

FALL 2020

CROSSSECTION

p 32
Let's
Make
some
good
NEWS
IN
2020!

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This material was prepared under a Consultation Education and Training (CET) Grant awarded by the Michigan Occupational Safety and Health Administration (MIOSHA). MIOSHA is part of the Michigan Department of Labor & Economic Opportunity (LEO). Points of view or opinions in this document do not necessarily reflect the view or policies of LEO.





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Mike Nystrom

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Throughout this challenging year, MITA has continued to monitor topics that impact our industry. The articles and photos throughout this magazine show an industry that has continued to thrive, while making adjustments to stay in compliance

Executive Vice President

with CDC recommendations.

It is our intention to continue to focus on all the good news that is happening in the industry; and, for recent examples, see the articles and photos on page 32. MITA members are constantly creating great news while not only improving our infrastructure, but also staying active in charitable endeavors within their communities.

If you want to be featured in a future magazine, www.thinkmita.org, or on MITA's social media, please send your news to Nancy Brown at nancybrown@thinkmita.org. In addition to being featured in this magazine, our website and social media, your MITA membership has many other perks. For details, check out an article on page 7 by Rob Coppersmith, Vice President of Membership Services, for

a reminder of everything your MITA membership offers.

Longtime MITA Member, C & D Hughes, Inc., has grown with MITA over the years, and an article on page 10 highlights their 40th Anniversary. Congratulations to C & D Hughes, Inc., for reaching this impressive milestone! Kudos are in order, also, for our legal consultants, who recently achieved a victory for contractors in the Michigan Supreme Court. The Legal Issues on page 24, written by R. Edward Boucher and J. Lauren Virzi of Kotz Sangster, offers the details about the court decision which "corrected jurisprudence that had been wrongfully denying insurance coverage for a large number of construction defects in the State of Michigan for over 30 years."

Now that is good news!



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Rob Coppersmith

To contact Rob Coppersmith, email him at roboppersmith@thinkmita.org or call the MITA office at 517-347-8336.

Many members join MITA for a single particular problem or issue, which is not uncommon at all. Thereafter is where the problem lies. Once that initial problem is resolved, the “stall” oftentimes begins. I have told many members that MITA staff cannot read minds to determine what type of problems they are having or their organizational needs. It has also become increasingly clear that all of us are experiencing a great deal of e-mail fatigue. So much of the good information that MITA sends to members gets missed on a regular basis. I often get calls asking what is MITA’s take on a particular issue that is facing the industry, or asking what MITA is doing about a certain issue. These calls are fine, but they often come weeks after painstakingly detailed bulletins have gone out on the subject matter. Rest assured we understand it is not your fault. Technology—as awesome as it is—puts our projects and world on a treadmill set at the highest level: one slip, and you’re smacked against the wall.

What I encourage members to do

MITA MEMBERSHIP HAS IT PERKS!

is call, text or email any concerns to any staff member regardless of the subject matter. All MITA staff members will forward your e-mail or phone call promptly to the person best equipped to handle your question or concerns.

The following are just a few of MITA services you may want to investigate or use (in no particular order).

MITA Association Health Plan (AHP)

This is the first full year of the newly formed MITA AHP. To date the spend savings for this group has topped 2M! We are also looking at a renewal rate of 0% for 2012! Administered by MITA member Salus Group, their team has been providing quotes to members from across the state of Michigan with great success. If you’re looking for a competitive edge in the form of a benefit, we’ve got you covered!

MITA Future Leaders Program

The MITA Future Leaders Program is dedicated to enhancing the understanding of what the association can provide to up and coming industry professionals and providing them with the opportunity to learn about areas outside their expertise. This program runs from April until January of the following year with a graduation recognition at the MITA Annual Conference. Classes change slightly from year to year depending on what’s

happening within the industry. To date, nearly 150 individuals have taken part in this great program.

MITA Website

The award-winning MITA website (www.thinkmita.org) is the access point to everything a heavy construction company might need. The website is a major portal to the Fix MI State campaign and offers information concerning work zone safety, legislative issues, labor services, industry bulletins, engineering/MDOT updates, DBE Ads, Job Postings, MITA Ads and much, much more! A great deal of the website is password protected, but if you work for a member firm that is easily resolved with one call to MITA at 517-347-8336.

Also, you should have all of your key personnel on the MITA email list so they can keep up with industry changes and happenings.

MITA Training, MIOSHA Appeals & Jobsite Visits

Why combine these to services? Because they complement each other! MITA spends a great deal of time in the training and preventative education departments. But, if you are called to task by MIOSHA by way of citations we can help in that department also.

MITA training can be served however you’d like it. It can be at the

Continued on 8

WORKFORCE OF THE FUTURE HOLDS GRADUATION CEREMONIES

Ken Bertolini, MITA's Director of Workforce Development, was a featured speaker at the Detroit Workforce of the Future graduation ceremony, which was held recently in Detroit. Detroit Workforce of the Future was one of the only programs in the state that wasn't shut down due to Covid-19. Twelve students graduated and six have been hired into the transportation construction industry. Other guests included State Senators Adam Hollier of Detroit and Wayne Schmidt of Traverse City.



Continued from 7

MITA facility, your facility, via zoom, or other technology or right on a Jobsite on any topics you desire. Prices for training are scaled based on need and how many topics are covered and an additional consideration is made if CPR and First Aid are included or not. In any event, we are far less expensive than hiring an outside consultant.

MITA has handled thousands of MIOSHA citation appeals over the years. Your insurance rates and ability to be awarded work can often depend on how well preserved your history is in this area. Simply provide MITA with your citations in a timely manner and we will get the ball rolling right away!

We've provided your training and handled your appeals, so now it's time to see how the field responds with a jobsite visit. MITA staff will provide an individualized inspection and provide

feedback via a report to be shared with as many individuals as you would like to see it. This service is provided at no cost to the membership and is available statewide.

MITA Annual Conference and Events!

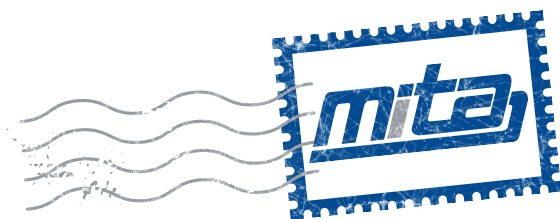
The MITA Annual Conference is the industry's largest gathering of the year with an average annual attendance of 1,500 individuals! It is an opportunity to pick up continuing educational credits, see nationally recognized keynote speakers and put a face to all those emails you send. The event has two evening receptions, a vendor area of 100 booths and breakout sessions that are of topical interest to the industry. If you haven't attended, you should be asking yourself why not?

MITA also hosts a summer conference, Wild Game Dinner,

Management Conference, three golf outings, European Pheasant Hunt and three holiday parties. These are all events that bring family and friends together with a side of business. It's been my experience that complete strangers in the same industry have a lot in common, and there is never a shortage of things to discuss.

In closing, COVID has presented many challenges this year and MITA is adjusting and reacting to these obstacles as each event approaches. It is our intent to move forward in the best way possible, cancel what we must, and do what we can.





Dear Nancy:

Oh, my word! What a beautiful picture frame with our article that we just received today. Thank you so much. It will be hung proudly in our office. It was unexpected but appreciated more than you know. Thanks again!

Tim Dood

Bush Concrete Products

Dear MITA Scholarship Committee:

Thank you for honoring me with the MITA Scholarship. I will be attending Michigan State University in the fall studying construction management. I'm looking forward to being a part of the industry.

Joseph Bertolini

Dear MITA Scholarship Committee:

I am quite thankful for being chosen as a MITA scholarship recipient. I'm looking forward to working in the industry after college!

Michael Gatz

Dear MITA Scholarship Committee:

Thank you for choosing me to be one of the recipients of the MITA scholarship. This scholarship is great opportunity for students to help pay for their tuition and to help them achieve their aspirations of getting a degree in the construction or engineering fields. Being chosen for this scholarship is an honor. This will help me pay for my tuition or accessories that are needed for my classes. Thank you again for choosing me to receive this scholarship; it is helping me to make this possible.

Gabe Johnson

Dear MITA Scholarship Committee:

I am absolutely honored to have been the recipient of the Dave Fons Scholarship. Thank you for selecting me to receive this award.

I will be a sophomore at Michigan Technological University continuing my studies in civil engineering. I am on track to graduate in the spring of 2023 and am then planning on continuing to graduate school in pursuit of my MBA. The scholarship will give me the opportunity to focus more on my studies next year, and less time working to pay off school as well as helping me start life after school on the right foot with as little debt as possible.

Thank you again for your investment in my education. I hope that one day I will be able to do the same thing for a student to help them achieve their goals like this scholarship will do for me.

Kate McInnis

Continued on page 46

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MEMBER PROFILE

**C & D
Hughes, Inc.,
is celebrating
40 years in the
business with
the construction
of a new office
building in front
of their former
headquarters
in Charlotte.**



C & D Hughes, Inc. Celebrating Their 40th Anniversary

by Cheryl Hughes

Looking back over the past 40-year history of C&D Hughes, Inc., I am amazed at our progress and success from our humble beginnings with a goal of just providing a living for our family. Never did I consider or dream that we would be the company we are today with the responsibility of providing a living for our 115 loyal families, many of them have been with us 15, 20 and 30 years.

Richard Czmer, our very first hired employee 40 years ago, is still with us today. We all love our Richard. In the company he is known as Dr. Z. The doctor can fix anything and is an

expert in traffic control and setup. He is a loyal, gifted project foreman, and he is our most dedicated, well respected, safety minded and loved employee. He is our Hall of Fame person.

We started our journey in the construction business with five wonderful employees; extremely old, worn out used equipment; and an idea that we could do this. Everyone thought we were crazy; there was no way we could make a living doing road construction.

We worked from our home in Holt. My office was the kitchen table and our yard was a rented open field and

our one car garage. When you start a construction business from the very beginning you have a lot of things to figure out and tweak as time goes by. It didn't take long to realize we each had our strengths and our weaknesses, and we should not try to do the other person's job unless it was absolutely necessary, and sometimes it was.

Looking back on the good ol' days when I would work in the field all day doing whatever it took to get the job done then going home to be a wife, and mom I wonder how did I do it? Building manholes, laying pipe, raking asphalt, running equipment or running

Continued on 12



C & D Hughes, Inc.

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Front row, from left to right: Sherry VanPatten, Mike Foss, Kaleb Sharp, Daisey Hughes, Tim Hughes, Cheryl Hughes, David Hughes, Sr., Laurie Hughes, Shelbi Hughes, and Chris Dexter.
Back row, from left to right: Harm Hamstra, Lance Anderson, Sawyer Smith, Ken Bachman, and Steve Strasser.



Facilities Employees

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Site Development,
Landing Clearing,
Trenching,
Water and Sewer

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a job site, I believe now has made it easier for me to understand what can happen in the field.

Our first projects were park and ride lots, then on to removing and replacing abandoned railroad crossings, asphalt joint repair, concrete patches and milling. We even built a bridge back in the day. Having experienced, loyal employees has made the company what it is today.

Our journey to 2020 has not been without stress, concerns, ups and downs, good and bad days. Some really good days; some really really bad days.

A few years ago I had to make a

hard decision as to the future of CDH, Inc. Should I remain status quo and continue in the DBE (Disadvantaged Business Enterprise) program or try to grow the company as work was made available? The intent of the program is to assist small businesses to develop and grow into successful, competitive companies. I took the leap and trusted God would see us through. We have been through some of the hardest times you could imagine. We used the tough times to learn and to be thankful for what we have.

Our goal and hope today, 40 years later, is still the same: to maintain integrity and professional

workmanship in providing great roads for Michigan and good employment for our valued employees.

I believe you are successful if you are happy and content with the life you have. If I can leave any words of advice or encouragement to my family or others trying to make it in this business it is the hard work, commitment and sacrifices you have to make along the way that will lead down the road to becoming successful. When you take the time to look back and reflect on where you have been and what you have seen and done you will be so surprised, amazed and thankful.

Editor's note: Thanks Cheryl Hughes, president of C & D Hughes, Inc., for taking time out of your busy schedule to help us highlight — in your own words — your 40th year of doing business. The company has been a proud member of MITA for many years, and Cheryl served on the MITA Board of Directors. MITA congratulates C & D Hughes, Inc., on their 40th Anniversary and we wish them many more years of success.





***the Aggregate
Division***



***the Concrete
Patching Division***



the Milling Division



the Joint Division



***the Sawing
Division***



Glenn Bukoski, P.E.

To contact Glenn Bukoski, email him at glennbukoski@thinkmita.org or call the MITA office at 517-347-8336.

MDOT'S "DISADVANTAGED BUSINESS ENTERPRISE PROGRAM"

As a recipient of federal financial assistance, the Michigan Department of Transportation (MDOT) has established a Disadvantaged Business Enterprise (DBE) Program that is in compliance with the regulations of the U.S. Department of Transportation (USDOT) found at 49 CFR Part 26. Consistent with the overall goal of the USDOT regulations, MDOT's DBE program objective is to provide opportunities for socially and economically disadvantaged business owners to participate in state and local procurement contracts funded in whole, or in part, by the Federal Highway Administration (FHWA), the Federal Aviation Administration (FAA), and the Federal Transit Administration (FTA). MDOT sets annual DBE goals for each of these federal administrations using a methodology approved by the USDOT. The focus of this article will be the DBE Program associated with MDOT's road and bridge programs funded by the FHWA.

MDOT's DBE Program overall annual participation goal is made up of a "race

conscious" (RC) component and a "race neutral" (RN) component. RC participation includes those instances where DBE companies (subcontractor, supplier, trucker, service provider) are contracted to perform work or provide service on projects with established DBE goals. RN participation includes those instances where a DBE contractor wins a prime contract through customary competitive bidding, or where DBE companies (subcontractor, supplier, trucker, service provider) are contracted to perform work or provide service on projects that have no established DBE goals.

For fiscal year 2020 (FY20) MDOT had established an overall annual DBE participation goal of 8.03%, which they planned would be met through 5.50% RC participation and 2.53% RN contributions.

As a part of their responsibilities for implementing a DBE program, MDOT must report biannually to the FHWA on their status towards attainment of their annual overall DBE participation goal.

In a recent report covering the first six months of this FY20 (October 2019 thru March 2020), MDOT reported a DBE participation attainment of 5.63% (3.46% RC participation and 2.17% RN contributions) based on project awards and DBE commitments. This attainment percentage was MDOT's lowest six-month reported participation percentage in over a decade, and considerably below their FY20 goal of 8.03%. Based on this reported low DBE participation attainment, the federal regulations required that MDOT develop a corrective action plan with specific steps they will take in order to meet their annual goal.

At a late July meeting of the MITA/MDOT DBE Committee¹, MDOT presented the major elements of their corrective action plan to get the industry's collaborative input. The major elements collaboratively discussed were:

Project Goal Setting – MDOT's current plan of setting goals on more projects seems to be counter-

productive as the number of requested Good Faith Effort (GFE) reviews has significantly increased since that plan was implemented. Under the proposed plan, MDOT will review and analyze past projects where the DBE participation goal was met or exceeded to identify potential critical success factors (work types, project size, schedule, geographic location, etc.) that may have contributed to the projects DBE attainment. With an understanding of those critical success factors, MDOT hopes to select projects, and establish goals on those projects, that present a better potential for DBE participation success.

Civil Rights Manager – Leveraging the successes of some past projects, MDOT plans to utilize a contractual requirement for a Civil Rights Manager on select projects. The Civil Rights Manager would be a committed

project level resource with general responsibilities for coordinating and facilitating the projects DBE attainment.

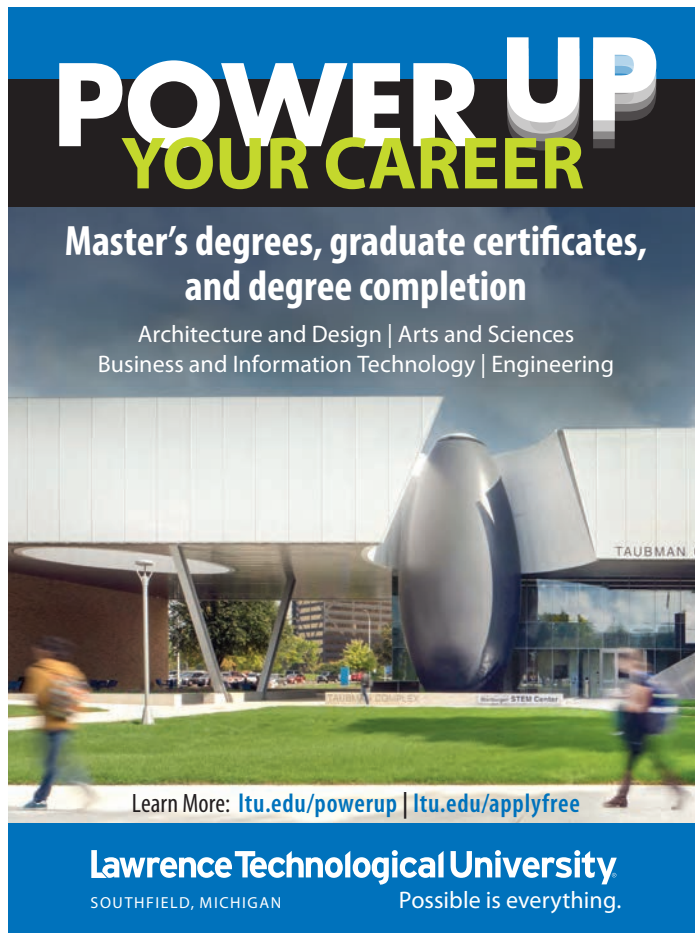
GFE Review Process – MDOT will review their GFE review process to ensure their reviews are performed in a diligent and thorough manner that is consistent with the intent of the applicable federal regulations.

“Ready, Willing, and Able” Contractor Database – As MDOT’s annual overall goal, and their project level goals are intended to be a reflection of the relative availability of “ready, willing, and able” DBE companies in comparison to all “ready, willing, and able” companies within the MDOT marketplace, maintaining the accuracy of these databases is key for establishing valid and reasonably achievable DBE participation goals. MDOT has committed to updating

these process critical databases on an annual basis.

With these proposed changes and enhancements to the MDOT DBE Program, the collaborative input of the MITA/MDOT DBE Committee, and through the collective and attentive efforts of all prime contractors and all MDOT certified DBE companies, MDOT and MITA are hopeful that the MDOT DBE Program will be on a path to achieving their overall DBE participation goal in the future.

1 The MITA/MDOT DBE Committee is a multidisciplinary group who meet regularly to collaborate on and resolve a wide range of issues and matters related to the execution of MDOT’s DBE Program. The committee includes representatives from MDOT’s Executive Office, Office of Business Development, Contract Services Division, and Region leadership, a FHWA representative, and representatives from MITA’s DBE contractor community, prime contractor community and staff.



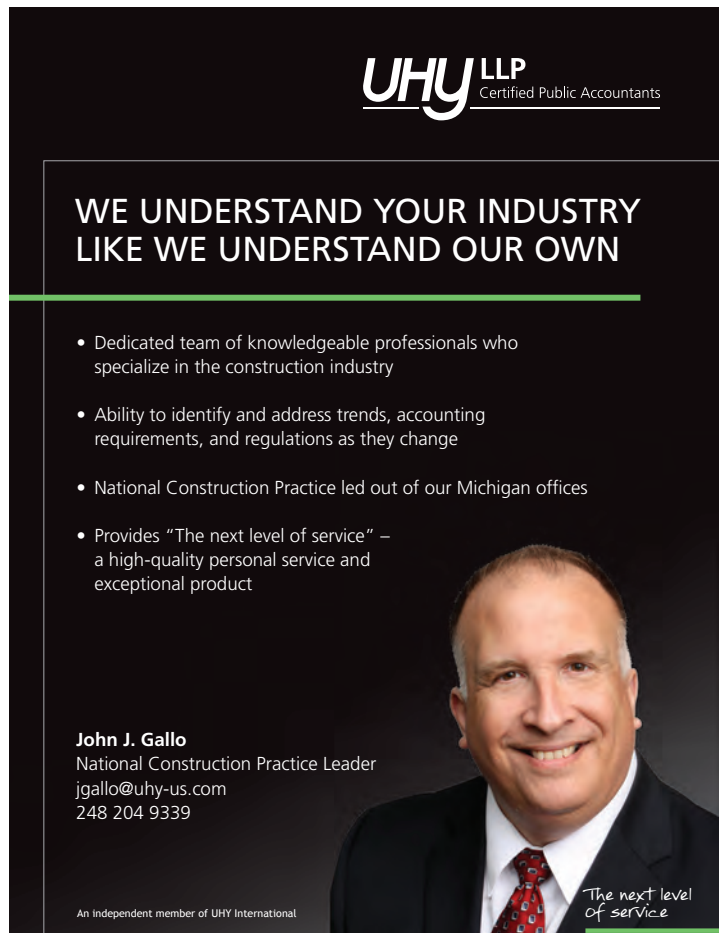
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A BRIEF HISTORY OF GARBER CHEVROLET

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At that time, Michigan resident Guy S. Garber laid a solid foundation, based on quality, trust and hard work, for what has now become one of the most successful automotive groups in the nation. Over the years, the business has been handed down from generation to generation; and, today, Guy Garber's grandson, Richard Garber, Jr., is in charge of the automotive group.

GARBER

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From left to right:

Gage Mashue, Commercial Sales Professional; Bryan Dinsmore, Commercial Sales Professional; Brian Strong, Fleet Sales Manager; and Doug Demski, Commercial Sales Professional.

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Continued on page 19



Lance Binoniemi

To contact Lance Binoniemi, email him at lancebinoniemi@thinkmita.org or call the MITA office at 517-347-8336.

MITA'S PAC NEEDS YOUR CONTRIBUTIONS

As we are all aware, we are in the middle of an election year. The TV ads, pamphlets and social media posts are impossible to avoid at times. And despite a global pandemic, an election will be held. And just like every other election, things will be expensive for the candidates and the campaigns.

The MITA Political Action Committee (PAC) has historically been one of the largest business PACs in the state and continues to be. However, we have noticed a trend from the membership that is unsettling. Contributions to the MITA PAC have lessened through the pandemic; and, as we speak with MITA members, there are a variety of reasons for this.

One of the most common reasons that we receive for not donating to the PAC is the lack of trust in our politicians and political system. It is certainly disappointing at times to see priorities in state government not align with the heavy construction industry or the general business community. And many have questioned the point of giving if we seem to continue to get the run around from elected officials. But we have had a lot of success legislatively over the years on several different fronts and have fought off potentially devastating legislation to the industry. And now, more than ever, is the time to step up and grow our PAC so that we can continue to be successful in Lansing.

Every legislative session thousands of bills are introduced, and some would have negative impacts on our industry. Our ability to fend those off is dependent upon our access to legislators and the legislative process. A strong PAC allows us to have that access to those decision makers within the Legislature and have our voice be heard.

Our PAC giving to elected officials and candidates is determined by careful analysis of a lawmakers previous voting record, their platforms that they run for office under and our conversations and work that we do with them while



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Continued from page 17

truck/car or drop off a loaner while your vehicle is being serviced.

"Our happy customers are actually buying us, not just our trucks or cars," said Brian Strong, who has been with Garber Chevrolet Midland for 15 years, currently serving as the Commercial Fleet Manager. "We offer the largest commercial inventory of any GM dealership in Michigan, and many MITA members have already taken advantage of their exclusive member discount on service trucks, dump trucks, platforms, box trucks and personal trucks or cars."

Brian said that being centrally located in Midland is the perfect place from which to do business, with their biggest markets, Lansing, Grand Rapids and Detroit, being within easy reach. Being a MITA member has allowed Garber Chevrolet Midland

the opportunity to meet many MITA members in those cities, regularly sponsor holes at MITA Golf Outings, advertise in the MITA quarterly magazine and attend the MITA Annual Conference in Mount Pleasant.

"MITA members benefit from our dealership being part of the Garber family, which allows us to stock a huge inventory, and hire a great, knowledgeable team," Brian added. "In my 15 years with Garber, we have tripled our team and tripled our sales. Garber supports us with inventory so we can support the customer. Their faith in us ensures our continued success and the success of our customers."

Garber Chevrolet Midland's customer base includes not just MITA contractor members, but associate members and municipalities as well, Brian added. They cover all sales

markets, large, medium and small, with inventory that will serve the needs of associate members who need vehicles for staff in the areas of surveying, and sales and many other professions.

In conclusion, Brian said that his job is to support his sales staff and make them look good with strong marketing, advertising and sales support.

"The secret to my success, and the continued success of Garber Chevrolet Midland is hiring sales professionals who are smarter than I am," Brian concluded with a smile.

MITA contractor and associate members are welcome to contact any Garber Chevrolet Midland Commercial Sales Professional today, including Gage Mashue, Bryan Dinsmore, and Doug Demski, who are quickly becoming familiar faces at MITA events.

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Sawyer Services, Inc., is a MDOT prequalified woman and minority owned business that provides regional electrical contracting, general contracting, electrical, fire alarm, lightning protection, communication/data and security systems infrastructure.



Kim Sawyer, President of Sawyer Services, Inc.

Sawyer Services, Inc., was established from the ground up as an electrical contractor company. With over a decade of excellence in the electrical field, the company has quickly grown into a well-known, up and coming general contractor in the government contracting community, earning an excellent reputation and outstanding contractor performance assessment reports (CPARS).

This MDOT prequalified, woman and minority owned business offers the following specialties: regional electrical contracting, general contracting, electrical, fire alarm, lightning protection, communication/data and security systems infrastructure.

"Our involvement as an MDOT contractor has grown exponentially over the past year," said Kim Sawyer, company president "Throughout this growth, we have never lost sight of

the traits that brought us our success. We give God all the glory that he has grown us at his pace and not our own."

Kim said that part of the company's fast growth into their new divisions of general contracting and MDOT has been based on bringing on personnel that have a wealth of knowledge and experience in government contracting and MDOT. Every project, she said, is given the same attention to detail and focus that has resulted in years of customer satisfaction, that extended throughout 2020, even with the challenges brought on by COVID-19.

"Due to our mission critical/essential contracts with the Department of Defense, school districts, community schools, and our service contracts that are integral to the operation and maintenance of local and state grocery stores, we were not able to simply shut down," Kim said. "We had

a skeleton crew, so we could still bid jobs, complete payroll, and perform essential work, like grocery stores. We were forced to quickly adapt to COVID-19 safety measures to mitigate the risk. This turned into a weekly and sometimes daily adjustment to ensure that our employees were safely operating according to the latest and ever-changing guidance from the CDC and local government."

Having successfully faced the challenges of 2020, the future looks bright for Sawyer Services. The company is not only expanding and building its new divisions of MDOT, DBE, general contracting and lightning protection, but they are also focused on maintaining the outstanding reputation that they have built, Kim said.

"For us, this means reaffirming our commitment to excellence in quality

and safety on a daily basis,” Kim said. “Our goal is to not simply just grow in the future but to grow while maintaining these standards, which we have established as the backbone of our company. But, first and foremost: God will do the supernatural and we will do the natural.”

Among those many “natural” things that Sawyer Services has accomplished with God’s help, Kim said, is a past project that she is particularly proud of: the Regulator Project that was “Mission Critical” at Selfridge Air National Guard Base near Mt. Clemens, Mich. Sawyer performed this design build/specialized equipment project that helps ensure the safety of planes and pilots. Not only did Sawyer finish three months ahead of schedule, but they also received an outstanding CPARS for the Regular Project. A long list of current projects includes another project at Selfridge Air National Guard Base, the installation and certification of new lightning protection systems on 40 plus mission critical buildings

(which also, received another excellent CPARS); Battle Creek Air National Guard Base Cyber Operations Building-Grounding, underground fiber, new lighting, generator, fire alarm, comm and data, backbone for their security system, power and lightning protection; and the remodeling of New Haven Schools, including an upgrade of electrical, power, lighting, clocks and fire alarms at New Haven High School, New Haven Elementary, New Haven Endeavour and the New Haven Administration Building.

The company started out with two employees, and has grown to 50 employees, which represents “phenomenal growth and a phenomenal team,” Kim said.

“The entire team at Sawyer Services is honored to be included in MITA’s Cross-Section Magazine as the DBE profile,” Kim said. “We look forward to being a proud supporter and partner with MITA and the MDOT DBE program.”

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Senior Account Executive



FALL 2020: MITA PAC UPDATE

Thank you to everyone who has contributed to the MITA PAC. Your generosity is greatly appreciated. If you haven't donated to the MITA PAC yet this year, please consider making a contribution today.

Name	Company	Donation
Amy Trahey	Great Lakes Engineering Group	\$1,000.00
Doug Kaltz	M.U.E. Incorporated	\$1,000.00
Todd Schrader	Hardman Construction, Inc.	\$500.00
Scott Bazinet	Lowe Construction Company	\$4,000.00
Richard Rohde	Rohde Bros. Exc., Inc.	\$100.00
Chris Shea	P.K. Contracting, Inc.	\$2,000.00
James Dykema	Dykema Excavators, Inc.	\$500.00
David Marsh	Peninsula Prestress Company	\$300.00
Steve Jackson	Jackson-Merkey Contractors, Inc.	\$1,000.00
Gary Merkey	Jackson-Merkey Contractors, Inc.	\$1,000.00
Brad Poggi	HUB International	\$250.00
Evan Weiner	Edw. C. Levy Co.	\$1,000.00
Mike DeFinis	Angelo lafrate Construction Company	\$250.00
Jim Kloote	J.E. Kloote Contracting, Inc.	\$1,500.00
Mike Peake	Action Traffic Maintenance	\$1,000.00
Darrell Kaltz	Kaltz Excavating Co., Inc.	\$1,000.00
Jeff Irvin	Action Traffic Maintenance	\$100.00
Jessica Kaltz	Kaltz Excavating Co., Inc.	\$100.00
Jeff Stover	Toebe Construction LLC	\$500.00
Pat Dunigan	Dunigan Bros., Inc.	\$2,500.00
Alan Sandell	Cadillac Asphalt LLC	\$200.00
Nick Apostol	Giannetti Contracting Corporation	\$500.00
Brian Hoffman	Hoffman Bros., Inc.	\$5,000.00
Kurk Schweitzer	GM & Sons, Inc.	\$250.00
Karl Schweitzer	GM & Sons, Inc.	\$1,000.00
Sean Morrissey	GM & Sons, Inc.	\$200.00
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Craig Fons	GBM Companies	\$1,000.00
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Joe Cook	Pro-Tec Equipment	\$500.00
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Ken Nowicki	M&M Excavating	\$1,000.00
Dave Pytlowany	AIS Construction Equipment	\$500.00
Dave TerBeek	AIS Construction Equipment	\$500.00
Bob Allison	AIS Construction Equipment	\$500.00
Byron Miller	AIS Construction Equipment	\$500.00

Name	Company	Donation
Gabe Nowicki	M&M Excavating	\$250.00
John Landrie	M&M Excavating	\$750.00
Brandie Meisner	M&M Excavating	\$1,000.00
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Dave TerBeek	AIS Construction Equipment	\$1,800.00
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Pete Scodeller	Scodeller Construction, Inc.	\$2,000.00
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Mike Buck	Salus Consulting Group	\$500.00
Tom DiPonio	Jay Dee Contractors	\$10,000.00
Rob Wilson	Mid Michigan Materials	\$1,000.00

September 2019 – September 2020 PAC Donations

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MICHIGAN SUPREME COURT RULING IS A VICTORY FOR CONTRACTORS

By R. Edward Boucher & J. Lauren Virzi, Kotz Sangster

On June 29, 2020, the Michigan Supreme Court corrected jurisprudence that had been wrongfully denying insurance coverage for a large number of construction defects in the State of Michigan for over 30 years. In *Skanska USA Building Inc. v M.A.P. Mechanical Contractors, et al.*, the Court enforced what it properly regarded as plain policy language, thereby opening the door to coverage. This victory for contractors was the result of a tremendous effort by multiple law firms and industry organizations. We are particularly proud to report that MITA and MITA associate member law firms were instrumental in the victory.

The case has tremendous practical and legal impacts. Each year this state's government bodies, its residents, and its businesses collectively spend more than \$10 billion on infrastructure, commercial, industrial, and residential construction projects. Participants in virtually every single one of

these transactions are covered by commercial general liability insurance. Prior to the *Skanska* ruling, a vein of jurisprudence flowing from the Court of Appeals' decision in *Hawkeye-Security Ins. Co. v Vector Construction Co.*, 185 Mich App 369; 460 NW2d 329 (1990), prohibited insurance coverage for damage to the contractor insured's own workmanship, even though the express terms of the insurance policy itself allowed it in many, if not most, circumstances. In simple terms, the line of cases emanating from *Hawkeye-Security* ripped a huge hole in the insurance that was supposed to cover all of those projects.

This vein of case law was both erroneous and created tremendous practical and jurisprudential problems. The standard general liability insurance policy, which is the template used across the insurance industry in the United States, was revised in 1986 to provide expanded

Continued on page 26



R. Edward Boucher is a Shareholder at Kotz Sangster, practicing in the firm's Detroit office. Ed argued *Skanska USA Building Inc. v M.A.P. Mechanical Contractors* before the Michigan Supreme Court. He can be reached at rboucher@kotzsangster.com.



J. Lauren Virzi is a Senior Associate at Kotz Sangster, practicing in the firm's Detroit office. Lauren participated in the firm's representation of *Skanska* before the Michigan Supreme Court. She can be reached at lvirzi@kotzsangster.com.

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coverage for certain construction defects. The decision in *Hawkeye-Security* concerned the old, pre-1986 policy. In its decision, the court in *Hawkeye-Security* properly denied coverage because the language of the pre-1986 policy did not provide coverage for damage to the insured's own workmanship. While the court reached the right result, it also veered from traditional rules of contract interpretation and based its decision on the premise that a construction defect is not an "accident." This notion grew from a series of early 1970's academic and judicial writings on the purpose of liability insurance under the standard policy of the era.

However, as noted above, the standard CGL policy changed in 1986. Unfortunately, and unbelievably, no one informed Michigan courts of this change, and the Court of Appeals continued to apply the *Hawkeye-Security* holding without ever once considering the impact of the 1986 revisions to the standard CGL insurance policy. In fact, at least 15 Court of Appeals decisions repeated *Hawkeye-Security's* holding, and not one of them even made mention of the revised policy language. The result was justice by happenstance. In some

instances coverage was properly denied, as not all construction defects are covered by the current standard CGL insurance policy. But more often, the result reached by the courts was wrong, as the 1986 policy revisions extended coverage for damage to a contractor's own work in certain circumstances.

This vein of jurisprudence had an adverse effect on Michigan's \$10 billion construction industry. As in all industries, parties to a construction contract base their price on the allocation of risk. By shifting some risks to an insurance company, such as the risk of bodily injury or the risk of certain defects, the parties are able to lower the cost of the project. Prior to the Court's decision in *Skanska*, parties to a construction contract in Michigan lacked the certainty that their allocation of risk to an insurance company would be respected by the judiciary. While the language of a given insurance policy clearly sets the parties' expectations regarding the coverage extended by the policy, those expectations may or may not have been met if the insurer forced the insured to litigate. This not only skewed the market, it forced many contractors – including many MITA

members – to reach into their own pockets to pay claims that should have been paid by their insurance companies.

The Michigan Supreme Court corrected this injustice by enforcing the plain language of the insurance policy in its decision in *Skanska*. In so doing, the Court reinforced its fidelity to a fundamental principle of our law: freedom of contract. A cornerstone of the law of contract interpretation established and continually reinforced by the Michigan Supreme Court is what it calls the "ancient and irrefutable" right of "free men and women [to] reach agreements regarding their affairs without government interference" and to have those agreements enforced as written. By basing its decision in *Skanska USA Building Inc. v M.A.P. Mechanical Contractors* on this standard, the Court reached the right result for the right reason.

The path to victory was long, difficult, and filled with uncertainty. *Skanska* began this litigation in 2013 with the modest hope of getting some compensation for costs it bore to repair damaged underground steam pipe. *Skanska's* mechanical

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Continued from page 26

subcontractor had unwittingly installed three expansion joints backward, and as a result, the steam pipe literally tore itself apart. This happened when the boiler began operating at full power, as the backward joints could not absorb the heated pipe's expansion. As an additional insured on the mechanical subcontractor's policy, *Skanska* was entitled to coverage for the costs to repair the damage caused by the mechanical subcontractor's faulty work. However, the insurance company, Amerisure, defended the claim by arguing property damage to the insured's own defective construction work was not an "accident" and therefore is not covered by a commercial general liability insurance policy. The trial court believed installing expansion joints backwards was indeed accidental, but felt the controlling case law, namely the decision in *Hawkeye-Security*, compelled it to deny coverage for the damaged steam pipe.

Thus the precedent established by the court in *Hawkeye-Security* erroneously prevented *Skanska*, just as it erroneously prevented all other Michigan contractors, from benefiting from the insurance coverage for which they had been paying for decades.

To say the process of changing long-standing legal precedent is a challenging one, would be a big understatement. This is a fact that was recognized by counsel for Amerisure early in the pendency of this case. In an antagonistic side bar he said "[y]ou're probably right in your argument, but you're going to have to go through 42 appellate judges to get there." Amerisure's counsel's prediction proved to be true, at least at the level of the Court of Appeals. His comment was also true with respect to the rarity of having an appeal heard by the Michigan Supreme Court.

In 2019, out of 1,757 applications, leave to appeal was only granted to 21 cases, meaning only 1.2% of the applications were successful. Despite having lost its appeal to the Court of Appeals, *Skanska* was not deterred but rather determined to correct the

faulty line of case law which permitted insurance companies to renege on the deals they stuck with their contractor insureds.

In terms of sheer statistics, *Skanska* had a steep hill to climb. Its chances of a successful appeal were made even



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more difficult by the Court of Appeals' declaration of its interpretation of the term "occurrence" as a "principle of law." In doing so, the Court of Appeals gave further judicial validity to the erroneous interpretation of the post-1986 CGL policy language.

Cases that attract public attention, or which are supported on either the plaintiff or defendant's side by a large enough contingent of non-litigants, have a better chance of being granted leave to appeal by the Supreme Court of Michigan. This support is often and most effectively given via amicus briefs filed in support of one position or the other. MITA was the first to commit to support *Skanska's* application as it recognized that many of its members were wrongfully denied coverage as a result of the *Hawkeye-Security* vein of case law. MITA's commitment convinced other

construction industry organizations to get behind the effort with their own amicus briefs. As a result, a remarkable five amicus briefs were submitted in support of *Skanska's* application. It is not an exaggeration to say that some may not have been submitted had MITA not recognized the significance of this fundamental flaw in the law.

Piquing the Michigan Supreme Court's interest enough for it to grant leave for its appeal was an accomplishment in and of itself. The next hurdle *Skanska* faced was the challenge of convincing the Michigan Supreme Court to overturn more than three decades worth of entrenched precedent. In declaring its definition of "occurrence" as a "principle of law" the Court of Appeals pointed to prior decisions, and particularly the holdings in *Radenbaugh v Farm Bureau Gen Ins Co of Michigan*, 240

Mich App 134 (2000) and *Calvert Ins Co v Herbert Roofing & Insulation Co*, 807 F Supp 435 (ED Mich, 1992), to reinforce its faulty notion that defective workmanship was not an "accident" and therefore did not qualify as an "occurrence" under the standard CGL policy. Those cases defined the term "accident" as an "undesigned contingency, a casualty, a happening by chance, something out of the usual course of things, unusual, fortuitous, not anticipated, and not naturally to be expected..." and reasoned that because a contractor performs its work with 'intent' that the result of that work is also 'intentional,' thereby negating coverage. This is something that Amerisure seized upon in its responsive pleading with the Michigan Supreme Court. Amerisure argued that to qualify as an "accident" the

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event giving rise to a given loss must be “fortuitous” without any semblance of intent, and essentially the result of purely random, dumb luck (or a lack thereof). That argument is illogical, and contrary to how liability coverage generally works. Following Amerisure’s logic, no car crash could ever qualify as an “accident” as the driver ‘intends’ to drive their car, and therefore must have intended to drive their car in such a way to cause it to crash. Under Amerisure’s interpretation of the term “accident” there is no such thing as “negligence” under Michigan law.

Thankfully, the Michigan Supreme Court saw the defects in Amerisure’s reasoning, and reversed the Court of Appeals in holding that defective workmanship can qualify as an “accident” and therefore an “occurrence” under the terms of the post-1986 standard CGL policy. While the effect of the ruling in *Skanska* on the construction industry in Michigan is monumental, the principal of law

the Court relied upon in reaching its decision is in no way innovative or novel. What *Skanska* asked the Court to do, and what the Court ultimately did in taking its decision, was simply to read and interpret the plain language of the policy, and enforce it as written. An “occurrence” is defined in the standard policy as “an accident, including continuous or repeated exposure to substantially the same general harmful conditions.” The Michigan Supreme Court held that defective work is in fact ‘accidental’ thereby qualifying as an ‘occurrence’ and triggering coverage under a standard CGL policy.

The next step in the coverage analysis is to look at policy exclusions to determine whether any apply, thereby excluding coverage for a particular event. Paragraph 2(l) of the standard form CGL policy contains the “your work” exclusion, which generally denies coverage for property damage to an insured’s own work. However, that paragraph includes an exception which states “[t]his exclusion does not

apply if the damaged work or the work out of which the damage arises was performed on your behalf by a sub-contractor.’ In this case, *Skanska* acted as the general contractor, and it was its mechanical subcontractor that installed the expansion joints backwards, constituting the faulty work. Therefore, under a plain reading of the policy, coverage is available to *Skanska* for the faulty work of its subcontractor.

The Michigan Supreme Court’s decision has not had the effect of blindly granting coverage to contractors for faulty work in all instances. Rather, the effect of its decision is to grant contractors the benefit of their bargain with their insurance carriers. Insurance companies are no longer permitted to entice contractors to purchase policies with a promise of coverage for damage to work under certain circumstances, to only then turn around and hide behind erroneous case law in denying coverage. In keeping with its fundamental principles of contract law, the Michigan Supreme Court, through its decision in this case, requires insurance companies to keep their promises with their contractor insureds, returning stability and certainty to contractors’ ability to allocate risk on their projects.



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Let's Make Some Good News IN 2020!

During these tough times, when it seems that no matter where we look—social media, television, or print media—all we see is bad news, it is important to actively look for Good News. **Good News is out there, and we want to hear about it from our MITA members!**

Please accept this as your formal invitation to join us in our renewed effort to share positive stories and photos about your company so that we can continue to shed a positive light on all the amazing things that are happening in the construction industry and that might be going unnoticed. We want to know about your new hires, your promotions, your anniversaries, your projects and any other public interest stories that you might want to publicize.

We will get the good news from you out to our members through our social media, website, member bulletins, and feature articles in Cross-Section, our quarterly magazine. Send any and all Good News to MITA's Director of Communications, Nancy Brown, by emailing her at nancybrown@thinkmita.org, or give her a call at 517-347-8336. We hope to hear from you soon

G2 Consulting Group Adds Staff, Looks to Hire

G2 Consulting Group, a Troy-based leader in geotechnical, geoenvironmental, and construction services, announced recently that it has expanded its corporate roster by 20 employees (8 full time, 12 interns) and is looking to add at least a half-dozen additional team members by year's end.

Following several consecutive years of increasing project activity and revenue growth, G2 is now approaching 100 team members. Despite the interruption caused by COVID-19, G2's business in metro Detroit and other national markets remains strong for the company that continues to build its reputation on "Smart. Results. Fast."

"With the current focus on improving infrastructure in Michigan and the increase in development activity throughout the geographic areas we serve, we want to be ready to dive in wherever there's an opportunity to do so," said Mark Smolinski, P.E., G2 principal. "We've been fortunate to win a number of marquee projects and we continue to add qualified professionals to handle the steady volume of work we have on hand."

The 20 new employees hired since January are split between G2's offices in Troy, Ann Arbor and Chicago and are mostly staff engineers, technicians, and interns. Approximately 40 percent of the new hires are women and minorities, reflecting G2's commitment to being part of the solution for equal opportunity and creating a workforce free from bias.

Collectively, Michigan is tackling some of the largest and most complex projects imaginable. Whether it's the Gordie Howe International Bridge, Lansing Power and Light project, the (coming soon) Enbridge Line 5 tunnel, or any of the thousands of other ports, dams, roads, airports, bridges, storm water and/or education projects, Michigan is ramping up to meet enormously complex construction challenges.

"Through our long-standing relationship with MDOT and contractors, we know that the state has the technical and business acumen to meet current and future infrastructure needs, which are substantial," said Smolinski. "Since first putting the world on wheels, Michigan has proven again and again that we can take on any construction challenge and succeed. At G2, we're investing in the people, equipment, and technologies to help get the job done."

G2's recent and current project work includes: portions of I-75 reconstruction, foundation work at the Hudson site and countless telecom projects nationally, dozens of education projects, soil and subsurface testing for solar and wind farms, municipal streetscape projects, and development work for several automotive, industrial, and logistic facilities.

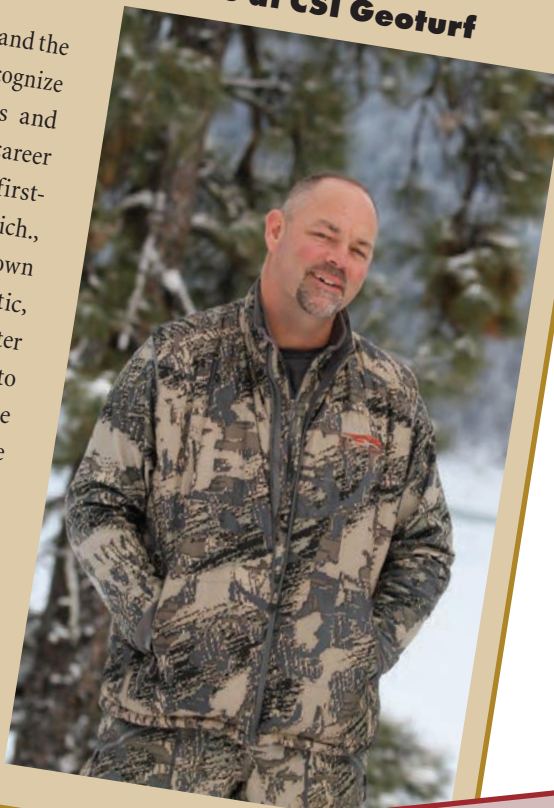
Smolinski encouraged entry and mid-level engineers to review open positions on the G2 website at www.G2consultinggroup.com.

Jeff Skinner Reaches Milestone at CSI Geoturf

www.geoturf.com

Donn Ellis, President of CSI Geoturf and the entire staff of CSI Geoturf would like to recognize Jeff Skinner for his 30 years of sales and leadership at CSI Geoturf. Jeff began his career as inside sales where he set the tone of first-rate customer service at the Highland, Mich., corporate location. He quickly became known for his expertise in all things geosynthetic, erosion and sediment control and stormwater management. Soon after having moved to a vitally important outside sales and service position, he continued to demonstrate his value to both the company and his wide-ranging customer base.

"I cannot think of a more knowledgeable and professional representative to have on our staff," Donn Ellis said. "Congratulations, Jeff, on a job well done and your unmatched contributions to the company and the industry that you have served."



Other good news from G2

New Hires

Deanna Martynenko, Staff Engineer
Jarrett Berry, Technician 1
Michael Bajorek, Staff Engineer
Wyatt Lentz, Staff Engineer
Zach Lilly, Staff Engineer

Promotions

Jennifer Casey, P.E., promoted from Senior Project Manager to Project Manager

August Anniversaries

Thomas McDonald, celebrating 26 years with G2
Nathan Zaporski, celebrating four years with G2

Merlo Construction Company, Inc.

www.merlomi.com

Congratulations to Gary Watters

"Congratulations, Gary Watters, on 50 years in the industry that you have served proudly and well," said Ray Merlo, of Merlo Construction. "The industry needs more people like you."

Ray recently shared details about Gary's work history, which began in May of 1970 when he was first employed by Midwest Bridge as a laborer. Over the next 38 years, he served in a number of capacities as he and the company grew, and he moved on from the company as their executive vice president.

"It was Gary's passion for the industry and the dedication to his employer's ownership group that enabled Gary to have so much success in his chosen field," Ray said.

After Gary left Midwest Bridge, he held the position of vice president for Bridge Tech before becoming an MDOT estimator seven years ago for Merlo Construction. His vast experience was a welcome addition to the company as both an estimator and dedicated mentor.

He saw many changes over the years in the industry, Ray said.

"He remembers the pre-bid nights that were spent in hotels handwriting bid forms and manually delivering them to the award meeting, where he listened to the results read aloud," Ray recalled. "You can imagine the camaraderie between competitors then compared to everything done electronically today!"

Hardman Construction, Inc.

www.hardmanconstruction.com

Hardman Construction, Inc., recently had the honor of helping with fundraising and providing materials and labor for the Ludington Splash Pad, the first splash pad in Mason County. The splash pad offers a fun and local activity for children, even throughout the COVID-19 pandemic. Social distancing at the pad is encouraged and very much possible.



World Diamond Source

www.worlddiamondsource.com

World Diamond Source Has Continued to Flourish During 2020

During these unprecedented times, every industry, every company, every person has been affected in some way. At World Diamond Source (WDS), based in South Florida (the new epicenter for the COVID pandemic), they are happy to report that it's business as usual (with safety precautions in place of course). WDS sales for 2020 have already surpassed 2019, despite the challenges of the pandemic.

WDS serves companies who may just need one or two blades a year to industry titans with massive contracts. They are proud to report that one of their largest partners in South Florida, Archer-Western, is getting ready to unveil two major projects for which WDS supplied every diamond blade on the I-95 Rigid Pavement Reconstruction, named the best interstate project for 2020 by the Florida Transportation Builders Association, as well as the Howard Frankland Bridge in Tampa, Florida.

Their relationships extend well beyond Florida, with MITA members contributing to this year's WDS success, according to Company Spokesperson Giselle Reid.



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Ken Bertolini

To contact Ken Bertolini, email him at kenbertolini@thinkmita.org or call the MITA office at 517-347-8336.

MITA MEMBERS VOICE CONCERNS REGARDING STATE OF THE WORKFORCE

MITA, which represents over 500 companies statewide who work on Michigan's roads, bridges, underground and utility systems, surveyed members from March through June of 2020. The survey was designed to collect information regarding hiring needs, trends and practices. Questions ranged from the number of employees needed to hire over the next five years and types of positions needed, hiring practices, compensation and benefits offered, training and mentoring, turnover, size of company, and annual construction revenue. The intention was to provide MITA member companies with a picture of the workforce needs being faced in Michigan. Often these questions are asked to the construction industry as a whole, including residential, industrial and commercial construction and are asked on a national level. MITA determined that providing a picture of the transportation/infrastructure hiring needs for Michigan could better benefit members. MITA members include both small and large, as well as union and non-union companies. The survey is a direct result of prompts received by

MITA member companies indicating that as the state of Michigan continues to increase its road and infrastructure budget and large numbers of an aging workforce retire, the industry is at a critical stage for a skilled and trained workforce.

The Workforce Survey can benefit individual companies by showing the hiring needs for the state as a whole, as well as the hiring practices being used by other companies. MITA intends to use the data received to help determining training practices for existing and future training programs throughout the state and to better advise companies on successful programs already being implemented that hire, retain and promote their workforce.

Total responses included 90 individuals from different companies, and all participants of the survey completed 100 percent of the survey. The average time that it took to complete the survey was just under seven minutes. MITA's goal was to keep the survey completion time to 10 minutes or less. Survey Monkey was used as the platform.

The survey results indicate the industry may benefit from:

- Bringing in more laborers into the industry
- Establishing mentor programs
- Reducing worker turnover
- Reducing the number of workers leaving for other industries

The survey respondents represented a broad range of road, bridge, excavation, general contracting and utilities work. 40 percent of the respondents are CEO's or Presidents of their respected companies. Over 30 percent employ over 100 employees during the peak construction season. When asked about their hiring needs for the 2021 season, close to 40 percent indicate that they will need to hire five or fewer employees. 20 percent claim that they will need to hire between 6 to 10 new hires. 10 percent will need 11 to 15 new employees. Over 14 percent claim a need of 16 to 25, and the remaining 18 percent of companies need to hire over 25 employees. Extrapolating this out, the 90 companies who responded to the survey need 850 hires on the

Continued on page 48



Greg Brooks

To contact Greg Brooks, email him at gregbrooks@thinkmita.org or call the MITA office at 517-347-8336.

DOLLARS AND SENSE SAFETY

As the fall project completion begins to slow down, many companies will begin to turn their eyes to next year and start looking at profit and loss and projections for the future. Many of you will attempt to predict as accurately as possible and much of your hard costs are easily quantifiable. Safety however is much harder to quantify and many struggle to spend the appropriate amount of money toward safety related items because of this.

Safety will affect your costs and revenues in two primary ways. The first and most obvious to all is the cost of complying with regulations and providing the training and appropriate tools to ensure a safe workplace for all employees. MITA does much of this for

members by way of safety programs booklets, training, etc. But the second, hidden cost of safety will actually have a larger effect on your bottom line. Can you survive large fines from MIOSHA or the MPSC? These costs are hard to factor in! Your insurance for avoiding these issues is a strong proactive safety system in place, one that includes ongoing training and management participation and a high expectation of compliance. However, many believe in these goals but do not provide the necessary safety related products and training to obtain them.

It is well documented that companies that have spent the time and money on effective safety and health programs report that employee morale significantly improves, which translates to higher production. These companies look at negative costs associated with accidents just as they would look at all other financial losses, something that must be avoided at all costs. Safety investments should be looked at as just that, an investment, not a cost against the overhead.

The ROI of safety

Independent studies show that \$1 invested in safety has a payout of \$4 to \$6 in reduced costs. Any owner of a construction company would invest \$10,000 on a piece of equipment that would reduce the labor cost by \$30,000, it would be looked at as a "no brainer." Going back to safety, that same \$10,000 invested yearly, could save \$40,000 to \$60,000 off your

Continued on page 48



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SAFETY DIRECTORS HOLD FIRST ROUND TABLE ZOOM MEETING

On June 23 MITA hosted a Safety Directors Round Table meeting via the Zoom platform. The event had been originally scheduled earlier in the summer at the MITA building, but had to be postponed due to COVID-19.

- Forty MITA members logged on to be a part of the meeting and were given the opportunity to ask questions and have discussions with the following panelists:
- Bart Pickelman - Director Of MIOSHA
- Lawrence Hidalgo - Director of MIOSHA Construction Safety and Health Division
- Eric Allen - Manager MIOSHA Construction Safety and Health Division. Hosts Rob Coppersmith and Greg Brooks

The topics for discussion included COVID-19 and its effects on our industry, enforcement of executive orders, grant money available to MITA members from MIOSHA, the National Emphasis Program on Excavating and Trenching and the appeal process available for MITA members for MIOSHA violations.

Future Safety Directors Round Table meetings will be announced soon and will involve MDOT, Michigan State Police and safety representatives from around the country.

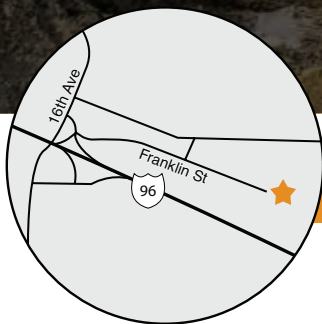
To be added to the Safety Directors mailing list, please email MITA's Director of Safety and Compliance, Greg Brooks, gregbrooks@thinkmita.org or Sara Schaibly, Membership Services Coordinator, saraschaibly@thinkmita.org.



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FISHER CONTRACTING COMPANY

Fisher Contracting was awarded an emergency contract earlier this year from MDOT to repair both the eastbound and westbound bridges on US-10 (a total of 2, two-lane bridges), which span Sanford Lake in Midland County, Mich. Due to US-10 being a vital commercial roadway, a strict work schedule was put in place, with work beginning just days after the flood damage occurred.



Both the eastbound and westbound lanes/bridges suffered major structural damage, requiring a variety of repairs. Bridge abutments (the support structures which connect the deck of the bridge to the ground) were undermined and in need of correction. The bridge approaches between the roadway and bridge deck were either damaged or collapsed and in need of repairs.



- Fisher Contracting – Prime Contractor, responsible for overseeing the entire scope of the project
- Fisher Transportation – Subcontractor, responsible for hauling 11,000 tons of riprap (used for stabilizing bridge abutments and foundation), 4,500 tons of 6AA limestone (used for bridge abutments and reconstructing access roads to the underside of the bridge), and 1,000 tons of hot mix asphalt (used for repairing bridge approaches)
- Bay Aggregates – Supplier, supplied a large portion of the riprap and 6AA limestone used
- Central Asphalt – Subcontractor, responsible for paving the repaired bridge approaches
- Fisher Sand & Gravel – Supplier, supplied all ready-mix concrete used in repairing the bridge approaches and grout under the foundations that were undermined
- An important note – Each of the companies listed above are members of the Fisher Companies.

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Continued from page 41

Timeline of the project—start to finish.

- Bid Documents Issued – May 21 at 6 p.m.
- Prebid – May 22 at 9 a.m.
- Bids Due – May 22 at 5 p.m. Bid Amount - \$1.78 Million
- Notice to Proceed – May 22 at 7 p.m.
- Mobilization – May 23
- Paving of Crossovers – May 27
- Step 1 – Build temporary crossovers and repair the eastbound bridge.
- Step 2 – In early June, shift both eastbound and westbound US-10 traffic to the eastbound roadway. This allowed one lane of traffic in each direction.

June 5 – It was determined by divers that the additional scour on the in-channel piers would require additional riprap armoring. This required mobilization of barges and additional equipment to place an additional 2,500 tons of riprap under the water.

- Step 3 – By mid-June, have the westbound bridge and roadway repaired and opened to traffic.
- Step 4 – Remove temporary crossovers.
- Project Completed & Open to Traffic – June 27, 2020



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Thank You!

A big thank you to the companies, noted on this page with their logos, for sponsoring the MITA 2020 Golf Outings. The outings were held at Boulder Creek in Grand Rapids, Twin Lakes in Oakland and Eagle Eye in East Lansing.

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Continued from page 9

Dear Danielle:

Everything at the Golf Outing was excellent yesterday (July 29). I wanted to say thank you, to you and the rest of your team, for putting on such a great event despite the obstacles. Ken Bertolini wound up joining our group as the fourth, which was a really great opportunity for me to be able to get to know him and get a better understanding of what he's out there doing all year long as an advocate for the industry.

I work with a lot of contractors, and I'm constantly talking with contractors all over the state. Obviously it is no surprise to me to tell you that concerns about the labor pool is a constant topic of conversation/area of concern. Having had the chance yesterday to spend that time talking with Ken and hearing about the types of programs he's out there working on, that gives

me a lot of new information that I can share with the contractors who I talk with. Now, whenever the topic comes up (and I know it will) I feel like I can help raise some awareness to those steps that MITA is taking in order to improve the situation.

Participation is everything, and I have to believe that making contractors aware of those efforts is only going to improve the buy in when it comes to them seeing the real value in a membership. So, whether I'm talking with a contractor who is already a MITA member, or maybe one who has been a member in the past but fell away at some point for whatever reason, I think that being reminded of those types of initiatives is something that I can do in order to further the cause.

Lastly, our company hasn't been operating directly in Michigan for very long, but we have been established in

Wisconsin, Iowa and Illinois for decades, so it is interesting to compare new experiences that I'm having in Michigan with whatever we've experienced in other parts of the region. Over the years, we've been involved in other state-level organizations similar to MITA, and I have to say that your group truly does an awesome job compared to organizations in other parts of the region. Nothing I've seen is anywhere near as organized when it comes to bringing both the education and the advocacy pieces together. The effort that's been put into making sure that MITA is so much more than just a networking thing, I wanted to let you know that it is very much apparent.

Thanks again for all the efforts that went into yesterday's event.

Kory Mortel

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Continued from page 36

low side, and 1,377 on the high side for the 2021 construction season. 28.3 percent of MITA contracting companies responded to the workforce survey. Assuming the survey results are a true representation of the remaining 228 contracting companies, MITA companies will need 3,003 new hires on the low end and 4,866 on the high end for the upcoming construction season.

MITA's Workforce Survey offers suggestions that companies should consider and also highlights the tremendous hiring need that we face. The transportation and infrastructure work will only increase over the upcoming years as well as the need for employees. Attention needs to be placed on hiring and training

practices as well as a strong emphasis on retention.

A copy of the 2020 MITA Workforce Survey can be found on the MITA website, www.thinkmita.org, within a Workforce Development Member Bulletin titled: "Preparing for the 2021 hiring season and beyond: MITA Workforce Survey Report." <https://thinkmita.org/wp-content/uploads/MITA-2020-Workforce-Survey-8.6.20.pdf>

Questions regarding the survey can be directed to: Ken Bertolini, MITA's Director of Workforce Development, ken.bertolini@thinkmita.org, or 517-449-0155.



Continued from page 37

bottom line. That is a "no brainer" in my book.

Investigating your ROI into your safety and health program is as wise as looking into any of your other investments. Think about these staggering numbers: workplace illnesses, injuries and deaths cost American businesses \$170 billion every year and 40 million work days are missed annually due to job-related illnesses and injuries. Yet, in 2018, 44 percent of construction companies said in a survey that they had spent less than \$200 per employee on safety training.

The not so obvious costs of accidents

Everyone can imagine the obvious costs of injuries on a jobsite or office such as medical bills, loss of production,

Continued on page 49

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workman's compensation, etc. But stop and think about it. These costs may be just a drop in the bucket compared to the following less obvious costs of an injury causing incident:

- Replacement labor while your employee recovers
- Time lost to train replacement labor due to the experience that was lost.
- Time that gets diverted from tasks in order to locate replacement labor.
- Time lost by on site supervisory staff to treat the injury, plus replacement first aid supplies.
- Additional costs to investigate, document and report the injury.

Once it's reported, MIOSHA will get involved, and there may be fines up to tens of thousands of dollars. If lawyers get involved, you may have a lawsuit and the legal fees that accompany that. Some customers may have such strict safety policies that you could lose a contract, or end up on the 6 o'clock news.

Having claims on your record will cause your experience modification ratio to increase, which in turn raises the rates you pay for workers' compensation premiums. Enough claims and carriers may refuse to cover you.

Where to start on a safety budget

As you begin to consider a safety budget, remember the ROI of an effective health and safety program. Additionally, the money invested will likely be less than the total costs of one preventable accident.

There are three primary readily available resources that can be utilized when determining your safety budget. The first is your own experience and company history. Reaching out to your employees is the second. The third would be leaning on your association for information collected from

government agencies such as OSHA and the Department of Labor.

Keeping tabs on your companies safety culture requires some dedication and resources, but it will provide an exorbitant amount of information about where to focus your efforts. Trends in injuries within the company can reveal PPE needs, training deficiencies, bad habits as well as bad employees.

A simple survey of your employees can be an excellent source of safety information, as they deal with issues regularly and see firsthand the hazards they are exposed to. You should survey your employees and

utilize the feedback in your budgeting considerations. Four simple questions will get you invaluable information.

1. Have you had a safety related issue in the last year? (If yes, explain.)
2. Do you have safety related concerns about your job? (If yes, explain.)
3. Do you have recommendations for improving safety in your work area and, if yes, what would you improve and how?
4. Are you provided with all the necessary PPE to protect yourself while working? (If no, explain.)

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in Lansing. It is mostly focused on members of committees with legislation affecting the heavy construction industry and those holding positions of power within their caucuses that can influence which bills get considered and which ones do not. MITA staff would be happy to discuss any contributions that we have made or that MITA members may want us to consider in the future. We have raised money for candidates that MITA members have had long standing relationships with that we may not have as it is difficult to know fully all the candidates and their positions on our issues.

Keeping a healthy PAC and having the ability to participate financially in elections is essential for a strong and successful government affairs program. Please consider donating to the MITA PAC. No donation is ever too small. If you have any questions or concerns, please don't hesitate to contact Lance Binoniemi, Vice President of Government Affairs, at lancebinoniemi@thinkmita.org.



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SALUS GROUP

GOOD NEWS!

The MITA Association Health Plan: No Price Increase for 2021

Salus Group, in cooperation with MITA, recently completed the Association Health Plan annual loss ratio review with Blue Cross and Blue Shield of Michigan and is pleased to announce a ZERO percent price increase, effective January 1, 2021.



This is the 30th consecutive month of no Association Health Plan rate adjustments, and the rates are guaranteed through December 31, 2021. Salus Group representatives are available to assist with any open enrollment needs that MITA members may have, and are prepared to review ancillary and other Association Health Plan 2021 enhancements.

For more information about the Association Health Plan, please contact MITA's Vice President of Membership Services, Rob Coppersmith, at rob.coppersmith@thinkmita.org, or by calling the MITA office at 517-347-8336. You may also contact Salus Group representatives. Their contact information is listed below.

Mike Buck, mbuck@thesalusgroup.com, 586-817-0833
Stacy Harris, sharris@thesalusgroup.com, 586-554-7672
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Continued from page 49

MITA is always on top of MIOSHA's current data of the top 10 most cited safety regulations. The data is what MITA focuses much of its training on and it will give you a sense of the areas where MIOSHA enforcement will be focusing their efforts. Then you can examine these areas within your own company and determine steps necessary to maintain compliance.

Putting it all together

Armed with all that information about your companies specific safety needs you should be in a better spot to determine the costs of training and equipment necessary to improve the safety of your employees therefore reducing the unnecessary costs of an injury causing incident.

By looking beyond the obvious costs, injuries and other incidents that affect employee health, and focusing on the financial impact safety problems have upon the business, management will be better suited to make confident, informed decisions on budgeting. Most importantly, it will ensure that you provide all employees with the best opportunity to return home healthy and safe at the end of every day.



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MITA MEMBER HELPS RENOVATE HISTORIC MICHIGAN CAPITOL

by James McRay
Efficiency Production

When your state's Capitol building is almost 150 years old, it's going to require constant renovation and modern upgrades. This is true for Michigan's Capitol in Lansing, which has been renovated many times since its original construction in 1872. That includes, of course, the renovation of the beautiful architecture in the building, which the public can see and enjoy. But it also requires the modernization and upkeep of the building's almost 150 years old plumbing.

It is the out of the way, behind the walls, and under-the-building renovation that can be most challenging for renovation contractors. For example, **Hoffman Bros. Inc.**,—headquartered in Battle Creek, Mich.—was recently tasked with preparing a section of the Capitol's sanitation system for slip lining, including sections of pipe installed in the original 1872 construction of the building.

The installation of the new cured-in-place resin pipe lining required three excavations: a feeder hole, an alignment hole, and a draw hole for the winch to pull the lining through the pipe. Hoffman started the excavation project by digging an easy 2-foot-deep feeder hole on the north end of the Capitol grounds outside the building. However it was the second and third excavations under the Capitol building that was anything but easy.

"Both the alignment and draw holes needed to be dug in a 5-foot crawl



Renovation of Michigan's historic Capitol Building's 150-years old plumbing required hand-digging 8-foot deep "excavations" in a five-foot crawl space under the building's historic rotunda.

space with pipes and conduits running everywhere," explained Aaron Mast, Hoffman's Superintendent. "Once we were in the correct spot in the crawl space for the alignment hole, we then had to dig an eight-foot-deep hole, which was partly under a conduit two feet off the floor."

Trench Production System required for crawl-space excavation

Making matters even more challenging was that the hand-dug

"excavations" were deeper than five feet, which MIOSHA stipulates must employ one of the three approved trench protection systems: sloping,



The excavations were deeper than 5 feet, requiring an OSHA approved trench protection system. To shore the pits, the contractor employed four, single-cylinder hydraulic "spot-shores;" two running in each direction. When activated, the hydraulic pressure from the cylinders prevents the trench walls from collapsing.

shielding, or shoring. Mast needed help finding a workable shoring solution, so he turned to the specialists at Efficiency Production, one of the nation's leading trench shielding

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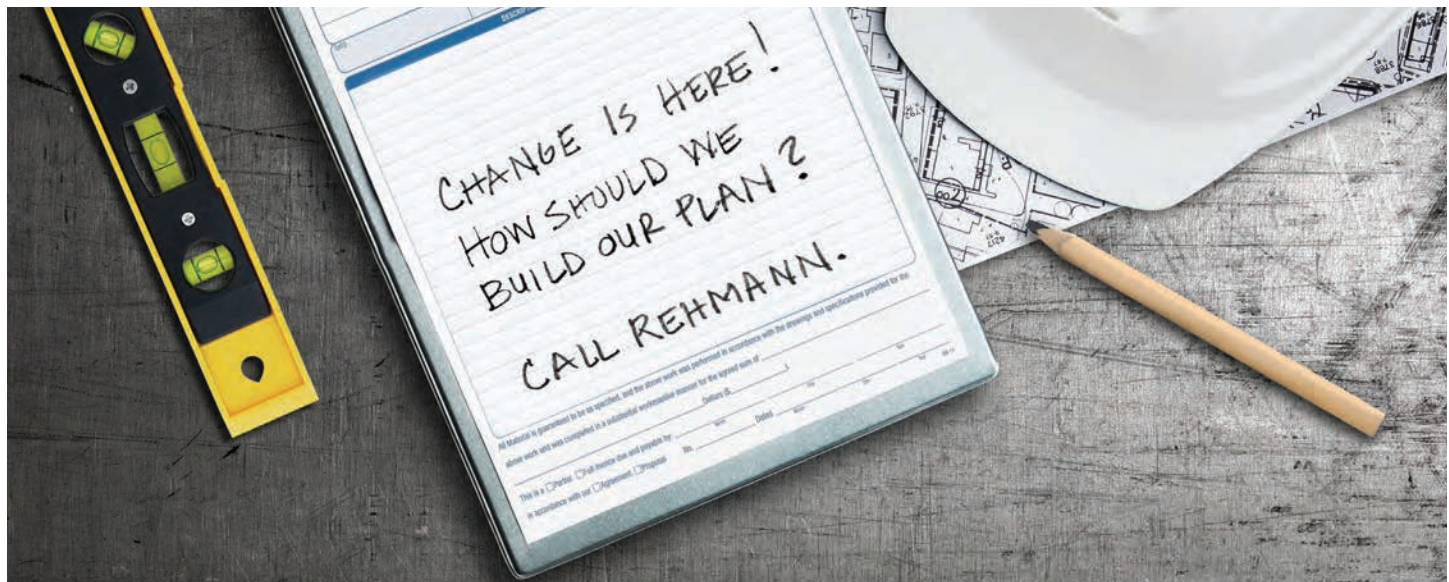
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Continued from page 53

and shoring manufacturers; and conveniently headquartered 20 miles south of the Capitol in Mason, Mich..

"We've dealt with Efficiency on a lot of different excavation projects in the past, some using trench shields, some with Slide Rail Systems," Mast said. "So I called (Efficiency's Michigan Sales and Rental Manager) Jim Hamilton, because I knew neither trench boxes nor Slide Rail was going to work for this project."

"When I came out to the Capitol

pressurized outside of the excavation with a hand-pump. Where trench shields are used to protect workers against cave-ins, hydraulic shores are used to actually apply pressure to trench walls to prevent cave-ins – a critical consideration for shoring the 4 x 6 foot pits in the tight space directly below the Capitol's famous Rotunda.

"Another thing that made hydraulic shores the only thing that would work was that all equipment needed to go down a two-foot square access

hatch to reach the utilities under the Capitol," Hamilton continued. "The Shores, plus pump bucket and tools, needed to be carried down the access ladder by hand."

Excavations hand-dug with only 5 feet of overhead space

Of the two hand-dug excavations under the Capitol, the alignment hole was about 8-9 feet deep, but there was only 4-4.5 feet of overhead space. The second hole for the winch was

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The alignment hole for the pipe lining of a section of the building's original 1872-constructed sanitation pipe was partially dug under a conduit two feet off the floor.

and saw where the Hoffman guys were digging, under the building in a crawl space where you couldn't even stand up straight in most spots, I knew that the best thing—really the only thing—that would work for trench protection was hydraulic shores," Hamilton said.

Hydraulic Shores provide unique solution to very unique shoring challenge

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MIOSHA ISSUES FIRST COVID-19 RELATED FINES TO BUSINESSES

The Michigan Occupational Safety and Health Administration recently announced its first round of citations to businesses violating coronavirus safety measures.

"The MIOSHA investigations determined that these six employers were clearly not taking the appropriate steps to protect employees and their communities from the spread of COVID-19," MIOSHA Director Bart Pickelman said in a press release.

"These citations are meant to reiterate the employer's duty. Precautions are necessary to establish and maintain a work environment where everyone can return home safe and healthy."

MIOSHA, which regulates workplace safety in Michigan, issued the citations under the "general duty" clause requiring employers to provide workplaces free from recognized hazards causing or likely to cause death or physical harm. The citation can carry a fine of up to \$7,000 and there is no lesser charge when it comes to an appeal.

Citations were written for several reasons, including:

- Allowing people to work in a shared space without masks or staying distanced at six feet apart.
- Gathering of over 120 people without masks.
- Companies not completing daily health screening of employees.
- Companies did not provide free face coverings to employees.
- Didn't train employees to recognize symptoms of COVID-19.
- Not having a COVID-19 preparedness response plan.
- Companies allowing workers within six feet of one another when it was feasible to work six feet apart.

If you have any questions about the COVID-19 workplace guidelines, please contact MITA's Director of Safety and Compliance Greg Brooks at gregbrooks@thinkmita.org or call the MITA office at 517-347-8336.

Continued from page 55

6-feet deep and dug with only 4-5 feet of overhead space. To shore the pits, Hoffman employed eight, single-cylinder hydraulic "spot-shores;" four running in each direction. When activated, the hydraulic pressure from the cylinders prevents the trench walls from collapsing.

"I hadn't ever heard of hydraulic shores before Jim explained how they worked; and, sure enough, they were slick and did the job," Mast said. "We have a lot of traditional Efficiency trench safety equipment in our fleet, but I wouldn't hesitate to use hydraulic shores again if we encounter a problem that can't be addressed by something we already have in our toolbox."

Established in 1947, Hoffman Bros., Inc., is a fourth-generation family-owned business. Hoffman



To reach the utilities under the Capitol, all the shoring equipment needed to go down a two-foot square access hatch, making hydraulic shores practically the only trench protection system feasible for the project.

Bros. specializes in underground construction, road and highway construction, and site development.

Today the company has over 190 employees and owns over 200 pieces of heavy equipment. Learn more at www.hoffmanbrosinc.com.

Efficiency Production, "America's Trench Box Builder™," is an Arcosa Shoring Products company. Efficiency's versatile trench shielding and shoring systems are designed specifically for safe and cost effective installation of utility systems and infrastructure improvements. For more information, visit www.efficiencyproduction.com.

James McRay is the Director of Marketing & Media for Efficiency Production. He can be reached at 800-552-8800; james.mcray@arcosa.com

MITA MEMBERS GIVING BACK



Michigan Infrastructure & Transportation Association (MITA)

Published by Nancy Hale Brown [?] · Just now ·

Hats off to MITA Member Rieth-Riley Construction for giving back! Mike Ellwanger from the Petoskey team presented a donation to volunteers at the Otsego County Food Pantry.

#MITAMEMBERSGIVINGBACK



Otsego County Food Pantry

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Mike Ellwanger, from Rieth-Riley Construction (third from left) presents food pantry volunteers a generous check to help offset the cost of feeding the hungry of our area. Thanks for your donation!



Job Site Inspections & Safety Training

MITA's major focus on safety encompasses regular training, informational updates and regular job site inspections to ensure that member companies are compliant with keeping the workforce and motorists safe when work is being done.

MITA staff is now available for inspections upon requests and will comply with company and government-related COVID-19 policies and procedures on your jobsite.

For more information, to schedule a job site inspection, or to set up a job training session (on site or via Zoom), please contact:

Greg Brooks
Director of Safety & Compliance
Phone: 517-507-2531
gregbrooks@thinkmita.org

HERE'S ONE OF THE LATEST EXAMPLES OF MITA MEMBERS GIVING BACK. SEND YOUR EXAMPLES TO NANCYBROWN@THINKMITA.ORG, AND THEY MAY BE FEATURED ON MITA SOCIAL MEDIA OR IN CROSS-SECTION MAGAZINE.



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IMPACTS OF COVID-19

ON STATE AND LOCAL TRANSPORTATION REVENUES

By Dr. Alison Premo Black, ARTBA Chief Economist

State and local governments have begun to provide more detailed information about expected declines in transportation revenue and changes to current transportation construction programs and lettings as the COVID-19 pandemic continues, according to a review of publicly available data conducted by the ARTBA through August 11, 2020.

While many projects continue as transportation construction is deemed essential, state and local governments and transportation authorities are beginning to feel the strain of declining revenues related to user fees and the overall slowdown in economic activity. The immediate economic impact and potential job losses are difficult to quantify at this time, but each \$1 billion in transportation construction investment supports an average of 13,000 jobs throughout all sectors of the economy, according to the Federal Highway Administration.

- Currently 16 states have announced project delays or cancellations valued at nearly \$5.01 billion. These include Florida, Georgia, Hawaii, Kentucky, Massachusetts, Mississippi, Missouri, Nevada, New Mexico, North Carolina, Ohio, Pennsylvania, Vermont, Washington, West Virginia, and Wyoming.
- There are 20 local governments and authorities that have announced project delays or cancellations of \$4.54 billion.
- At least 12 states or local areas have vetoed, canceled, or postponed legislative initiatives or ballot measures related to transportation funding because of the

pandemic. This includes several major initiatives in California self-help counties.

- At least 48 states, transportation authorities and local governments have publicly projected declining revenues. This does not mean that transportation programs will be cut by the same amount but point to growing pressure on transportation-related revenue sources and state and local budgets.

	Number of States	Number of Local/Regional Areas	Total Value (multi-year period)
Projects delayed or Canceled	16	20	\$9.6 Billion
Funding Initiative/ Ballot Measure Delayed, Canceled or Vetoed	2	10	\$141 Billion
Revenue Declines, Budget Cuts or Diverted Funds	33	15	\$36.5 Billion

Michigan – Houghton (6/16/2020): The city is projecting a 20 percent decline in revenues from the state, according to an article on the budget approved by the City Council.

Michigan – Royal Oak (4/13/2020): The Royal Oak City Commission has cancelled the spring 2021 sidewalk program and all road projects, with the exception of one funded by the Michigan Department of Transportation.

Michigan – Saint Clair County (4/15/2020): The county road commission plans to cut seven transportation projects amid the economic uncertainty caused by the COVID-19 pandemic. The projects, valued at \$3.16 million, were supported by the local roads fund and did not include state funds.

Electronic Submittal of MDOT Construction Prequalification Applications

Beginning September 1, 2020, all Construction Prequalification applications (new and renewals) and documentation must be submitted electronically via the MDOT e-Proposal web site.

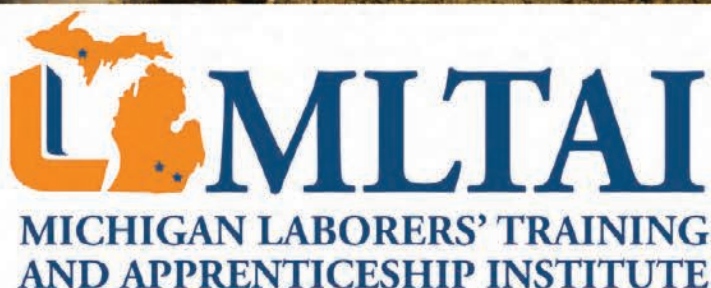
If you have any questions, please contact Glenn Bukoski at glennbukoski@thinkmita.org, or Rachelle VanDeventer at rachellevandeventer@thinkmita.org.

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