

## ALABAMA UTILITY CONTRACTORS ASSOCIATION

TIM AYERS, EXECUTIVE DIRECTOR  
NOVEMBER 2017

### Director's Comments:



In last month's Newsletter, we mentioned that AUCA had recently been contacted regarding clarification of the Bid Bond amount for Public Works projects in Alabama. Since publishing this, we've had several other members bring to our attention instances where the awarding authority was requesting a bid security amount greater than what is allowed by current law.

The confusion stems from a law passed in 2016 (Act 2016-260) that raised the amount to \$50,000 for Department of Transportation projects. However, a technicality with code 39-2-4 of the Competitive Bid Law enabled other awarding entities to begin using the new amount on their projects. In response, legislation was introduced in 2017 to make technical corrections to Act 2016-260 to solidify that the increase only applies to Department of Transportation projects.

Act 2017-279 was enacted this year, and reverts back to the original language in the Code of Alabama for all construction, except Department of Transportation projects. The bid guarantee for construction on Public Works jobs has been restored to five percent of the estimated cost, but not more than \$10,000. The lone exception is on Department of Transportation projects where the bid guarantee is now five percent, but not more than \$50,000.

If you run across a specification for a non DOT project requiring a bid guarantee in excess of \$10,000, please contact the AUCA office. AUCA will continue to contact various agencies and awarding authorities in order to educate them on the revised law.

*Tim*

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**Happy Holidays from AUCA**

*Upcoming AUCA Events:*

***AUCA Board of Directors Meeting***

**December 6, 2017 at 10:00 a.m.  
Montgomery, AL**

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***Dothan Area Lunch Meeting***

**December 7, 2017**

***Huntsville Area Lunch Meeting***

**December 12, 2017**

***Mobile Area Lunch Meeting***

**December 14, 2017**

***Tuscaloosa Area Lunch Meeting***

**December 19, 2017**

***Birmingham Area Lunch Meeting***

**December 21, 2017**

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***AUCA 2018 Spring General Meeting  
& Golf Tournament***

**April 19, 2018  
Arrowhead Country Club  
Montgomery, AL**



Upcoming Industry Events:

**4th Annual "Construction Law Summit"**

**December 5, 2017**

**Hyatt Regency Wynfrey Hotel**

**Birmingham, AL**

For questions regarding conference registration, contact

**BEACON PROGRAMS**

at (205) 887 - 3000 or [beacon.programs@aol.com](mailto:beacon.programs@aol.com)

**Construction, Trucks and Forestry Equipment Auction**



**December 6-7, 2017**

**Montgomery, AL**

For more information visit [www.jmwood.com](http://www.jmwood.com)



*Please Join us for Lunch, Music, & Fun for All Ages at the*

***Big Dog Christmas Party***

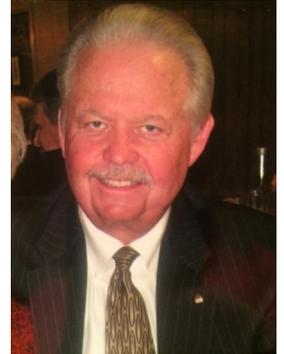
Wednesday, December 20, 2017 • 11:00 AM - 1:30 PM • 2728 Rev. Abraham Woods, Jr. Blvd.



## News & Notes:

### **Bill Carter Retirement:**

After spending an entire career in sales for the Water/Wastewater Industry, with the past 36 years at AMERICAN Ductile Iron Pipe, Bill Carter has announced his retirement. Bill has been a tremendous asset to our industry, and to AUCA, and was presented with the "Associate Member of the Year" Award at the AUCA General Meeting in October.



Please join us in wishing Bill well in all his future endeavors.



### **Freddy Klupal:**

Please continue to keep AUCA Member Freddy Klupal, from Klupal Contracting in Dothan in your thoughts and prayers as he recovers from a recent heart attack, and subsequent bypass surgery. We hope Freddy makes a full recovery, and look forward to seeing him busting Sporting Clays again soon.

### **U.S. Senate Election:**

On December 12th, Alabamians will go to the poles to elect their new United States Senator. On the ballot will be Republican Roy Moore and Democratic challenger Doug Jones. This has turned into one of the most bizarre elections ever in our state, which given the history of political turmoil in Alabama, is quite a remarkable statement.

### **Group Health Insurance Program:**

AUCA continues to investigate the possibility of offering an Association Group Health Insurance Program to member companies. If you have any questions, or insights into your company's current Healthcare policy that you would like to share, please contact the AUCA office.

### **Career Opportunities:**

AUCA has several member companies currently looking for employees in various positions. Please contact the AUCA office for additional details if you know anyone looking for an excellent new career opportunity.



## News & Notes:

### **Alabama One-Call Notification System Study Commission Update:**

The One-Call Study Commission met for the final time on November 16th in Montgomery. The group had a productive review of a draft copy of the final report, and made a few minor alterations. The Commission members will be given until December 7, 2017 to review, comment and circulate the report to their stakeholder groups. A copy of the report has been uploaded to the [AUCA website](#) for anyone that would like to review it. The final report approval survey will be sent out on December 8, 2017, so if you have any feedback, please provide it before then.

As a reminder, the One-Call Commission was established to develop a report on the expedience and validity of 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; and other items related to the One-Call Law that may increase the level of safety of its citizens. The final report will be sent to the Governor, Speaker of the House, and President of the Senate, and help serve as a blueprint for our future legislative efforts.

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### **OSHA Cites Construction Company for Trenching Violations**

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has cited Alta Construction, Inc. of Boise, Idaho for one willful and two serious violations after failing to follow safe trenching practices. OSHA proposed \$106,000 in fines.

In May, OSHA inspected the company's jobsite after receiving two complaints of unsafe trenching operations. Inspectors found employees inside a 7-foot deep trench without cave-in protection. "Fortunately no one was injured, but it is imperative that companies use protective systems in trenches to keep their workers safe," said OSHA Area Director David Kearns, in Boise.

The company has 15 business days from receipt of its citations and penalties to comply, request an informal conference with OSHA's area director, or contest the findings before the independent Occupational Safety and Health Review Commission.

OSHA fines have increased, along with many company's workloads. If you have new employees that are not properly trained, or experienced ones that need a refresher, please contact the AUCA office and we will be glad to assist your company in scheduling the necessary safety training classes.





**AUCA MEMBER SPOTLIGHT:**

**SJ&L, Inc.**



Civil Contractors  
Mobile, AL

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Mobile, AL 36619  
Phone: (251) 661-7926  
Fax: (251) 660-8364

For over thirty-nine years, SJ&L Inc., a privately held company, has been Southwest Alabama's best choice for heavy civil construction, utilities, and site development. From our start as a utility contractor, the company has expanded over the years to provide our clients with a vertically integrated project. SJ&L is still owned and managed by our founder, Mike Tew, which is a testament to the continued dedication to our company and the industry as a whole.



SJ&L places a top priority on the safety of our employees, subcontractors, and vendors. It is instilled as part of our culture from management down through every employee on our projects both large and small. We stress that every employee has the right to a safe work environment and ensure the appropriate training is received.



## ***Clean Water Construction Coalition Report***

From Bob Briant, Jr. - Chairman CWCC

### **TRUMP ADMINISTRATION FINALIZES INFRASTRUCTURE INITIATIVE**

Clean Water Construction Coalition representatives have been informed that the Trump Administration has completed a final version of their "Infrastructure Principles 2.0" and obtained sign off by all the relevant Federal agencies. Administration officials have shared the document with a few selected Members of Congress, but have otherwise held the document close to the vest. The timing of the release has not changed, with the Administration still planning to pass tax reform before moving on to an infrastructure initiative.

What we do know from direct discussions with Administration officials, is that the plan will propose a \$1 trillion, 10-year program funded by a one-time repatriation of \$200 billion; that it is multifaceted in terms of infrastructure modes; that it relies heavily on non-Federal funding to leverage greater investment; and that it provides various incentives to solicit non-Federal funding support. Despite the Administration's stated reliance on non-federal sources, the President has been quoted on more than one occasion in recent weeks walking back his support of P3s, stating that a tax overhaul would provide the necessary funding.

### **SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE CHAIRMAN BARRASSO AND DEMOCRAT COMMITTEE MEMBERS CONTINUE TO DEVELOP INFRASTRUCTURE PROPOSAL**

On October 19, CWCC representative Sante Esposito met with John Kane and Christina Marie Baysinger, both Counsel and Democratic staff of the Environment and Public Works Committee (EPW). Both indicated that EPW Chairman John Barrasso (R-WY) has been working on an individual bill not yet shared with committee staff.

More importantly, Kane said that he has drafted language on behalf of the Senate Democrat Committee members that would create a new account within the SRF pro-grams that would provide funds for grants, in addition to loans. Kane went on to say that the Democrats are not convinced that the SRFs are underfunded, and that the proposed grant approach would not raise the authorization levels for the SRFs. Also unclear with this grant approach is which projects would be eligible – all projects, special priority projects such as low income areas, rural areas or Flint lead crisis type projects. Sante asked about the likelihood of a Blumenauer-style voluntary fee proposal being included in a Senate infrastructure bill, but Kane indicated that it is not being considered at this time.



## *Clean Water Construction Coalition Report*

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Instead of individual "specific asks," all Committee Democrats signed a letter that allocates EPW's \$625B as follows:

- \$100B for roads and bridges
- \$100B for local priorities
- \$10B for TIGER
- \$200B for major infrastructure projects
- \$110B for drinking and wastewater
- \$10B for ports
- \$60B for Corps projects
- \$25B for disasters
- \$10B for leveraging projects

### **HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE REPUBLICANS PLAN TO FOCUS FIRST ON FAA REAUTHORIZATION BILL**

In the House, CWCC representatives met with Ward McCarragher, Democratic Chief Counsel for the House Committee on Transportation and Infrastructure (T&I) to discuss the Clean Water SRF. He said that at this time there is no interest from the Committee Republicans to do anything on infrastructure, and that the Committee's focus is on the FAA reauthorization bill. Congressman Peter DeFazio (D-OR-4), Ranking Member of T&I Committee, has forwarded his infrastructure proposals to the White House, three of the four having their own funding source. As the CWCC previously reported, Congressman DeFazio, John J. Duncan, Jr. (R-TN-2), Ranking Republican on the Committee, and Grace Napolitano (D-CA-32), Ranking Democratic Member on the House Subcommittee on Water Resources, introduced H.R. 2510, the "Water Quality Protection and Job Creation Act of 2017." The bill includes \$20 billion for Clean Water SRF, \$375 million for the Alternative Water Source Program and numerous other funding programs.

Also this month, Sante met with Andrew Noh, Legislative Director for Congressman Jimmy Gomez (D-CA-34) to introduce our Coalition and learn more about the "Rebuild America" Task Force. There are four members on it - Representatives Matt Cartwright (D-PA-17), Donald Norcross (D-NJ-1), Bonnie Watson Coleman (D-NJ-12), and Congressman Gomez. The goal is to produce a guiding document by the end of the year and possibly legislation and/or a white paper. They are trying to push the Administration toward a tangible infrastructure plan instead of just guiding principles. The Task Force is taking a broad view toward infrastructure, and Sante made a strong pitch for the SRFs.



## ***Clean Water Construction Coalition Report***

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Key Advocates also met with Patrick Arness, Legislative Director for Congressman Jerry McNerney (D-CA-9) to discuss the Coalition's continued support for the Congressman's "WEST" Act (H.R. 3275). The legislation reauthorizes the Clean Water SRF at \$2 billion for FY18 and \$2.4 billion for FY19, the Safe Drinking Water SRF at \$1.2 billion for FY18 and FY19, and authorizes \$375 million for the Alternative Water Source program.

### **MISCELLANEOUS RELATED CONGRESSIONAL ACTIONS**

#### **House Clean Water Caucus**

On October 20 the Caucus hosted an event on recycled water entitled "Why Recycled Water is Critical to our Nation's Prosperity" - a primer on recycled water demonstrating how it can provide a reliable supply of water now and in the future.

#### **Hearings**

The Senate Energy and Natural Resources Committee held a bipartisan roundtable on October 3 to discuss opportunities to reduce federal red tape for aquifer recharge when it does not impact other water users, fully respects state primacy on groundwater, and complies with state water law. Of note, and referenced therein, was mention of a legislative package under development that will build on proposals discussed over the last several years and advance policy to encourage development of needed water infrastructure, remove barriers to better management of existing infrastructure, and increase supply certainty for communities so they can attract greater private investment and innovation in water projects.

#### **FY18 Appropriations Status**

To date, the focus of the appropriations process has continued to focus on disaster relief assistance. To review, last month Congress passed an FY18 Continuing Resolution funding the government at FY17 levels until December 8. On September 8 the President signed into law H.R. 601 that provides \$15.25B for disaster relief efforts from Hurricanes Harvey and Irma. No bills have seen Floor action in either House.

#### **Earmarks**

Waiting to hear back from staff of Congressman Mike Rogers (R-AL-3), one of the Members who offered an amendment at the Republican Caucus to repeal the earmark ban, regarding the latest. Key Advocates has stressed to Members that they don't have to completely repeal the earmark ban at this time (pending further consideration), but rather they could simply waive the ban with respect to a mega infrastructure bill.



## Health & Safety:

### Tips for Preventing Cold & Flu in the Workplace

#### Hand Washing

Hand washing is an effective way to prevent the spread of infectious diseases, including cold and flu viruses. Wash your hands regularly throughout the day (and encourage your colleagues to do the same) using the correct hand washing technique (e.g. lathering with soap for 15 seconds) or with an alcohol-based disinfectant. Washing your hands at specific times associated with infection also reduces cold and flu transmission, for example:

- After coughing, sneezing or blowing your nose
- Before touching your face
- After touching contaminated objects such as tissues
- After cleaning surfaces which may be contaminated
- After shaking hands with someone known or suspected to be infected

#### Clean Surfaces and Equipment

Shared surfaces and equipment in the workplace should be cleaned regularly to ensure cold and flu viruses are removed. Ideally they should be wiped with disposable disinfectant wipes. Surfaces and objects that should be cleaned regularly include:

- Door knobs and handles
- Buttons on equipment such as photocopiers or microwaves
- Surfaces of shared equipment such as power tools
- Keyboards, particularly before you use another person's keyboard
- Telephone buttons and handles, particularly before you use another person's telephone
- Handles of kitchen equipment like coffee pots and microwaves
- Benches and counters
- Books or other materials which are shared

#### Workplace Hygiene Reminders

Reminders for staff and visitors to implement hygiene measures to prevent cold and flu transmission may help improve hygiene behavior. For example, you could ask your employer to place reminders:

- To wash hands in restrooms (after using the toilet) or in kitchens (before eating)
- To cover the mouth and nose when coughing or sneezing, in prominent locations around the workplace
- To stay home when sick, in prominent locations throughout the workplace
- Clean surfaces in their work environment, for example wipe the desk and keyboard



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**AUCA IS A MEMBER-DRIVEN, NEEDS  
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UTILITY INDUSTRY IN THE STATE OF  
ALABAMA.**

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