



**AGCVA eBulletin**  
**Volume XXXIII No. 6 April 21, 2017**

**Do you currently or plan to do business on a Navy Installation?  
Rapid Gate replaced with Defense Biometric Identification System**

Rapid Gate is going away and will be replaced by the Defense Biometric Identification System - transition begins immediately. NO FEES associated with the transition. [Click here to read more about the two phase process](#)

Transition of Navy Commercial Access Control System (NCACS) credentials to Defense Biometrics Identification System (DBIDS) credentials.

Purpose: Effective immediately, CNIC ashore installations in Hawaii, Guam, and CONUS will transition unique NCACS credentials to DBIDS paper passes.

Background: In 2015, the Navy identified DBIDS, created by the Defense Manpower Data Center (DMDC), as its permanent access control system. DBIDS allows the Navy the ability to assign specific controls to the credential; and queries the National Crime Information Center (NCIC) for active wants and warrants providing an additional level of security to the installation.

For more information on:  
[DBIDS Standard Operating Procedures - click here](#)

[Transition of Navy Commercial Access Control System \(NCACS\) - click here](#)

**NEW AGCVA Workforce Development Manager**

Courtney Baker

AGCVA has hired Courtney Baker as the Workforce Development Manager. She will be responsible for managing all training, marketing & engagement activities.

Courtney has a strong work ethic and has acquired many years of administrative skills that have enabled her success in team building projects. She will begin employment on April 20, 2017. Welcome Courtney!

Member-Only WEBINAR Event

## Update on Virginia's Public Procurement

**WEBINAR: Tuesday, April 25, 2017**

3:00 pm to 4:00 pm

AGC Webinar on Virginia's updated Public Procurement Process

Presented by Vandeventer Black LLP

Background: After years of effort, Virginia legislation has changed VA's Public Procurement process. Join attorneys Bill Franczek and Jim Harvey to discuss with AGC members how the legislative changes may impact your future projects

- All Higher Education projects
- All Local Government projects
- All State Agency projects



This is an AGC member-only event

There is no cost, but registration is required:

<https://zoom.us/webinar/register/609949ab1536963c66858a512be5123a>

After registering, you will receive a confirmation email containing information about joining the webinar.

### When Are Your Subcontractor's Employees Your Employees?

Provided By: Williams Mullen April 13, 2017

<http://www.williamsmullen.com/news/when-are-your-subcontractors-employees-your-employees>



In January, the Fourth Circuit Court of Appeals entered its decision in *Salinas v. Commercial Interiors, Inc.*, ruling that a contractor and its subcontractor can be the "joint employers" of the subcontractor's worker for Fair Labor Standards Act purposes, Case No. 15-1915, thereby opening the door for potential direct employee type claims against the general contractor by workers downstream in the construction chain and putting independent contractor status in jeopardy (4<sup>th</sup> Cir, Jan. 25, 2017).

In *Salinas*, the subcontractor had a close relationship with the general contractor, working mostly for this one general contractor. Day to day, the general contractor provided tools, materials and equipment; had its foreman supervise the subcontractor's employees' work; required those employees to attend its safety meetings; required the subcontractor's employees to sign in and out with its foreman; and had its foreman direct work to be redone.

Further, work was based on job site needs, and payment was on a time and materials basis or hourly versus a lump sum. Interestingly, the general contractor also provided the subcontractor's employees with logoed hard

hats, vests and sweatshirts and even instructed them to say, if asked, that they worked for the general contractor. On these facts, the court found that a jury could find the general contractor and subcontractor were joint employers, with no single fact being dispositive.

In doing so the Court articulated a new standard, and joint employment exists when: two or more entities share, agree to allocate responsibility for, or otherwise co-determine, formally or informally, directly or indirectly, the essential terms and conditions of a worker's employment; and the two or more entities combined influence over the essential terms and conditions render the worker an employee as opposed to an independent contractor. Six factors are to be considered:

1. Whether formally or as a matter of practice, the putative joint employers determine, share or allocate the power to direct, control or supervise the work, whether by direct or indirect means;
2. Whether formally or as a matter of practice, the putative joint employers determine, share or allocate the power, directly or indirectly, to hire or fire the worker or modify the terms and conditions of the worker's employment;
3. The degree of permanency and duration of the relationship between the putative employers;
4. Whether through shared management or a direct or indirect ownership interest, one putative joint employer controls, is controlled by, or is under common control with the other putative joint employer;
5. Whether the work is performed on premises owned or controlled by one or more of the putative joint employers, independently or in connection with one another;
6. Whether formally or as a matter of practice, the putative joint employers jointly determine, share or allocate responsibility for functions ordinarily carried out by an employee, such as handling payroll, providing workers compensation insurance, paying payroll taxes or providing the facilities, equipment, tolls or material necessary to complete the work.

Applying these tests to the facts, one can readily see where common practices in the construction industry, particularly when combined on one job site, can lead to joint employer liability. Also relevant is the fact that these same practices could be construed to make a subcontractor that is providing primarily labor, particularly an individual laborer, an employee. Care should be taken, especially where the same subcontractors are used with regularity and the work is paid hourly. The more control that is exerted and the more the contracted laborer looks like an employee, the greater the risk.

## **Colleges, Construction firms Partner to Develop new Talent**

Provided by ConstructionDive April 13, 2017

Some labor-starved construction firms are teaming with college programs to attract students to the industry. Construction leaders are teaching classes and giving lectures on campus, and the students participate in real-world activities.

[Read more ....](#)



## VCIEF sponsors the NEW RIVER BREWFEST

On Saturday, April 8<sup>th</sup> VCIEF sponsored the 7<sup>th</sup> Annual New River Brewfest at Nesselrod Bed & Breakfast in Radford, VA. It was a sunny, chilly but pleasant day with craft beer from BALLAST POINT and bands that played all afternoon. VCIEF was the non-profit sponsor of the event. We look forward to having VCIEF be the non-profit sponsor again next year and hoping that you all will come out and experience the fun while supporting our construction industry educational fund! Robert Lee, VCIEF Chair and his daughter greeted everyone with a Welcome sample in a VCIEF/BREWFEST commemorative glass! See ya next year, April 14<sup>th</sup>, MARK YOUR CALENDAR!!!



## MEMBER NEWS ...

### **Fielder's Choice Enterprises, Inc.**

**Fielder's Choice Enterprises, Inc.** would like to announce the addition of DLB, Enterprises, LLC to the family of Caton Companies. DLB, Enterprises joins, Fielder's Choice Enterprises and Wagner Construction Enterprises as one of the three Heavy/Highway, Bridge, Excavation, Utility and Site Development contractors in our group. DLB, Enterprises (formally DLB, Inc.) is located in Hillsville, VA. This former family owned company has long been an industry icon and we could not have added a finer company to our team.

As a result of this acquisition Donald Cantore has been promoted to CEO of Fielder's Choice Enterprises and DLB, Enterprises. Matt Holcomb has been elevated to the role of President of FCE. Don Branscome, former owner and president of DLB, Inc. will remain as a key executive in our organization and will serve as President of DLB, Enterprises. Jeremy Hendricks has been hired as the Vice President of Operations while Dicky Morgan will remain as Vice President of Estimating.

## DISTRICT NEWS ...

### **Central Breakfast Meeting**

Central District members came to listen to Gentry Locke's Andrew Gay talk about tips that every Contractor and Subcontractor should know when dealing with construction contracts. This was a free Member Appreciation event, a thank you – we just want you to know that we are thankful for your support. Please look for our Central Legislative Overview coming in May to be announced ASAP.



### **Roanoke Annual Legislative Libations**

The Roanoke District held their Annual Legislative Libations with Spencer on the 13<sup>th</sup> at The Quarter Restaurant. While Spencer worked his way through the top Legislative issues the crowd intently listened while enjoying the occasional libation. If you missed this opportunity and you have any questions regarding any legislative issue you can reach out to Spencer. Also, we will be holding our Annual Legislative Lunch w/ our Legislators in early October be looking for that date in the near future when it is secured.



## PROJECT MANAGEMENT - MODULE 3

Thursday, May 25 – Friday, May 26, 2017

TIME: 8:30 am to 4:00 pm

### AGCVA Headquarters

11950 Nuckols Road – Glen Allen, VA 23059

COST Per Person: AGCVA Member: \$495 / Non Member: \$795

### INSTRUCTOR:

**Mike DuBose, Project Manager - W. M. Jordan Company**

This course will assist early-career project managers in identifying the role pre-planning has in affecting the success of a project and furthering their understanding of the different areas of planning for the construction phase of the project.



[REGISTER HERE](#)

## CQC – Construction Quality Contractor Training

Both the Corps of Engineers and the U.S. Navy require that CQC personnel pass this training program as part of the certification process. AGC has worked with these groups over the past eighteen years to provide this training on a convenient, reasonably-priced basis.

A registration fee of \$200/member rate and \$250/non-member rate will be charged per attendee to cover the cost of the meeting facility, lunch,

July 13, 2017

[Construction Quality Management  
for Contractors \(CQC\) 7/13/17](#)

Hilton Garden Inn  
1624 Richmond Road  
Williamsburg, VA 23185

September 19, 2017

[Construction Quality Management](#)

<p>handout materials and refreshments. Upcoming Dates:</p> <p>May 11, 2017  <a href="#">Construction Quality Management for Contractors (CQC) 5/11/17</a>  Quality Suites Lake Wright  6280 Northampton Blvd.  Norfolk, VA 23502</p>	<p><a href="#">for Contractors (CQC) 9/19/17</a>  Quality Suites Lake Wright  6280 Northampton Blvd.  Norfolk, VA 23502</p> <p>November 16, 2017  <a href="#">Construction Quality Management for Contractors (CQC) 11/16/17</a>  Hilton Garden Inn  1624 Richmond Road  Williamsburg, VA 23185</p>
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## Calendar of Events

<p>04/25/2017  <a href="#">WEBINAR: New Procurement Law</a></p> <p>04/27/2017  <a href="#">SOLD OUT! YCL Program - Risk Management</a></p> <p>04/27/2017  <a href="#">Roanoke YCL Night at the Ballpark</a></p> <p>April 28-29, 2017  <a href="#">AGCVA Spring Conference April 28-29, 2017</a></p> <p>05/05/2017  <a href="#">Central Golf Tournament</a></p> <p>05/08/2017  <a href="#">Richmond Golf Tournament</a></p> <p>05/11/2017  <a href="#">Construction Quality Management for Contractors (CQC)</a></p>	<p>05/11/2017  <a href="#">Peninsula Craft Beer Tasting</a></p> <p>05/11/2017  <a href="#">Valley Spring Fling</a></p> <p>05/15/2017  <a href="#">Tidewater Golf Tournament</a></p> <p>05/18/2017  <a href="#">Richmond Breakfast Meeting</a></p> <p>05/18/2017  <a href="#">SOLD OUT! YCL Program - Staffing &amp; Employment</a></p> <p>05/18/2017  <a href="#">Valley Silica Dust Training</a></p> <p>05/18/2017  <a href="#">Piedmont Member Guest Social</a></p>
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# WELCOME NEW MEMBERS

## New General Contractor Member

Tidewater District

### **Parkway Grading Inc**

5205 Cleveland St

Virginia Beach, VA 23462-6503

(757) 455-8811

Fax: (767) 461-2750

Contact: Trent Merritts

Specialty: Road Builders (Heavy Highway), Grading, Underground Utilities

## New Subcontractor Member

Peninsula District

### **Clay-Mac Corporation**

PO Box 2352

Yorktown, VA 23692

(757) 604-7021

Fax: (757) 898-4324

Contact: Eric Clayton

Specialty: Asphalt Milling, Paving Contractors

<http://www.clay-mac.com>

## New Service/Supplier Member

Richmond District

### **Union Bank & Trust**

9665 Sliding Hill Rd

Ashland, VA 23005

(804) 647-6763

Fax: (804) 550-0456

Contact: Charles Gravatt

Specialty: Banking & Financing, Business & Estate Planning, Business Succession Planning, Cash Management & Investment, Financial Planning, Financing: Construction Equipment

<http://www.bankatunion.com>