

ALABAMA UTILITY CONTRACTORS ASSOCIATION

TIM AYERS, EXECUTIVE DIRECTOR
NOVEMBER 2015

2015 Legislator of the Year:



AUCA President Ronnie Golden, Philip Lee, and Tim Ayers recently presented the inaugural "Legislator of the Year" Award to Representative Lynn Greer, Republican - House District 2 at the Huntsville Area Meeting.

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Representative Greer, who serves as the Chairperson of the House Transportation, Utilities & Infrastructure Committee, is a worthy recipient that has been a tremendous ally to AUCA on many critical Legislative issues in Montgomery. We look forward to continuing our strong working relationship with Representative Greer in the 2016 Legislative Session.

Happy Thanksgiving from AUCA

News & Notes:

OSHA Fines to Increase Significantly

OSHA fines will increase for the first time in a quarter century, under a provision in the recently signed congressional budget deal.

The Federal Civil Penalties Inflation Adjustment Act of 1990 exempted OSHA from increasing its penalties to account for inflation. The new budget, signed into law on November 2nd by President Obama, contains an amendment that strikes the exemption.

Now, OSHA is directed to issue an interim final rule increasing its penalties to account for current inflation levels, which would raise proposed fines by about 80 percent. This would mean the maximum penalty for a willful violation would rise to about \$127,000 from the current \$70,000. The adjustment must occur before August 1, 2016. In subsequent years, OSHA also will be allowed (for the first time) to adjust its penalties levels based on inflation.

The last time OSHA's maximum penalty levels were increased was in the Omnibus Budget Reconciliation Act of 1990.

Complimentary OSHA Consultation

HB NEXT has extended to following offer to all AUCA member companies:

If OSHA visits your jobsite, or issues a citation to an AUCA member company, immediately contact HB NEXT and they will treat this as a complimentary consulting call and not charge the AUCA member company for the call.



Phone: (770) 619-1669



News & Notes:

ALDOT Slow Payment Issues

We have received several complaints from AUCA member companies regarding the delay in payments from the Alabama Department of Transportation (ALDOT). So far, the backlog of payments has been mostly blamed on the state's recent switch to a new financial system, known as the State of Alabama Accounting and Reporting System (STAARS). This was implemented to replace a 25-year old system that had been used by the state.

While ALDOT was successful in having themselves exempted from the Prompt Payment Law that AUCA worked to pass in 2014, we will continue to apply whatever pressure we can in order to expedite the payment process on behalf of our members. If you have any issues with outstanding pay estimates, please contact the AUCA office and we will make every effort possible to help get you paid in a timely manner.

Davis-Bacon Survey Process Reminder

The Department of Labor is conducting a Davis-Bacon Prevailing Wage Rate Survey in Alabama from August 1, 2015 through February 29, 2016.

The survey includes all counties in Alabama, and covers Highway, and Building and Heavy Construction projects that were active during the time frame of January 1, 2014 - December 31, 2014.

A prevailing rate is not an average, but the rate that appears the most in the sample data collected. Therefore, it is imperative that Contractors participate in the survey to provide a realistic picture of wages in Alabama.

The survey process is only conducted every 5-7 years, so AUCA will be canvassing the membership to ensure that every company is aware of the significance of the process, and has the opportunity to participate.



News & Notes:

One-Call Notification System Study Commission Update:

AUCA Executive Director Tim Ayers was appointed to serve on The Alabama One-Call Study Commission by Senator Del Marsh. The Commission was formed in order to “study and make recommendations to the Legislature and Governor” regarding:

- The expedience and validity of only having a single One-Call notification system to serve the entire State of Alabama, including the appropriate governance, legislative oversight, and membership outreach practices of the organization
- The adequacy of the enforcement provisions of current law
- Other items related to the One-Call law that may increase the level of safety of its citizens

After meeting monthly since July, with supplemental Conference Calls between the meetings, the Commission has made tremendous headway. However, it was unanimously decided to extend the work of the Commission until 2016 in order to prepare a more complete report. Should any AUCA member have questions, or like to provide feedback regarding the One-Call Program from the Contractor’s perspective, please contact the AUCA office.

City of Birmingham Business License Fee Ordinance:

The “revised” City of Birmingham Business License Ordinance for Contractors will go into effect on January 1, 2016. The City had scheduled a License Seminar on November 12th, but postponed the event until a yet to be determined make-up date.

However, David Campbell from SubAla was on hand to discuss the Ordinance in detail at our November 17th Birmingham Area Meeting. If you have any questions, or would like to receive a full copy of the Ordinance, please contact the AUCA office.



News & Notes:



AUCA member Southern Light held a reception on November 12th at The Battle House Renaissance Hotel & Spa in Mobile to celebrate 17 years of providing next-generation fiber optic services. The event was very well attended and included Mayor Sandy Stimpson.



The National Academy of Public Accounting Professionals (NAPAP) has selected Stephen Von Hagel, CPA, of Barfield Murphy Shank & Smith, LLC in Birmingham as one of the 2015 "Top 10 Public Accounting Professional Rising Stars" in Alabama.

The award is designed to recognize outstanding public accounting.

AUCA Newest Member Company:
Brunson Nichols Construction Company, Inc.
Andalusia, AL
Company Representative: Todd Nichols

2016 AUCA Membership Dues Notices will go out in the mail in December. Be on the lookout for the notice.



Upcoming Events:



SAVE THE DATE
December 1, 2014

2nd Annual Alabama Construction Law Summit

Sponsored by the Construction Law Section of the
Alabama State Bar

Hyatt Regency Wynfrey Hotel in Birmingham

For information on sponsorship opportunities,
please contact Beacon Programs at 205 887 3000 or
beacon.programs@aol.com



December 2-3, 2015
**Trucks, Construction and Forestry
Equipment Auction**
Montgomery, AL

For more information visit
www.jmwood.com

AUCA Board of Directors Meeting
Wednesday, December 9, 2015
Montgomery, AL



Mark Your Calendars Today!



Recent AUCA Events:



**Tuscaloosa Area Meeting
November 10, 2015**



**Mobile Area Meeting
November 12, 2015**



**Birmingham Area Meeting
November 17, 2015**



**Huntsville Area Meeting
November 19, 2015**





AUCA MEMBER SPOTLIGHT: Forterra Pipe & Precast



Bill Goodwyn: (334) 262-6444
Jim Riis: (251) 633-4100
Larry Bruce (205) 332-7113
Billy Curtis (205) 758-8671

Hanson has changed its name to Forterra. As Forterra, we give form (For-) to the earth (-terra). We have taken this exciting opportunity to reinforce our mission and bolster our values, while providing a fresh, forward-thinking look and feel to our new name and branding.

The Forterra name and logo have replaced Hanson, but this is a change of branding only. Our company is still comprised of Pressure Pipe, Pipe & Precast, Brick, Roof Tile, and Structural Precast. Most importantly, the excellence and integrity you have come to expect from these products will remain steadfast. The same goes for our people. While our email and web addresses will also reflect the new Forterra name, the dedicated individuals you know and rely on are here and ready to serve you.



Forterra Pipe & Precast is an international building products company and one of the largest manufacturers of concrete products in North America. With facilities throughout the United States and Canada, Forterra Pipe & Precast is your single source for everything from storm drainage / retention structures and gravity pipe to precast bridges. Our ability to provide the best in construction products, smart engineering advice and complete support means you can expect the highest standards whenever you see the Forterra Pipe & Precast name. This commitment has made us a world leader, and it also makes us your best choice for jobs large and small.

Clean Water Construction Coalition Report

Bob Briant, Jr. - Chairman CWCC

Congress Working to Draft Omnibus Appropriations Bill

Congress is working to craft an omnibus appropriations measure in order to finalize spending levels for federal fiscal year 2016. This action follows the recent Budget agreement that was completed late last month between Congress and the Obama Administration. Federal agencies are currently operating under a continuing funding resolution that expires on December 11, 2016 and Congress must either pass an omnibus appropriations bill or again move a continuing resolution measure in order to keep the federal government operating.

The new budget deal revises spending totals for federal fiscal 2016 and provides an addition \$50 billion for federal budget while avoiding \$80 billion in mandatory sequestration cuts during federal fiscal 2016 and 2017. An omnibus bill is expected to be released the week of December 7, 2015, however, Republicans have discussed including policy riders in the omnibus legislation while Democrats have promised to stand firm against policy riders. Some of the riders that Republicans are introducing include repeals of recent USEPA rules to a measure blocking the Labor Department's proposed fiduciary rule for financial advisors.

Coalition representatives are vigorously advocating for higher clean water and drinking water funding amounts as well as full funding for the Corps of Engineers programs and other projects under the recently passed Water Resources Development Act. As previously reported, both the U.S. House and Senate proposed funding the Clean Water SRF program at \$1 billion and Safe Drinking Water program at \$750 million, while the Obama Administration has proposed similar funding cuts. We ask each Coalition member to contact their Congressional delegation members and urge them to fund the Clean Water and Drinking Water SRF programs, at a minimum, at the federal FY 2015 funding levels!



Health & Safety:

Provided by Josh Broaddus @ J. Smith Lanier & Company

Emergency Planning for Construction Sites

As creatures of habit, people sometimes do things "routinely" without thinking about them. Remember your routine this morning? Did you go through the motions without much thought? At work, do you take the same path "automatically?" This is not necessarily wrong, because your routines often save time and energy. But when it comes to emergency situations involving escape and evacuation, people tend to use the most familiar route too. Sometimes that route may not be the best way to escape.

To ensure your safety and well being, it is important to prepare carefully for emergencies. In the ever changing construction environment, this is particularly important. Construction sites are continuously faced with changes in the physical layout, changes in emergency devices available and in harmful exposures. Careful pre-planning of emergency procedures, prior to the start of a project and during changes in different construction phases, must be done and all crew members must be aware of these procedures.

The following steps are important components of an emergency action plan:

1. Get to know your entire layout--site, building or structure as best you can. Review a floor plan that identifies emergency exits, emergency equipment (i.e., fire extinguishers, hoses, standpipes, pull stations, etc.). This plan should be posted in conspicuous areas and show evacuation routes as well as meeting points.
2. Analyze potential emergency situations at your work site. Will the hazards change regularly, gradually or stay the same over a period of time?
3. Know where emergency phone numbers are posted at your work location. These include medical emergency personnel, police, fire, EPA, Coast Guard, health department, OSHA, utilities, insurance carriers, etc. Numbers should be conspicuously posted near telephones.
4. Know who has responsibility during emergencies. Who is assigned to contact emergency personnel, first aid responders, fire brigades and a cleanup team? Who is assigned to talk to the media if they show up? Responses will be more efficient if



Health & Safety:

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everyone knows whose job it is to serve as incident commander, or to take specific steps.

5. When emergency devices such as personnel protective equipment, fire extinguishers, etc. must be used, do all co-workers know how to use this equipment correctly?
6. Practice the emergency procedures to ensure their effectiveness.
7. Remember that emergency procedures must be updated whenever there is a change in the operation, hazardous exposures, physical layout or if new employees are working in the location. Weekly safety meetings are a good time for review.

The last thing you want to think about during an emergency is how to evacuate or escape--especially if your most familiar route is not accessible. Knowing the emergency plan and being aware of surrounding conditions can mean the difference between quick action and the wrong action. Your safety and the survival of all crew members depends on taking the *right* action!



A Solution For Employers

Contractors Retirement Plan Features:

Employer

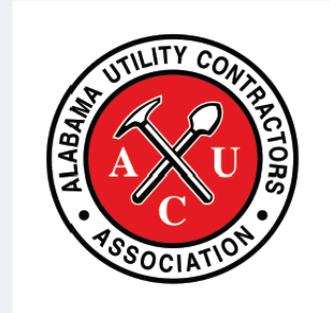
- No cost to employer, no TPA or audit fees
- Fiduciary relief from most 401k liabilities
- Powerful recruiting and retention tool
- Association leadership oversees the plan operation

Employee

- Reduced "group" costs on investments
- High focus on *Retirement Readiness*
- Easy enrolling, daily investment changes
- Call center is both live and 24/7 voice response
- Brand name, diverse investment options

Plan administrator

- We track eligibility and mail enrollment kits to home address
- Participants call vendor for all issues
- New compliance process eliminates costly errors
- Arduous paper notices mailed by vendor
- Loans, hardship, etc., all handled by vendor!



For more information please contact
**Linda Smith and Jodi McMahon at
205-536-9204**

Linda Smith and Jodi McMahon are registered Investment Advisors Representative, with Cambridge Investment Research Advisors, Inc., A broker dealer, member FINRA/SPIC. Cambridge, BenSource Employee Benefits, and AUCA are not affiliates.

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***AUCA IS A MEMBER-DRIVEN, NEEDS
FOCUSED TRADE ASSOCIATION CREATED
SOLELY TO PROMOTE AND ADVANCE THE
UTILITY INDUSTRY IN THE STATE OF
ALABAMA.***

**We're on the Web !
www.aluca.org**

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Training Needs**

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