or services best meets buying agencies' needs in terms of quality and time of delivery. Most importantly, the bill provides new authorities for FPI that do not infringe on the private sector and its law abiding employees. The bill also clarifies and strengthens the prohibition on prisons entering the commercial market for services. It includes language, strongly sought by MAPPS, that would prohibit inmates from having access to classified data, critical infrastructure data, and personal or financial data such as credit card numbers, the address and value and tax assessments of others' homes, as well as location information on underground gas pipelines and other critical infrastructure that, if in the wrong hands, threatens security. It also protects Federal prime contractors and subcontractors at any tier from being forced to use products or services furnished by FPI.

## ***MAPPS, USGS Study National License for Geospatial Professionals***

In response to expressions of a deep and growing concern that the current system of licensing of photogrammetrists and other geographic information professionals on a state-by-state basis is not adequate to protect the public health, welfare and safety, as well as fails to properly facilitate professional practice in the marketplace, USGS Associate Director for the National Geospatial Programs Office Karen Siderelis has agreed to jointly study with MAPPS the feasibility of a national license.

Several states have enacted state legislation revising the definition of "surveying" to include photogrammetry and other GIS-related activities. Legislation is currently pending in other states, while some are being considered administrative revisions. The net effect of the current, independent, state-by-state licensing scheme is dislocation of practitioners, interference with interstate commerce, an ability of individuals and the firms in which they are employed to keep up with different state requirements and the lack of a workable reciprocity or "comity" process from state to state.

The working group is investigating issues with a goal of possibly hosting a workshop of affected and interested parties, similar to the MAPPS-USGS stakeholders held in New Orleans in 2000. The group includes MAPPS members Mike Ritchie (Photo Science., Inc., Lexington, KY), chairman of the MAPPS Licensing Committee, David Nale, (DigitalGlobe, Longmont, CO), Pat Olson (Aerometric, Sheboygan, WI), chairman of the MAPPS-USGS agency liaison committee, and Jeff Leonard (EarthData., Frederick, MD) and from USGS Stan Ponce (Reston, VA), Kari Craun (Rolla, MO) and George Lee (Menlo Park, CA). The team is writing a white paper on questions and issues, seeking legal advice from USGS attorneys on current statutes and authorities, including those authorizing the USGS camera calibration activity to determine if there is precedent for USGS implementation of a licensing program for individual practitioners or whether new legislation is necessary, and reviewing national and state mapping standards to ascertain how conflicts in standards may adversely affect programs such as The National Map. Mr. Ponce will make a presentation on the working group at the MAPPS Conference in North Carolina, July 16-20. Mr. Ritchie will present a history of MAPPS involvement and the current status of state legislation and NCEES Deputy Executive Director Jerry Carter will provide an overview of the state licensing law process.

## Upcoming MAPPS Meetings

**October 11, 2005**

MAPPS Fall Policy Conference  
Hyatt Regency on Capitol Hill  
Washington, DC

**January 27-January 31, 2006**

MAPPS Winter Meeting  
Presidente Intercontinental Los Cabos Resort  
Cabo San Lucas, Mexico

**March 13-15, 2006**

MAPPS Federal Programs Conference  
Hyatt Regency on Capitol Hill  
Washington, DC

**July 15-19, 2006**

MAPPS Summer Meeting  
Four Seasons Resort  
Whistler, BC Canada

**November 6-10, 2006**

MAPPS & ASPRS Specialty Conference  
Measuring the Earth: Digital Surface  
Modeling & Automated Feature Extraction  
San Antonio, TX