Governor Approves New Procurement Process around Construction Management in Virginia

Monday April 3, 2017 was the deadline for Governor McAuliffe to approve the new public procurement process crafted by the Legislature earlier this year. The Governor made no changes to the legislation. AGCVA will host a webinar in the coming days to discuss the bill in more detail.

In brief, all public bodies may use alternative methods if the public body determines in writing in advance if an alternative method is a better option. (Only for local governments, the current $10 million threshold continues.)

If an alternative method is chosen, all proposed alternative methods will require a review & recommendation by the Department of General Services within 5 days of receipt of the method the public body has chosen (including higher education institutions). In addition, the legislation:

1) Defines a “complex project” as one or more of the following significant components: difficult site location, unique equipment, specialized building systems, multifaceted program, accelerated schedule, historic designation or intricate phasing of some other aspect that makes competitive sealed bidding not practical.
2) Prequalification must be posted on eVA for at least 30 days in advance.
3) Does not require past experience as a prerequisite for an alternative method, but experience can be taken into consideration.
4) For CM methods, they must be chosen by the end of the schematic phase.
5) DGS must review the public body’s preferred method within 5 business days.
6) Once DGS has made a recommendation, the public body does not have to follow the recommendation of DGS and there will be no appeal process.
7) For all Construction Management work, no more than 10% of the work may be performed by the construction managers own forces. 90% must be subcontracted out.

DGS will submit a report to the respective committees annually on the reviews and the methods chosen.

To read the bill in its entirety, click here: HB2366 highlighted

AGCVA will host a webinar on April 25th to explain the bill in its entirety. Register Here
OSHA Delays Silica Enforcement

Enforcement Begins on Sept. 23, 2017

On April 6, the U.S. Occupational Safety and Health Administration (OSHA) announced that it will delay enforcement of the respirable crystalline standard for construction for three months—until Sept. 23, 2017. In its announcement, OSHA explained that the construction silica standard has a number of unique features warranting development of additional guidance and educational materials before enforcement begins. AGC continues to believe that implementation of this standard is technically infeasible and continues to challenge it in court.

Although OSHA enforcement of the standard is delayed, the notice does not alter the compliance date of June 23, 2017. OSHA will not take enforcement action against contractors that fail to meet the standard on their sites between June 23, 2017 and Sept. 22, 2017, but legally, the standard will still be in effect.

While an interested group could file a lawsuit challenging the three month delay, that appears to be unlikely given the short duration of the delay and the broad enforcement discretion federal agencies—like OSHA—have traditionally enjoyed. AGC will continue to fight this standard in court and advise OSHA on the problematic issues the construction industry faces with implementation. In addition, members should review AGC educational resources on its comprehensive silica website, found here.

Presentation on New Silica Standard

Virginia Department of Labor and Industry
OSHA’S Silica Safety and Standard Requirements
View Here

Presentation Objectives

- To inform participants of the following:
  - What Silica is
  - How it affects the body
  - Key health issues pertaining to silica
  - OSHA’s standards that cover silica exposure
  - Definitions of OSHA’s Standard
  - Employers’ responsibilities
    - Air Monitoring
    - Medical Surveillance
    - Engineering Controls and Administrative Controls
    - Personal Protective Equipment Requirements
    - Record Keeping
- Effective Dates of the new Silica Standard
- Resources to help employers comply with standards

Important Update on Federal Regulations

Blacklisting Regulation Repeal Signed into Law
Other AGC Regulatory Updates Important to Contractors

Thanks to AGC advocacy efforts on Capitol Hill, AGC and its members have a major legislative victory: the repeal of the Blacklisting regulations, which would have implemented President Obama’s “Fair Pay and Safe Workplaces” Executive Order. The president today—March 27—signed a bill repealing the Blacklisting regulations. In addition, the House and Senate will soon send the president a bill to sign that repeals the U.S. Occupational Safety and Health Administration (OSHA) “Volks” Rule. Issued in December 2016, the “Volks” Rule would have exposed employers to unfair liability for honest and inadvertent paperwork mistakes related to recordkeeping, while doing nothing to enhance workplace safety. The rule extended the statute of limitations on recordkeeping violations from six months to five and a half years.
AGC has also recently created and updated a number of regulatory websites and documents that are helpful for AGC members. First, AGC recently published an educational OSHA Silica Rule website that will help contractors learn about what the agency will expect from them under this rule and how contractors must comply by June 23, 2017. In addition, AGC has updated its comprehensive documents describing the current regulatory and executive order state of play. For the latest on the 2017 Regulatory Road Ahead, click here. For the latest on President Trump’s Executive Actions/Orders, click here.

For more information, please contact Jimmy Christianson at christiansonj@agc.org or 703-837-5325.

AGCVA Spring Board Meeting
April 28-29, 2017
The Alexandrian
480 King Street - Alexandria Virginia 22314
Reference AGCVA Spring Board Meeting to receive the group rate when making your reservations at: The Alexandrian 703.549.6080

Questions: contact Missy Gupton missy@agcva.org or Gordon Dixon gordon@agcva.org

AGCVA REMOVING P.O. Box 5700
Please use the physical address for AGC of Virginia
11950 Nuckols Road
Glen Allen, VA 23059

REMOVE – P.O. Box 5700
Glen Allen, VA 23058

New National AGC Password Policy for Members
How the Change will Affect You

As part of AGC’s ongoing efforts to implement best-practices for data management and security, National AGC is implementing a new password policy for all contacts (member and non-member contacts) in the AGC of America database (iMIS database).

Anyone with an active member or non-member record in iMIS (that includes an email address) will receive a notification via email from AGC on the change that will include their new username and temporary password to log-into their AGC account.
Important Changes to Note:

- The user’s new username will be the email address linked to their account, and the new temporary password will be the user’s lastname+5 digit zip code tied to their account.

- Users will be encouraged to log-into their accounts to update their temporary password, as well as to update their communication preferences.

- Information on the new procedures for logging into user accounts will also be added to the AGC website and event registration platforms.

- Moving forward, neither AGC of America staff, nor chapters, will be able to access any individual’s current password. Individuals may reset their password at any time by clicking on ‘reset password’ link from the log-in page or AGC of America staff may reset the password directly in iMIS on their behalf. This will generate an email to the linked address that can be used to reset a password.

If you have any questions, contact Christi Reimer at 703-837-5343 or christi.reimer@agc.org.

Young Leaders Seminar

The second seminar in the series of Young Leaders seminars was held on March 16th. The SOLD OUT seminar topic was on Finance & Banking. The instructors were Mark Barr (SB Cox Inc.); Chad Maddox (Shelton & Company, CPAs) and Duncan Owen (TowneBank).

The seminar covered: Entity & Ownership Structure; Construction Accounting; Cash Flow Consideration and Banking Relationships.

Next class begins in July 2017.
For more information contact Gordon Dixon (AGCVA CEO) at 804.364.5504 x205.

AGCVA Career Center

New feature om the AGCVA website. A Career Center that will allow members to post vacant employee positions & post/search through resumes.

Take a moment to look over the AGCVA Career Center
CONGRATULATIONS . . .
QUESENBERRY’S CONSTRUCTION WINS AGC 2016 PROJECT OF THE YEAR AWARD
For New Library at UVa-Wise; Second Year Winning Project of the Year

Quesenberry’s Construction, a general contractor and construction manager in Big Stone Gap, VA, has received the 2016 Project of the Year Award from the Associated General Contractors (AGC) of TN Tri-Cities Branch. The Division II award, for projects of $5 million construction costs and up, was presented at an awards banquet on March 28 in Johnson City, TN. The company received the award for the new library at The University of Virginia’s College at Wise, located in Wise, VA. Cannon Design, the lead architect on the project, received the 2016 Architect of the Project of the Year award.

The AGC awards are given to companies who have earned the respect of their peers for their skills, professionalism, and integrity. Quesenberry’s Construction also won the AGC branch’s project of the year award in 2015.

Jim Harvey re-elected Board at Vandeventer Black
Published by: Virginia Business - March 8, 2017 – for article click here

Vandeventer Black LLP has elected a new executive board member and re-elected a current board member.

Deborah M. Casey, a partner at the Norfolk-based law firm, was elected to the board. Casey practices community association law. She represents community associations on a range of legal issues, including
drafting, interpreting, amending and enforcing covenants, as general and corporate counsel, as well as in dispute resolution, construction, financing, assessment collection and insurance concerns.

James R. Harvey, also a partner with the firm, was re-elected as a board member for the third consecutive year. He continues to serve chair of the firm's Practice Management Committee. Harvey has experience handling a broad range of disputes, including construction, surety, government contracts, land use, defective products, professional liability, and business.

These executive board members join previously elected members: Michael L. Sterling, managing partner, as well as Mark S. Brennan and Edward J. Powers who are partners with the firm.

In Memoriam

Nathan John "Jay" Eure

Nathan John "Jay" Eure the co-founder of Eure Rentals Inc., which included Eure Safety Supply passed away on March 27, 2017. He is survived by his wife of 64 years Margart, 2 sons, many grandchildren and great-grandchildren and lots of nieces, nephews and extended family.

Jay served as a Board Member of the Associated General Contractors. In his spare time, Jay was an avid hunter and loved running his beagles.

DISTRICT NEWS ...

AGCVA March Madness Events

Many AGCVA districts held March Madness Events on March 16th. The Roanoke, Richmond, Tidewater & Valley district held successful events that have become quite popular.
Piedmont Women In Construction Breakfast Meeting

The Piedmont District hosted a Women In Construction Breakfast Meeting and Panel discussion on March 16th, at The Omni. Jay Barton, VP and General Manager at Gray Television Inc d.b.a. Charlottesville Newsplex served as our Moderator for the event.

Our panelist for the event were:
- Deb Brown, Allied Concrete Company
- Mindy Colden, Faulconer Construction Company
- Arlene Lee, RE Lee Companies
- Pam Haney, Martin Horn
- Shelomith Gonzalez, RE Lee Companies
- Hana Lagana, student and project manager for the Western Albemarle High School Tiny House

Tidewater AGC at the Waterside Event

Tidewater AGC recently hosted a meeting to talk about the Waterside Project in downtown Norfolk. Speakers included Jared Chalk, Assistant Director of Economic Development, City of Norfolk and Glen Sutch, President of the Waterside District.

Peninsula AGC District at PCWD Career Expo

The AGC Peninsula District recently participated in a Career Expo held by the Peninsula Council for Workforce Development in Hampton, VA. Shown in the two pictures above are Paul Bollinger, Peninsula AGC President, W. M. Jordan Company and Rob Collins, Ritchie-Curbow Construction, a member of the Peninsula AGC Executive Committee, talking with students.

THANK YOU ...

Tidewater Annual Sponsors
For printable version – click here
2017 Tidewater AGC Sponsorship List

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Virginia Drywall, Inc.
VIRTEXCO Corporation
W.M. Jordan Company
W.O. Grubb Company
Western Branch Diesel

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Innovate Architecture & Interiors
Kaufman & Canoles, PC
Luck Stone Corp.
Norfolk Sheraton Waterside
Power Electric
Prestige Floors, Inc.
RD Lambert & Son, Inc.
Scaffolding Solutions, LLC
Tazewell Contracting
Veith & Company / The Frieden Agency
Ware Insurance
Wilkins & Associates, Inc.
W.P.L. Site Design
### 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, handout materials and refreshments.

Upcoming Dates:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
<th>Location</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 11, 2017</td>
<td>Construction Quality Management for Contractors (CQC)</td>
<td>Quality Suites Lake Wright 6280 Northampton Blvd. Norfolk, VA 23502</td>
<td></td>
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<tr>
<td>July 13, 2017</td>
<td>Construction Quality Management for Contractors (CQC)</td>
<td>Hilton Garden Inn 1624 Richmond Road Williamsburg, VA 23185</td>
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<tr>
<td>September 19, 2017</td>
<td>Construction Quality Management for Contractors (CQC)</td>
<td>Quality Suites Lake Wright 6280 Northampton Blvd. Norfolk, VA 23502</td>
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<tr>
<td>November 16, 2017</td>
<td>Construction Quality Management for Contractors (CQC)</td>
<td>Hilton Garden Inn 1624 Richmond Road Williamsburg, VA 23185</td>
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</tbody>
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### Calendar of Events

- 04/08/2017 New River Brewfest
- 04/13/2017 Roanoke Legislative Libations
- 04/14/2017 Piedmont Young Leaders Sporting Clays
- 04/18/2017 Richmond Sporting Clays
- 04/19/2017 Central Breakfast on Risk of Construction Contracts
Member-Only Event
WEBINAR: New Procurement Law

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.
WELCOME NEW MEMBERS

New General Contractor Member  
NOVA District  
**ARS Aleut Construction**  
13800 Coppermine Rd  
Herndon, VA 20171  
(703) 234-5273  
Contact: Steve Martin  
Specialty: Construction Management Administration, Construction & Renovation: Government  

New General Contractor Member  
Richmond District  
**JLJ Construction, LLC**  
1760 Bickerstaff Rd  
Richmond, VA 23231-4816  
(804) 222-0900  
Fax: (804) 222-0944  
Contact: Jamie Johnson  
Specialty: Concrete: Formwork, Drywall Contractors, Framing & Trim Work, Masonry Contractors, Plumbing Contractors, Roofing Contractors  
[http://jljconstructionllc.com](http://jljconstructionllc.com)

New Subcontractor Member  
Tidewater District  
**Beach Consulting Services**  
912 Tigertail Rd  
Virginia Beach, VA 23454  
(843) 901-5304  
Contact: Eric Strickland  
[http://beachconsult.com](http://beachconsult.com)
New Subcontractor Member
Roanoke District
IES Commercial and Industrial
2708 Shenandoah Avenue NW
Roanoke, VA 24017
(540) 342-5498
Fax: (540) 342-7512
Contact: Dan Rakes
Specialty: Construction & Renovation: Institutional, Construction & Renovation: Commercial,
Construction & Renovation: Industrial, Electrical Contractors, Mechanical Contractors
http://www.iesci.net

New Subcontractor Member
Peninsula District
JACKCRETE of Virginia
705 Industry Drive
Hampton, VA 23661
(757) 827-7822
Fax: (757) 827-5069
Contact: Megan Davis
Specialty: Asbestos Abatement & Encapsulation, Concrete Injection, Concrete: Repair,
Insulation Contractors, Roofing Contractors, Spray-On Insulation
http://www.jackcreteva.com

2018 AGCVA Convention
The OMNI Homestead
January 18-21, 2018