

CROSS SECTION

FALL 2009

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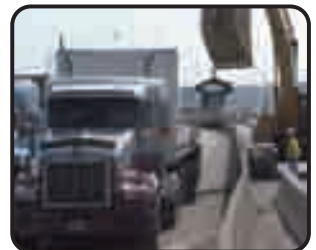


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Letters to MITA

Dear Mike:

On behalf of the 2009 MSAE Diamond Awards Committee, thank you so much for volunteering your time to judge the Government Relations Project entries. We greatly appreciate it. I hope you attend the Awards banquet on Sept. 23. Thank you again.

Annie Taggart
MSAE

Dear Mike:

On behalf of the Michigan Townships Association, thank you for the time you took out of your busy schedule to help make our 2009 Summer Legislative Conference a success.

From the comments that we received on our evaluation forms and verbally, we know that the delegates who attended the Road Funding and Transportation panel discussion appreciated the opportunity to hear your views. They also enjoyed exchanging ideas with the panelists and being able to ask questions during the session.

Again, thank you for joining us. We appreciated your participation and enjoyed your company. We also hope you enjoyed being there.

David Bertram
Legislative Liaison
Michigan Townships Association

Bill Anderson
Legislative Liaison

Tom Frazier
Legislative Liaison

Dear Bob and Mike:

Congratulations on a wonderful article in the recent Association Impact magazine. It was great reading about your relationship and the transition of power at the organization. Congratulations on the succession plan.

I enjoyed meeting and working with both of you and know that you still have some time left, Bob, but wish you nothing but the best in retirement.

Congratulations to you both in building one of the country's largest construction associations with over 600 member companies. You both should be very proud of your success and the article that was written about your accomplishments and your relationship.

Kenneth L. Hayward
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Challenges Created by Electronic Data in Construction Litigation

Eric J. Flessland and Jim J. Urban
Butzel Long

We live and work in a technological age. No news flash there, we know, yet the very technology your company utilizes to increase your efficiency and productivity now creates additional challenges and potentially devastating landmines in litigating a claim in the state and federal courts because of recent changes to the court rules. We recognize the irony of presenting an article regarding litigation when our previous seminars and articles consistently focused on advice designed to keep your company out of court. However, there will be situations where litigation is unavoidable or inevitable, and in those situations our goal remains to assist you in cost effectively succeeding in the prosecution of legitimate claims.

Under the recent revisions to the court rules, courts are empowered and have sanctioned litigants, their law firms and key witnesses for failure to preserve electronic evidence. The sanctions vary and include negative inferences, fines, default judgments, claim dismissals, striking defenses and preclusion of witnesses. Since the failure to understand and comply with the recent amendments to the federal and state court rules can carry very onerous consequences, it is important that you know about and plan for compliance with these litigation requirements.

The court rules now place a duty on your company to preserve relevant **Electronically Stored Information ("ESI")** whenever litigation is reasonably anticipated – not just when litigation commences. These rules have broad reaching effect and present potentially severe sanctions if not followed. In the litigation context, developing an E-Discovery plan at the commencement of the litigation is required. Development of the E-Discovery plan is greatly simplified if your company has already developed and implemented policies and procedures for the management and preservation of your company's ESI. Accordingly, the best course is to develop and implement those policies and procedures now and avoid the expensive and inefficient case-by-case scramble that is sure to arise in the absence of them. Failure to do so could potentially render worthless an otherwise legitimate claim or defense to a claim.

With Technology Comes Responsibility

For many years, the trend on construction projects has been for more and more data to be stored and transferred electronically. Your company undoubtedly records voice mail messages, and sends numerous emails to project personnel, the engineer, the Owner, subcontractors and suppliers. Texting and instant messaging have evolved from a teenager's socializing tool to productive measures to contact your project superintendents and others involved in a project on their handheld devices or cell phones. Laptop computers have replaced the "speedy memo" for providing notice in the field of claims or confirming verbal directives. The modern contractor has become lean and electronically efficient, as it must in order to compete in today's market. A typical construction project might involve all of the following electronic information: project daily reports, job site e-mails, computer document control systems, critical path updates, schedule data, bid materials, change order processing, job cost reports and estimates, contract control databases, financial statements, payrolls, and project correspondence and diaries. Given this new digital world and, particularly given the requirement to preserve and produce ESI in litigation, it is important for construction companies to learn how to properly handle electronically stored information.

While technology has simplified many aspects of the construction process, and increased efficiency and access to documents and information, it has also created new issues and concerns for the parties involved when the relationship between owner and contractor breaks down and litigation follows. Consider the "typical" situation involving a claim for cost overruns and delays on a project. It is not unusual for those kinds of disputes to involve hundreds of thousands of pages of "paper" documents. A contractor may incur substantial expert and legal costs and expend countless in-staff hours reviewing and making sense of this mass of documentation. It is equally common, notwithstanding this mass of documentation, for key pieces of information to be missing. In addition to the paper documents, these problems may be exacerbated by the increased use of electronic forms of data storage and transmission. Consider, for instance, that your company's computers store data for more than one project, and the multitude of documents and records generated on each project. Now imagine responding to a discovery request, and the timely and costly task of retrieving relevant data for only

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Member Voice:

“What do you think is the biggest challenge and/or the greatest opportunity facing the next generation in your industry?”

From time to time we ask MITA members questions about issues of importance to the industry. Some of the answers are then published in this magazine.

Here are samples of the responses we received.

With the increased cost in health care, labor and fuel the biggest challenge will be for contractors to bid work with sizeable margins to produce a profit and positive cash flow on their FYE statements. Without this, the ability to engage a bank for lines of credit or term debt will be a huge challenge.

Christine Campo

Wells Fargo Equipment Finance, Inc.

Population of vehicles on the road vs. the condition of the roads. There are a lot of bad roads out there, and this “mill and fill” approach is just a Band-Aid for the problem. Also, eventually cities that just fix the roads and don’t update the utilities under these roads will have to tear up “band aided” roads again to add larger sewers and this will create more problems.

Joshua Thorne

Pro-Tec Equipment, Inc.

I believe the biggest challenge and at the same time the biggest opportunity is we will have to change the way we operate our business today. This will require careful review of company structures and a serious look at diversification from current operating plans as we conduct business in a changing environment. Change can be good if planned strategically and implemented properly within certain parameters. Challenges and opportunities will vary depending on the individual business and experienced approach used in review and planning.

Mike Kelleher

Southeastern Equipment Co.

The challenges facing the construction industry are numerous to say the least. The most pressing currently is funding. If there is no funding, there is no work. We have to resolve the funding mechanisms to issue long term funding for the industry in all areas. I believe the second most pressing issue is the lack of labor force. Times have changed and we no longer have kids that grow up in a rural environment developing the skills needed for our type of work. We now have kids that want to run computers all day long and doing a hard days work of physical labor outside and getting dirty is no longer viewed the same way it used to be. To really cover all the issues that currently impact the future of the construction industry may require a story as long as War and Peace, so, I’ll stop now.

Scott Bazinet

Lowe Construction

Banking has killed this industry. Unions should start to finance contractors like the bankers used to. We should become partners with the trade unions now. Invest in each other not in Wall Street.

James DeAngelis

DeAngelis Contractors

Paying for all the short cuts and non-spec items used due to ignorance. What people don’t see or know won’t hurt them. Make it while you can attitude, seven-year theory to keep the economy moving. Accountability and not the little janitor down in the basement. Start at the top, not the bottom

Anonymous

The next generation’s biggest challenge will be to install the fundamentals that the previous generation lost sight of.

Tim Kinney

Consumers Asphalt Co.

Hardworking, educated employees who can make a difference. Common sense to not put the manhole covers in line with automobiles wheel lines in the road lanes.

Anonymous

As the baby boomer generation retires and new money is invested in infrastructure, the industry will need to re-staff their organizations with high quality trained people. The challenge will be to find those people and if necessary, how the people will get the needed training.

Rich Lehman

Lehman Business Services LLC

Challenges will continue to be the growing and expensive regulation of all our activities by the government and the related paperwork.

Opportunities lie in the fact that our infrastructure is in need of serious rebuilding and in the near future housing should rebound with all the related development work for new housing tracts. In addition, as our state stabilizes there should be opportunity in the demolition or remodeling of idle factories and warehouses. Equipment will become more efficient with technology. Recycling and clean energy will also produce opportunity for those who have interest in those fields.

Of course, none of this will happen if we cannot get people interested in running for elected positions that want to see progress regardless of

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Populating Your Talent Pool

Third in MSAE's new article series on Execution is an honest look at what it takes to get the right people in the right job—especially when it comes to planning a successor.

By Carla Kalogeridis

Reprinted with permission from the Michigan Society of Association Executives' Association IMPACT magazine.

The third building block to immersing yourself in a culture of execution is for organizations to take control of putting talented people into the leadership pool. It sounds simple enough, but although the quality of people employed is the one thing in business that organizations can actually control, it is one of the primary challenges they often fail to address. (Editor's note: For a discussion of the first two building blocks, see Association IMPACT, March/April 2009 and May/June 2009.)

"The same leaders who exclaim that 'people are our most important asset' usually do not think very hard about choosing the right people for the right jobs," write Execution authors Larry Bossidy and Ram Charan. "They don't have precise ideas about what the jobs require—not only today, but tomorrow—and what kind of people they need to fill those jobs."

The authors say that quite often, the people running organizations aren't thinking about their own talent pool because they are too busy thinking about how to make their organization bigger or more global than their competitors. "What they're overlooking," says Bossidy and Charan, "is that the best competitive differentiator is the quality of their people."

"If you look at any business that's consistently successful, you'll



“You can’t put your heart and soul into something for so long and then just walk away.”

— Bob Patzer

find that its leaders focus intently and relentlessly on people selection,” state the authors. “You cannot delegate the process for selecting and developing leaders. It’s a job you have to love doing.”

A Constructive Interview

Bob Patzer used to believe in hiring good people and motivating them. “But now, we just hire motivated people,” he says.

A 32-year veteran of the Michigan Infrastructure & Transportation Association (MITA) and the current executive vice president/secretary, Patzer has always put a great deal of thought and effort into hiring the right people for his team.

“We look for people who can see the whole playing field, who have long-distance and peripheral vision,” he says. “We’re very interested in personalities—wall flowers won’t make it here.”

Admittedly, Patzer says there’s more to it than that. So, how does he know when a job candidate is right for his association?

“It’s not in the answers they give to our interview questions,” he says. “The clue is in the questions they ask us.”

For example, if they ask things like, “What are my hours? Do I have to work nights? Do I have to travel?” then Patzer knows there’s a good chance it won’t be a good fit.

The last employee Patzer interviewed asked questions like, ‘How high can I go in the organization? What can I aspire to?’

“Guess what,” said Patzer. “He got the job. I can’t work with someone who wants their job in a neat little box. That’s not the way association work usually turns out. Everyone worth their salt in associations makes their own job. Self-discipline is key.”

Execution’s authors say there are many reasons that the wrong people end up in the wrong job, including:

The leaders don’t know enough about the people they are appointing.

The leaders pick people they are comfortable with instead of those with the right skills for the job.

The leaders don’t have the courage to discriminate between strong and weak performers and take the necessary action.

The leaders rely on staff appraisals that focus on the wrong criteria.

“All of these reflect one fundamental shortcoming: The leaders aren’t personally committed to the people process and deeply engaged in it,” write the authors.

Patzer is on the other end of the spectrum. With a staff of 13, he is personally involved in every new hire. One key insight into how Patzer populates his talent pool: “We don’t focus on the job—training is the easy part,” he says. “We focus more on the individual.”

Choosing a Successor

The man at the heart of Patzer’s focus for the last several years is Michael A. Nystrom, vice president of government and public relations. In the 17 years since he joined MITA, Nystrom has been exposed to just about every job at the association—from answering the phones, on-site job safety, and

engineering to meeting planning and now legislative affairs. Looking back, it was perfect preparation for the next hat he’s about to wear: Bob Patzer’s successor.

Moving from job to job wasn’t part of an official management training program, says Nystrom—it was simply the work that needed to be done at the time. “None of us has silos around us,” Nystrom explains. “Safety has to understand what’s going on politically, on the engineering front, and with membership. We can’t help solve our members’ problems unless we each can see the big picture.”

“A member won’t ever call MITA with a question and be told that the staff person that can help them is on vacation, so ‘please call back,’” says Patzer. “Associations don’t make a product, they don’t sell widgets—we deal with concepts and often intangibles. You simply cannot forget your devotion to solving problems and service in general.”

It was Nystrom’s attitude toward membership service and his relentless push to do more and be more for the association that drew Patzer’s attention early on. Choosing a successor is a job Patzer takes seriously, and the inherent qualities he was looking for were recognizable in Mike Nystrom from the beginning.

A Preparation Plan

Patzer will retire next March; he formally announced his retirement and Mike Nystrom as his successor about a year in advance.

Actually, Patzer says his retirement has “been in the works” for at least two years. In fact, he and Nystrom have been preparing long before Patzer announced his plans to the MITA board of directors and the membership.

“We’ve built one of the country’s largest construction associations,” says Patzer. “We did it and we did it right. If I wasn’t thinking carefully about my successor at this point, then I was the wrong guy for this association all those years.”

Such a legacy can’t be tossed aside lightly. Therefore, Bossidy and Charan have some concrete advice for leaders evaluating their talent pool for a potential successor:

Who delivers consistently?

Whose resourceful and enterprising in the face of adversity?

Who had easy wins and didn’t press for better results?

Who met their goals at the expense of the organization’s morale or long-term performance?

Patzer agrees with these criteria and adds he has been careful not to pigeon-hole Nystrom. “He was simply put in a position of making decisions and reaching out to members.” As a result, he says, nobody has had any hesitancy about Nystrom taking over the reins.

We both have a few personal goals we’d like to accomplish before I go,” says Patzer, “but basically, we’re ready.”

Advice to Those on the Same Path

Looking back, Patzer says beginning his succession planning two years out was about right, and it’s what he would recommend to another associa-

Continues on pg.44

ASSOCIATE MEMBER PROFILE

Association Benefits Company

www.association-benefits.com

Association Benefits Company was established in 1991 as a full-service benefits company that specializes in employee benefit design for companies belonging to a variety of associations. They serve as MITA's Blue Cross Blue Shield of Michigan and Blue Care Network Administrator, and since 1994 have been providing solutions for MITA members who want to save on health care costs.

The company, located in Novi, also provides consulting services for Trust Funds, employer groups and individuals throughout Michigan with clients ranging in size from sole proprietors to union groups with thousands of participants.

"We provide excellent health, dental, vision and life benefits," said Company President Mike Buck, "and we provide members of MITA with the highest quality health benefits, most affordable rates, and many value-added administrative services. Since we are a wholesaler, we can provide services to MITA member insurance agencies, or MITA members who are already working with an agent without impacting the agents business."

At the top of the list of frequently asked questions from new clients: "What kind of plan does XYZ company have?" Association Benefits answers the question by helping companies be competitive without being too costly.

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- Alternative plan designs
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Once a customer relationship begins, Association Benefits

provides a Communication Package that clearly reinforces the value of the benefits package. The Communication Package includes publications such as:

- Benefits at a Glance
- Customized Family Wellness Newsletters
- Letters on Plan Modifications
- Benefits Charts
- Summary Plan Descriptions

"We want employees to have a positive view of their benefits," Buck said. "Many times when costs escalate, employees experience a decline in the perceived value of their benefits. We provide communications that convey positive perceptions. This helps employees to be aware of the true cost of their benefits."

Buck said there are many advantages for MITA members who participate in MITA's Blue Cross Plan, which adds non-dues revenue to the association. The main advantage is that Association Benefits does all the "heavy lifting."


"We offer excellent plan design, customer service, and ongoing communication with our clients, in addition to handling all billing, reports and claims audits," Buck said.

Association Benefits is facing current challenges in the industry with an optimistic attitude by developing ongoing methods to maintain employee satisfaction with health plans in the midst of continued inflation. In the past, the company provided annual reviews of benefit plans, but now offers the reviews quarterly in order to provide as many options as possible.

What this company is all about is summed up nicely in their company mission:

"To provide agents, associations and their members with the highest quality health benefits, the most affordable rates, and unbeatable "Value Added" administrative services, all with the highest regard for customer satisfaction."

For a wealth of additional information about Association Benefits, visit www.association-benefits.com, or just give them a call at 248-356-3366.

A man with short grey hair, wearing a white dress shirt, a patterned tie, and grey trousers, stands outdoors with his hands in his pockets. He is leaning against a low concrete wall. In the background is a large, multi-story brick building with many windows and a modern architectural style. The sky is clear and blue.

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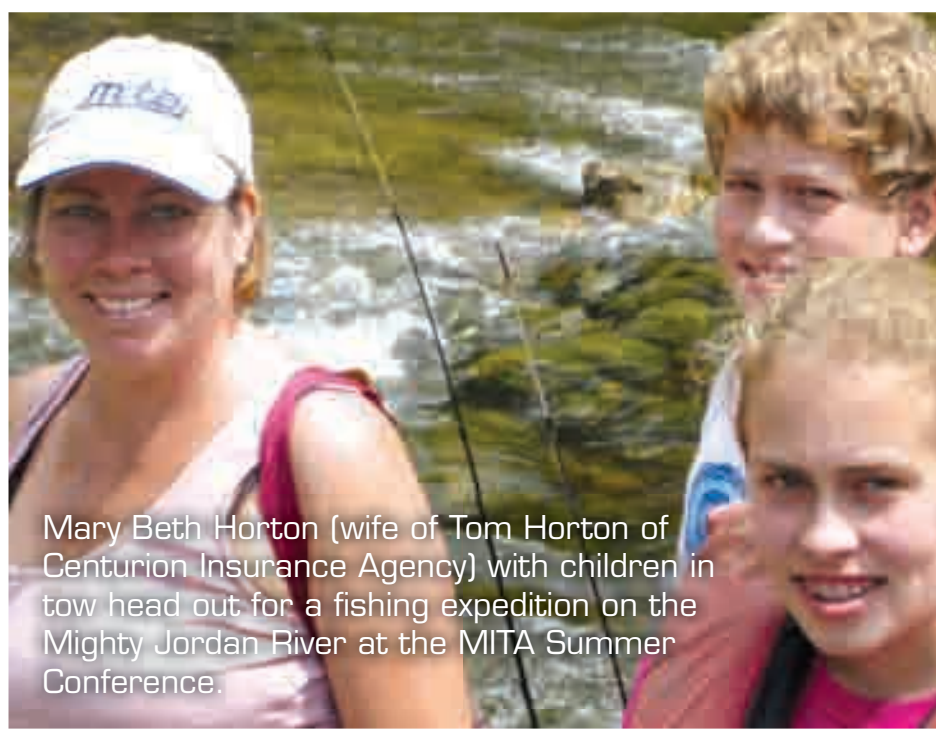


Where's Your MITA Hat Been?

In order of appearance left to right Jay Daizi, C.A. Hull; Kevin Folleth, Capital Barricading; Pat Lee, Dan's Excavating; and our own Pat Brown at the Laborers Golf Outing.



Dale Klett, Klett Recycle, Inc., preparing to embark on the MITA summer canoe trip.



Mary Beth Horton (wife of Tom Horton of Centurion Insurance Agency) with children in tow head out for a fishing expedition on the Mighty Jordan River at the MITA Summer Conference.

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Bob Patzer

My Final Comments

A very astute woman (my wife Linda) informed me sometime ago that life should be more of a journey than a destination. It's kind of one of those stop and smell the roses comments that she throws my way in not so subtle terms.

My journey, if you will, began in December of 1977 when I was hired as the Assistant Executive Director

of AUC. Headquartered in Bloomfield Hills, AUC, with a few exceptions, was primarily a southeastern Michigan association with about 85 members that included both contractors and suppliers. At the time there was only two associations that represented underground contractors: AUC and the Grand Rapids based Underground Contractors and Suppliers (UCSA).

In 1988, I was appointed Executive Director of AUC and climbed into my destination mode. Even though I was told that there is simply no chance that the Grand Rapids group would merge with the Detroit area AUC, it was, in my opinion, necessary for both groups. Though a bit contentious and difficult at times, the UCSA members disbanded their group and joined AUC in 1989. At the same time, a fledgling group of Lansing based contractors (UCA of Central Michigan) also jumped ship and joined the ranks of AUC. Finally, the hope of one statewide association became a reality. The next logical move was to explore a marriage of AUC and the Michigan Road Builders Association (MRBA) to form one heavy construction association.

The process of combining AUC and MRBA into one entity began in 2000 with three days of meetings with a facilitator. Unfortunately, the stars and planets didn't exactly line up and the ultimate outcome preserved the status quo. The facilitator who guided the meetings

told both groups that the establishment of one association was inevitable. Obviously, he was right and in 2005 MITA was born.

This writer cannot hide his pride when discussing these and other accomplishments that merely indicate that the job description has been adhered to. Not simply because they were victories, but rather because the members of the groups recognized that AUC was genuinely passionate in the representation of their interests. This is truly what pleases me the most and this passion continues on today.

I have always felt that the biggest compliment that anyone could throw my way is to declare that this association can run without me. In my opinion this means that I have done my job and truly don't care who gets the credit.

You can feel comfortable that we have assembled a staff of individuals who are the best at what they do. They perform their duties with a sense of responsibility and are unquestionably dedicated to improving our industry and protecting your interests. Each and every staff member of MITA I consider to be a close friend and time after time have made me look good. I cannot thank them enough.

I know I have said this before and will likely say it again, so bear with me, I consider myself blessed to have had you with me during my 32 year journey. Through accomplishments and setbacks, prosperity and recession, joy and sorrow, your patience, guidance and support will never be forgotten.

It's time now to order new business cards for Mike Nystrom. He has earned the privilege to lead this association and will undoubtedly provide you with solid and consistent leadership as executive vice president.

Because of you and the MITA staff, I can leave on March 1 of next year with no regrets.

To contact Bob Patzer, e-mail him at bobpatzer@mi-ita.com or call 517-347-8336.

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MITA AND THE MICHIGAN CHAMBER: Moving Michigan Forward

By Richard K. Studley

Many years ago, one of my first trips to Washington, D.C., on behalf of the Michigan Chamber, was to lobby members of our Congressional delegation as part of a coalition of business and labor leaders from Michigan's construction industry.

I remember being impressed with how business and labor worked together on this key issue and the bipartisan approach to lobbying for more federal transportation funding for Michigan. This trip was also the first opportunity I had to work closely with Bob Patzer and to get to know members of MITA. From day one, I was impressed by Bob's extraordinary level of knowledge about the construction industry and his strong commitment to legislative and political action on behalf of his members.

Leadership By Example

During the early days of the campaign, to end Michigan's status as a donor state, many members of Michigan's Congressional delegation said it couldn't be done or we were not likely to make progress. One of the most important lessons I have learned from my friends at MITA is the importance of setting



Richard K. Studley

clear policy goals and then working hard to achieve them. I also learned the value of coalitions and partnerships.

Working together, MITA, the Michigan Chamber and others have moved Michigan's return on investment of federal motor fuel taxes from 75 cents on the dollar to over 90 cents on the dollar, bringing hundreds of millions of dollars back to Lansing for road and bridge construction projects across the state.

In October of 1941, with the clouds of war on the horizon, Sir Winston Churchill gave a speech to students at a school he attended as a young man. In that speech he said:

"Never give in. Never give in. Never, never, never, never—in nothing, great or small, large or petty—never give in, except to convictions of honor and good sense. Never yield to force. Never yield to the apparently overwhelming might of the enemy."

Sadly, this type of tenacious and principled leadership has been lacking in Lansing lately. The good news is that both MITA and the Michigan Chamber share the attitude and philosophy reflected in Sir Winston's quote. MITA has a well-deserved reputation for being a strong advocate for the construction industry, a high level of member participation, and a very capable staff that means what it says and says what it means.

Continues on pg.45

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Farewell To A Passionate Leader

It is often said, probably too often, that individuals in certain industries are considered legends as they approach the twilight of their careers or as they move into retirement. I have actually chuckled at the suggestion that some individuals were called legends when in fact the impact that they offered their industry was minimal and once they retired very few could hardly remember their names. However, I believe in the case of Bob Patzer that I speak for the entire industry in saying that he is a true legend with regard to the Michigan construction industry. To say that he has had an impact on the construction industry would definitely be an understatement. To forecast that many will miss him is guaranteed. It is as certain as the fact that the sun will come up tomorrow.

Bob Patzer has had an impact on me both personally and professionally by helping me grow in so many ways over the years that I could probably fill this magazine myself with all of the thoughts and memories that are flowing through my head as I prepare to send this man off into retirement with the honor and recognition that he deserves. For 16 years now Bob has been my boss, but he has also been my mentor, my confidant and a very close friend.

For those of you who know Bob well, you will immediately recognize what I am talking about when I say that even though there is a tough gunslinger exterior, he is actually a very genuine, caring and compassionate in-

dividual on the inside. To those who do not know Bob well, this may come as a surprise. Ultimately, the man has shown me over the years that even though we work in a very challenging industry, there is a very human component that goes along with what we do each and every day. I have watched Bob through the years not only compliment and butter up those with whom he is involved, but also show a very tender side in times of loss or need. It is an amazing attribute to be known as a hard-charging strong individual while at the same time being able to share the human spirit with individuals from all walks of life.

When I think back on my years with Bob, it is difficult to put into context the many lessons that I have learned from him, but the first word that comes to mind is - Passion. Bob has a passion for the industry that we represent and that he has represented for over 32 years. This passion comes out in so many ways, but I guess that one of the most obvious is that even at this point in his career, as he has for all of these years, he still shows up at the office before 7 a.m. every single workday. This concept is something that is unheard of in pretty much any other association office across the city of Lansing where most offices don't even get up and running until 9 a.m. or after, but then again that may be one of the many reasons why under Bob Patzer's leadership MITA has become one of the leading associations in the state.

Bob has often used a handful of statements to keep staff not only focused but also energized. A few that come to mind include:

"Keep in mind, we don't make widgets or sell a product, all we have to offer is service. So when a member has a problem, we don't just give a phone number...they can get a phone number anywhere, we do the follow-up and we get them answers to their questions."

Another favorite saying that he had regarding mistakes that had been made by the association was:

"The failure to pay attention to detail is much like chinks in the armor that are ultimately a reflection on all of us as staff and how we perform."

I also remember having a drink with Bob

Continues on pg.46



Mike Nystrom



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A Letter to Bob

Bob,

I would first like to thank you for taking a chance on a green, unproven 29-year-old, some 15 plus years ago. I struggle on where to begin and what events are more worthy of writing about, they are all worthy and some are just ours. Even as I write this, fully knowing you will be retired March 1, I am still in some sort of denial of the impending reality of your departure from the office.

From a professional standpoint I would like to thank you for never micro managing me. You seldom really tweaked or put your fingerprints on projects or appeals I may have been handling – quite the opposite has been the norm. This I greatly appreciate. I'm sure that wasn't always easy. However, in the long run I always knew you understood that there are many paths to the same end. I also always felt you were there lurking in the background with a big hook in the event I strayed too far off the path. As our membership base expanded so did my duties to them. Your go figure it out management style worked well for me and has allowed me to develop into the person I am today. "Do what you do best" is a phrase you have used with me regularly whether you realize it or not. While short in words, it served to emphasize the confidence I felt you always had in my abilities. You have taught all of us well and the members should take solace in your departure as it relates to this fact.

The three-amigo years (AUC Bob, Mike & Rob) were a blast. Our mission was simple: build membership, and fight passionately for our members with a take no prisoners' attitude. I guess some things nev-

er change but as you have repeatedly said, "getting to the top is easier than staying there." I'm personally proud that we have arrived at the summit and what we used to do with a shoe-string and bullish pride can now be completed with thoroughness that many of the issues MITA members face deserve. MITA is evolving into the association you always talked about. I look forward to serving your vision well into the future.

Some things I will never forget:

- Helping get Mitch into the country
- Cabbage Creek – shoveling vomit, car jacked up
- Bow Openers – lots of them
- Jokes: 13, 15, 27, and 32
- The choking incident at lunch
- The spaghetti incident (Mike and Neimi)
- The dog bite incident
- Cherry Shoots
- Scaring you when you came up the stairs in the original building
- Worrying about you during your stint in the hospital
- Sharing your family and beautiful wife with me



Rob Coppersmith

- Being grateful that you finally got your shoulder operated on (you were pretty grumpy leading up to it)
 - Jeff Reedy – Cayman Island
 - Hunting, Hunting, Hunting
 - My first round of golf with you and Hoisington at Walnut Hills (you had a bad, bad, day so did a couple of your clubs)
 - Your concern for me about many things
 - Your fatherly advice about many things
 - Your consummate wit
 - Todos Santos day, Art & Beer and the bathroom break thereafter
 - The change from being a boss to becoming a friend
 - Your story telling I don't even mind repeats
 - Caddy Shack and Christmas Vacation Quotes (they never get old)
 - Are you still reading? This list could never end
- Bob, you must understand that you have touched a lot of people in so many different ways.

Continues on pg.50

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Vice President of Engineering Services Comment

Bob Patzer ...

Prior to the February 2005 merger of the MRBA and the AUC I had never formally met Bob Patzer, although I had heard much about him being the dynamic, aggressive, and much respected leader of the AUC. Having now worked for Bob for over four years I can tell you that I quickly came to appreciate and admire Bob as a person and leader.

Joining the Patzer led MITA organization after a 30-year career in the public sector, and with only a little over a year of experience in the association business, did cause me a few sleepless nights. But it wasn't long after I had set up my temporary office in the conference room of the old AUC building, that I felt comfortable and embraced by the Patzer led organization.

Obviously in those early years I had much to learn about working for a

large association with a very diverse membership. Lucky for me, Bob was a great, and ready teacher. I can remember sitting in his office on countless occasions getting, what we as staff call an "Association 101" lesson about anything and everything from digging trenches to ERISA law. As you might expect if you know Bob, he often became the "student" in many of these lessons listening intently and asking questions about how my public sector experiences might be used to solve industry problems. Bob's skill at listening and his desire to always learn more, even in the twilight of his professional career, are traits that I want to emulate.

Bob's command of an audience or a room full of people has always amazed me. When Bob walks in, people take notice. When Bob speaks, people stop and listen. Bob's professional delivery skills at a podium are unmatched. His messages and comments, which always reflect his passion

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Glenn Bukoski, P.E.

Michigan Construction Hall of Fame Inducts Four Industry Professionals

The Michigan Construction Hall of Fame inducted four new construction industry professionals in October at Ferris State University.

This year's inductees are the late Chris Anton of Muskegon; Kenneth Bensen of Lansing; Larry Erhardt of Ada; and the late Edwin Haltenhoff of Holland.

The hall's previous inductees include MITA members: the late Sheldon G. Hayes and the late Sheldon W. Hayes of Cadillac Asphalt; John T. Adamo Sr., of Adamo Demolition Company; the late Joseph Dunigan of Dunigan Bros., Inc.; and James Klett of Klett Construction Company.

Michigan Construction Hall of Fame inductees are selected by a committee of professionals representing MITA, the Associated Builders and Contractors, Associated General Contractors of Michigan, Construction Association of Michigan; Michigan Association of Home Builders, and Ferris State University Construction Technology and Management Programs. MITA's Vice President of Engineering Services Glenn Bukoski, P.E., serves on the selection committee.

Selection criteria include achievement in technical, managerial and leadership areas, state or national prominence as a result of industry or community activities, and service to the profession and community.

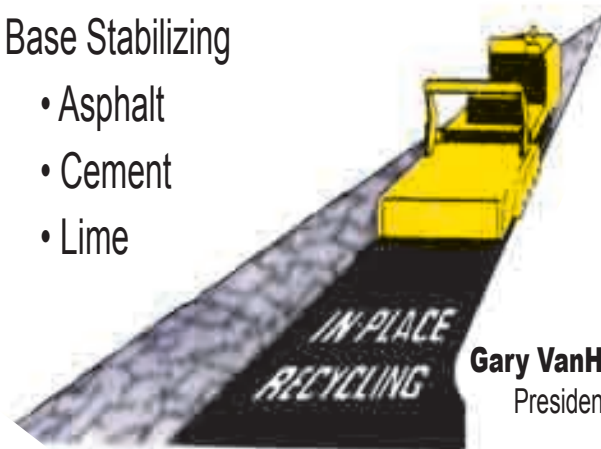
The Michigan Construction Hall of Fame serves as a permanent place for members of the construction industry to recognize and appreciate the endeavors of leaders of the Michigan construction industry. Off-campus visitors can access the Michigan Construction Hall of Fame at www.ferris.edu/mchof. Inductees and their stories are featured on this website.

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Gary VanHevel
President

Director of Safety & Workforce Development Comment

My Farewell Comments to Bob

In my many years of working as an employee for many different employers, I have never met a more straight forward, no nonsense get the job done guy like I have in Bob Patzer. Remember, I've worked in retail, health care, fire fighting and law enforcement so trust me when I say that I've had my share of bosses. The first time I met Bob, I was nervous to say the least. Bob is somewhat intimidating until you get to know him. To be honest, he still has me on edge sometimes. Construction was new to me four plus years ago and Bob used the sink or swim theory with me. He gave me a bunch of books and said here you go kid. Then I was given a hardhat, safety vest and camera and told to go find some job sites to visit. That part wasn't difficult. It was getting the crews to even talk to me; or, when they did, it wasn't very nice.

Once I got my feet wet, I was told to review a couple MIOSHA files scheduled for pre-hearing. When I finished the pre-hearing (which, by-the-way, Bob and Rob made up excuses so I had to go alone), Bob wondered why I didn't better results. Bob has a way of making you think that you can always do better, and that has stuck with me. After I found out that appeals were Bob's baby and then Rob's and am confident I can complete the task under Rob's guidance, I knew that I had HUGE shoes to fill.

Bob has kept close tabs on appeals during my time and is always willing to put in his two cents, needed or otherwise. But I knew I

Continues on pg.50



Patrick Brown

Did You Know? Training Available at MITA

MITA is legendary for its MIOSHA Appeals Service, but did you know we spend more time on the preventative medicine side of workers safety than most realize?

Recently MITA completed an Excavation Trenching and Shoring Video unique to Michigan. The MIOSHA Construction Safety Standard that covers excavation trenching and shoring is dramatically different than its OSHA counterpart. This created a need for training materials that match MIOSHA standards. The DVD is available through the MITA office – simply call us at 517-347-8336.

On a related note, MITA will be offering Competent Person Training for excavations to members who are performing work outside Michigan. MIOSHA requires a qualified person be on site and regular training for the crew, which we also provide throughout the winter at various locations. The classes will be similar in scope, but the Competent Person class requires soil classification training while MIOSHA standards place more emphasis on penetrometer readings. Check the MITA website for up-coming classes.

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Director of Legislative Affairs Comment

Dukes of Hazzard, Horse-Drawn Carriages and Gubernatorial Vetoes: The Patzer Culture Will Live On

It's hard to follow in the footsteps of an iconic figure. But, that's the challenge facing the current staff at MITA beginning in the spring of 2010.

Bob Patzer has been a fixture in the industry for as long as people can remember. Americans were watching "Dukes of Hazzard" and "Little House on the Prairie" on TV, "King Kong" at the box office, pumping 65-cent gasoline and investing in the Dow Jones Industrial Average at just over 800 points.

Bob took over what many describe as a fledgling Associated Underground Contractors with a few dozen members. Over three decades, through vision and hard work he built the association into the monolithic organization we have today that includes a unified road and underground industry with over 600 members.

On the legislative landscape, Bob Patzer operated the levers of the process before term limits, when legislators were old school. Representatives and Senators served for decades and the system was defined by long-standing relationships and years of institutional knowledge. The longevity created trust that the public interests would be served without an all-consuming fear of the next political campaign. Although most of those leaders have gone on to other endeavors, their love, affection and respect for Bob Patzer has never diminished and can still be seen today.

While many things have changed in the intervening decades (Bob usually prefers watching reruns of the "Golden Girls" on TV to "Little House on the Prairie" now), the culture of MITA has been cemented and the pace set by a visionary leader.

MITA has spent the last four years fighting for a fuel tax increase and new infrastructure investment. Although the struggle has often been frustrating with a short-sighted legislature unwilling to act, Bob has left us with a career of examples of perseverance in the face of discouragement and adversity. He was instrumental in writing comprehensive new legislation on Differing Site Conditions only to have it vetoed by Gov. John Engler.

Most lobbyists recognize an insurmountable barrier when they see it. But, Bob was bullheaded enough to get the legislation introduced again. He marshaled the bill through the legislative process a second time, only to have it vetoed again. Not to be dissuaded, yet again the legislation was introduced and shepherded through both houses of the legislature. This time, Engler signed the bill.

As the Director of Legislative Affairs for MITA for almost four years,



Bob has been an inspiration to me personally. I've watched and admired his leadership and style and have tried to mimic some of the qualities that have made him successful in my own lobbying efforts.

After only a few short weeks on the job at MITA, I made one of those screw-ups that a new employee inevitably makes. I was called into Bob's office. He relayed to me a story:

A man and a woman were riding down the street in a horse-drawn carriage when the horse abruptly stops. The guy gets off the carriage, goes up to the horse, looks him in the eye and said firmly, "that's one." The guy gets back on the carriage and they continue down the street. A few minutes later, it happens again. The man gets off the horse and

Continues on pg.53

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Director of Technical Services Comment

Thanks for Your Leadership

As the saying goes, “with great power comes great responsibility.” I would not debate that this saying holds true for Bob Patzer, but my experience with Bob has been more in tune with “with great influence holds great responsibility.” During my time with MITA and the construction industry, Bob has with no doubt proven himself as the leading voice of the underground/highway construction industry. His words and messages have filled countless meeting rooms, conferences, and award ceremonies, while leaving the audience with a great appreciation for the hard work and dedication of MITA.

I recall one evening during the Ferris State University Distinguished Constructor Award ceremony when, just moments prior to the event kicking off, Bob was asked if he would help with opening remarks. Bob promptly accepted the invitation and calmly went back to his conversation at hand. Minutes later, the event started and soon Bob was called on stage to offer opening remarks. Bob's poise and calm demeanor filled the room in a serene way that demanded the attention of the audience. Bob's words and stories were well received; and, when he finished, the reaction was overwhelm-

ing.

To me the amazing part of this event was that Bob had no intention of speaking. That evening as we drove to the event, we joked about having him give a speech and his state-

ment was “not tonight.” However, after being presented the opportunity to represent the underground/highway industry, he could not refuse. Bob's impromptu speech truly showed the passion and responsibility that he has held over the years.

That night at Ferris State University, along with the countless events and meetings during which I have had the opportunity to join Bob, has convinced me that Bob has taken his role and influence within the industry and has set the stage for future leaders within MITA and the construction industry.

Thanks, Bob, for your guidance and leadership, and may you lead as good a life in retirement as you have left for us in the industry.

To contact Doug Needham, e-mail him at douglasneedham@mi-ita.com or call 517-347-8336.



Doug Needham, P.E.

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New and Improved MITA Ads

Over the past several months, the steady increased use of MITA Ads (www.mitaads.com) has demonstrated that this website has become the new standard for the advertisement of non-MDOT let projects. During this time, we have received many suggestions and comments on ways to improve the site. As a result, on Sept. 1 the newest version of MITA Ads was released.

A FEW OF THE NOTABLE MITA ADS ENHANCEMENTS ARE:

New login required

As a result of the migration to the new MITA Ads format you will need to recreate your account after the September 1, 2009 release to ensure you continue to receive the level of service you have experienced to date. Your new login will allow for better tracking of registered users.

Continues on pg.52



TOOL BOX TALKS

Cold Exposure

Before you get started:

There are five basic safety tips that apply to the whole industry. If you practice these five tips, you can make a difference.

- KNOW YOUR JOB.
- BE ALERT.
- EXPECT THE UNEXPECTED.
- USE GOOD JUDGEMENT.
- ALWAYS THINK SAFETY.

These tool box talks have been designed to include all of the information your company should be able to include in a five minute session. MITA suggests that you document this activity with the sign-in sheet that has been provided and keep it on file for future reference.

Construction activity goes on regardless of weather conditions. The chances of sustaining injury during extreme cold conditions are dramatically increased unless the proper precautions are taken. The following list should assist you in staving off the cold.

- Wear the proper clothing and bring a change of clothes if necessary, i.e. extra socks, another pair of boots or gloves.
- Avoid smoking, chewing tobacco, or drinking alcohol; they all hamper proper blood circulation.
- A good nights sleep greatly enhances your body's ability to cope with the elements.
- Good nutrition and exercise will also dramatically enhance your body's ability to cope with the cold.
- Drinking plenty of water will aid in proper blood circulation.

The two most common disorders associated with the cold are hypothermia and frostbite. A break down of the cause, symptom, and treatment of these disorders are as follows:

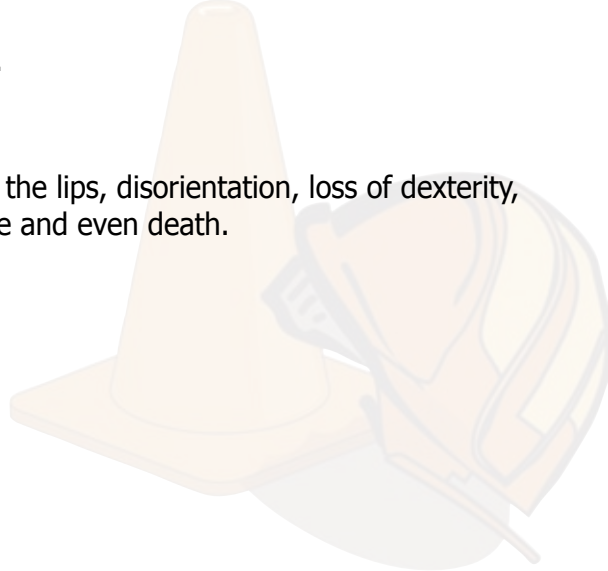
Hypothermia - A decrease in body temperature below 95°.

Signs / Symptoms:

Uncontrolled shivering, blushed color around the lips, disorientation, loss of dexterity, weakness, semiconsciousness and/or collapse and even death.

Treatment:

- Remove victim from source of cold.
- Remove wet clothing.
- Warm with dry blankets.
- Seek medical attention.
- Warm fluids if victim is conscious.
- Limit movement in extreme cases.
- No hot or warm baths.



Continues on pg.53

MITA in the News

The following are excerpts of media coverage generated by MITA.

Visit the news section of www.mi-ita.com to read entire stories.

Toll-free number invites drivers to vent about Michigan roads

Tuesday, July 21, 2009 • Kalamazoo Gazette

Driving on the well-worn roads of Michigan leaves many motorists with a few things to say.

When you hit a pothole so deep that you momentarily lose sight of the horizon or crunch down on a span of road that threatens to ruin your dental work, you can only hope that children and your other passengers don't hear the first things that come out of your mouth.

Well, folks who have had some of the same experiences have created a hotline to allow the public to tell lawmakers what they think.

The Michigan Transportation Team, a bi partisan partnership of business, labor, local government, associations and residents, has established a toll free number to give Michigan motorists a convenient and free way to encourage lawmakers to fix what they say is Michigan's crumbling transportation system.

Callers can dial (888) 719-3087, then enter their five digit ZIP codes to be connected with the office of their state legislators. Callers have to listen to a brief recording by the Michigan Transportation Team, encouraging them to tell lawmakers that state roads are crumbling.

Mike Nystrom, vice president of government and public relations for the Michigan Infrastructure and Transportation Association, said in a press release, "Our transportation system is in shambles."

"Our roads, bridges and buses have been drastically underfunded for years, and it is time our lawmakers take notice," he said. "Our crumbling roadways are no longer safe for Michigan motorists, and we need our legislators to hear this from the public."

Nystrom, who is also co-chairman of the transportation team, said the toll-free number is a resource for anyone who has cracked a rim, blown a tire or spilled coffee in their lap after hitting a Michigan pothole.

"Legislators have told us that they want to hear from their constituents on the issue of Michigan's failing transportation system," he said. "We're happy to oblige."

Continues on pg.50



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Legislators Receive History Channel DVD Featuring MI Roads Wednesday, August 26, 2009

History Channel producers looking for evidence of the nation's crumbling roads and bridges found everything they needed right here in Michigan.

Now Michigan lawmakers have their own personal copies of the TV documentary, "The Crumbling of America," which were delivered to legislative offices today.

The documentary explores the condition of the nation's highways, bridges, water and sewage systems, and was first broadcast June 22.

With more than 450 Michigan bridges classified "structurally deficient" and more than 880 bridges classified "functionally obsolete," crews filmed significant portions of Michigan roadways for the program back in April.

"We hope Michigan legislators will view the program as a wake-up call," said Mike Nystrom, vice president of government and public relations for the Michigan Infrastructure and Transportation Association (MITA), co-chair of the Michigan Transportation Team (MTT).

"Our deteriorating infrastructure has gained national attention, yet Michigan has continually neglected to make an investment to fix our transportation revenue system."

Lawmakers received personal copies of the DVD that featured a

quote from the writer of the show:

MIRS Capitol Capsule, Monday, June 22, 2009

QUOTE OF THE DAY

"We could have done the whole show in Detroit."

Writer Henry SCHIPPER commenting on his History Channel documentary "The Crumbling of America," a production on the state of the country's infrastructure.

"It's no surprise that Michigan was selected to highlight the dangers a crumbling transportation infrastructure poses," Nystrom said. "If Michigan is to have a strong, viable future, we need our roadways to get us there. We must fix Michigan's roads now!"

The Michigan Legislature is exploring bills that would increase road funding over the next five years. The plan is expected to yield an additional \$1.8 billion in transportation revenue per year.

MTT has set up a toll free number allowing Michigan residents to voice their concerns about road funding. By dialing 888-719-3087, callers will only have to enter their five-digit zip code to be connected with their legislator at no cost to them.

MTT is a broad-based, bipartisan partnership of business, labor, local government, associations and citizens linked with the common goal of improving Michigan's transportation infrastructure. The DriveMI campaign is committed to promoting the development and maintenance of a safe, convenient and efficient transportation network that serves the public, private and economic development needs of

Continues on pg.55



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GOING GREEN by Design

By Thomas Doran, P.E.
Hubbell, Roth & Clark, Inc.

Few people think of roads, sewers, drains, water mains, and the mostly invisible water and wastewater treatment plants, as candidates for "greening," despite the fact that there are tens of millions of miles of these utilities and roads, and thousands of these treatment systems, in operation in America. The fact is that designing sustainability and lower environmental impact into

infrastructure is experiencing a golden age.

The construction techniques we are using to build conveyance and treatment pathways for water and sewage are changing.

In the early 1970s, flood control on the Rouge River in southeastern Michigan was accomplished by paving stretches of the river to achieve a uniform cross section and better carrying capacity. I worked on this project and remember the quantity of putrid material on the bottom of the river when stretches of it were bypassed and dewatered. While this was an effective flood relief strategy, it was less than desirable environmentally.

The measures we take today differ substantially from those earlier practices.

At one time, little consideration was given to storm water when roads were designed and built, except for making sure it was quickly carried away. As a result, sediment and pollutants were rapidly transported to sewers or receiving waters. Today, it's not uncommon to include passive treatment and retention systems as an element of road design, creating habitats in the vicinity of roads and delivering higher quality water to receiving streams. These systems might be adjacent to a roadway and visible, or below ground and invisible.

Today sewers and water mains can often be constructed or rehabilitated using trenchless technologies. When these techniques are appropriate, they can greatly reduce the impact on the environment through which these utilities pass.

Wastewater treatment plants are now using fewer chemicals and less energy while producing cleaner water. This is being accomplished by a combination of more efficient equipment, by enhancing the ability of microorganisms to remove organic pollutants and nutrients from the water, and by a population more sensitive to their impact on the environment.

The Delhi Township treatment facility, near Lansing, is converting sewage sludge to electrical energy (the director of Public Works, Sandra Diorka, calls this "poo to power") while producing solids that are safe enough to apply to home gardens. When the Delhi wastewater plant hosts its annual open house, hundreds of residents attend.

Next: Green can also mean lower overall cost.

Thomas Doran is a professional engineer and a Principal with Hubbell, Roth & Clark, Inc. This article was previously printed in the Detroit Free Press and is the first in a series of three articles.



Thomas Doran, P.E.

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Challenges Created by Electronic Data in Construction Litigation

Continued from pg. 10

one project to the exclusion of other project data and privileged information.

The task of preserving and retrieving project data is further complicated when you consider what constitutes a "document" under the new court rules. There is now a whole new category of information with which most of us are unfamiliar -- metadata. Many project records and correspondence are revised at least once. A document may be accessed and reviewed numerous times throughout the course of the work. Most people do not appreciate that the electronic device and software create data that is "visible" only in electronic form. Your computer will frequently track when a document was created, amended, transmitted, or read. This additional data can be extremely helpful or harmful in litigation but, most importantly, it often fits within the definition of a "document" or "record" for the purposes of production under the new court and even in arbitration if you arbitrator(s) elect to administer any discovery in accordance with the court rules. A "record" includes not only an electronic version of a document, but also information that exists only in a digital form and does not even resemble a "document".

The Duty to Preserve ESI

Once litigation is reasonably anticipated, each party must secure and maintain any documents or records that might prove relevant and material. This has always been true of all litigation, and is a reality that many companies have to come to grips with in light of an explosion in the number of computers and handheld devices storing information. The construction industry in particular has several unique and complicating factors to be considered. Potentially relevant information is not typically stored within one company or one department. For example, it is not uncommon for the project manager's laptop to be a stand-alone island of project information, subject only to the project manager's personal practices for saving and preserving information. Technical information, scheduling information, budgets, communications with contractors and subcontractors, co-ordination with other projects, regulatory approvals and applications, engineering and design specifications, correspondence both formal and informal: all of this information, and more, is likely stored on computers and electronic devices in the field, in the main office, with the contractors, and with the subcontractors. Quickly, accurately, and efficiently preserving all of this data in a user-friendly manner requires planning and forethought.

The court rules now create a mutual obligation between the litigants to explore and present an electronic discovery plan at the outset of litigation. This discovery plan must include information about ESI, such as corporate network(s), software applications and data storage procedures for data relevant to your case. The rules envision a balancing of costs versus benefit, and therefore recognize the potentially vast effort and cost that might otherwise be incurred. Your company will be well-served if it is able to quickly identify what it has, where it is, how it has been preserved and how it can be retrieved.

Take Action Now, or Sanctions May Be Imposed Later.

Failure to preserve electronic documents can, of course, negatively affect your company's ability to prove its case at trial. But, perhaps more importantly, the failure to preserve ESI can result in the imposition of sanctions against your company in the form of: an adverse inference by the court (or instruction to the jury) that the lost or destroyed data would have harmed your position; economic sanctions against you and your attorneys; a court order prohibiting one or more of your key witnesses from testifying; entry

of default judgment against you; having your claim or defense stricken by the court; and, dismissal of your case. These negative consequences are avoidable and should be avoided by implementing company-wide ESI management policies and procedures, and routinely adhering to those policies.

Recommended Actions

The first and most important step is to implement company policies and procedures for the management and preservation of your company's ESI. The following comments present some general considerations for addressing concerns related to electronic data in construction litigation:

1. The first step for any contractor is to consider where electronic data is located: computers; cell phones; PDAs. Consider also the types of documents/information is being generated: e-mail; correspondence, meeting minutes, memoranda, job costing and accounting information, scheduling, spreadsheets; drawings, web pages, logs of historical internet activity, cell phone logs?
2. The goal of any electronic record-keeping policy from a litigation perspective should be to have a method to identify, segregate, organize and freeze for preservation purposes specific types of records as needed once the sources of electronic data are identified. For example, e-mails from specific individuals engaged in a particular project should ideally be readily identifiable so that if litigation does arise, elaborate, costly, and ad hoc searches for relevant communications are avoided. The strategies which can be employed vary with the size and nature of the company and project, but discussions with internal IT staff or external consultants can greatly assist in crafting appropriate

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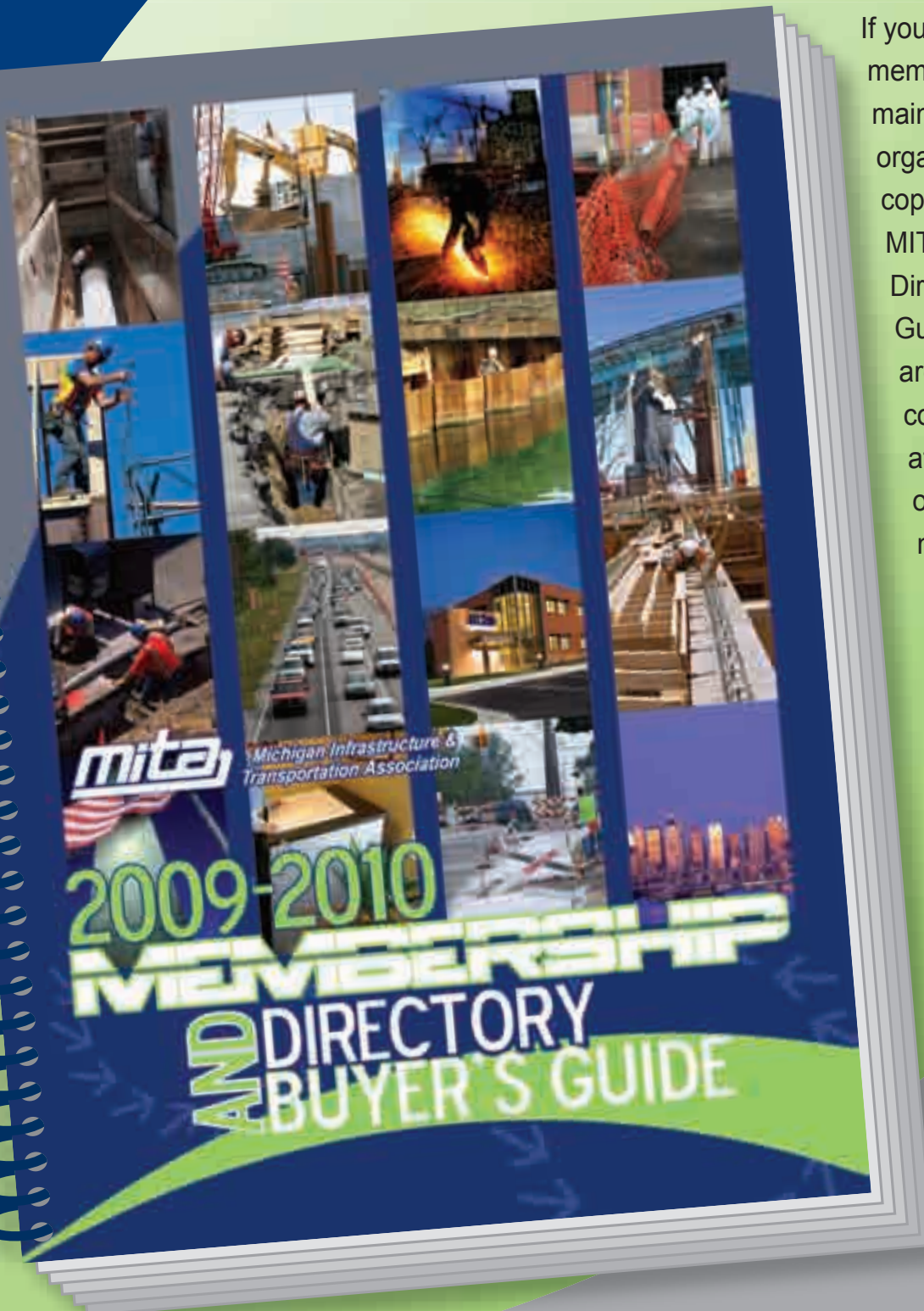
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If you are a MITA member, by now the main contact in your organization has received a copy of the 2009-2010 MITA Membership Directory and Buyer's Guide. Additional copies are available to you at no cost. Call Nancy Brown at 517-347-8336 to order, or e-mail her at nancybrown@mi-ita.com.




Challenges Created by Electronic Data in Construction Litigation

Continued from pg. 33

- policies and procedures. Ideally, this will be implemented as a matter of company – wide policy applicable to all projects and not on a project-by-project basis or after a dispute has arisen.
3. A centralized storage “location” can greatly reduce the time and cost required to identify and disclose potentially relevant records. Absent a central storage location for project communications, drawings, financial records, etc., in the event of litigation, a separate search of each computer hard drive, PDA and hard copy files may be required for each individual involved on a project. The cost of conducting such a search may be prohibitive and could, in fact, undermine the cost effectiveness of litigating an otherwise legitimate claim or defense position. Obviously, difficulty in properly identifying and organizing relevant records can also have a significant impact on your ability to prove or defend against a given claim. So, implementing adequate ESI management and preservation policies and procedures now not only avoids the landmines inherent in the court rule requirements pertaining to ESI but will also enhance your ability to effectively litigate your position in any particular dispute.
 4. The requirement that relevant electronic records must be disclosed does not displace the requirement that relevant hard copy records must also be produced. The requirements for production of both electronic and hard copy records have the potential for greatly increasing the time and cost required to identify and produce records particularly in complex commercial litigation. For example, producing all of the drawings, from bid set, field drawings and as-built, on a project in both electronic and hard copy format could result in an enormous increase in time and expense. Accordingly, a contractor should immediately develop a strategy and policy limiting hard copy duplication of records already existing in electronic format, and then such a company policy should be promptly employed.
 5. Electronic records should be stored in their original form. For example, an Excel spreadsheet documenting relevant financial data to the project in dispute should be maintained as an

Excel spreadsheet. Maintaining files in their original format preserves data as it actually existed on the project and may mean the difference in successfully advancing a given case. The metadata preserved in this manner can ease and simplify the litigator’s and Court’s task as well as sometimes providing key evidence supporting a party’s position.



Continues on pg.43



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MITA Summer Conference Photos 2009

Our contributing photographer (a MITA member who prefers to remain anonymous) did a great job capturing the spirit of this year's summer conference at Boyne Mountain. The four day event (July 23-July 26) included golf, dinners, activities for children, fireworks, and a canoe/kayak trip.



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**See more photos
on pgs. 38-39.**

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from pg. 37





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MEMBER NEWS

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David M. Lick of Foster, Swift, Collins & Smith, P.C. is the newly elected President of the Ingham County Bar Association.

Lick has been the chair of the bench bar committee of the Ingham County Bar Association for many years. He is a commercial litigator with emphasis on construction law matters, and on developing public-private partnerships and infrastructure finance. He has been recognized in Woodward and White's Best Lawyers in America and is one of Michigan's Super Lawyers. He attended Michigan State University, where he obtained an undergraduate degree in accounting. He earned his law degree from the University of Michigan Law School.

Foster Swift, a full service law firm with significant government contacts and clients through Michigan, has offices in Lansing, Detroit, Farmington Hills, Grand Rapids and Marquette.



David Lick

Continues on pg.42

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Challenges Created by Electronic Data in Construction Litigation

Continued from pg. 35

6. Be aware of metadata. Ensure that any document retention/preservation policy considers that there will be a permanent record in many cases of electronic documents including deleted records. This is of particular importance where electronic records or e-mails contain informal or "off-the-cuff" remarks, which may be harmful during litigation.
7. Before starting work a project, your company should assure that the company's ESI management and preservation policies are in place and will be followed on the project. This is perhaps best accomplished by appointing one company representative who is also familiar with the types of records which are required to be kept on the project, for instance, by the terms of the construction contracts. Knowing which records must be maintained will assist at the outset in organization of relevant records which might become needed in the event of litigation.
8. We emphasize that an electronic record keeping policy or strategy should be decided upon and implemented as a matter of company policy and not on a given project-by-project basis. Once the project commences and everyone is focused on its completion, it is likely too late to attempt to organize the project records. The difficulty will only increase where the project has encountered some difficulty or a dispute has already arisen. At this point, everyone on the project will be focused on minimizing delay and cost overruns. Preserving documentation for possible litigation will likely be far from the top of the list and the need to do so "on the run" will substantially increase the cost of doing so.

CONCLUSION

The general considerations outlined above are of growing importance because the need to adopt an electronic record-keeping strategy is no longer simply a matter of cost control or good record keeping. It is a requirement of the courts and some arbitral tribunals. The old adage "A failure to plan is a plan for failure" could not be more applicable. Failing to act now could prove disastrous in subsequent litigation. Courts are enforcing these rules now. We encourage you to develop your Electronically Stored Information plan today, and thereby reduce the costs to you and your claim later. Looking ahead and being ready with adequate ESI management and preservation policies and procedures should be viewed in the same light as you view having policies and procedures for protecting your lien and bond rights - - - it will pay dividends and, by the way, it is now the law.

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Continued from pg.13

tion leader heading down the same path in their career.

"Some leaders do a good job of preparing for their successor and others don't," he's observed. "Some are bored with association work and don't really care who takes their place. But if you are a leader who does care, two years of planning is ideal."

With Nystrom's 17 years of experience at MITA, Patzer says he's not using the two-year timeframe to bring Nystrom up to speed or give him a crash course in what the job's about. "It's more of a weaning process of getting the members used to the new leader's style and way of doing business," he explains. "The leader of MITA has lots of member contact, so we want the membership to be comfortable with the transition."

"This is a staff-managed association, and Bob gives everyone confidence about my stepping into this new role," says Nystrom. "A change of leadership often brings a change in direction. But Bob and I decided to keep the same direction for the foreseeable future."

"MITA is passionate about the companies and the industry we represent," he continues. "We offer a return on investment above and beyond the dues that members pay. It only makes sense to continue that direction with the new leadership."

Patzer agrees, adding: "Associations have to bring services to the table

that their members can't get anywhere else. That's what we've been about all these years, and it makes no sense to change."

Gone but Still There

Here's the real question: After 32 years, when Bob Patzer walks out that MITA door for the last time, is he really gone? Is Nystrom completely on his own from that point on, or will Patzer make himself available?

"You can't put your heart and soul into something for so long and then just walk away," says Patzer. "We deal with some issues here that are very long-term. Mike can't absorb all that at once. He has me when he needs me. I'll be completely accessible."

Nystrom points out that when Patzer started with the organization, it had 85 members, and now MITA has more than 600 member companies statewide. "When you build something like this, obviously, you feel some ownership," he acknowledges.

"If he wants his invitation to the golf outing," adds Nystrom, "he better answer his cell phone when I call."

Carla Kalogeridis (carlak@msae.org) is editor of MSAE's Association IMPACT. Copies of Execution can be ordered through the MSAE Bookstore at www.msae.org.

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Moving Michigan Forward

Continued from pg.19

Transportation Investment

So where do we go from here? We still have a big hill to climb to end Michigan's status as a donor state for transportation funding. However, we are more than halfway up the hill; and from my perspective, sliding backwards is not an option. The Michigan Chamber will continue to stand shoulder-to-shoulder with MITA and fight for every federal dollar.

As a state chamber executive, I am pleased to be able to report to you that at the national level, U.S. Chamber President & CEO Tom Donohue has been very outspoken about the need for Congress to provide additional funding to repair America's crumbling infrastructure.

Last year, it was my honor to be appointed by Governor Granholm to serve with Mike Nystrom and others as a member of the state Transportation Funding Task Force, commonly referred to as TF2. We started the Task Force process with the news media reporting about chunks of concrete falling off bridges in the Detroit area and ended the process with outstate media reporting about county road commissions turning paved roads back into gravel due to a lack of funding.

As one of the co-chairs of TF2, I can tell you we made a concerted effort to be good listeners and to craft a comprehensive response to the need for transportation funding and reform. In addition to identifying numerous efficiencies and reforms to stretch current funding farther, the key findings of

the Task Force were:

- Michigan must at least double current investment in transportation;
- Despite the magnitude of the funding gap, it can be closed;
- The federal government is not going to come to Michigan's rescue;
- The choice we cannot afford is to do nothing; and
- Good transportation will return benefits to households and businesses.

Almost a year later, the TF2 findings are still valid. It is also important to remember and remind lawmakers that the final report was unanimously approved by members representing the House and Senate (from both sides of the aisle) and business and labor. Like MITA members and staff, the Michigan Chamber has worked hard on this issue over the past year. The good news is that two members of the Task Force – State Representative Pam Byrnes (D-Chelsea) and State Senator Jud Gilbert (R-Algonac) – currently chair the House and Senate transportation committees. Jud and Pam got to know each other during the task force process and continue to work well together. Both of these capable legislative leaders believe action on transportation funding and reform legislation can and should be accomplished in 2009. Another positive development is that bills have been introduced to implement many of the TF2 recommendations and more are being drafted.

Continues on pg.46

Member Voice: "What do you think is the biggest challenge and/or the greatest opportunity facing the next generation in your industry?"

Continued from pg.11

their political parties idealist posturing.

Tom Gallagher

Harbor Springs Excavating

Reduction in financing of road construction projects.

Rusty Stafford

MPMC

The relationship between the field application and input into the technical office engineering and design. These two sciences seem to get farther apart every few years. Technology has made it possible to engineer a project a whole country away from the project site, without much interaction for on site conditions or civil and agency attitudes. This problem is going to lead to expensive field to office differences to overcome if possible.

Rich Zelinski

Consumers Energy

Biggest challenge is adequate funding. Greatest opportunity is utilizing technology to improve quality.

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in Grand Rapids and having him tell me:

"It is impossible to know all that there is to know about everything that is going on in our industry, but it is our responsibility to know as much as we can about most issues that affect our membership."

The point that he was making was, in order to properly serve our membership, we need to stay on top of every issue facing the industry and be able to react with some knowledge when questions come up. I believe that Bob has situated MITA to be that one-stop industry resource.

I truly believe that Bob's passion along with a sincere fear of failure is what drove him to so much success. Ultimately, in 20 years at the helm of both AUC and MITA, Bob was able to take a small southeast Michigan underground association made up of approximately 80 member firms and build it up to one of the strongest construction associations in the nation with nearly 700 companies presently involved. He has taken this organization from five employees, who were housed in a outdated building in Bloomfield Hills (that actually still had gold and orange shag carpeting!!) and brought it to the state capital where 13 employees work on behalf of the entire heavy construction industry in a brand new facility of which every member should be proud. There are some that might suggest that Bob's timing was lucky in some way; however, I would counter that by bringing three regional underground associations together in the early 1990's and then by helping to merge MRBA and AUC in 2005, Bob possesses a great deal of skill and finesse. In each case, having a strong leader who was flex-

ible and willing to listen to all ideas and complaints through the process is what helped to pave the way for present day MITA.

Bob molded me in so many ways. I can remember him saying to me one day early in my years with AUC that he was going to toughen me up by using the mentality of the Johnny Cash song "A Boy Named Sue." In that song, the father names his son Sue so through the trials and tribulations of having a girls name as he grew up, he became a strong man who was able to face life's toughest challenges. Bob did that for me in a lot of ways, to the point where he may feel at times that he pushed it too far!

In the end, I believe that Bob and I have made a great team together. Although we are very different in so many ways, Bob has embraced that fact to the benefit of the organization and industry for which we work.

There are so many other stories, but space dictates that they will have to live on in my mind as wonderful memories of our years of working together. Bob rarely suggested that we as staff worked "for" him, but rather "with" him, which was always a very reassuring way of saying that we were in this as a team. Bob, thanks for allowing me to be part of your team and thanks for building the foundations that we now rely upon to move our industry forward in the future!

To contact Mike Nystrom, email him at mikenystrom@mi-ita.com or call 517-347-8336.



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Moving...Forward

Continued from pg.45

Moving Michigan Forward

On a less positive note, the state's on-going economic downturn and related budget problems have made many lawmakers reluctant to tackle transportation funding and reform. At the Michigan Chamber, we believe there is still a window of opportunity this fall to make a breakthrough on this key issue. There is endless talk in Lansing about state government's "financial crisis." State government does have some major financial challenges, but the solutions are obvious. Job one for the Governor and legislative leaders is to dramatically reduce government spending, especially in areas like prisons and welfare.

The next step is for state officials to stop talking about streamlining government and just do it. Over the past 18 months, the Michigan Chamber has endorsed over a dozen cost-saving reform measures, large and small, that would save taxpayers over \$2 billion. We must not allow restructuring of state government to become a pointless exercise of rearranging the deck chairs on the Titanic. Effective restructuring of state government would result in dramatic reductions in spending in some areas while, at the same time, carefully targeting increased investment in economic essentials such as education and transportation infrastructure.

The partnership between MITA and the Michigan Chamber is strong and I am confident that together we will move Michigan forward. To learn more about the Michigan Chamber and our agenda for economic competitiveness, please visit our web site at: www.michamber.com.

Rich Studley is President and CEO of the Michigan Chamber of Commerce. He may be reached at rstudley@michamber.com or 517-371-2100.



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Let's face it—those in the heavy construction industry aren't accustomed to talking to their elected leaders. We work hard on the job. We provide for our families. We're no-nonsense kind of people. But, **if you don't stand up for your job, then who will???**

MAKE THE CALL

Transportation revenues have dropped by a third since 2006. After four years of MITA pushing for a funding increase, legislators continue to sit on their hands and do nothing. They say they aren't hearing complaints from their constituents.

Protect your job. Speak out.

Spend 5 minutes. Call the toll-free number today, provide your 5-digit zip code, and we will route your call to your legislator. Tell them that it's time to fix our roads. Your family and your coworkers' families' livelihoods may depend on it.

MITA Political Action Committee

MITA, INC. P.O. BOX 1640, OKEMOS, MI 48805-1640 • PHONE 517-347-8336 FAX 517-347-8344

"All that is necessary for evil to triumph is for all good men to stand by and do nothing."

— Sir Edmund Burke

This quote is as relevant now as it was when Burke coined it some 100 plus years ago. When it comes to the legislative arena your survival and ability to make a profit is tied directly to your aggressiveness in financing the campaigns of those who understand the difficulties associated with Michigan's heavy/highway construction industry. Contrary to what you may think, through the collective power of MITA you can affect the legislative process.

The primary focus of MITA's legislative agenda will be long-term, adequate and stable funding for Michigan's supporting infrastructure. It is essential that we convince our elected officials that public works are an investment in our future, improves the quality of life and provides real and meaningful job programs and tax stream. The "no new tax" platform and attitude of many politicians must be changed and this change will require a calculated not emotional approach to this issue. Before we get to this mode, we must have the ear of those who control state government. It is your PAC dollars, and yours alone, that will allow MITA to open the necessary doors in Lansing in our mission to convince lawmakers as to the importance of funding infrastructure improvements.

We need your commitment and investment in MITA-PAC today! Those of you who are content with "letting the other guy carry your weight" are only cheating yourself and short changing our industry.

Send your personal check or money order now to MITA PAC and remember that democracy is not a spectator sport.

What is MITA PAC?

The MITA POLITICAL ACTION COMMITTEE is the legislative voice of Michigan's heavy construction industry. MITA PAC is the most effective tool our industry has to support candidates who will fight for contractors in the Michigan legislature. Your financial support of the MITA PAC gives all of us who care about the future of heavy construction and free enterprise a strong influence in the political process.

Why Do We Need a PAC and Why Should I Support It?

The infrastructure and transportation construction industry survives on public funding. Without your support, our level of influence to promote adequate public funding is diminished. We must also fight negative public policy. Our industry is also constantly under attack in the Michigan legislature. Not a day goes by that some legislators in the Michigan House and Senate aren't proposing legislation that would boost our workers' compensation costs, negatively impact our labor force, raise taxes on personal property, increase business liability – the list goes on and on. Our ability to provide jobs and protect our bottom line is profoundly affected by the legislative and regulatory process.

If we do not prevail in the legislative and regulatory process, we will cease to exist in our business as we know it. We will not be able to provide jobs. We may not be in business!

We have full-time lobbyists fighting for us in Lansing and communities around Michigan. We have spent a great deal of time educating the men and women who decide our fate in Lansing. However, term limits have made this task even harder and there are still some lawmakers who may not have a grasp of our issues or the impact that their decisions have on our industry and you. But, the law allows us to band together under MITA PAC. Instead of lobbying elected officials who don't know

or don't care about our ability to provide jobs, our PAC allows us the opportunity to find and fund candidates who believe in us and our employees. The MITA PAC is now one of the top PACs in Michigan. But, only 20 percent of our members provide 100 percent of the funds raised to support candidates who will fight for us – all of us. If the 80 percent of our members who don't participate gave just \$200, we would be an even more potent force for the heavy construction industry.

Do Candidates Really Need Our Help?

Absolutely! Each State House district has 87,000 people in it. Each State Senate district has 250,000, and Michigan has over nine million people. Just as we need to advertise our services, every candidate for office must be able to communicate with tens of thousands of voters. This takes money. Lots of it. Money for brochures, TV ads, radio ads, billboards and other devices. Our PAC can help the candidates we support get their message out and get elected. These are the elected officials who will listen to us and champion our issues.

What Can I Do?

MITA PAC needs your financial support. We are asking every member to step up and contribute. Don't let others carry your load.

Make Your Voice Heard. Support the MITA PAC.

"Those who choose not to be involved in democracy are doomed to be controlled by those who do."

— Abraham Lincoln

MITA PAC Contribution Form



Yes, I will support MITA's effort to elect candidates who will fight for contractors.

Enclosed is my personal contribution of:

☐ \$10,000 ☐ \$5,000 ☐ \$2,500 ☐ \$1,000 ☐ \$500 ☐ \$200 ☐ \$_____ (Other)

Name _____

Business Name _____

Address _____

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Email _____

Make personal checks payable to: MITA PAC
P.O. Box 1640, Okemos, MI 48805-1640

Non-salaried, non-managerial, and union members are prohibited by law from contributing to MITA PAC.

Note: PAC Contributions are not tax deductible.

If you have questions regarding the MITA PAC, please contact Mike Nystrom, MITA vice president of government and public relations at mikenystrom@mi-ita.com or call 517-347-8336.

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MITA would like to express our appreciation to those members who contributed after the printing of this publication.

Vice President of Membership Services Comment

Continued from pg. 22

This commonality has helped unite the heavy construction industry. Each person I talk to about your retirement has a unique story to tell regarding how you helped him or her personally and or professionally. I wish I could have recorded all the conversations I've had in recent months. We work in a profession that is like the news. The negative gets the spotlight and the positive gets pushed to the back page. I guess that's human nature. Today you are front-page news contrary to the norm. Enjoy it.

Your generosity with me has not gone unnoticed. My thanks in return as payment in retrospect seem woefully inadequate. I sincerely look forward to becoming better friends with you in the future now that we've got that work stuff passed you.

Rob

To contact Rob Coppersmith, e-mail him at roboppersmith@mi-ita.com or call the MITA office at 517-347-8336.

Director of Safety & Workforce Development Comment

Continued from pg. 24

could always go to Bob if I had a question or needed a plan of attack. As soon as you mention MIOSHA, his face lights up and you can see the wheels spinning before he even knows the issue. More importantly, Bob and all of the V.P.'s let us do our jobs and do not micro manage. My favorite quote from Bob is, "I don't give a (bleep) what you do as long as you get your job done." When it comes to leadership and support, Bob Patzer is second to none.

Bob has taught me much more than simply how to do my job. This guy knows something about everything and has forgotten more about heavy construction than I will ever know. Bob is the kind of person you just sit back, watch and listen to. Watching Bob and the rest of the MITA staff over the years has given me the ability to relate and understand (or attempt to) the inner workings of association work.

Bob, you will be missed in many ways and I would just like to thank you again for giving me the opportunity to take on something dear to you and continue its successes.

GOOD LUCK!

If you have any questions or comments, contact Pat Brown by e-mail at patrickbrown@mi-ita.com or call 517 347-8336.

MITA in the News

Continued from pg. 28

Transportation group uses toll free line to connect pothole victims to lawmakers

Friday, July 10, 2009

Gongwer News Service

With a new toll free phone number, the Michigan Transportation Team has created a direct line for frustrated drivers who want to voice their opinions to lawmakers about the state of Michigan roads and whether to implement more funding to fix them, a spokesperson said Thursday.

Mike Nystrom, vice president of government and public relations for the Michigan Infrastructure and Transportation Association and co-chair of MTT, said the number (1-888-719-3087) plays a short message urging residents who are tired of potholes and other infrastructure problems to contact their legislators and then connects them to their lawmakers directly.

"This toll-free number is a resource for anyone who has blown a tire, cracked a rim, or spilled coffee in their lap after passing over a famous Michigan pothole," said Mr. Nystrom. "Legislators have told us that they want to hear from their constituents on the issue of Michigan's failing transportation system, we're happy to oblige."

While a handful of House lawmakers in May announced a bipartisan package of bills that would raise fuel taxes and increase registration fees, which was part of a transportation funding plan advanced last year, Mr. Nystrom said he'd like to see legislators move past the "exploration" stage and push the package through.

Without increased funding, Michigan "is looking at some serious problems down the road," said Bill Shreck, director of communications for the Department of Transportation, who agreed that the state's transportation system is in a funding crisis.

He said the estimate is that between 2011 and 2013, the state would lose somewhere around \$1.9 billion in federal dollars because the state can't come up with matching dollars.

None of the handful of lawmakers who have announced support of the transportation-funding package were available for comment on Thursday.

Weigh in on Roads

Thursday, July 9, 2009

WLAJ-TV, Lansing

A state group wants your input on Michigan's roads.

The Michigan transportation team has set up a toll free number allowing drivers in the state to encourage lawmakers to fix our crumbling roads.

By dialing the toll-free number and entering your 5-digit zip code you can be connected to your legislator at no cost.

The line will allow those of us who have blown a tire, cracked a rim or experienced any other driving problems due to the potholes on Michigan's roads to sound off.

The number is 888-719-3087.

18 Reasons Why an 18-Month Delay Is Bad Public Policy

By Pete Ruane, President and CEO, American Road & Transportation Builders Association

Over the summer, ARTBA and its coalition partners joined a spirited debate about the timing of the next federal highway and transit authorization bill. The current law, SAFETEA-LU, expired Sept. 30. If you have been following ARTBA's regular communications on this critical matter, you know the Obama Administration and some members of the U.S. Senate want to delay the bill for 18 months until the early 2011. Leaders in the U.S. House of Representatives, including Transportation & Infrastructure (T&I) Chairman Jim Oberstar (D-Minn.) want to move ahead with a full six-year bill as soon as possible.



Pete Ruane

Why is it a bad idea to wait 18 more months? Here are 18 compelling reasons:

1. A delay will negate the effect of the transportation investments included in the "American Recovery & Reinvestment Act" (ARRA), which is just now working its way through the system. Failure to follow the ARRA funding with a robust, comprehensive long-term reauthorization bill will take us back to square one in terms of employment and economic benefit.
2. Some have been arguing for a "second stimulus" because of shortcomings in the ARRA. However, our champions in Congress argue—correctly—that there is no better stimulus than a well-funded transportation bill. And if done properly, it can be paid for and not add to the growing deficit.
3. A recent study from the Pacific Institute for Research & Evaluation found that more than half (22,000+) of the 42,000 annual U.S.

highway fatalities are related to deficient roadway conditions—a substantially more lethal factor than drunk driving, speeding or non-use of safety belts. Perhaps I should revise the headline of this column and add another 22,000 reasons why we can't afford further delay.

4. We learned the hard way from 2001 to 2005 that a prolonged period of uncertainty at the federal level, during a time of economic and state budget difficulty, produced severe market stagnation and stymied efforts to deliver surface transportation improvements.
5. Status quo investment levels for the highway and transit programs, while preferable to the massive cuts looming without new revenue, will still fall far short of the additional investment needed just to maintain current highway/transit conditions, yet alone improve them.
6. The buying power of the federal user fee—which hasn't been adjusted since 1993—will continue to erode, making projects more costly.

Continues on pg.54



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Project Categories

When a project is posted, the designer/owner will select the category best representing the work type of the project.

Viewers of the system will be able to view and receive emails pertinent to only those work categories that they desire.

To meet the needs of all users, two "non-construction" categories have been included. These new categories are for Professional Services and Equipment. Both owner agencies and designers alike have requested a category for the posting of design/construction oversight services. The Equipment category is a result of numerous posting for agencies desiring the procurement of various pieces of construction related equipment.

Email summary

The email notification sent to users has been enhanced to include the project name, owner, letting date, and project highlights.

Archived posting

MITA Ads will now allow a designer to view and print archived project postings by the inclusion of a never-expiring "permalink."

Hyperlinks

All email addresses and website addresses listed in the advertisements will be automatically hyperlinked.



Improved printing format

Project advertisements will now print in a format that identifies the website, date, and time of the posting. This will be useful for documenting that the advertisement period met an agency's advertisement timeline criteria.

Increase accountability

To ensure only identifiable registered users post advertisements, an added safety feature has been added requiring verification by the user before an advertisement is posted.

Nominal fee added

These enhancements and the improved functionality they bring to MITA Ads are the result of many user requests and ideas received since MITA Ads came online this spring. Unfortunately, these enhancements and our associated development efforts come with a cost. As it is our intent to maintain MITA Ads as the preferred electronic advertisement portal of choice for non-MDOT let projects, effective with the release of this new version of MITA Ads on September 1, 2009, advertisers will be charged a nominal fee of \$50 per advertisement. When a registered user verifies an advertisement for posting, MITA Ads will automatically generate a payment invoice that will be electronically sent to that user.

All registered users will still be able to view advertisements free of charge.

If you have any questions or comments contact Glenn Bukoski, P.E., at glennbukoski@mi-ita.com or Doug Needham, P.E., at douglasneedham@mi-ita.com or call them at the MITA office at 517-347-8336.

Vice President of Engineering Services Comment

Continued from pg. 23

for our industry, are purposeful, succinct, and deliberate, regardless of the subject or audience. Like me, you might think Bob prepares for hours before a speech or presentation, when in fact he will tell you, and I have seen him do it, he is at his best in impromptu situations. I can only hope some of those skills have rubbed off on me!

Some Bob Patzer dogmas I will always remember:

- "Work hard be a closer"
- "If you work hard you can play hard"
- "A bad day hunting is still better than a good day golfing"

Of all the things Bob has helped me learn, understand, and appreciate, and it applies to work as well as life in general, is that, it is all about the people, the relationships, and what you give and take out of those relationships. I am extremely proud that Bob picked me to be a part of his MITA team, and I am even prouder of the fact that he has the trust and confidence in me, and the rest of the MITA staff, to walk away and let us move MITA forward after he retires.

What an amazing chapter in my career Bob Patzer has helped me write!!

To contact Glenn Bukoski, P.E., e-mail him at glennbukoski@mi-ita.com or call 517-347-8336.

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Continued from pg. 27

Cold Exposure Cont'd.

Frostbite - Tissue death caused by cold temperatures. Most commonly affected areas are the fingers, hands, toes, feet, face and ears.

Signs / Symptoms:

- The early sign is redness to the affected area.
- The late sign is pale waxy colored skin that may be hard and numb.
- In extreme cases, the affected area may turn dark blue or black.

Treatment:

- Remove victim from source of cold.
- Provide warm dry environment.
- Warm, not hot water to affected area.
- Avoid fires or stoves to rewarm.
- Do not rub areas of extreme frostbite because it could cause further damage.

When it comes right down to it, only you can take care of yourself when it comes to cold exposure. Surviving the elements takes preplanning. If you suspect you are becoming a victim to frostbite or hypothermia take swift corrective action.

Your employer is an equal opportunity employer and as such welcomes applications from qualified female and minority applicants.

Director of Legislative Affairs Comment

Continued from pg. 25

goes up to the horse and says, "that's two." He gets back into the carriage and continues down the road. The horse stops a third time, and the guy pulls out a shotgun and kills the horse right there on the spot. The shocked and frightened woman asked the man, "what did you do that for???" The man looks to the woman and says, "that's one."

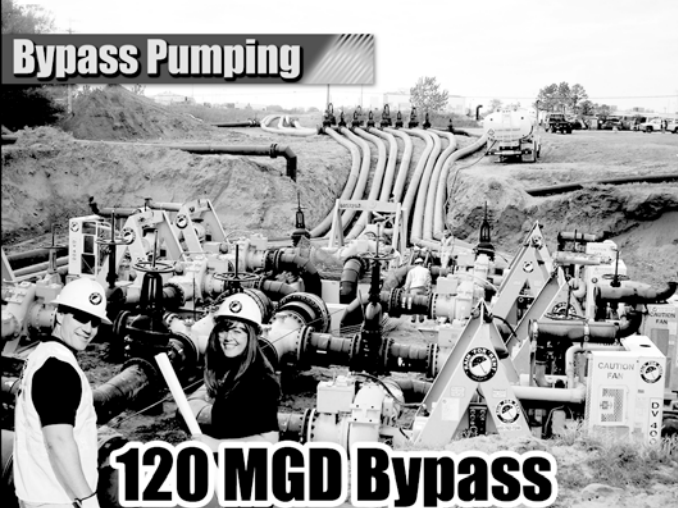
As a new employee, I certainly wasn't looking forward to getting to number three. Bob had a way of getting the most out of his employees by being firm yet treating us as his own family. He has always been able to use humor as a way to create a collegial working environment, while in some cases also being able to use it as a tool to convey an important message.

While in retirement, Bob will be forced to watch the Duke boys only on reruns and paying 65 cents per gallon of gas is only a fading memory, but the house that Bob built and the Patzer culture will serve the industry well for years to come.

Best wishes on a great retirement, Bob.

To contact Keith Ledbetter, e-mail him at keithledbetter@mi-ita.com or call 517-347-8336.

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7. On a related note, the implementation of long-term funding options that could eventually replace the gas tax, like a national vehicle miles traveled or registration fee, will be further delayed.
8. According to the latest Texas Transportation "Urban Mobility Report," traffic congestion is costing the U.S. economy \$87 billion annually — a 50 percent increase over the past decade. There is no chance to begin tackling this problem now without new legislation.
9. Uncertainty at the federal level over funding levels will almost assuredly cause some states "to put the brakes on" future transportation planning.
10. By the same token, governors and state legislatures will be inclined to put off revenue increases for their own state programs while they wait to see what happens in the Nation's Capital. Those budgets will suffer even more.
11. Two distinguished federal commissions, created within SAFETEA-LU's framework, completed their work under the timelines required and developed extensive blueprints for reforming the programs and related revenue options. Their work will be all the more outdated by 2011.
12. Without long-term funding certainty, transportation construction firms will simply not make capital investments of any consequence. For example, equipment suppliers and manufacturers may only realize modest economic benefits of transportation investment between now and 2011.
13. The same uncertainty will impact the industry's ability to hire the new workers necessary to sustain an economic recovery.
14. Advocates of an 18-month delay point out it will take us beyond the next congressional election in November 2010. However, the presidential election season will kick off almost the day after. Given this reality, does anyone really believe it will be a better time politically to generate new transportation revenues? Each approaching election won't make the job any easier.
15. Short-term "fixes" to keep the federal Highway Trust Fund (HTF) solvent are necessary and appreciated. However, they are coming from the General Fund, rather than federal gas tax revenues. This blurring could eventually undermine the critical firewalls that ensure HTF proceeds are dedicated to transportation.
16. Our federal transportation programs lack an overarching vision. Public confidence is eroding and negative media stories abound. We need to start implementing a new vision now, not years from now.
17. ARTBA has contributed to the "vision" debate with its "Critical Commerce Corridors" goods movement proposal. Numerous stakeholder groups have endorsed this approach, and the House Transportation and Infrastructure (T&I) Committee's bill includes a freight program provision. Ask anyone in manufacturing or the general business community and they will tell you: the nation needs this priority freight program now.
18. The House T&I Committee's bill, unveiled earlier this summer, is a good start toward achieving the new vision and large investment increases we need. There is much more work to be done. Let's continue the "sausage making process" and "grind out" the best bill as soon as possible, not in March 2011!

Get in touch with your congressional delegation now and tell them we cannot wait 18 months for the reauthorization bill we need immediately. Use any of the reasons I describe above, but make sure you put it in personal terms.

Your members of Congress need to understand the negative effects a delay will have on your hiring, capital investment and everything else. Remember—as always—you vote, so Congress will listen!

Based in Washington, D.C., ARTBA is the consensus voice of the transportation construction industry on the federal level. Visit www.artba.org for more information.

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Michigan. Please visit www.drivemi.org for more information on transportation funding or follow them on [twitter@drivemi](https://twitter.com/drivemi) or YouTube.

Show synopsis:

America's infrastructure is collapsing. Tens of thousands of bridges are structurally deficient or functionally obsolete. A third of the nation's highways are in poor or mediocre shape. Massively leaking water and sewage systems are creating health hazards and contaminating rivers and streams. Weakened and under-maintained levees and dams tower over communities and schools. And the power grid is increasingly maxed out, disrupting millions of lives and putting entire cities in the dark.

Rating: TVPG

Running Time: 120 minutes

Legislators Divert Road Dollars to General Fund Tuesday, September 1, 2009

Legislators consistently say they oppose diverting road dollars away from roads, yet they continue to do it anyway. This time the public will be watching, said Mike Nystrom.

"Lawmakers are taking steps to absolutely gut the Transportation Economic Development Fund," said Nystrom, vice president of government and public relations for the Michigan Infrastructure and Transportation Association (MITA), co-chair of the Michigan Transportation Team (MTT). "The funding is designed to spur economic activity. With our economy in the tank, we should take advantage of this critical tool to attract businesses."

Lawmakers are expected to vote on legislation (House Bill 5072 and House Bill 5073) Wednesday that, if passed, would divert funding from the Transportation Economic Development Fund (TEDF) to the General Fund.

"It is unconscionable for our lawmakers to take transportation revenue away from our roads," said Nystrom. "We are dealing with an infrastructure system that is literally crumbling: 2,830 structurally deficient or functionally obsolete bridges, one in five county road bridges are closed or reduced down to one lane, and more than 26,600 miles of Michigan's roads are rated in poor condition, 17,378 miles of federal aid roads and 9,223 miles of non federal aid roads. This is far from the safe, reliable transportation system Michigan motorists deserve."

The Transportation Economic Development Fund (TEDF) was originally established to fund infrastructure upgrades that helped job providers locate or expand in Michigan. Lawmakers have chosen to siphon funding away from Michigan's roads and bridges, said Nystrom. With no shortage of road and bridge problems, road agencies across the state continue to face an ever-increasing shortfall of

funds. The bipartisan Transportation Funding Task Force (TF2) recommends an increase of \$3.5 billion annually just to achieve a "good" level of investment.

"Lawmakers should not make this transportation funding decision lightly," Nystrom said. "Voters will be watching to see who gets caught with their hands in the cookie jar."

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NEW MITA MEMBERS



Michigan Society of Professional Engineers Elects President, Board

The Michigan Society of Professional Engineers (MSPE) recently announced the election of John Condie, P.E., as its president for 2009-2010.

Condie was installed as president during MSPE's annual conference, held at Grand Traverse Resort in Acme. Eric Johnson, P.E., past president, presented the president's pin and gavel to Condie, and also announced the new board of directors, during a special ceremony at the conference.

A Principal at Fishbeck, Thompson, Carr & Huber, Inc. (FTC&H), in Grand Rapids, Condie has more than 20 years experience. He joined FTC&H's electrical engineering department 13 years ago before being promoted to senior engineer in 1998, and then senior associate in 2003. In his new role as principal, Condie will serve as a member of FTC&H's management committee.

Condie has received several honors from MSPE, including the Professional Award in 2008, MSPE Engineer of the Year and Western Chapter Engineer of the Year awards in 2006, and the MSPE Presidential Citation in 2005. He has served as chair of both the legislative and government affairs and membership committees.

Condie also serves on the enterprise membership task force for the National Society of Professional Engineers.



John Condie, P.E.

MSPE also elected the following officers and board members:

2009-10 MSPE EXECUTIVE BOARD

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John Condie, P.E.

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Donald Heck, P.E.

Regional Vice Presidents

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North: Clyde Johnson, P.E.

Western: Thomas Wheat, P.E.

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P.E. in Government: Kelly Fedele, P.E.

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Eric Johnston, P.E.

Founded in 1946, MSPE is an affiliate of the National Society of Professional Engineers, and represents professional engineers from all technical disciplines, engineers-in-training and engineering students in Michigan. NSPE serves more than 50,000 members, including more than 1,600 MSPE members.

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PROBLEM *Solver*

Density Testing

Almost 10 years ago, an AUC contractor member had the fortune to be building a significant road project for a public agency owner. That fortune however, seemed to turn into misfortune as, regardless of their effort, they could not achieve the base maximum density that the owner agency inspector's test results required. Confident in their means and methods the contractor's suspicions turned to the inspector performing the tests. By observing the inspector perform the standard density test, the contractor quickly concluded that the test was being performed in a malicious way that resulted in a maximum density requirement that was virtually impossible to obtain on the grade. With AUC's intervention the owner agency removed the inspector from the project and agreed to ban him from performing density testing in the future.

Recently a MITA member began building a road project for that same public owner agency only to discover that this previously banned inspector was assigned to the project to perform density testing. After a call by MITA staff to the agency leadership to reaffirm the agreement that banned this inspector from performing density test, the inspector was removed from the project. Only then was the project able to move forward smoothly.

If you have any similar challenges facing you and your company, don't hesitate to contact MITA.

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O - 989-772-0720

F - 989-773-7640

PROJECT COST: \$4,477,777.77

PROJECT DATES :

Bridge Work : May 27, 2008 to July 2, 2008

Road Work : August 18, 2008 to October 14, 2008

MAJOR SUBCONTRACTORS:

D.J. McQuestion & Sons, Inc.

Antigo Construction, Inc.

P.K. Contracting, Inc.

Dale Dukes & Sons

PROJECT SUPERINTENDENT: Joe Tomko

The project was on a two lane highway on M-115 in Clare County. We replaced two bridges with the use of a Hy-Span type design, and controlled traffic with the use of automated traffic signals. Once the bridges were done, we widened and paved the shoulders so we could maintain two lanes of traffic at all times. We then milled off the existing HMA down to the existing concrete and then rubbilized and paved to centerline thru leveling course. Once both sides were built through leveling course, we paved the top course in two different stages from beginning to end.

Continues on pg. 60

Member Project Profile *Continued from pg. 59*



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Central Asphalt Project is Finalist for National Award

Central Asphalt's M-115 Clare County Improvement Project for the Michigan Department of Transportation is a finalist in the America's Transportation Awards competition. D.J. McQuestion & Sons, Inc., was a major subcontractor on the project.

Central Asphalt's project allows Michigan, along with nine other states, to share the national spotlight in the contest, sponsored by AAA, the American Association of State Highway and Transportation Officials (AASHTO), and the U.S. Chamber of Commerce.

Using a \$1 million grant from the Federal Highway Administration's "Highways for Life" safety program, Central Asphalt upgraded a rural 5.5 mile, two lane section of Michigan 115 from Lake Station Avenue to Osceola/Clare County Line. The project was designed to promote innovative construction techniques such as self-adjusting temporary signals and temporary object markers to eliminate vehicle runoffs. Other innovative ideas included the use of pre-cast bridge construction and using a best value award process that took mobility and construction staging along with safety and cost into account. Overall, traffic delays averaged two minutes, 16 seconds, and the project was completed 20 days ahead of schedule. The project significantly improved pavement conditions and safety along the road.

A panel of judges evaluated 50 highway projects from 33 states in three categories: "On Time," "On Budget," and "Innovative Management." Twenty-two winning projects were selected during four regional competitions. The top 10 projects scored the highest number of overall points during the judging.

"These projects show that states are being accountable for every dollar they receive from the taxpayers," said John Horsley, AASHTO executive director. "They are using the smartest technology in their projects, and they are investing in their communities by reducing congestion, protecting the environment, and enhancing safety. In these tough economic times, the value of rapid and efficient highway construction gets magnified even more."

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Lansing, MI 48917
Phone: 517-999-3410
Fax: 517-999-3412

CEMENT MASONS LOCAL 514

James Oakley, Business Manager
1154 E. Lincoln Avenue
Madison Heights, MI 48071
Phone: 248-548-0800
Fax: 248-548-0700



PLASTERERS LOCAL 67

Jack McCool, Business Manager
1154 E. Lincoln Avenue
Madison Heights, MI 48071
Phone: 248-591-6700
Fax: 248-591-0671

PLASTERERS & CEMENT MASONS LOCAL 886

Michael Reinbolt, Business Manager
4652 Lewis Ave.
Toledo, OH 46312
Phone: 419-478-2652
Fax: 419-478-0208

Daniel Rauch, International Representative
Phone: 419-467-1372

Member Project Profile

NAME OF THE PROJECT

I-75 Gateway IV

PROJECT OWNER

MDOT

MAJOR CONTRACTOR

Walter Toebe Construction Company

MAJOR SUBCONTRACTORS

Motor City Electric, Ace Steel, Atsalis Brothers, Hardman Construction, Nationwide Fence, Nylander Engineering, P.K. Contracting, Poco Sales, Shearweld Corporation

PROJECT COST

\$168,000,000.00

PROJECT TIMELINE

July 2007-Finished Fall 2009

PROJECT DESCRIPTION

2.66 mi of concrete road reconstruction, 3.00 mi of retaining wall construction and 24 structure rehabilitations on I-75 from Clark Street to 14th Street and on I-96 from I-75 to south of Martin Luther King Boulevard in the city of Detroit, Wayne County. This project includes 5-year materials and workmanship pavement warranty and a 2-year bridge painting warranty. Project also included over 300,000 LF of driven h-piling, over 10,000,000 pounds of structural steel and construction of the first cable-stayed bridge in Michigan. This was the largest project MDOT has ever awarded.



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WALTER TOEBE CONSTRUCTION COMPANY



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Member Project Profile *Continued from pg. 63*



UNUSUAL PROJECT ASPECTS

Due to a full closure of I-75 for reconstruction, the schedule on the project was very demanding and required Toebe to work through two winter seasons. Due to all of the hard work, we were able to open I-75 mainline several months ahead of schedule.

PROJECT STAFF

Project Manager- Bob Jones
Project Engineers- Josh Goldsworthy, Brad Stover
Scheduling Engineer- Kristen Aston
Project Superintendent- Chris Taylor

PROJECT INFORMATION SUBMITTED BY:

Jeffrey T. Stover
Walter Toebe Construction Co.
29001 Wall Street - PO Box 930129
Wixom, MI 48393-0129
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MITA 2009 Event Calendar

DECEMBER

December 9

Western Michigan Holiday Party

McFaddens
11:30 a.m.

December 11

Central Michigan Holiday Party

Country Club of Lansing
11:30 a.m.

December 11

Board Meeting

Country Club of Lansing
8:30 a.m.

December 17

Southeastern Michigan Holiday Party

Location To Be Announced
11:30 a.m.

MITA BOARD MEETINGS

December 11, 2009,
Country Club of Lansing,
8:30 a.m.

BID LETTINGS

Friday, November 6
Friday, December 4



For details on any event, contact Danielle Coppersmith, events coordinator,
daniellecoppersmith@mi-ita.com or visit the events section of www.mi-ita.com.



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Visit www.mi-ita.com to view or print these bulletins.

LEGISLATIVE BULLETINS

9/17/2009	MITA Companies Applauded for Initiating 'Legislator Call Days' First Funding Bill Introduced 9/1/2009 1000 "Fix Our Roads" Calls to be Made to Legislative Offices
7/30/2009	Good News for the Underground Industry: New Community Grants Available

MEMBERSHIP BULLETINS

9/21/2009	Nominations Open for MITA Honorary Members 9/21/2009 Final Call for Bob Patzer Tribute Book Ads
9/11/2009	MITA Member Project is Finalist for National Award: Place Your Vote
9/8/2009	Member Voice: What do you think is the biggest challenge and/or the greatest opportunity facing the next generation in your industry?
8/31/2009	Member Survey: Help Us Choose a Summer Conference Location
8/25/2009	In Memoriam
8/24/2009	Member Voice: We Need Bob Patzerisms

8/13/2009	There's Still Time to Advertise in Bob Patzer Retirement Tribute Magazine
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ENGINEERING BULLETINS

9/13/2009	FUSP/CA Update
8/24/2009	New and Improved MITA Ads to be Released September 1, 2009
8/18/2009	CA Update and Payroll Report Form Update
8/13/2009	FieldManager Contractor Update Release
8/3/2009	MITA to Host Prevailing Wage Seminar – Sept 16, 2009
8/3/2009	MDOT Posts Requests for Qualifications for Design-Build I-75 and 9 Mile Road Project
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SAFETY BULLETINS

9/10/2009	MIOSHA Appeals Update
8/17/2009	Something to Consider
7/31/2009	MIOSHA At Night

MICHIGAN LABORERS' TRAINING & APPRENTICESHIP



Grant Charlick, an apprentice program graduate out of Laborers Local 1076 and an employee of Skanska, USA, considers MLTAI and the Construction Craft Laborer apprenticeship program an important part of his professional growth.

Charlick stated, "Having passed a college calculus class I expected that there was very little MLTAI could teach me about math, but with their unique approach to teaching I learned how the mathematic principles I learned in college apply in the real world. College didn't teach me that. Also, the wide variety of subjects taught at MLTAI as well as the variety of experience I've gained as a result of working for a general contractor has prepared me to take advantage of advancement opportunities that could come my way in the future."

INSTITUTE

Michigan Laborers' Training and Apprenticeship Institute provides training to apprentices and journey persons alike. Our instructors have a wide range of field expertise to provide our members with top-notch training using cutting edge technology. Our state-of-the-art training facilities located in the cities of Wayne, Perry and Iron Mountain accommodate on average 2,500 members annually. Courses range from 2 hours to 120 hours in length and include environmental training, construction training, life skills courses as well as on-line courses.

Graduates reaching Journey worker status can be granted college credits at virtually all of Michigan's community colleges.

MLTAI and the Construction Craft Laborers apprenticeship program produce Laborers skilled in their field, dedicated and trained. When Grant was asked what it takes to be a successful Laborer he said, "You have to show up every day in the right state of mind, with a proper attitude and be dependable, punctual and trustworthy. You have to bring your "A" game every day".

Union wages and benefits are among the best in the nation. If great money and benefits are of interest to you, contact a Laborers Local Union in your area or contact Michigan Laborers Training and Apprenticeship Institute.



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