

SUMMER 2014

CROSSSECTION

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Parsons Brinckerhoff Michigan, Inc.

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Underground

SPOTLIGHT

It is no secret that utility staking (or the lack thereof) has been an endemic problem for the construction industry this year. The lack of marks and incomplete tickets, calls asking if staking can be performed at a later date, and the constant “how much of this ticket can be staked to get you started?” have become far too common. Is the new PA 174 working? Who knows? Until initial staking can be performed in a timely manner, it is impossible to gauge the effectiveness of the new law.



MITA pushes the system daily, if not hourly, in an attempt to get members what they deserve: a safe and properly staked jobsite. Recently, MITA invited several members that had voiced concerns to sit down with the Michigan Public Service Commission (MPSC), an entity charged with enforcing the new act and MISS DIG in an effort to educate on the problems members were experiencing. Members from all regions relayed similar concerns, but the most prevalent was a lack of initial staking after numerous requests and a lack of a positive response to the system. Both are unacceptable

considering the Michigan Damage Prevention Board has been in monthly discussions concerning the requirements of the new act for over a decade. The point being that facility owners knew what was coming and had ample time to prepare and fully supported the new law.

What's next? MITA is consulting with legal counsel to determine how to properly address a complaint to the MPSC on behalf of members, which will be a topic of discussion at the MITA August Board Meeting. This action will require considerable resources and time. The fruits this action will bear (if successful) would

be a fine levied by the MPSC to facility owners, otherwise known as motivation to do the right thing. Facility owners tend to blame the staking industry, which is fine to a point. But, as a contractor, aren't you responsible for the actions of your subs? The law clearly states that the facility owner has to provide the mark, which ultimately makes them responsible for them. Additionally, the new act has provisions for facility owners to recoup the cost associated with the staking process. It is MITA's hope that this collective cry will help put things back on track.

For questions or comments, please contact Rob Coppersmith, MITA's vice president of membership services, at roboppersmith@mi-ita.com.

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Cover Photo by Mariam Robinson: Rieth-Riley employees escort Democratic Sen. Gretchen Whitmer of East Lansing (second from left), and her staffer, Nancy, (second from the right) to the Hagadorn Road job site in East Lansing. See story and photos on page 32.

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COMMENT



Mike Nystrom

EXECUTIVE VICE PRESIDENT

MITA appreciates the efforts of all of our members, who take time out of their busy schedules to participate in MITA events, serve on engineering committees, take part in safety training, and meet with their legislators. Lately an increasing number of MITA members have also been bringing legislators directly to their job sites. These legislative job site tours are the perfect way for members to show off their hard work, and highlight how the industry is operating efficiently and effectively. These visits require very little of your time upfront, as MITA makes all the arrangements once you contact us. We will be happy to make all the arrangements for you so you can then showcase the project you choose. To see what these events look like, see photos and a story on page 32.

In addition to legislative jobsite visits, MITA continues to keep an eye on underground issues of importance, including an endemic problem of utility staking (or the lack thereof). See a story on page three by Rob Coppersmith, MITA's vice president of membership services, which asks whether or not the new MISS DIG Public Act 174 is working.

For a detailed look at an important legal issue facing the industry, see a story on page 40 titled "Increased USICE Inspections for Construction Companies – Are Your Form I-9s Ready for an Inspection?" The article, written by Linda Armstrong, shareholder with Butzel Long, discusses how the United States Immigration and Customs Enforcement (USICE), an agency of the U.S. Department of Homeland Security, is continuing an initiative to dramatically expand inspections of businesses' employment records, including I-9s.

Regarding regulatory information, MITA's Vice President of Engineering Services, Glenn Bukoski, P.E., discusses on page 16 the "Revised DBE Information at Time of Bid Process." His hope is to try to ensure that every MDOT prime bidder knows about and understands the requirements and consequences of this contract provision.

On page 19, Lance Binoniemi, vice president of government affairs, offers a legislative update on three primary reform pieces that have seen some movement in the Legislature, including adjusting overweight truck permit fees and fines, broadening competitive bidding within local and state road agencies and expanding warranties that are used for road projects. Matt McClintick, our director of safety and workforce development, writes his debut column on page 21 about "Breathe Deep: What Respirator Fits Your Needs."

We hope all of the articles in this magazine serve to keep you better informed about the industry in which you work. If you ever have story ideas, don't hesitate to contact us.

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MEMBER PROFILE



Holt crew from left to right: Front row: Damon Kleckner, Mike Powless, Nick McNeilly, Pattie McNeilly, Chris McNeilly, Kevin McNeilly, Ken McNeilly, Tresea McNeilly, Danielle McNeilly, Jordan McNeilly. Back row: James Bloom, Justin Dunn, Cameron Picard, Johnny Navarro, Brad Burley, Chris Thomas, Dan Ashley, Emery Dunn.

SPARTAN BARRICADING & TRAFFIC CONTROL, INC.

What stands out about Spartan Barricading & Traffic Control Inc. of Holt and Romulus is how they run their business as a tight-knit family.

Identical twin brothers Kevin and Ken McNeilly and their wives, Pattie and Tresea, have owned the company since 2005. Kevin and Ken were no strangers to the traffic safety industry, however, before that time. They began working in the business in 1974 as teenagers, when the company, Spartan Barricading Inc., was first founded by their brother in law, Bill Westfall and his wife Parna, in their garage. When Bill Westfall lost his battle with cancer in 2005, the natural next step for Kevin and Ken was to continue where Bill left off. The company became Spartan Barricading & Traffic Control Inc., and wives, Pattie and Tresea, then joined the company, contributing their prior business and accounting talents, which helped the company continue to thrive throughout the recession and beyond.

Other family members involved in the business include Kevin and Pattie's son, Chris, who recently graduated from college

and brings his business education to the mix of talent in the company. Chris is also currently participating in the Future Leaders Program with MITA. Their youngest son, Nick, lends his talents to the business while home on summer breaks from college. Ken and Tresea's son, Jordan, is also active in the business when not working at his primary job as a marketing analyst. Their daughter, Danielle, is completing college.

Spartan Barricading & Traffic Control provides traffic safety equipment and sign services throughout a territory of Michigan that goes as far north as Midland and extends all the way to the southern border of the state. Equipment items available



Romulus crew from left to right: Tony Martinez, Rich Crawford (Manager), George Crawford, Daniel Larson (kneeling).

include NCHRP350 compliant signs and barricades, Solar Arrow Boards, Solar Programmable Message Boards, as well as a variety of cones, water barriers, and A.D.A. compliant barriers. The company employs eight full-time employees in Holt, four full-time employees in Romulus, and several seasonal college student employees.

Their niche market is providing traffic

control for contractors doing work on local roads and bridges, interstate on/off ramps and underground utility work. MDOT let projects comprise approximately 25 to 30 percent of the company's annual work, with the bulk of their equipment on lease to municipalities, railroad and utility companies.

"We do a lot of short notice work," said Ken, who serves as company president. "We are on call 24 hours a day and we have built a reputation for being very dependable."

Kevin, who serves as the company's vice president, added that loyal customers have come to know the brothers personally. "We are very hands on in the business," Kevin said. "We show up every day in work clothes, not suits, because we enjoy getting our hands dirty. You can't say that about very many bosses."

Pattie and Tresea added that the brothers really do enjoy working together, and they appreciate the personal relationships they have developed with contractors and

other barricading companies in the industry.

"It is a competitive business," Tresea said. "But they all come together when they need to." Pattie added that having the barricading businesses all working together through MITA

helps to address one of the major challenges of the business, which is keeping up with constant equipment specification changes from MDOT.

Another challenge is handling supply and demand during the height of the season, which can be a bit tricky at times, but they manage just fine and feel lucky to have a seasoned staff. "We are fortunate to have longevity in our workforce," Pattie said. "We have several employees who have been with our company more than 15 years and we are fortunate to be able to offer them employment year round."

Whether it is setting up traffic control devices on projects, producing their own specialty signs or repairing equipment for the next season, Spartan Barricading employees are constantly busy. With the help of "The Sandbagger," Chris and the seasonal workforce, all 40,000 plus sandbags used throughout an average construction season are filled in their yard. They also make use of the ingenious invention of one seasoned employee who devised a special tarp to protect their sand pile from the elements. With the installation of a special pulley, powered by a bicycle (thanks to Chris for powering the bike), the tarp is withdrawn to allow for a truck to deliver more sand when needed.

Pattie and Tresea stated that 2014 has shaped up to be a very busy year. When we discussed their current project list, they were careful to give recognition to the MITA contractors they are working for. Some of



Chris McNeilly proudly displays the invention of a Spartan employee, which allows the tarp to be retracted for reloading of sand that fills sandbags to hold traffic control signs in place within road projects.

those jobs include:

- Meijers at South Cedar Street in Lansing, with E.T. MacKenzie Company.
- College and Kipp Roads in Mason and Coolidge Road in East Lansing, with Rieth-Riley Construction Co., Inc.
- Bennett and Hagadorn Roads in Okemos, with Michigan Paving & Materials Co.
- Grove and Bridge Roads in Ypsilanti, with Fonson, Inc.

Belonging to MITA is a bonus, Ken and Kevin said, because they get valuable help from MITA staff, most notably Douglas Needham, P.E., vice president of industry relations, with any challenge or question that comes up. They also appreciate the lobbying efforts of MITA over the past several years, to bring more awareness to the need for state road funding.

Currently, Spartan Barricading & Traffic Control Inc., is active on the MITA Traffic Control Committee, which is analyzing the industry impact of an MDOT proposed fluorescent drum sheeting specification. In addition, they are frequent sponsors of MITA events, and are regular advertisers in the MITA directory and magazine.

"The perspective that Spartan Barricading brings to our traffic control committee helps MITA bring credibility to the many issues we face on behalf of the industry," Needham said. "We appreciate the additional time that they put in as active MITA members."

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Kimberly Dohn completed the course recently and commented:

"I was fortunate to be among the first to participate in the Laborers' Productivity Training Course. I am very passionate about the training that was

offered and I feel that ALL laborers will benefit from participating in this course. The skills developed during training will aid them in their daily and future endeavors. I believe that the skills taught throughout this course are invaluable to a person with aspirations of bettering themselves and/or their position in life and it provides real tools to make those things happen.

I am currently employed in a management support position in the construction industry and I feel confident that the skills I learned from the Laborers' Productivity Training Course have prepared me to successfully deal with the challenges that occur on a daily basis. Since completing the course I feel more prepared and I know that the knowledge I acquired has improved my performance and ability to make a positive contribution on any job site."



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Letters to MITA

Mike and Lance:

I wanted to thank you and your team for the support recently regarding the transportation package. While we certainly have not yet accomplished our goal, your work and help have put us in a position for long-term success.

Given the hard work of these last few weeks, I am confident that we can get a meaningful package through with continued determination and resolve.

I thank you for taking a leadership role in this issue and look forward to working together to find a strong resolution in the coming months.

Chris Harkins
Governor's Office

Did You Know?

Legislators Hold Coffee Hours In Their Districts

Many of Michigan's state senators and state representatives host monthly coffee hours at various locations in their home districts. These times and locations do change from time to time, but MITA keeps an updated list of this information on the MITA website for your convenience. Please do not be worried if you do not see your state senator or state representative on the list. While some legislators are very diligent about hosting regular coffee hours to give their constituents an opportunity to share their concerns, others are not.

If you are lucky enough to have a state senator and a state representative who host regular coffee hours, we strongly encourage you to take advantage of meeting and greeting them in the comfort of your home district and without the distractions of Lansing. Establishing and maintaining a strong relationship with your elected officials is a great way to be an active MITA member and to connect with lawmakers on issues that are important to the industry, like establishing long-term permanent funding for roads and bridges.

So take a minute to bookmark the MITA homepage at www.mi-ita.com and look for the coffee hour updates by scrolling down to the coffee cup on the left hand side. These get updated on a weekly basis, so please check back often, and make some time on your calendar to grab a cup of coffee with your state senator and your state representative.

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ASSOCIATE MEMBER PROFILE



I-96 project in Detroit.

PARSONS BRINCKERHOFF OF MICHIGAN, INC.

Parsons Brinckerhoff, a multinational engineering and design firm, with Michigan offices located in Detroit and Lansing, was recently ranked by "Engineering News Record" as the 12th largest design firm in the United States.

The company, headquartered in New York City, is a leader in developing and operating infrastructure around the world, with approximately 14,000 employees dedicated to meeting the needs of clients and communities. They offer skills and resources in strategic consulting, planning, engineering, program/construction management, and operations for all modes of infrastructure, including transportation, power, community development, water and the environment.

Kirk A. Branson, Sr., P.E., heads up the Lansing, Mich., office. As a lifelong resident

Continues on pg. 13



I-96 project in Detroit.



I-96 project in Detroit.

PARSONS BRINCKERHOFF MICHIGAN, INC.

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of the Lansing area, he and his high school sweetheart wife, April, have three children and 11 grandchildren, one of whom is on a youth football team that he coaches. Branson spent his developmental years working for MDOT from 1969 to 2002, where he left a position as Manager of the Jackson Transportation Service Center in 2002 to join Parsons Brinckerhoff.

MDOT's Chief Operations Officer, Gregory C. Johnson, P.E., said that Kirk has been instrumental throughout his career both at MDOT and with Parsons Brinckerhoff in creating partnerships and win-win situations on issues in which he has been involved. "His knowledge and personable demeanor is both appreciated and respected by his colleagues within MDOT and throughout the industry," Johnson said.

Parsons Brinckerhoff has been active in Michigan since 1929, said Branson, who received his bachelor's in civil engineering from Michigan State University and a masters in

management from Aquinas College.

"We have been responsible for many notable projects throughout the state," Branson said, "including ongoing support services for the Michigan Intelligent Transportation System in Metropolitan Detroit."

Currently, Parsons Brinckerhoff is teamed with several other consulting firms for the Port Huron I-69 and I-94 interchange reconstruction and the I-96 reconstruction project from Newburgh Road east to Telegraph Road in Detroit.

Other current projects include the following:

- **Link Detroit:** This project is designed to link Detroit's major assets to increase accessibility and improve Detroit's investments by providing a sustainable transportation system from the Midtown area to the Eastern Market and from Hamtramck to downtown, with the help of TIGER Funding.
- **High Speed Rail, Detroit to Chicago, with MDOT and Amtrak:** This project involves

upgrading the track, which will allow trains to increase their average speed to 100 mph. The project began this year and should be completed in 2015.

- **I-75 Total Reconstruction:** This project is slated for completion by 2032. Parsons Brinckerhoff is the owner's representative, and is working with MDOT to set up an office for the first segment of the project, which will commence in 2016. The project will include a high occupancy vehicle lane.

"We are known for handling road, bridge and airport work," Branson said. "Our specialty historically has been tunnel and underground work. The founder of the company, William Barclay Parsons, designed New York City's first subway system, and the company also designed the tunnel between Detroit and Canada."

Branson said that 50 percent of the time they work as an agent for MDOT, and the rest is for local agencies, such as the City of Ann Arbor or Detroit. Michigan staff includes 75 in

Continues on pg. 14

design and 35 construction.

Being a MITA member, Branson said, allows plenty of exposure to what the construction side of the industry means, which he handled at MDOT. In addition, as a new member of the MITA Board of Directors, the first-hand information he receives at MITA board meetings is very beneficial to him. Regarding what he thinks is the most important topic facing MITA and the industry right now: state and federal funding.

"Legislators need to think about what will help the state, and the jobs that more funding will create," he said. "There is no doubt that those jobs will save us."

PARSONS BRINCKERHOFF *HISTORY*

By the time William Barclay Parsons opened a Manhattan office in 1885, he was already known as an ambitious and exceptional engineer. Among the first undertakings of his new venture was the design of New York City's first subway. Completed in 1904, this line – extending from lower Manhattan to Harlem – remains part of the world's most heavily used rapid transit system. Even then, the firm had a global reach. Another of Parson's projects was to chart a 1,000-mile railroad in China.

In 1906, Henry M. Brinckerhoff – a pioneering highway engineer – brought his expertise in electric railways to the firm. Known for his work on the development of the third rail, which revolutionized rapid transit, Brinckerhoff also designed the network of roads at the 1939 World's Fair in New York.

From then until now, Parsons Brinckerhoff has evolved and expanded. Long recognized as one of the world's leading transportation engineering firms, Parsons Brinckerhoff now provides comprehensive services for all types of infrastructure projects including power, buildings, water/wastewater, mining and community development.

The past years have seen the company play significant roles on thousands of projects, including some of the most notable infrastructure endeavors of the 20th and 21st centuries. For more information about those projects, visit www.pbworld.com.

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MITA CROSSSECTION

"DBE Information at Time of Bid" Process

My article this time is a reprint of an important bulletin we issued in early August about MDOT's implementation of the revised "DBE Information at Time of Bid" process. Our goal with this reprint is to try to ensure that every MDOT prime bidder knows about and understands the requirements and consequences of this contract provision.

If you have any questions about the revised process after reading this article do not hesitate to give us a call in the MITA office.

Beginning with the September 5, 2014 bid letting, and then with all subsequent bid lettings, MDOT will implement the revised "DBE Information at Time of Bid" process on projects with a DBE participation goal of 6% and greater.

You will recall that the use of the previously implemented "DBE Information at Time of Bid" process was suspended by MDOT prior to the May letting at MITA's request. MITA made that request due to numerous day-of-bid and post-bid submittal issues on several projects in the March and April lettings that resulted in all bids being rejected on many of those projects.

Under the revised "DBE Information at Time of Bid" process the onerous day-of-bid submittal by the three lowest as-submitted bidders has been eliminated.

However, under the revised process all bidders must, at the time they submit their bid, input the overall DBE percentage they have attained at the time of the bid within an Expedite "DBE Goal" folder set up for that purpose. The DBE Goal folder will only appear in Expedite for those projects that have a DBE participation goal of six percent and greater, and it will look similar to the "Designated and Specialty Items" and "Warranty Obligations" folders bidders are accustomed to seeing in Expedite.

When inputting the overall DBE

percentage they have attained at the time of bid the bidder will enter a numeric number, with or without a decimal point, and without a percent sign (i.e. 6, 6.0, 6.35), in the field provided in the DBE Goal folder.

If a bidder doesn't open the DBE Goal folder, or opens the folder but doesn't input the DBE percentage they have attained, the DBE Goal folder will stay "red". As you know, Expedite will allow the submittal of a bid with a "red" folder but not without warning the bidder of an error and allowing the bidder to back up, and investigate and correct identified errors.

You should NEVER submit a bid with a "red" DBE Goal folder because failure to provide the overall DBE percentage you have attained at the time of bid will result in the rejection of an "as-checked" low bid. Also, bids, other than the low bid, where the overall DBE percentage is not provided within the DBE Goal folder will not be considered.

The next step in the revised process involves the submittal of DBE participation information by the determined low bidder (low bidder). Within three business days of MDOT's transmittal of the contract documents, the low bidder must submit (and the MDOT must receive) their signed DBE Participation Sheets, or if the low bidder is unable to meet the project DBE participation goal, a Request for Modification/Waiver and their Good Faith Effort (GFE) documentation.

As the low bidder's DBE information submittal is now considered a condition

for award, MDOT may grant an extension of the submittal deadline when it is requested in writing and when an extension would not impair MDOT's interests. If the low bidder fails to meet the three business day submittal deadline, or an extended deadline, MDOT may award the contract to the second low bidder, or exercise its discretion similar to the situation where the low bidder fails to return the signed contract, bond forms, or other documents required for award within the specified timeframes. This is a significant change from the previous DBE Information at Time of Bid process where failure by the low bidder to meet the submittal deadline resulted in mandatory rejection of their low bid. However, a low bidder will be discouraged from "cherry picking" projects by simply failing to submit the required DBE information, as under the revised process failure to submit the DBE information within the three business day submittal deadline, or an extended deadline, will result in MDOT's collection of the bidder's bid guaranty.

If the low bidder submits signed DBE Participation Sheets showing the DBE participation goal is met, no further action is required by the process.

If the low bidder is unable to meet the DBE participation goal and they submit a Request for Modification/Waiver, the MDOT GFE review process follows the same accelerated timeframes as they were specified in the previous DBE Information at Time of Bid process. Those GFE review process steps and timeframes are the following:



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

VICE PRESIDENT OF ENGINEERING SERVICES COMMENT

- Within three business days of MDOT's receipt of the low bidder's Request for Modification/Waiver the GFE Committee will meet and issue a determination.
- Within two business days of receipt of an adverse determination from the GFE Committee, the low bidder may appeal that decision.
- Within two business days of MDOT's receipt of the low bidder's appeal, the Appeal Panel will meet and issue their determination.
- In the event the low bidder's request for modification/waiver is denied, MDOT will reject the low bid.

One procedural caveat that the revised DBE Information at Time of Bid process adds to the GFE review proceedings is that if the low bidder's request for modification/waiver is made within 14 calendar days of the bid letting, MDOT can request DBE quote information from the second and third as-checked low bidders. As the federal regulations allow it, MDOT believes that reviewing what other bidders did in terms of DBE participation helps them in their evaluation of the low bidders good faith effort. To maintain the fairness in the GFE review the GFE Committee and the Appeal Panel will only consider DBE quote information submitted by the second and third low bidders that supports the overall DBE percentage they submitted at the time of bid. As the second and third low bidders have no real obligation to provide MDOT this DBE quote information MDOT has included a provision in the process that says they may affect the

bidding privileges of unresponsive bidders to their requests.

Overall this revised DBE Information at Time of Bid process is a significant improvement over the previously implemented process as it eliminates the onerous day of bid submittals, and it eliminates the risk of having your bid rejected or not considered for failure to comply with a paper submittal process.

In noting these improvements all bidders must understand that if the project being bid has a DBE participation goal of six percent and greater, a DBE Goal folder will be included in the Expedite bid file, and you must input the overall DBE percentage you have attained at the time of bid in that DBE Goal folder. If you fail to enter the DBE percentage, you have attained and you submit your bid with the DBE Goal folder "red", your bid will be rejected if you are the low bidder or not considered if you are other than the low bidder.

To view MDOT's Contractor Announcement about the DBE Information at Time of Bid implementation or to view the Special Provision for Disadvantaged Business Enterprises Information at Time of Bid, you may reference the Engineering Bulletin, MDOT Implements Revised "DBE Information at Time of Bid" Process, that was posted on the MITA website on August 6, 2014.

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Traffic Management Issues

After numerous meetings to discuss concerns over what appeared to be inadequate traffic management through an urbanized freeway project, the project engineer remained hesitant to allow any change to the maintenance of traffic requirements. Frustrated with the hesitation, the contractor requested the onsite inspector stand adjacent to the saw cutting operation and experience the perceived danger first hand.

As the inspector stood adjacent to the work operation, a motorist navigated around the traffic control device and dangerously entered the work zone. Luckily no one was injured. Upon ensuring all workers (and the motorist) were safe, the contractor reiterated a request for additional traffic restrictions to preserve the safety of the workers. Surprisingly, the project engineer remained reluctant.

The next call was to MITA, who immediately contacted MDOT officials. MDOT ultimately agreed with the contractor and authorized the change in traffic management.

If you feel your work operations are compromised as a result of the maintenance of traffic requirements, do not wait until it's too late. Contact MITA ASAP.

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Legislative Reforms: Adjusting, Broadening and Expanding

In the search to find a comprehensive funding solution for our woefully underfunded transportation system in Michigan, the Legislature has added elements that don't come with the necessary additional revenues, but that do aim to save dollars, by becoming more efficient in how the state spends its money and creating a more level playing field for the trucking industry as compared to other states. Throughout this debate, MITA staff has been heavily involved in the process to ensure that while we look for those efficiencies and reforms, the state isn't putting people in the heavy construction industry out of business with burdensome changes.

The three reform pieces that have been debated and that have seen some movement within the legislature are: adjusting overweight truck permit fees and fines, broadening competitive bidding within local and state road agencies and expanding where warranties are used for road projects. All of these reform pieces have seen significant changes while moving through the legislature and they have had numerous committee hearings, workgroups and individual meetings with the various stakeholders, including MITA staff. Their intended passage is to accompany an increased investment in our

transportation system of over \$1.5 billion annually.

The House-

passed transportation plan included some changes to trucking fees and fines, as mentioned above. The final House-passed version was a significant improvement to what was originally introduced, due to MITA efforts. The effort by the legislature is to improve upon the perception that heavy trucks are the sole reason for our poor roads in Michigan. While Michigan has the highest allowable gross weight limits in the country, we have some of the lowest per axle weight limits, which studies have shown is the true measure of how much pressure a vehicle is placing on the road surface. Some increased fines and fees have been changed for overweight permits and violations, but more flexibility has also been added for misloads. Under this legislation, if passed as it stands now, for a misload of 4,000 – 8,000 lbs. on a single axle on a truck still under their allowable gross weight, there is a maximum fine of \$500 for up to three axles, rather than a pennies per pound calculation, which could result in much higher fines for that amount over axle weight.

The legislature is also attempting to extend competitive bidding in Michigan. Michigan contractors have existed in the competitive bidding market for decades and have saved taxpayers billions of dollars through the process. MITA staff has worked hard to ensure that if the competitive bidding process is extended to more projects, and even to include some maintenance on the local level, that private contracts are able to compete

on a level playing field. Government agencies are not subject to sales tax on purchased equipment, state fuel taxes, personal property tax on equipment, local property taxes and Michigan business tax. In addition, they are not required to pay prevailing wage on construction projects. We support extending the competitive bidding process, as long as private companies are able to bid on a level playing field.

Finally, the House passed legislation that would broaden the scope of warranties in Michigan. Much like the previous two reform pieces that were debated in the spring, MITA worked tirelessly to improve upon this reform, as well. The House plan attempts to extend warranty programs to the local level. MITA understands the public desire for increased warranties in Michigan; however, contractors can only warrant those items for which they can control. Through much work from MITA staff, we feel the versions being debated now are reasonable in nature and will not negatively impact the contracting community.

All of the reform pieces are still moving through the process and nothing has been passed into law. We will continue to work diligently to find adequate funding for our transportation system as we assist the legislature in understanding how these reform bills may impact the contracting community. Continue to look for MITA bulletins this fall and winter for updates on these and other pieces of legislation moving forward.



To contact Lance Binoniemi, e-mail him at lancebinoniemi@mi-ita.com or call the MITA office at 517-347-8336.

August 2014 Primary Election Highlight: The Important Passage of Proposal 1

Playing a large role in the political process is one of the most important things that MITA does on behalf of the membership. This involvement is constant, demanding and extremely time-consuming. It's about building relationships, maintaining them and teaching the members of the Legislature the ins and outs of understanding and supporting the industry for the betterment of Michigan.

Due to the Legislature's summer hiatus, there is no legislative bill update to share with you in this edition of the magazine. Do not be alarmed, though, for August was an important month not only for the industry, but for MITA, as well. As an association, our clout and contributions helped several incumbent candidates secure their spots on the ballot for the November general elec-

tion, and we successfully helped to pass Proposal 1, a statewide ballot initiative.

Proposal 1 will benefit the entire state of Michigan by stabilizing local community services like police, fire, ambulances, schools, ROADS AND SEWERS, senior services and jails, while eliminating the unfair tax on small local businesses. Proposal 1 will be able to accomplish this without raising taxes on anyone and without altering Michigan's Constitution.

In addition, Proposal 1 will eliminate the personal property tax on a number of items (NOT including construction equipment), will create up to 15,000 Michigan jobs and will increase business investment by up to \$450 million. Communities will now have a stable funding system to pay for important municipal services, like roads and sewers, and the

drama and political finagling that typically surrounds the annual state budget debates will now come to an end. This stable funding system will be paid for by the elimination of the special corporate tax breaks that the legislature has already voted to end, and by the establishment of a special statewide Essential Services Assessment that will be paid only by manufacturers receiving a personal property tax reduction.

MITA's decision to support Proposal 1 came from a strong understanding of the challenges and difficulties facing the industry in today's world. MITA feels that the need to support all Michiganders is important, because the hard work you do has an impact on everyone, as well as yourselves.

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Breathe Deep: What Respirator Fits Your Needs?

We here at MITA work tirelessly to keep the pendulum centered when it comes to best practices for construction work and the enforcement of standards imposed by MIOSHA. We all can agree that the standards do not always lend themselves to practicality with work in the field. But, the hazards do exist; whether it is silica, hexavalent chromium, respirable dust or lead. It is imperative to have the proper protection and safeguards in place. This has been made ever more apparent by an enforcement action on a MITA member's job site since this summer began. The issue that has surfaced is the use of dust masks and respirators, the differences, the applications and the standards.

There are a few definitions that must be clarified before continuing:

- A "dust mask" or filtering face piece is still considered a respirator.
- Elastomeric respirator is one that uses replaceable filtering canister or cartridge.
- Fit test is the use of a protocol to qualitatively evaluate the fit of a respirator on an employee.
- Medical evaluation is where an employee is tested to make sure their cardiovascular system can withstand the strains put on it from a respirator.

An employer has many responsibilities on every job site, and it takes good delegation of the qualified person and active

participation from the employees to gain compliance. What I have noticed in the field and promote

during safety training, is that there are employers who are going above and beyond to offer the N95 dust masks and encourage their employees to use them as much as possible. In most situations, a voluntary program with the use of an N95 mask will be sufficient to comply with the standard. If the use of a "dust mask" is voluntary and does not of itself create a hazard, the information in Appendix D of the standard must be provided or posted for the employees. (MIOSHA Standard Part 451, Appendix D is available on the MITA website.)

The real issue is this: based on air samples, an employer will either have to have a voluntary respirator program or have a written program established for each job site. You need to go to a higher level than voluntary program when a respirator is required to protect an employee from an overexposure OR the employer requires the employee to wear the respirator. A full respiratory protection program must be established and implemented as outlined in the MIOSHA standard. If the respirator is something other than a "dust mask," meaning an elastomeric respirator, the employer must establish and implement those elements of a written respiratory protection program that ensures that the employee is medically able to use the respirator. This program must also include guidelines for cleaning and storage so it does not present a health hazard to the employee.

The downfall of this is that a Safety Officer or Industrial Hygienist may write a citation based on a perceived hazard, without knowing how the standard applies to an individual job site, even though the standard clearly states that PPE, respirators in this case, are a last resort when engineering and work controls are not



sufficient to reduce employee exposure to or below the permissible exposure limit. Keep in mind that it is good practice to use a dust mask or respirator while implementing all engineering and work controls to prevent the exposure to any hazardous particulates in the air.

As employers, it is important to keep training at the forefront for all employees, new and old. Do not just take the time, make the time to sit down with everyone on the job site and keep educating the employees about the hazards they are exposed to and breathe in every day. MITA staff is always available to help emphasize the importance of safety. We can fill in the gaps and show up on the job site to add an extra set of eyes, ears and voice to your safety program. The constant flow of information keeps everyone actively involved in their personal safety, their co-workers and the job site. This involvement pays dividends in the long run with fewer incidents, fewer lost worker days and eliminating possible citations. Empower the employees to take ownership of what they do and how they do it. They will have more pride in what they do and the work environment will reflect that pride.



To contact Matt McClintick, e-mail him at mattmcclintick@mi-ita.com or call the MITA office at 517-347-8336.

MEMBER NEWS

G2 Consulting Group, LLC www.g2consultinggroup.com

G2 Consulting Group is a full-service engineering firm serving Fortune 500 companies, major utilities, property owners, government agencies and leading architectural, engineering and construction firms across the United States.

Earth Retention Wall Project Completion with Dan's Excavating

G2 Consulting Group announced July 31 completion of its earth retention wall project that was part of the broader \$18 million I-96 project.

"We completely understand the disruption that this project has had on the people and businesses that depend on I-96," said Mark Smolinski, G2's president. "From an

engineering perspective, we enjoyed the challenges of participating on the team implementing the innovative reconstruction approach that completed such a massive project at a pace never before seen."

The I-96 reconstruction spans a seven-mile stretch from Newburgh to Telegraph in the Detroit area and includes redevelopment of 37 bridges, overpasses and their respective on/off ramps. The project, set to be completed in 180 days, is considered one of the most compressed timelines for a project of its scope. G2 was retained by the project's general contractor, Dan's Excavating, working under MDOT supervision.

"Running beneath I-96 is a network of civic infrastructure, most notably a critical 48-inch diameter Detroit Water and Sewerage Department water supply pipeline that

simply could not be compromised," said Mark Stapleton, G2 project manager. "We were able to engineer an earth retention wall that safeguarded this and other assets during the excavation process."

The G2 design provided maximum support of the pipeline while minimizing construction materials, which reduced cost and minimized the required construction time. G2's design team was in close communication with the contractor throughout the project, so any changes resulting from field conditions or material availability were made in a timely and efficient manner.

"From MDOT on down, this was a thoughtful team that understood the complexities of the project and its importance to and impact on the broader community," said Joe Goodall with Dan's Excavating.



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"The ultimate implementation approach was clearly the most efficient in terms of dollars saved and time involved. We applaud all of

our partners who have shown a willingness to work around the clock to get the job done right and on schedule."



The I-94 Sargent Road Interchange in Jackson County, completed by G2 Consulting Group, LLC, and HH Engineering, Ltd.

According to MDOT, the project remains on track for an October 2014 completion. For more information, visit www.96fix.com.

Award

G2 Consulting Group was recently selected as an "Honorable Conceptor" award winner by the American Council of Engineering Companies of Michigan.

G2, along with its partner HH Engineering Ltd., was honored for work at the I-94/Sargent Road Interchange project in Jackson County. The project included removal and replacement of the interchange, bridge, embankments and select ramps. G2's geotechnical work was particularly challenging since part of the reconfigured interchange was realigned through a wetland area. Mark Grazioli, P.E., Jackson MDOT TSC Manager, said that G2's design in the wetlands area exceeded MDOT's expectations.

"The selected option had significantly lower cost and shorter construction duration with fewer impacts on adjacent roads

Continues on pg. 26

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and traffic," Grazioli said. "The success of the project was due to overall cooperation and coordination by all parties involved."

G2 was retained by HH Engineering to investigate the subsurface geotechnical conditions beneath the site and provide geotechnical recommendations for bridge and roadway design and construction. Particular emphasis was placed on the challenges associated with embankment construction through several wetland areas. During construction, project responsibilities included geotechnical related construction assistance and evaluation of settlement and pore pressure geotechnical instrumentation data.

Company Announcement

G2 Consulting Group announced recently that Jason Stoops, P.E., a 13-year G2 employee who manages the Ann Arbor office; and Tony Poisson, P.E., a 17-year G2 veteran who manages the firm's Chicago office, have become associate members of the firm.

"Jason and Tony have done an excellent job serving our clients and growing our full-service regional offices in Ann Arbor and Chicago respectively," said Mark Smolinski, P.E., G2 president. "Our management team was thrilled that they shared in our vision and were eager to strengthen their investment in G2's future."

Stoops recently returned to Ann Arbor to open G2's newest office. He had completed both his undergraduate civil and environmental engineering degrees as well as his masters in geotechnical engineering at

the University of Michigan before landing at G2 and spending his first dozen years in their headquarter office in Troy.

"G2 partners have always listened to their staff on business development and project management activities," said Stoops. "I can't imagine working anywhere else and am thrilled to take on an ownership role."

A graduate of Michigan State University, Poisson also began his career in the Troy office before moving to Chicago in 2004 and ultimately managing its operations in Illinois, Wisconsin and Indiana. Most recently, Poisson has noted an influx of work supporting the telecommunication industry.

"G2 provides quality work built on strong client relationships," Poisson said. "I was eager to cement my relationship with the firm through this transaction."

G2 works with corporations, developers, architects, engineering firms, general



Jason Stoops, P.E.



Tony Poisson, P.E.

contractors, schools and municipalities. The company has completed thousands of telecommunications, land development and civil infrastructure projects in 29 states during its two decades in business.

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MEMBER NEWS

ect Engineer in Environmental Engineering Department

Stratelak is a licensed landscape architect, and certified arborist, geomorphologist and professional wetland scientist who utilizes Rosgen River Restoration and Natural Channel Design principles. HRC's President, George Hubbell, P.E., said that his experience complements HRC's environmental service offering by providing specialized expertise vital to preserving and restoring natural features for project owners, stakeholders and local communities.

He has over 30 years of professional experience and holds a bachelor's degree in landscape architecture from Michigan State University.

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LEARN MORE about this project @ www.g2consultinggroup.com/sargent_road



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4TH ANNUAL CONSTRUCTION SCIENCE EXPO

The Construction Science Expo was held on May 20 at the Michigan Science Center in Detroit and was attended by close to 1,000 students who participated in hands-on career-inspiring activities. Mark your calendars for the month of May 2015, same place, exact date to be announced.



Nicole Stallworth with the Black Caucus of Michigan spoke with students during the 2014 Construction Science Expo at the Michigan Science Center in May. She is also dean of administration Institute for Leadership Development and Career Advancement.



Douglas E. Needham, P.E., of MITA, serves as chairman of the Construction Science Expo each year. MITA is a Construction Science Expo Coalition member and event sponsor.



Close to 1,000 students participated this year.



Students participated in numerous construction and engineering activities.



Students learned to finish concrete among many other activities.



Lee Graham, training director of Operating Engineers 324, helped a student operate a mini-excavator. Operating Engineers 324 is a Construction Science Expo Coalition member and event sponsor.

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Outreach Spotlight

The Importance of Legislative Site Visits



Rieth-Riley's asphalt plant gleamed in the July sunshine on the day of the site visit.



Republican Sen. Rick Jones of Grand Ledge (second from left), and MITA's Vice President of Government Affairs, Lance Binoniemi (far right), listen as Rieth-Riley employees explain the asphalt-making process.

While a lot of the state takes a break and time off during the summer, the heavy construction industry is in high gear and working hard, making the most of Michigan's warmer months to take care of business. In the month of July, MITA member

Rieth-Riley Construction Co., Inc. hosted two legislative site visits in the greater Lansing area. The first was held in East Lansing, at the Hagadorn Road job site, and was attended by Senate Democratic Leader Gretchen Whitmer of East Lansing. The second was held in Lansing, at the Delta Township asphalt plant, and was attended by Republican Sen. Rick Jones of Grand Ledge.

Legislative site visits are an excellent way for members to showcase the hard and important work they do, as well as to highlight any new

materials or technologies they are using to make their process more efficient, and therefore more beneficial to the state and all its motorists. We strongly



Rieth-Riley's Daniel Sepeter (left) takes Republican Sen. Rick Jones of Grand Ledge on a tour of the asphalt lab.

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Rieth-Riley's Tom Harris, MITA's Mike Nysstrom, Democratic Sen. Gretchen Whitmer of East Lansing, and Rieth-Riley's Brian Quinn chat it up at the Hagadorn Road job site.



From left to right, Rieth-Riley employees Dan Larson, Tom Harris and Brian Quinn take a group shot with Sen. Gretchen Whitmer (second from right) to commemorate the visit.

encourage members to reach out to MITA if they want assistance in setting up a legislative site visit to promote the work their company is doing. This is also an excellent way to physically demonstrate the need for long-term permanent investment in Michigan's roads and bridges.

August was an exciting month as MDOT and the USDOT's Federal Highway Administration collaborated to put on a Bridge Slide Showcase in the Grand Rapids area. In addition, a visit to the massive project underway on I-96 occurred. Photos and details of both will be featured in the next issue of this magazine.



A pile of broken asphalt awaits removal at the Rieth-Riley job site in East Lansing.

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MDOT DBE Supportive Services Available

The Michigan Department of Transportation (MDOT) is dedicated to increasing Disadvantaged Business Enterprise (DBE) participation in contracting opportunities, especially in areas underutilized by DBEs. The MDOT Office of Business Development (OBD) continues outreach and recruitment efforts to ensure disadvantaged business owners are informed about the DBE program, while educating contractors on what they need to do to attain DBE status. In order to do this, we hold MDOT-sponsored events and attend job fairs and events sponsored by other organizations so that we can recruit and solicit new DBEs for certification.

Once a company is a certified DBE, they may participate in a variety of consultation programs. The Next Level program is one in which DBE firms can receive individual assistance. MDOT has contracted with a private consultant with more than 30 years of private industry contracting experience to provide individual assistance to six to eight DBEs in an effort to increase their success in bidding and award of subcontracts. Other experienced

consultants are hired on a case-by-case basis.

Additionally, we offer Managerial Assistance programs. In one form of this, we conduct call services to work one-on-one with DBE business owners to provide necessary business assistance and address problem areas. We also provide a DBE Resource Center to assist DBEs and provide additional hands-on experience with computer and web-based applications with technical assistance. The DBE website is regularly updated to display the most accurate links to DBE program and staff contact information.

Some reimbursement programs we offer to DBEs include the DBE Educational/Training program and the DBE Consultant Services program. The former reimburses DBEs for 50 percent of the costs of non-degree (MDOT-sponsored), business-related training. The most prevalent training areas are: wage and labor compliance, business accounting, construction bid preparation, marketing and business management. Furthermore, the DBE Consultant Services program reimburses DBE firms that must be MDOT-qualified for 50

percent of the costs for audited or prepared financial statements.

Among MDOT's computer training programs, we offer FieldManager Read-Only Training. FieldManager is MDOT's construction project management software used to track everything that goes on during a construction project. With the read-only training, DBEs are able to have access to this software in order to get quick, up-to-date statuses of their work, and view material usages and compare them to payments made to contractors.

The MDOT Supportive Services program is designed to improve communications between DBEs and non-DBE contractors, resulting in increased opportunities for DBEs, good working relationships with non-DBE contractors and enhanced service to prime contractors. The OBD staff work closely with prime contractors and DBEs to ensure understanding and adherence to MDOT and federal program guidelines. For more information regarding MDOT's DBE Program, contact the OBD at 866-323-1264.

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Where's Waldo?

Actually, Where is Anyone in the Construction Industry from 1952?

While enjoying retirement, John MacInnis sent us this photo representing pieces of a larger horizontal photo taken a long time ago. He was proud that he had managed to spot his Dad and uncles .

That was quite a feat, in the style of finding Waldo in one of those seemingly impossible photos with thousands of people who look like Waldo, in the popular "Where's Waldo" books. Somewhere within the crowded spread is Waldo, and you can usually find him if you are patient enough.

We were so impressed by John finding people he knew in this photo, which was taken at the 1952 MRBA convention, that we decided to give you a chance to find someone you recognize from the crowd. We are going easy on you, and only printing one piece of the larger picture at a time so you can see the image more clearly.

Be patient. Take a close look and send your comments to Nancy Brown at nancybrown@mi-ita.com. Good luck, and stay tuned for more pieces of the photo in upcoming issues of the magazine.

Republican Senator Arlan Meekhof, West Olive

Q: *How has your background in local government helped you become an effective leader within the Michigan Senate?*

A: I was a township supervisor before being elected to the state House. This experience was very helpful. It taught me to be responsive to the needs of my constituents. It also forced me to look for ways to solve problems rather than just complain about the things that were not working.

Q: *What legislative priorities do you have?*

A: I want to find a long term solution to fund our state infrastructure. Other areas I plan to focus on include civil service reform, election reform, oversight as Detroit improves and economic development.

Q: *What are your thoughts or comments on your relationship with MITA and the heavy construction industry?*

A: I have a strong relationship with

MITA. We share a common goal of finding a permanent solution to fund our roads. I hope to continue to work closely as we move forward on this issue.

Q: *What has been your reaction to the public's increase in calls for increased infrastructure investment in Michigan?*

A: When I go door to door and meet people in my district, fixing the roads is one of the first things mentioned. That's not surprising considering the condition of the roads. What's been surprising is the number of voters who have expressed a willingness to pay more to fix them. This is coming from people who are traditionally against tax increases.

Q: *As Senate Majority Floor Leader, what do you feel is the next step towards adequately funding our infrastructure in Michigan?*

A: I've been appointed to a Senate work group which is meeting this summer. There is still not consen-

sus as to which plan is best or how much revenue needs to be raised but there is a willingness to come up with a solution. The workgroup should have a blueprint in place by September.

Q: *When do you believe the state Legislature will enact substantive changes to how we pay for our transportation system?*

A: We need to move sooner rather than later. The more we wait the more it will cost. The timing wasn't quite right earlier this year. Hopefully we can move forward this fall.

Q: *How can our MITA members better advocate for their industry and encourage the Legislature to act on increased investment for our infrastructure?*

A: MITA has done an effective job building the case that the roads need improvement. I think providing Senators with accurate information is the biggest help.

About Senator Arlan Meekhof

State Sen. Arlan Meekhof was elected to serve the 30th Senate District in November 2010 and assumed office in January 2011. He was chosen by his Republican colleagues to serve as majority floor leader for the 2011-2014 term, where he represents the Republican majority on the Senate floor, expediting legislative proceedings through parliamentary procedures such as motions, communications and points of order.

He also serves as a member of the Government Operations, Natural Resources, Environment & Great Lakes and

Regulatory Reform committees.

Prior to becoming senator, Meekhof served four years in the Michigan House of Representatives in the 89th District from 2007-2010. During that time, Arlan was selected to his first leadership post midway through his first term, and was elevated to the position of assistant leader in January 2009.

Arlan was first elected to the Olive Township Board of Trustees in 1996, where he served as a trustee and later as township supervisor. He was responsible for the daily operations of Olive Township, one of the fastest growing communities in Ottawa County.

Sen. Meekhof was born Nov. 28, 1959 in Grand Haven and was adopted April 8, 1960 by Sidney and Ethel Meekhof. He is the eldest of four adopted children.

Arlan has lived in Olive Township with his wife Barb for more than 25 years. They also have three adult children: Adrian, Rich, and Meredith. The Meekhofs are very blessed with two granddaughters.





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Increased USICE Inspections for Construction Companies - Are Your Form I-9s Ready for an Inspection?

By Linda Armstrong
Shareholder, Butzel Long

The United States Immigration and Customs Enforcement (USICE), an agency of the U.S. Department of Homeland Security, is continuing with its initiative to dramatically expand inspections of businesses' employment records, including the Employment

Eligibility Verification Form I-9 (Form I-9). As part of that initiative, USICE has issued Notices of Inspection to thousands of businesses nationwide and has increased its inspections of construction companies. The Notices indicate that USICE will be inspect-

ing company's I-9 records in order to make sure that they are complying with employment eligibility verification laws and regulations.

The initiative confirms USICE's increased focus on holding employers accountable for their hiring practices. Very substantial fines can be imposed for failure to properly obtain, and have available, the appropriate documents regarding employees' eligibility to legally work in the US. Importantly, if the appropriate documentation is not completed and maintained, these so-called "paper work" fines can be imposed even if all employees are legally permitted to work in the U.S. For example, USICE recently paid an unannounced visit to a Detroit based underground contractor which resulted in an assessment of nearly \$100,000 - \$935 for each of its 103 incomplete Form I-9s.

While the Form I-9 appears to be a simple 2 page form, it comes with 6 pages of instructions and a 65 page Handbook. Based on the size of USICE fines for noncompliance, the Form is not as simple as it appears.

The purpose of Form I-9 is to verify the identity and employment authorization of individuals hired for employment in the United States. USICE requires that all employers properly complete and retain a Form I-9 for each individual they hire, including both US citizens and noncitizens.

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The Form I-9 is divided into 3 sections, which are described below:

- Section 1 must be completed by the employee on or before the first day of work. While Section 1 is completed by the employee, the employer is responsible for ensuring Section 1 is completed properly.
- Section 2 must be completed by the employer within 3 business days of the date of hire with documentation presented by the employee. The employee must provide the employer with original, unexpired documents to show his or her identity and employment authorization. The employer must examine each original document the employee presents to determine if it reasonably appears to be genuine and related to the person presenting it. The documents an employee may provide are divided into 3 categories. The first category, known as List A, contains those documents approved to establish both a person's identity and employment authorization. The second list, known as List B, contains those documents approved to establish a person's identity. The third list, known as List C, contains those documents approved to establish employment authorization. A complete listing of the acceptable documents is found on page 9 of the Form I-9. The employer must examine one document from List A, or one document from List B AND one document from List C and enter the information in Section 2.
- Section 3 must be completed on or before the employment authorization date, if any, listed in Section 1. Employers must retain completed

I-9s for three years after the date of hire or one year after the date employment ends, whichever is later.

A Form I-9 inspection is an administrative inspection process, which is initiated by the issuance of

a Notice of Inspection (NOI) requiring an employer to produce their Forms I-9 for inspection to USICE. Generally speaking an USICE Officer will personally come to your office with a

Continues on pg. 42



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Notice of Inspection. The employer does not have to turn the Forms I-9 over to the Officer immediately – you have 3 days to turn over the Forms to USICE. Most likely, the first person who will come in contact with the Officer will be your Receptionist, therefore, it is important to make him or her aware that an Officer may visit and provide them with guidance about what company employee should be contacted when the USICE Officer arrives.

There are two types of errors USICE is looking for – technical errors and substantive errors. During the inspection process, the technical errors may be corrected whereas the substantive errors may not. Procedurally, USICE will provide the employer with a list of technical errors

that they have identified and provide the employer with 10 business days to correct the errors. All uncorrected technical errors become substantive errors and any fines assessed against an employer will be based on the percentage of Form I-9's that contain substantive errors.

The following are the most common problems resulting from an USICE I-9 Audit:

- Employee/employer fails to sign Form I-9
- Employer completes Section 1 for employee
- Employer fails to note document numbers and expiration dates in Section 2
- Employer fails to complete Section 2 of Form I-9 and merely attaches photocopies of acceptable docu-

ments to the form

- Form I-9 is not completed on a timely basis
- Employer requests specific documents evidencing identity and/or employment eligibility
- Employer fails to request original documents and accepts photocopies or faxed documents
- Failure to re-verify when necessary

Once USICE has reviewed the Forms I-9, they will notify the employer, in writing, of the results of the inspection. The following are the most common types of notices:

- Notice of Inspection Results – used to notify the employer that they were found to be in compliance.
- Notice of Suspect Documents – used to notify the employer that

USICE has determined an employee is unauthorized to work. Also used to advise the employer of the possible criminal and civil penalties for continuing to employ that individual. The employer and employee will have an opportunity to present additional documentation to demonstrate work authorization.

- Notice of Discrepancies – notifies the employer that USICE is unable to determine a person's work eligibility.
- Notice of



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Technical or Procedure Failures

– notifies the employer of technical violations identified during the inspection and gives the employer ten business days to correct the forms. After ten business days, uncorrected technical and procedure failures become substantive violations.

- Warning Notice – issued when substantive verification violations are identified, but circumstances do not warrant a monetary penalty. In such cases there is the expectation of future compliance by the employer.
- Notice of Intent to Fine – may be issued for substantive, uncorrected technical, knowingly hire and continuing to employ violations. Penalties for substantive and uncorrected technical violations are based on the percentage of Forms I-9 that contain errors and if more than 50 percent of the Forms I-9 contain errors the penalty starts at \$935.00 per form.

As detailed below in the Substantive/Uncorrected Technical Violation Fine Schedule, fines for technical or procedural paperwork violations range from \$110 to \$1,100 per form.

Substantive/Uncorrected Technical Violation Fine Schedule

Additionally, the amount of the fines assessed may be enhanced 5% or mitigated 5% based on the following factors:

- Business size
- Employers good faith in completing Form I-9
- Seriousness of the violation
- Employment of unauthorized aliens
- Employer's history

Substantive/Uncorrected Technical Violation Fine Schedule

Substantive Verification Violations	1st Offense \$110 - \$1,100	2nd Offense \$110 - \$1,100	3rd Offense \$110 - \$1,100
0%-9%	\$110	\$550	\$1,100
10%-19%	\$275	\$650	\$1,100
20%-29%	\$440	\$750	\$1,100
30%-39%	\$605	\$850	\$1,100
40%-49%	\$770	\$950	\$1,100
50% or more	\$935	\$1,100	\$1,100

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Continues on pg. 44

Knowing Hire/Continuing to Employ Fine Schedule (for violations occurring on or after 3/27/2008)

Knowing Hire and Continuing to Employ Violations	First Tier \$375-\$3,200	Second Tier \$3,200-\$6,500	Third Tier \$4,300-\$16,000
0%-9%	\$375	\$3,200	\$4,300
10%-19%	\$845	\$3,750	\$6,250
20%-29%	\$1,315	\$4,300	\$8,200
30%-39%	\$1,785	\$4,850	\$10,150
40%-49%	\$2,255	\$5,400	\$12,100
50% or more	\$2,725	\$5,950	\$14,050

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In addition, if during the course of the USICE investigation it is determined that the employer knowingly hired or continued to employ people who did not have authorization to work in the US, fines ranging from \$375 - \$14,050 may also be assessed as indicated in the adjacent chart.

In order to prepare for an USICE inspection we recommend the following action be taken:

- Make Form I-9s a priority
- Establish a written compliance policy,
- Appointment a compliance officer,
- Provide training to hiring managers and those responsible for completing Form I-9s and explain the importance of the Form I-9 process and how to properly complete the Form I-9's
- Conduct a self audit of your Form I-9s,
- Take action to correct Form I-9s as soon as possible.

Given the huge fines that USICE could assess, and in fact has assessed, for substantive violations discovered during I-9 inspections, one of the most important proactive actions an employer can take is to conduct a self audit. Conducting a self audit will allow you to determine if there are any problems with your Form I-9s. Based on our experience the self audit will reveal numerous issues, many of which can be corrected. In conjunction with Jim Urban and Eric Flessland of our Construction Group, we have conducted sample, spot reviews of contractors' Form I-9s, and identified numerous issues. In addition to the audits, we have provided training to the in-house people responsible for completing Form I-9s and developed action plans to correct the Form I-9s – all with the goal of putting the company in the best possible position prior to a Form I-9 inspection. A proactive self audit and taking correction action before USICE darkens your door is the best course of action an employer can take to mitigate the exposure to potentially crippling fines. Those contractors who have done so will be in a far, far better position in the event of an I-9 investigation than those who did not.

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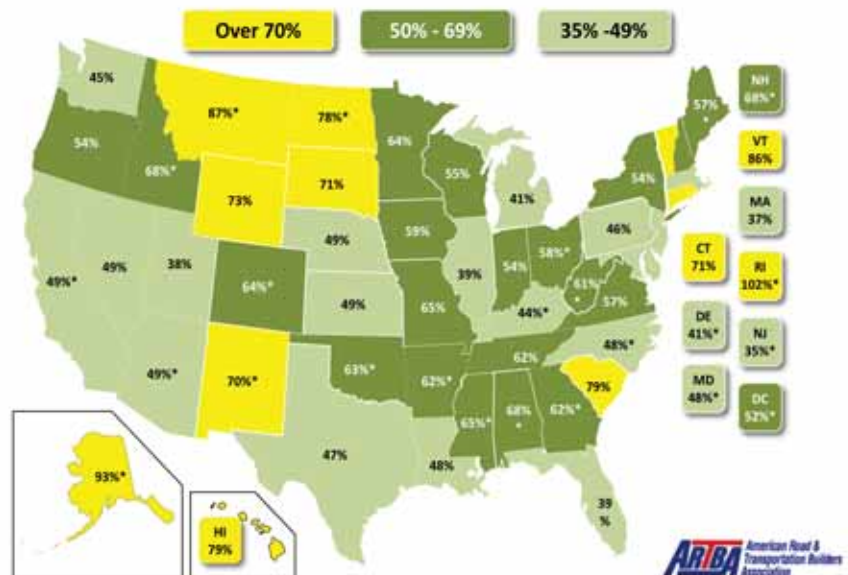
Highway Trust Fund Jeopardy Remains; Members of Congress Need to Hear “The Job is Not Done”

By ARTBA President and CEO Pete Ruane

While Congress acted at the end of July to avert a shutdown of the federal highway and transit programs, the end result simply preserves existing levels of investment through May 2015. The good news is that members of both parties are now calling publicly for a long-term Highway Trust Fund revenue solution that ends the seven-year cycle of short-term band aid after short-term band aid. The bad news is the trust fund will be facing another crisis that threatens highway and transit investment if Congress does not act in the next 10 months.

The best way to facilitate action to permanently stabilize and grow Highway Trust Fund revenues is for your members of the House and Senate to

Federal funds, on average, provide 52% of annual State DOT capital outlays for highway & bridge projects



Source: ARTBA analysis of "FHWA Highway Statistics" data, total 10-year average 2001-2011 from Tables SF-1 and SF-2. The percent is the ratio of federal-aid reimbursements to the state and total state capital outlays and is indicative of the importance of the federal-aid program to state capital spending for highways and bridges. Does not include local capital spending. Federal highway reimbursements are primarily used for capital outlays, including construction, right-of-way acquisition and engineering, but are also used for debt service for GARVEE bonds.

* States that have issued GARVEE bonds before 2011.



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hear from you regarding how damaging continued uncertainty and crises over federal surface transportation investment are to your business and your state's economy.

Background:

- Over the past 10 years, on average, the federal highway program has provided 52 cents of every \$1 dollar invested by state DOTs in highway and bridge capital improvements.
- The source of that money, the federal Highway Trust Fund, is operating on a revenue stream that has not been adjusted in more than two decades.

- As a result, the trust fund has suffered five revenue shortfalls in the last seven years.
- The next Highway Trust Fund cash crisis will occur in May 2015, just at the beginning of the busy construction season.
- The continued uncertainty about federal surface transportation funds is hindering the ability of the states to plan and the private sector to deliver needed infrastructure improvements.

Points to Get Across to Your Representative and Senators:

- Start off by telling them your name, your company name, where it is located, the number of people employed, and what projects your company is working on in their area. Then tell them:
- You appreciate their taking action at the end of July to keeping highway and transit funds flowing to the states.
- But that does not mean the job is done.
- Congress needs to enact a long-term, sustainable revenue solution for the Highway Trust Fund before the end of 2014.
- Otherwise, the Highway Trust Fund will again face a solvency crisis in early 2015.
- In sum, it's time for Congress to enact a permanent fix for the Highway Trust Fund!

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ACEC OF MICHIGAN ELECTS NEW PRESIDENT AND BOARD OF DIRECTORS

The American Council of Engineering Companies of Michigan (ACEC/M) recently announced Amy Trahey, PE, of Great Lakes Engineering Group, LLC (Lansing) as its 2014-2015 President.



Amy Trahey, PE

Amy is a registered professional engineer and president of Great Lakes Engineering Group - the 2014 ACEC/Michigan Small Firm of the Year. A graduate of Michigan Technological University, she and her firm specialize in bridge safety inspections, bridge scoping and design and construction oversight. She also holds the distinguished position of being ACEC of Michigan's first female president.

2014-2015 ACEC/Michigan Officers:

President:

Amy Trahey, PE, of Great Lakes Engineering Group, LLC, Lansing

President-Elect:

Mark Kramer, PE, Soil and Materials Engineers, Inc., Plymouth

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ACEC of Michigan is the association representing the business interests of Michigan engineering, surveying, architectural and related scientific firms who provide professional knowledge to the built environment and strive to protect the health and safety of the

public. ACEC of Michigan is part of the American Council of Engineering Companies headquartered in Washington D.C and, comprised of more than 5,000 firms nationwide that employ more than 300,000 engineers, architects, land surveyors, scientists, and other specialists,

responsible for more than \$100 billion of private and public works annually. For more information regarding ACEC of Michigan, visit the ACEC website at www.acecmi.org or contact the ACEC Lansing office at 517-332-2066.



Where's Your MITA Hat Been?

Karl Schweitzer, general manager of GM & Sons, Inc., in Whitmore Lake (pictured on the far right), submitted this photo of himself and his pal, Steve Lewis (center) from a visit to Drummond Island.

We know you have "been places" while wearing your MITA Hat. Please send your MITA Hat photos to nancybrown@mi-ita.com. We will run them with brief description of your outing in future issues of the magazine. Thanks for your participation!

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2014 MITA Calendar of Events

MITA Board Meeting

MITA Office

October 21, 2014

1:00 pm

MITA Holiday Party- Central Michigan

Country Club of Lansing

December 12, 2014

11:30 am - 1:30 pm

MITA Holiday Party- Southeast Michigan

Location TBD

December 18, 2014

11:30 am - 1:30 pm

MITA Board Meeting

Country Club of Lansing

December 12, 2014

8:30 am

MITA Holiday Party- Western Michigan

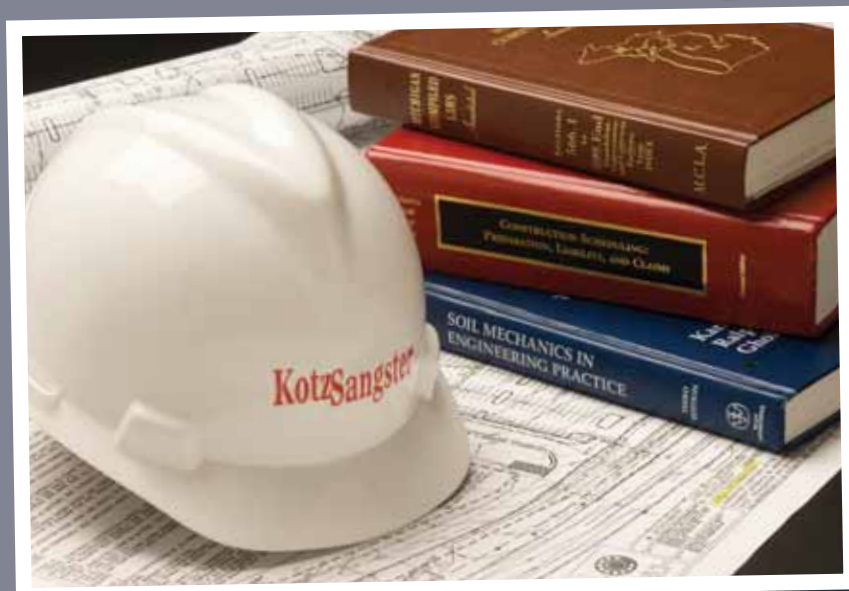
Location TBD

December 16, 2014

11:30 am - 1:30 pm

Please check out MITA's electronic calendar for updates at www.mi-ita.com.

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ENGINEERING

08/15/2014Davis-Bacon Prevailing Wage – Attention Flag Person Rate Change!
08/14/2014 MDOT Hosts Various Workshops
08/14/2014 MDOT Revises Form 2124A
08/06/2014MDOT Implements Revised “DBE Information at Time of Bid” Process
08/06/2014FUSP/NTB Update
08/06/2014MDOT Posts Request for Qualifications for the Lift Bridge in Houghton and Hancock
08/01/2014Job Opening at CRAM
07/11/2014MDOT Posts Request for Statements of Qualifications for Design-Build Project - Installation of Environmental Sensor Stations at Various Locations throughout the Superior Region
07/11/2014 FUSP/BOHIM/CA Update
06/13/2014FHWA/MDOT Host GRS-IBS Showcase

LEGISLATIVE

08/15/2014 State Funding News Briefing, August, 2014, First Edition
08/06/2014Post Primary Election Update: Proposal 1 Passes
08/01/2014 Highway Trust Fund Update from ARTBA
08/01/2014 Remember to Vote Yes on Proposal 1 on Tuesday!
07/18/2014 U.S. House of Representatives Passes Highway & Transportation Funding Act of 2014
07/11/2014State Funding News Briefing, July, 2014, First Edition
06/27/2014State Funding News Briefing, June, 2014, Third Edition
06/13/2014Legislature Breaks For Summer Recess Without A Road Funding Solution

MEMBERSHIP

08/15/2014 ... MITA Continues to Work the Media on Behalf of the Underground Industry

08/15/2014Did You Know: MITA's 2014 Central Michigan Golf Outing is Right Around the Corner— Sign Up Today!
08/06/2014Executive Order – Fair Pay and Safe Workplaces
08/05/2014 Stolen Equipment Notice
08/01/2014 Did You Know: The MDOT Region & TSC Construction Contacts List Has Recently Been Updated.
07/18/2014Is Your Company Next? ICE is Targeting Construction Companies for Form I-9 Violations
07/18/2014 Did You Know: You Can Make Your Own Customized Safety Program
07/18/2014 USIC Update
07/14/2014ATTENTION -- Michigan Supreme Court Rules on Tax Liability

SAFETY

08/01/2014 Calling All Safety Professionals!

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