

SUMMER 2015

# CROSSSECTION

## Underground Spotlight Page 22

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**A. Lindberg and Sons, Inc.**

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ASSOCIATE MEMBER PROFILE:

**Ace Cutting Equipment & Supply, Inc.**

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For Cross-Section Magazine advertising, circulation or editorial inquiries, contact Nancy Brown at: phone: 517-347-8336; fax: 517-347-8344 ; e-mail, [nancybrown@mi-ita.com](mailto:nancybrown@mi-ita.com); or by mail at the following mailing address: MITA, P.O. Box 1640, Okemos, Mich., 48805-1640.  
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# COMMENT



Mike Nystrom

## EXECUTIVE VICE PRESIDENT

As summer winds down, the construction industry is still going strong, as MITA members are seeing a turnaround in work, especially in the commercial and residential arenas. Our members report in Member Voice, page 40, that this year may be their best year yet due to an increase in these types of work, a trend that is expected to continue into the future.

The future is also bringing changes in technology that our industry uses, according to an article by MITA's Vice President of Industry Relations, Douglas Needham, P.E., on page 14 entitled: "The Future is Upon Us: 3D Design and Automated Grade Control for Construction." The use of this technology has many benefits, including increasing the speed of construction as well as having the ability to accommodate design changes in a matter of minutes.

Lance Binoniemi, vice president of government affairs, provides an update on page 16 regarding summer discussions in the state Legislature regarding road funding and the prevailing wages. ARTBA News on page 30 provides details on a short-term extension of federal surface transportation programs. Although this latest step is not a win, the article details reasons to be hopeful.

In other federal level news, changes from OSHA with regard to construction confined space standards are outlined on page 22 by Matt McClintick, director of safety and workforce development. The federal confined space rule took effect on August 3, and MIOSHA has until February 2016 to adopt the rules or to be as effective as OSHA.

In the legal issues area on page 42, Eric Flessland and Jim Urban from Butzel Long discuss how to develop good collection habits – "A System to Enforce Your Rights under Michigan Construction Lien and Payment Bond Laws." MITA members are excellent at constructing projects, but some members are not as adept at getting paid for their work, according to Flessland and Urban. The article goes into great depth to help members, and is a condensed version of the collection system training session they have provided in the past.

We hope you find all of the articles in this issue helpful, and feel free to pass along your comments our ideas for future stories.

MIKE NYSTROM  
Executive Vice President  
MITA  
mikenystrom@mi-ita.com

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### MITA STAFF

**MIKE NYSTROM**  
Executive Vice President / Secretary  
mikenystrom@mi-ita.com

**ROB COPPERSMITH**  
Vice President of Membership  
Services  
robpcoppersmith@mi-ita.com

**GLENN BUKOSKI, PE**  
Vice President of Engineering  
Services  
glennbukoski@mi-ita.com

**DOUGLAS NEEDHAM, PE**  
Vice President of Industry Relations  
douglasneedham@mi-ita.com

**LANCE BINONIEMI**  
Vice President of Government Affairs  
lancebinoniemi@mi-ita.com

**NANCY BROWN**  
Director of Communications  
nancybrown@mi-ita.com

**MATT MCCLINTICK**  
Director of Safety and Workforce  
Development  
mattmcclintick@mi-ita.com



Michigan Infrastructure &  
Transportation Association

### MITA STAFF

**DANIELLE COPPERSMITH**  
Events Coordinator  
daniellecoppersmith@mi-ita.com

**TIYA KUNAIYI-AKPANAH**  
Member Services Coordinator  
tiyakunaiyi@mi-ita.com

**MARY MOODY**  
Accounting Coordinator  
marymoody@mi-ita.com

**MARIAM ROBINSON**  
Outreach Coordinator  
mariamrobinson@mi-ita.com

**JANIS STRANG**  
Executive Assistant  
janisstrang@mi-ita.com

**SARA SCHAIBLY**  
Receptionist/Admin. Assistant  
sarajacobs@mi-ita.com

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## MEMBER PROFILE



Back row, left to right: Katie Crimmins, Roger Crimmins, David Crimmins and Brad Crimmins. Middle row, left to right: Cathy Crimmins and Jacki Crimmins. Front Row, left to right: Rebecca Bond and Jennifer Crimmins.

**A** Lindberg and Sons, Inc., has been building its reputation as a quality road and bridge builder in Michigan's upper peninsula since 1914 and a key to their survival is their diversification into other areas of heavy construction that serve mining, paper/forest, and utility construction industries.

You name, they can do it, with 60 percent of their current work being private: utility construction, from water-main to storm and sanitary sewers; road construction, from graveled forest roads to interstate highways; bridge construction, from timber pedestrian bridges to multi-span highway bridges; foundations,

from spread footing to piles; and earth-work projects, from landfills to dams. The company also operates various quarries and gravel pits, which produce high quality aggregates used not only for their own construction projects, but which are also available to other contractors, businesses and the public. They are a top mobile aggregate producer in the U.P., with numerous active locations in Marquette County, 14 crushers, 15 screen plants and a yearly capacity in excess of three million tons. Any needed sand material, aggregates and stone can be mined and produced by Lindberg's rock crushing operators.

"We are one of the top 30 stone

producers in the country," said Roger Crimmins, president, a fourth generation descendant of Alfred J. Lindberg, who founded the company with his three sons Walter, Stanley and Alfred Jr. "We have the only approved wetland mitigation bank in the Upper Peninsula, (40 acres currently permitted) and a premier builder of dams, paper mills and power plants. We are proud of all our past projects, and what sets us apart is our diversification, expertise and natural resources that are at our disposal."

Roger's brother, David, is the vice president of the company and they are joined by David's son, Brad, controller,

### A. Lindberg & Sons, Inc.

[www.lindberginc.com](http://www.lindberginc.com)

#### Home Office:

599 Washington Street  
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*Member of MITA Since 2005  
(Prior member of MRBA, and  
Roger Crimmins was on the  
board from 1985-1994.)*

#### A Lindberg & Sons, Inc. Key Contacts

Roger Crimmins  
President  
[roccrimmins@lindberginc.com](mailto:roccrimmins@lindberginc.com)

David Crimmins  
Vice President  
[dcrimmins@lindberginc.com](mailto:dcrimmins@lindberginc.com)

Gary Saari  
Secretary and VP of  
Engineering  
[gsaari@lindberginc.com](mailto:gsaari@lindberginc.com)

Reed Alderton  
Superintendent - Crushing  
and Aggregate Division  
[ralderton@lindberginc.com](mailto:ralderton@lindberginc.com)

Brad Crimmins  
Controller and Commercial  
Development  
[bcrimmins@lindberginc.com](mailto:bcrimmins@lindberginc.com)

Jennifer Crimmins  
Human Resources  
[jcrimmins@lindberginc.com](mailto:jcrimmins@lindberginc.com)

Rebecca Bond  
Property Management and  
Residential Development  
[racrimmins@lindberginc.com](mailto:racrimmins@lindberginc.com)

Katie Crimmins  
Property Management  
[kcrimmins@lindberginc.com](mailto:kcrimmins@lindberginc.com)

who represents the fifth generation to proudly work for the company. Among other key company leaders is Gary Saari, P.E., who serves as vice president of engineering for the company that has a total of 120 employees. Other key employees include Jen Crimmins, human resources; Katie Crimmins, property manager; and Rebecca Crimmins, property manager/development.

The most recent diversification for A. Lindberg & Sons began in 2008 when they started a huge commercial development on the west side of Marquette, "The Shops of Marquette," which includes several large retail establishments. They have also received the Cliffs Natural Resources Supplier Excellence Award, and in 2013 they received the Greater Ishpeming-Negaunee Area Chamber of Commerce Business of the Year Award.

Past experience includes several miles of original interstate in Wisconsin, Michigan, and Minnesota. Over the years they have completed hundreds of road, bridge, underground, and dam projects, plus work on nearly every major industrial site in the Upper Peninsula. Additionally, their Crushing Division has grown to become one of the 30 largest aggregate producers in the country. In the future, they hope to continue to provide all these services and continue to grow their newer commercial, residential, and wetland development divisions.

"In this challenging business, you never have the same problem," Roger said, "but it is important to move on with what the founders of the company started. We have the privilege to continue with an organization that has been successful and we plan to keep it that way."

## HISTORY

The company had its beginnings in 1914 during a downturn in the iron ore industry. The great-grandfather of Roger Crimmins, Alfred Lindberg, started construction as the Alfred Lindberg Company, and worked small construction and logging jobs in the area. Around 1918, his oldest son, Walter, joined him in the business, and took a subcontract for rock removal on the county highway from Marquette to Big Bay. Two other sons, Stanley and Alfred Jr., joined the company several years later. Thus, Alfred Lindberg & Sons was born. It grew throughout the years, with the company signing its first general contract in 1925 for the M-35 "rock cut" with the state highway department.

In 1948 the company was incorporated as A. Lindberg & Sons, Inc., the same year it opened its gates to its County Road 480 gravel pit and introduced the portable processing plant to the area. Later at the pit the Lindbergs discovered Kona dolomite, a rare formation found primarily in the Midwest.

Walter became president upon his father, Alfred's, death in 1950. In 1952, the company became a third-generation business with the addition of Stanley Lindberg Jr., and Walter's son-in-law, Walter Crimmins.

The company became a front-runner in many local and state jobs, including the Humboldt and Republic mines and the expansion of the interstate system in the Lower Peninsula. It was contracted to complete a 12-mile railroad rock cut project from east of Negaunee to west of Ishpeming. It also helped with the opening of the White Pine Company and the Mead Paper Company as well as the Empire and Tilden mines.

Members of the Lindberg fourth generation, Roger Crimmins and his brother, David, joined the company in the 1970s. In 1978, Walter Crimmins was president; Peter Arsenault was vice president and Roger Crimmins was treasurer. By 1989, Walter and his two sons, Roger and David, were president, vice president and treasurer respectively.

Roger is now president, while David serves as vice president. In the early 2000s, the fifth generation came on board. "It is unusual for a family business to go over three generations," Roger said, and he looks forward to many more years of family success.

## SERVICES

A. Lindberg & Sons, Inc., provides construction services in the Upper Peninsula, Northern Wisconsin and Michigan's Lower Peninsula. They have experience performing the following types of work:

- Construction Survey and Layout
- Clearing and Grubbing
- Excavation, Embankments and Backfill
- Site Grading
- Aggregate Base and Road Gravel
- Watermain and Water Laterals
- Sanitary Sewers, Manholes and Sanitary Laterals
- Storm Sewer, Storm Sewer Inlets and Manholes
- Culverts (All Types)
- Box Culverts Including Cast in Place and Precast
- Precast Three-Sided Culverts
- Erosion Control Measures
- Bridges (Steel and Precast Beams, Permanent and Temporary)
- Sheet Pile Walls
- Pile Foundations (Timber, Cast-in-Place Concrete and Steel)
- Rock Drilling and Blasting
- Quarry Rock – Crushing and Screening
- Environmental Cleanup
- Retaining Walls – All Types

The experience A. Lindberg & Sons, Inc., has with the diverse work types listed above allows for the successful completion of a wide range of projects. Projects types include:

- Road and Street Construction
- Highway and Freeway Construction
- Watermain
- Sanitary Sewer
- Storm Sewer
- Culverts
- Vehicle and Pedestrian Bridges
- Landfills
- Lagoons
- Dams
- Customized Aggregate Production
- Development of Rock Quarries and Gravel Pits
- Construction of Wetlands
- Development of Lakes and Ponds
- Construction of Recreational Areas/Parks
- Airport Construction
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- Site Work Associated with a Subdivision or Large Retail Development



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# Letters to MITA

Dear Doug:

Just wanted to take a second to say thanks again for what you do. You probably never hear that enough for sure, but without you I felt like the meeting yesterday could have been a disaster. You have a great way of taking differing opinions and making the outcome be satisfactory to both parties. What was achieved yesterday was something that should have been done by MDOT a long time ago. Having a process in place will be great for all parties no matter what side of the fence you are on.

Jeff Bartlett, P.S.  
Surveying Solutions, Inc.

Dear Lance:

What a success! I want to personally thank you for your sponsorship of the Michigan Road Funding Panel. The conference is content driven and MITA has generously assisted us in delivering on that endeavor. As we continue to grow the scope and reach of the conference, please know that our partnership with MITA is vital to the success of this event. You are truly appreciated.

Brian Starrs  
Detroit Regional Chamber

Dear Danielle and Matt:

Thank you (for help with a MIOSHA appeal). Without being a MITA member, we would have just paid the fine and did our best not to do anything else wrong. This happens from time to time. I am just glad there is someone to watch out for us.

Lonny Day  
Day Excavating

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## ASSOCIATE MEMBER PROFILE



**A**ce Cutting was founded in 1993 when Ron Measel began selling concrete diamond blades out of the back of his truck and delivering to customers on-site. The company slowly grew in a 500-square-foot building in Novi, and later moved next door into an upgraded 6,500-square-foot store. The hiring of a shop mechanic helped the company continue its gradual expansion, and today a team of 15 full-time employees keep the business running smoothly.

With over 30 years of experience in the concrete sawing and drilling industry, Mark Scheuerlein has expanded his expertise in handling the ever growing demand for the concrete polishing and grinding part of the business.

Service Manager Bill Mortinger heads the repair and rental fleet assuring customers' equipment is fixed properly and that rental equipment is ready for use. Bill and his crew of mechanics take pride in staying updated with the ever-changing technology of the industry to keep Ace on the cutting edge.

Dan Daneluk is Ace's parts manager who, along with Ashley Koczynski, handles the high demand of keeping parts in stock and providing customers with the tools and knowledge to help customers during the busy construction season. With Dan's experience of once being a mechanic himself, he can relate and give advice as well as get customers the right part that is needed.

Tim Foss handles outside sales and demonstrations for Ace. Tim has been in the industry for 20+ years and has a wide range of industry knowledge.

Mark "Hank" Hankins is Ace Cutting's driver and fabricator, and he has been delivering Ace's products for over 10 years. Getting products delivered in the construction industry to job sites can be demanding, but Hank gets it done with a smile.

Ron's son, Steve, graduated from Ferris State University in 2011 and assists with walk-in customers, phone calls and created Ace's online store which has opened up new markets across the country and abroad. Ron's

wife, Sue, and their daughter, Karlie, handle the accounting aspect of Ace's success story. Each and every employee at Ace is an integral part of our company, taking pride in their work, delivering friendly service.

In addition to providing concrete diamond blades mainly for highway work, Ace Cutting provides a large variety of rental walk behind saws and core drilling equipment. Their drilling section includes electric, hydraulic and pneumatic options for a variety of different applications. Walk-behind saws is the equipment that Ace specializes in and also has the most to choose from. Husqvarna's FS 9900 is the most powerful saw available along with their new FS 7000 tier 4 saw. With over 10 diesel saws to choose from, Ace Cutting believes in keeping updated rental inventory to help ensure equipment performance and allow demonstrations to give customers a good understanding of saw options and features.

"Besides our main focus of concrete cutting, there are other areas we must cover for our customer base," Ron said. "This includes

## ASSOCIATE MEMBER PROFILE

**ACE CUTTING EQUIPMENT & SUPPLY, INC.**  
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### CONTACTS:

Ron Measel – rmeasel@acecutting.com – Owner

Steve Measel – steve@acecutting.com – Sales – Inside - Online

Mark Scheuerlein – mscheuerlein@acecutting.com – Sales – Inside - Pro Grind

Bill Mortinger – bmortinger@acecutting.com – Shop Manager – Technician

Dan Daneluk – ddaneluk@acecutting.com – Parts Manager

Tim Foss – tfoss@acecutting.com – Sales

Sue Measel – smeasel@acecutting.com – Accounts Payable

Karlie Measel – karlie@acecutting.com – Accounts Receivable

Ashley Koczynski – ashley@acecutting.com – Customer Service

Katie Koczynski – katie@acecutting.com – Receptionist

Mark Hankins – mhankins@acecutting.com – Deliveries

Chris Vest – cvest@acecutting.com – Shipping

Rob Whipple – rwhipple@acecutting.com – Technician

Mark Leidal – shop@acecutting.com - Technician



masonry tools and supplies, generators, water pumps and much more. Along with our sales and rental division, the parts and service department is extremely knowledgeable and helpful.”

Ron said what sets Ace apart from the competition is the experience of their employees and incomparable customer service.

“We offer competitive prices and a knowledgeable sales and service department in a friendly atmosphere,” Ron said. “Our customers are always assured that they will receive the product, service and answers they are looking for.”

Since 2007 Ace has been the largest

distributor of ADA pedestrian sidewalk detectable warning surface tiles. Stocking nearly each ADA option that is available assures customers that ACE will have what they need in stock, and be able to deliver it to the jobsite on time. Ace also stocks a large amount of supplies for the concrete paving industry; and, going along with Minnich dowel pin drills, they provide their customers with a one-stop-shop for epoxy, anchors, paint and much more.

As a strong supporter of MITA for many years, Ace Cutting has grown to become one of the largest concrete cutting, grinding and coring suppliers of quality equipment and service in southeast Michigan, Ron added. They

are constantly growing and expanding for a great industry with enormous potential.

“Being a part of the MITA organization has helped Ace to become a well-recognized and valued company for the service and friendship we build with our customers,” Ron said. “Events hosted throughout the year are a great way to stay connected and updated with customers and current events.”

Rob Coppersmith, MITA’s vice president of membership services, said that Ace Cutting has been a very active member and support of MITA on many different levels, and “we appreciate their tremendous support.”

# The Future is Upon Us: 3D Design and Automated Grade Control for Construction

**T**he use of automatic grade control has many benefits, including increasing the speed of construction by being able to grade the surface to the correct elevation the first time, as well as having the ability to accommodate design changes in a matter of minutes rather than hours or days.

As a result, for nearly a decade, MITA has lobbied MDOT to provide electronic files that can be uploaded into automated grade control equipment, with the ultimate goal to reduce staking and to gain efficiencies during construction.

A major milestone was realized this past spring (March 2015), when MDOT established a policy that requires certain types of projects (roadway reconstruction, capacity improvements, new roads and trunkline modernization) to be designed utilizing 3D methods and procedures. As this method of design becomes more mainstream, MDOT will more than likely require that additional types of projects utilize 3D modeling requirements. Therefore, guidance and policy for advancing the sharing,

distribution and ultimate use of this information is needed.

In an ef-

fort to develop this guidance, MDOT's Performance Excellence Division hosted an Automated 3D Positioning Summit to discuss past, current and future design and construction techniques involving 3D aspects and automated grade control. The purpose of the summit was to gain stakeholder collaboration for the advancement of 3D engineered models and automated guidance efficiency on construction projects. Topics discussed included how to foster an environment for efficiency and lessons learned from past pilot projects, along with a draft Special Provision for Automated Machine Guidance.

During the summit, individuals representing the design community, as well as construction community, discussed the many uses for automated grade control, including how some in the paving community have fully embraced this technology and have built hundreds of miles of pavement utilizing stringless paving.

MDOT, along with the consultant community, has certainly embraced 3D design and the use of automated grade control for construction, but has identified a few key steps that will need to be followed if a contractor elects to use automated grade control.

The first is that the contractor will be required to submit a work plan to identify whether or not they are

planning on utilizing automated grade control. This work plan will need to include a contractor's past experience with automated grade control, the type of equipment to be used, calibration frequency, etc. The use of GPS control for rough grading will not warrant the requirement for a work plan, but if final grades are to be determined with automated grade control, then a work plan will be required.

Even though the design file may be 3D, at this point there may still be a need for the contractor to create a model file to be uploaded into their automated grade control system. Therefore, MDOT has established that the model ownership and use on the project will need to be under the supervision of a professional engineer or surveyor. This requirement generated a great deal of dialogue but, in the end, MDOT was adamant that the responsibility of the model will fall under a licensed professional surveyor or engineer.

Even though a well-detailed design can generate exceptional projects, one of the greatest benefits of utilizing automated grade control is the ability to accommodate unforeseen plan changes. However, with changes comes additional model development. Therefore, it was recognized that this additional work should be compensable, though MDOT is still

*Continues on pg. 15*



To contact Doug Needham, P.E., e-mail him at [douglasneedham@mi-ita.com](mailto:douglasneedham@mi-ita.com) or call 517-347-8336.

in the development stage as to how to address these field changes.

MITA is very encouraged by the recent advancement of 3D utilization and the desire to allow contractors to utilize automatic grade control for construction. There is no doubt that when partnerships develop for the advancement of Michigan and the future of construction, great results can be achieved.

It is anticipated that a frequently used special provision will be established for use during the 2016 construction season and that will be followed by further guidance.

Stay tuned and be prepared for what the future holds.



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# Prevailing Wage Repeal

**A**s reported through various avenues by MITA staff, the Michigan Senate passed a repeal on prevailing wage for public projects during the month of May. The measure has seen push back from Governor Snyder, who has mentioned that he will not support the legislation, although he has been careful not to use the term “veto” too openly. There has also been push back on the repeal from some House Republicans. Because of this, proponents of repealing prevailing wage have started up a citizen’s initiative legislation campaign.

Citizen’s initiative legislation is slightly different from a ballot measure. It is a law that is initiated by collecting signatures and then the Legislature has time to take action on the legislation. If the Legislature fails to act, the measure then goes to the ballot. Once the necessary signatures are collected, the Legislature has 40 days in which to act on the measure. It is anticipated that the necessary amount of signatures required will be collected by the end of 2015, and we could see the debate once again in the House and Senate this fall or early winter.

This measure was a slight curve-

ball to opponents of repealing prevailing wage. The difference

with citizen’s initiative legislation is that it is not subject to the Governor’s signature. While opponents have rested on the fact that Governor Snyder has said he will not support a repeal and they have confidence that he would veto such a measure, proponents are working their way around the Governor by starting up this campaign.

Speaker Cotter has said that he is interested in waiting to see if the campaign can find the necessary signatures to put the measure before the Legislature, prior to taking any action on the Senate bills that passed. He has not, however, indicated whether or not he will hold a vote on the measure, if it were to get enough support by the public. There is much debate on whether or not there is enough support in the House to pass a repeal. Repealing prevailing wage would certainly need all Republican votes to pass, and with 63 members of the House being Republican, there is a chance it could pass with the necessary 56 votes. Given the ease in which the Senate passed a repeal to prevailing wage, there is little debate whether legislation would pass again in that chamber.

## Summer Discussions on Road Funding

The continued on-going debate over how Michigan will adequately invest in its roads and bridges saw significant movement within the Legislature over the summer. At the time

this article was printed, the Senate had passed a plan that would add an additional \$1.5 billion each year to improve Michigan’s transportation system. Meanwhile, the House had passed a plan to increase road funding by just over \$1 billion, but in a much different way. Combining the two plans is what is being debated between the House and Senate leaders, as well as with the Governor.

The House passed version of a road funding plan relied almost entirely on existing funds within the state’s budget. It reprioritized approximately \$900 million of current revenues coming into the state for transportation, coupled with a little over \$100 million in new revenue primarily coming from increased registration fees for hybrid and electric vehicles.

The Senate passed version of a road funding solution used a combination of existing state dollars, as well as an increase in new revenues through a gasoline tax increase. Their proposal would take \$700 million from the general fund and statutorily dedicate it to transportation each and every year. In addition, the gas tax would be raised by 15 cents over a three-year period, raising approximately another \$800 million of constitutionally dedicated revenues for Michigan’s transportation system.

It is now up to the leaders in both chambers to come to an agreement on how roads can be funded for the long term, as progress continues to be made.



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



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HB 4001	1/15/15	Rep. Amanda Price - R	Repeals prevailing wage requirement. Repeals PA 166 of 1965.	House Commerce & Trade Committee	Introduced/In committee	Oppose
HB 4002	1/15/15	Rep. Aric Nesbitt - R	Repeals references to prevailing wage in Economic Development Corporations Act.	House Commerce & Trade Committee	Introduced/In committee	Oppose
HB 4003	1/15/15	Rep. Brad Jacobsen - R	Repeals references to prevailing wage in School Code.	House Commerce & Trade Committee	Introduced/In committee	Oppose
HB 4225	2/24/15	Rep. Pat Somerville - R	Database for all road and bridge projects; establish. Will amend PA 51 of 1951.	House Infrastructure & Transportation Committee	Introduced/In committee	Neutral
HB 4257	2/26/15	Rep. Marilyn Lane - D	Gross vehicle weight limits; modify to 80,000 pounds.	House Infrastructure & Transportation Committee	Introduced/In committee	Oppose
HB 4317	3/10/15	Rep. Todd Courser - R	Modifies motor fuel tax. Amends P.A. 403 of 2000.	House Government Operations Committee	Introduced/In committee	Neutral
HB 4318	3/10/15	Rep. Todd Courser - R	Eliminates collection of sales tax on gasoline. Amends P.A. 167 of 1933.	House Government Operations Committee	Introduced/In committee	Neutral
HB 4335	3/11/15	Rep. Gary Glenn - R	Collection of sales on gasoline; eliminate.	House Government Operations Committee	Introduced/In committee	Neutral
HB 4336	3/11/15	Rep. Gary Glenn - R	Motor fuel tax; modify.	House Government Operations Committee	Introduced/In committee	Neutral
HB 4337	3/11/15	Rep. Gary Glenn - R	Motor carrier fuel tax; flat tax rate; eliminate, and establish an 18-month limitation period for filing refund claims.	House Government Operations Committee	Introduced/In committee	Neutral
HB 4440	4/14/15	Rep. Ed Canfield - R	Transportation economic development fund sunset; revise.	Senate Appropriations Committee	Passed House/Passed Senate/Returned to House	Neutral
HB 4455	4/15/15	Rep. Ben Glardon - R	Bridge inspection process; modify.	Senate Transportation Committee	Passed House/Sitting in Senate cmte.	Neutral
HB 4566	5/7/15	Rep. Phil Potvin - R	Portion of sales tax revenue; earmark to transportation fund.	House Appropriations Committee	Introduced/In committee	Support
HB 4569	5/7/15	Rep. Al Pscholka - R	Vehicle registration tax credited to transportation administration collection fund; extend sunset.	Signed by the Governor	Bill will take effect on October 1, 2015.	Neutral
HB 4574	5/12/15	Rep. Robert Kosowski - D	Provides for fee waiver for use of public transit by veterans with identification cards.	House Infrastructure & Transportation Committee	Introduced/In committee	Neutral



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HB 4575	5/12/15	Rep. Triston Cole - R	Creates Michigan electric infrastructure act.	House Energy Policy Committee	Introduced/In committee	Neutral
HB 4586	5/12/15	Rep. George Darany - D	Revises maximum gross vehicle weight limits for trucks. Amends PA 300 of 1949.	House Infrastructure & Transportation Committee	Introduced/In committee	Oppose
HB 4601	5/14/15	Rep. David Rutledge - D	Tax on gasoline and diesel fuel; increase, and provide for phase in.	House Tax Policy Committee	Introduced/In committee	Support
HB 4605	5/14/15	Rep. Al Pscholka - R	Earmarks income tax revenue portion of the General Fund for the transportation fund. Amends PA 281 of 1967.	Senate Government Operations Committee	Passed House/Sitting in Senate cmte.	Neutral
HB 4606	5/14/15	Rep. Phil Potvin - R	Earmarks portion of sales tax revenue to transportation fund. Amends PA 167 of 1933.	Senate Government Operations Committee	Passed House/Sitting in Senate cmte.	Support
HB 4607	5/14/15	Rep. Peter Pettalia - R	Allows certain amount of 21st century jobs fund to be appropriated to the transportation fund. Amends PA 489 of 2000.	Senate Government Operations Committee	Passed House/Sitting in Senate cmte.	Neutral
HB 4608	5/14/15	Rep. Lee Chatfield	Allows certain amount of the Michigan Strategic Fund to be appropriated to the transportation fund. Amends PA 270 of 1984.	Senate Government Operations Committee	Passed House/Sitting in Senate cmte.	Neutral
HB 4612	5/14/15	Rep. Eric Leutheuser	Modifies registration fees. Amends PA 300 of 1949.	Conference Committee Formed	Passed House/Passed Senate	Neutral
HB 4613	5/14/15	Rep. Dan Lauwers - R	Modifies replacement warranties on road repairs and extends warranty requirement to local & road agencies. Amends PA 51 of 1951.	Conference Committee Formed	Passed House/Passed Senate	Neutral
HB 4614	5/14/15	Rep. Andrea LaFontaine - R	Includes tax on motor fuel and alternative fuel in streamlined sales and use tax revenue equalization act. Amends PA 175 of 2004.	House	Passed House/Passed Senate	Neutral
HB 4615	5/14/15	Rep. Rob VerHeulen - R	Modifies motor fuel tax. Amends PA 403 of 2000.	Conference Committee Formed	Passed House/Passed Senate	Neutral
HB 4616	5/14/15	Rep. Mike McCready - R	Eliminates flat tax rate & establishes an 18-month limitation period for filing refund claims. Amends PA 119 of 1980.	House	Passed House/Passed Senate	Neutral
HB 4684	6/4/15	Rep. Andy Schor - D	Modifies distribution formula allocating revenue to roads. Amends PA 51 of 1951.	House Infrastructure & Transportation Committee	Introduced/In committee	Neutral

*Continues on pg. 20*



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HB 4736	6/17/15	Rep. Michael McCready - R	Passenger vehicle and motorcycle registration fees; increase.	House Infrastructure & Transportation Committee	Introduced/In committee	Support
HB 4737	6/17/15	Rep. Michael McCready - R	Revenue from increased vehicle registration fees; earmark to debt service under PA 51 of 1951.	House Infrastructure & Transportation Committee	Introduced/In committee	Neutral
HB 4738	6/17/15	Rep. Michael McCready - R	Wholesale rate for motor fuel; modify.	House Infrastructure & Transportation Committee	Introduced/In committee	Support
HB 4739	6/17/15	Rep. Michael McCready - R	Wholesale rate for diesel fuel; modify.	House Infrastructure & Transportation Committee	Introduced/In committee	Support
HB 4741	6/18/15	Rep. Dan Lauwers - R	Eliminates collection of sales tax on gasoline or diesel fuel. Amends PA 167 of 1933.	House Infrastructure & Transportation Committee	Introduced/In committee	Support
SB 1	1/21/15	Sen. Arlan Meekhof - R	Eliminate reference to repealed law in school code. Will amend PA 451 of 1976.	House Commerce & Trade Committee	Passed Senate/Sitting in House cmte.	Oppose
SB 2	1/21/15	Sen. Peter MacGregor - R	Eliminate reference to repealed law. Will amend PA 338 of 1974.	House Commerce & Trade Committee	Passed Senate/Sitting in House cmte.	Oppose
SB 3	1/21/15	Sen. Mike Robertson - R	Eliminate requirement of paying prevailing wages on state projects. Repeals PA 166 of 1965.	House Commerce & Trade Committee	Passed Senate/Sitting in House cmte.	Oppose
SB 286	4/21/15	Sen. John Proos - R	Earmark of percentage of sales tax collected on motor fuel and aviation fuel and products; provide for.	Senate Transportation Committee	Introduced/In committee	Support
SB 341	5/19/15	Sen. Mike Shirkey - R	Motor fuel tax; tax levy on alternative fuel used in vehicles; provide for, and make other revisions.	Senate Transportation Committee	Introduced/In committee	Support
SB 342	5/19/15	Sen. Mike Shirkey - R	Registration; fee increase for certain vehicles powered by electricity; provide for.	Senate Transportation Committee	Introduced/In committee	Support
SB 393	6/11/15	Sen. Morris Hood - D	Registration plates; dealer plates; increase fee for special plates issued to dealers or transporters.	Senate Transportation Committee	Introduced/In committee	Neutral
SB 415	6/18/15	Sen. Goeff Hansen - R	Creates Road and Bridge Fund and earmarks certain revenue.	Senate Government Operations Committee	Introduced/In committee	Neutral
SB 436	7/7/15	Sen. Marty Knollenberg - R	Michigan roads to recovery fund; create, and require the issuance of bonds to fund road repairs.	Senate Transportation Committee	Introduced/In committee	Neutral

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# Outreach Spotlight

## Are You Using The Upgraded MITA Website To Your Advantage? by Mariam Robinson, MITA Outreach Coordinator

**I**t's been close to a year since we launched the new and improved MITA website, complete with easy-to-navigate buttons, organized menu items, rotating banner images and a live Twitter feed. The original goal of the new website was to enhance communication between members and the association, as well as to increase the frequency of interaction.

The new website was also designed with member comfort in mind. We wanted to make the online process smooth and easy to use, and we wanted to provide a tool and a resource that you look forward to using and having at your disposal. We did our very best not to get rid of information that you find important, and we are very committed to keeping the site as current and up to date as possible.

MITA strongly encourages ALL members to take full advantage of the tools and resources that are available to you on the website. When members are signed in, they have access to a variety of information that is not available to the general public. In addition, members have

the opportunity to interact with their fellow members through the social media component of the site, particularly when you are signed in.

Make sure you take advantage of the options and settings available on your personal profiles. Build them up and use them like you would a LinkedIn page. Check back often for updates and bulletins. Make it a daily or weekly habit to check the MITA Events Calendar for upcoming networking opportunities for you and your employees.

Follow MITA closely on Twitter by checking out the live feed that pipes right into the homepage of the MITA website. Don't forget to participate in the on-going virtual dialogue by favoriting (liking), retweeting (sharing) or tweeting (posting) your support by using the handle @MIRoadsBridges.

Also, don't forget that there are numerous online forms available to help you schedule safety meetings and trainings, too, as well as links to help you connect with your elected officials. You can pay your dues, donate to the MITA PAC and

register for events online now, as well! This helps to eliminate the extra steps involved with cutting a check, and it also allows everyone involved to have an electronic "paper" trail of all financial transactions and history.

Consider the website a mobile extension of the association and start making it a part of your routine today!



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### The Ant and the Sledgehammer

**A**re you ready for it? OSHA has changed the construction confined space standards to fall more in line with general industry standards. The federal confined space rule took effect August 3, 2015. MIOSHA has six months, or until February 2016, to adopt or be as effective as OSHA. MIOSHA has said they will have to adopt the OSHA standard and will be assigning it as Part 35 once it is confirmed by legislators.

What does this mean to you? It means our industry will fall more in

line with General Industry standards of confined space. The new standard means that when you put in a new sewer line and manhole, even before it is active, companies will have to go through many more procedures to enter a confined space. As a reminder, the definition of a confined space is:

- It is large enough and configured in a way an employee can enter it.
- It has limited or restricted means for entry and exit.
- It is not designed for continuous employee occupancy.

- A hazardous atmosphere is present.

Companies must have, as always, a written program. This program defines all duties and responsibilities for the employer and employees. Rest assured, MITA is developing training and documentation to assist you in this process. The employer must conduct a site evaluation for confined spaces, post warnings and prevent unauthorized entry of those spaces. Employers must have a plan for air testing and monitoring,

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ventilation and engulfment hazard monitoring if necessary. While on site and during entry of a confined space, the employer must have an in/out board to assist with accountability and during rescues. A confined space program must have detailed training for entrants, attendants and entry supervisors that covers from beginning to end and includes rescue procedures. A certificate of this training must be available on the jobsite for the time the employees are with the company or for the duration of the permit required confined space, whichever is greater.

Permit/document requirements identify key pieces of information before any employee can enter a confined space. A permit for confined space is required when there is hazardous or potentially hazardous atmosphere, an engulfment hazard, physical hazard or other serious safety and health hazards. The entry supervisor must sign to authorize entry and be made available at the time of entry for all authorized entrants and be posted at or near the entry point to the confined space. For confined space documents to be in compliance they must contain the space to be entered, the purpose of entry, the date and duration of the work to be done and identify the authorized entrants by name or by other means to determine quickly and accurately. The duration of authorization for a confined space may not exceed the time required to complete the assigned task or job identified. Confined space documents must be maintained for at least one year.


Responsibilities for the entrants, attendants and entry supervisors

have not changed or been modified with the update and change to this standard. All employees should know the rescue and emergency plan for each jobsite. This includes developing and implementation of procedures for summoning rescue and emergency services, for rescuing entrants from space via non-entry rescue methods, having an employee onsite trained in first aid and CPR, and for preventing unauthorized personnel from attempting a rescue.

As always, there are some exceptions to the rules, the new standard does not apply to: open cut excavations, underground construction, caissons, cofferdams and diving operations. Where this standard applies and there is a provision that addresses a confined space hazard in another applicable MIOSHA standard, the employer must comply with that requirement and the applicable provisions of the new Part 35 standard. Remember, this will apply to large diameter pipe manholes, vaults and other common underground structures if they are entered during the

construction process.

In closing, MITA will be working hard this winter to provide you with the necessary training and documents to meet this cumbersome standard. The burden on you will be making sure you get your employees to the training and execute the new procedures in the field to avoid citations.

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# Did You Know?

**A**s we wait for the legislators to get back to work on finding a long term solution to road funding, we are also waiting on them to confirm the new MIOSHA

Standards Part 10 and 15. As it currently stands, MIOSHA Standard Part 10 refers to all lifting and digging equipment. MITA had requested the split from MIOSHA so excavators would not get unduly saddled with the burdens that have been placed on cranes. Moving forward, once the new standards are confirmed, Part 10 will govern cranes and derricks while Part 15 will cover excavators, hoists, elevators, helicopter and conveyors.

**“Part 15 was created to give excavators, hoists, elevators, helicopters and conveyors their own much needed standard.”**

This split clearly defines the standards and assists the industry in compliance during MIOSHA visits. There are a few key takeaways from both new and revised standards.

Part 10, which refers to cranes, does not have many changes from its previous version. However, it does go into considerable depth on power line safety during assembly, disassembly and use. The rule for power line safety has been and continues to remain no closer than 20 feet for cranes. Part 10 also lists the employers responsibility when it is infeasible to do work without breaching the minimum distance of 20 feet. Inspections play a big part in the day to day use of equipment, and inspections are to take place at the beginning of shifts – this is solely a visual inspection and no records need to be kept. Monthly inspections are required and those records are to be kept for the previous three months. An annual and comprehensive inspection is to be performed by a qualified person every 12 months. Annual inspection records are to be retained for the year on the jobsite or attached to the equipment until the next inspection is performed. Finally, as a reminder, all crane operators must pass a certified crane operator (CCO) course before November of 2017.

Part 15 was created to give excavators, hoists, elevators, helicopters and conveyors their own much needed standard. Once again, inspections are a key focus of the new standard. A thorough annual inspection of all excavators must be performed by a qualified person with documentation retained on the jobsite or attached to the equipment. Working around power lines, employers are not allowed to be closer than 10 feet of excavators. If it is infeasible to stay outside of the 10-foot boundary, Part 15 lists the steps a company can take to work closer to overhead power lines.

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# Senate Passes Long-Term Transportation Bill; Hands Ball off to House

By Pete Ruane, ARTBA President & CEO



Pete Ruane

The late July enactment by Congress of yet another short-term extension of federal surface transportation programs, to Oct. 29, was a continuation of an all too familiar—and disappointing—pattern.

We've all seen too much of this “punt and leave the stadium” approach over the past several years. Another delay is not a win. That said, there are reasons to be hopeful.

Before Congress skedaddled out of Washington for a five-week break, the U.S. Senate passed a six-year reauthorization bill with a bipartisan 65 votes. And House Transportation & Infrastructure Committee Chairman Bill Shuster expressed his desire to move forward on a long-term bill this September. That's significant progress. Here's why: until the Senate passed the “Developing a Reliable and Innovative Vision for the Economy (DRIVE) Act,” neither chamber had approved any surface transportation legislation longer than two years since 2005.

In that context, a three-month delay doesn't seem so bad compared to a 10-year wait. Our fight—and yours—continues.

Even with some reductions, highway investment under the DRIVE Act's first three years would grow at annual rates ranging from 3.1 percent to 3.5 percent—a \$4 billion increase by 2018. By comparison, highway investment grew by 1.4 percent annually under the two-year MAP-21 surface transportation law.

While everyone will agree that the DRIVE Act's investment levels aren't what they should be, politics on Capitol Hill these days is the art of the doable. It's hard to find any major piece of domestic policy legislation that increases federal investment in anything, let alone getting legislation to pass by a wide bipartisan majority as happened with the DRIVE Act. So, in that context, the recent developments are positive.

Nevertheless, ARTBA, its coalition allies and our industry still have a lot of work to do as N.F.L. football training camps open, and we are not going to take a five-week recess like Congress. Our focus going forward will be on the House. Let's start by reminding them of what they said in the summer of 2014, when they passed the extension to May 31, which they've now punted two more times.

Here are examples from two key members:

- “By funding surface transportation programs through May 2015, this legislation provides ... Congress time to continue working on a long-term funding solution and a surface transportation reauthorization bill. ... This bill in no way precludes Congress from continuing to work on addressing a long-term funding solution, and a long-term reauthorization bill remains a top priority for the Transportation Committee.” -- July 10, 2014, statement by Transportation and Infrastructure Committee Chairman Bill Shuster (R-Pa.)
- “H.R. 5021 [the bill] provides the

necessary funds to keep the federal highway and transit programs running while Congress develops legislation to set these programs on a sound financial footing for the long term.” -- July 15, 2014, statement by Rep. Paul Ryan (R-Wis.), now chairman of the House Ways and Means Committee

We have plenty of other examples of such comments from other members of the House, as well as the Senate. The point is this: with Senate passage of the DRIVE Act, the latest three-month extension should bring to a close once and for all claims that Congress needs “more time” to develop a long-term reauthorization bill and Highway Trust Fund solution. If the House doesn't like the DRIVE Act, then let them put something better on the table.

For more than a year, members of both parties and both chambers have been kicking the reauthorization can down the road. The time for any further short-term extensions is over.

As always, we continue to need your help. Unless House members feel pressure from back home, the tendency to do the very least they can to get by will likely persist. While your representatives are home during August, please meet with them face-to-face or invite them to your office or job site.

Here are the points we suggest you convey to them:

- The House does not have to like the Senate bill or take up the Senate bill, but it does have to act.
- House Transportation & Infrastructure Committee Chairman Bill Shuster has said his committee plans to produce a multi-year bill in September. We need you to support that process going forward.
- Most importantly, we are asking you to back efforts in the Ways & Means

Committee to generate new trust fund resource to not only fill the \$15 billion per gap between current spending levels and incoming trust fund revenues, but to ensure any multi-year bill grows surface transportation investment beyond simple inflationary adjustments.

- You were elected to address important national issues. Do your part to end the eight-year cycle of short-term bills and temporary trust fund bailouts.

Finally, we've updated the ARTBA Grassroots Action Center: <http://www.tmaw.com/take-action/> so you can communicate with your congressman via email, Twitter and Facebook from your mobile phone or tablet in less than a minute. Press secretaries from a congressman's office are monitoring their social media feeds every day. These platforms provide an excellent forum for you to personally engage with your representative.

Collectively, we're moving the ball down the field; fighting hard for every yard. No one ever said it would be easy. And no doubt, there will be "ideological defenses" trying to stop our progress this fall.

We ask you to stay on the field with us and continue to grind it out. Our win comes when the Congress passes and the president signs a long-term bill that boosts investment in the federal highway and public transit program.



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# It's Not Just About Health Care — Vets Need Jobs, Too

*Matt McClintick, MITA's director of safety and workforce development, is a former U.S. Marine.*

*(This article is being reprinted with permission from the Washington Examiner Magazine.)*

By Carla Kalogeridis  
Special Reports Editor  
Washington Examiner Magazine

**M**att McClintick spent 10 years in the Marine Corps, much of that time in charge of a maintenance shop with 50-plus Marines working under him and responsible for keeping a half-billion dollars' worth of helicopters in top mechanical order — a job he did well. But two years ago, when he made the transition to civilian life, Matt McClintick couldn't get hired.

"I had proven leadership, supervisory and management experience in the aviation field, as well as general industry and production," he says. "I sent out resumes to aviation firms who said they were 'veteran friendly' — applying for jobs that I was more than qualified for — and no one even

requested an interview. People say, 'Hey, I've got your back,' but when you get out, no one really does anymore."

McClintick used all the career resources his state of Michigan had to offer, some that were even designed specifically to help veterans. "I made an appointment with one government organization, and a young man with much less experience than me looked over my resume, handed it back and told me it looked good," he recalls. "I thought, 'Yeah, I know that. That's it?' I didn't know what to do. I had a lot of trouble finding a job that fit me."

The career agencies want veterans to send resumes and emails, but it's hard to explain a veteran's skills in the traditional resume template. "Veterans and organizations don't know how to translate and explain military experience into salable skills for a job," he says. "Veterans don't want

to email. We want to be active. We want to show up. There are definite holes in the programs available to help vets find jobs. It's easy to get lost."

Employers want someone to fit a certain mold, and most vets aren't as easily recognizable as that perfect fit, McClintick explains. "But they can be molded and trained into the person you need — and even better — because of the intangible skills and work ethic that a person learns in the military that are lacking in society today," he says. "What happened to hiring people based on character? Unless you're looking for a specialty position, all the rest can be taught."

Months after leaving the Marines, McClintick did find fulfilling employment through a personal connection. But he didn't forget how lost he felt when he first left the military, and he vowed to do some-

**“We’re not damaged goods — we just have a different background. Employers need some cultural awareness about how the military prepares us to be excellent leaders and employees.” – Matt McClintick**

thing about it.

Today, as director of safety and workforce development for the Michigan Infrastructure & Transportation Association, McClintick has found his launching pad. He has spent the last six months meeting with the Workforce Development Agency of Michigan, the Veteran Services Office, and the Michigan Veterans Affairs Agency, brainstorming ways to get information to returning Michigan veterans about job opportunities in the construction industry (which MITA serves), showing veterans the similarities between the industry and their military service. He is developing a “career transition toolkit” for veterans leaving the service and the companies that want to hire them, a program that could be duplicated in other states.

McClintick is passionate about the need for structured, streamlined career help for veterans immediately upon leaving

the service. “For a smooth and successful transition into civilian life, realistically, a veteran has about 90 days to find work,” he says. The heavy construction industry is a good place to channel veterans because “no country is going anywhere without roads and infrastructure.” He says that today’s construction industry is “so far forward technologically that language has not been able to keep pace,” adding that MITA members have people with engineering and master’s degrees, as well as workers in their early 20s making six figure salaries.

“There’s a stigma attached to veterans, with employers worrying about things like Post Traumatic Stress and a lack of relatable skills,” he says. “We’re not damaged goods — we just have a different background. Employers need some cultural awareness about how the military prepares us to be excellent leaders and employees.”

Soon, McClintick says there will be a

link on the new MITA website that will allow the association’s member companies to search and find veterans looking for a good career. “We’ll have a red, white and blue button on our site that says ‘Hire a Veteran.’ We’ve got to focus on the veterans who are separating now, before they get lost in the system and miss outstanding career opportunities.”

“Am I looking to change the world?” he says. “Yeah, I guess I am. One vet at a time.”

*Matt McClintick today at MITA.*



MITA is working on a program to bring experienced, qualified, hardworking veterans to the construction industry.

Stay tuned for more details from Matt McClintick, MITA Director of Safety & Workforce Development.



## G2 Consulting Group, LLC www.g2consultinggroup.com

### Acquisition

G2 Consulting Group recently acquired Schleede-Hampton Associates, a firm from Birmingham, Mich., that provides similar geotechnical engineering services to the construction industry. Founded in 1983, Schleede-Hampton will provide G2 Consulting with increased capability to meet its growing book of business while at the same time providing access to important new clients in the automotive and municipal engineering markets.

James Berry, who has managed the Birmingham office for more than 25 years, will remain with G2 and continue to manage and provide engineering services for municipal and private infrastructure projects. The eight-member Schleede-Hampton team will be integrated into G2's Troy offices by the end of the year.

### Award

G2 Consulting, LLC, and members of the I-96 reconstruction team were presented with the Outstanding Civil Engineering Award recently by ASCE.

The award, which was announced at ASCE's annual Michigan Infrastructure Conference, recognized the complex \$150 million project, which was completed last summer in western Wayne County. The seven-mile-long project included redevelopment of 37 bridges, overpasses and their respective on/off ramps. With a 180-day start to finish timetable, it was considered one of the most compressed schedules for a project of its scope. The project was especially noteworthy for its use of e-construction technologies which improved communication, driving efficiencies in both time and costs.

G2's role in the massive project was the design and management of 11 retention wall systems to protect an intricate complex of civil infrastructure beneath the freeway. The infrastructure included a 48-inch diameter water supply pipeline that could not be compromised in any way during the construction. The G2 team designed a wall that provided maximum support of the pipeline while minimizing construction costs and time.

### New Equity Partners

Mark Stapleton: A 30-year veteran of geotechnical engineering, Stapleton joined G2 in 2001. His recent projects include managing engineering of 11 earth retention systems on last year's award-winning I-96 reconstruction project and designing intricate circular and trapezoidal shafts to facilitate construction of tunnels and junction chambers for a Dugway storage tunnel in 2014.

Amy Schneider: Schneider joined G2



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Continued from pg. 35

in 1998 and has worked on projects in private and commercial development, telecomm, wastewater as well as a variety of major infrastructure projects.

### **New Hire**

Trevor I. Woollat: Project manager of the firm's Environmental Services Group. Woollat specializes in real estate due diligence, remediation planning and implementation and brownfield development. His recent experiences include managing negotiations with state regulatory and economic development agencies, local units of government and brownfield redevelopment authorities. Prior to joining G2, Woollat was the brownfield/real estate due diligence team leader at Superior Environmental Corp. in Wixom and a brownfields specialist at Environmental Consulting & Technology, Inc., in Ann Arbor. He earned his bachelor of science degree in geology from West Virginia University and resides in Brighton with his family.

### **New Projects**

G2 is involved with other companies in the construction of a new indoor arena for the Detroit Red Wings.

The new arena will hold over 20,000 spectators, cost \$450 million to construct and feature a unique, glass-roofed concourse connecting it to offices and shops surrounding it. The arena is a key part of the new, \$650 million sports and entertainment district that will include mixed-use neighborhoods with residential and retail outlets.

The ice surface in this eight-story arena will be built 40 feet below street level. Working with Hardman Construction, subcontractor to lead contractor Barton Malow-Hunt-White, G2 is re-

sponsible for design of the earth retention systems for this massive excavation. Because construction is occurring in an urban environment, protection of underground infrastructure is critical, including the foundation of a 14-story historic

hotel, which is currently vacant.

The project is expected to be completed by the start of the 2017 hockey season.

*Continued from pg. 36*



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### Rehires

**Timothy Sullivan, P.E.**, Senior Associate: Sullivan will be responsible to lead project management efforts and provide technical engineering expertise for major wastewater treatment projects. He has 36 years of professional experience as a licensed professional engineer in Michigan. He holds a bachelor's degree in Civil Engineering from Michigan State University and a master's degree in Environmental Engineering from the University of Michigan.



Timothy Sullivan, P.E.

**Jane Graham, AIA**, Associate: Graham will provide architectural and industrial facilities design expertise. She has worked for HRC in various capacities, including serving as architectural department head and industrial facilities design department head.



Jane Graham, AIA

### Award

**Lia Michaels, P.E., PTOE**, is a recipient of the Institute of Transportation Engineers (ITE) 2015 Rising Star Award for the Great Lakes District. Lia, a member of the HRC traffic department, received the award due to her ability to lead the next generation, implement innovative techniques, solve transportation problems, and for making an impact on the transportation profession as a younger member of the Institute. As one of the 10 award recipients, Lia is also being considered for the ITE Young Member of the Year Award.



Lia Michaels, P.E., PTOE

Continued from pg. 37

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### New Hire

**Matt Moore: Service Manager** for the Novi branch. He is responsible for scheduling and completing repairs and maintenance service for heavy equipment, both on-site and in the shop.

Prior to joining Southeastern, Moore was regional service manager with a maintenance equipment company. He currently resides in Clio.



Matt Moore

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*The biggest challenge to the project was finding a shoring system that could go at least 30 feet deep. Fortunately, an Efficiency Production manufactured Slide Rail System fit the bill perfectly.*

# With Help of Efficiency Production Slide Rail System, MITA Contractor Makes Deep Utility Install “Piece of Cake”

By James McRay

Recently, new MITA member contractor Mauldon Brothers Construction LLC Construction was low-bidder to replace an existing lift station for the Township of Meridian, Michigan. The pre-cast wet well was installed along Biber Street between Pollard and Hardy Roads in East Lansing.

The installation of a new pre-cast structure with sewer tie-in was really nothing new for brothers Greg and Steve Mauldon, who have been working in sewer and water utility construction since taking over the family business from their Dad, Glen, in 1996. What definitely was a new wrinkle for them in the Tower Gardens Lift Station project was the depth of the excavation.

“The 8 foot diameter wet well we are installing is 28-feet deep,” explained Greg Mauldon. “Before this, the deepest we’d dug was 22-feet deep, so this was definitely uncharted territory for us.”

The biggest challenge was finding a

shoring system that could go at least 30-feet deep. The excavation was right in the middle of a residential neighborhood so open cut and sloping was not an option. Stacked trench boxes were impractical given the weight and size of the trench shields that would be necessary to withstand the soil pressure at the required depth.

### Local trench shoring manufacturer offers perfect shoring solution

Fortunately for the Mauldon brothers, one of the country’s leading manufacturers of trench shoring equipment and MITA Associate Member—Efficiency Production—is headquartered right in their hometown. After a quick review of Mauldon’s project specs, Tim Hurst, a Shoring Specialist in Efficiency’s Special Operations Shoring Division, was able to design a Slide Rail System that was the perfect shoring solution for Mauldon’s deep dig dilemma.

Efficiency’s Universal Slide Rail is a component shoring system comprised of steel

panels (similar to trench shield sidewalls) and vertical steel posts. The highly versatile system can be used in a variety of configurations. Efficiency’s Slide Rail System can be configured into small four-sided pits; an obstruction-free ClearSpan™ configuration; or in a Multi-Bay™ configuration to install large tanks and structures, or lengths of pipe over 40 feet.

Slide Rail is considered “positive shoring.” It is installed by sliding the panels into integrated rails on the posts, and then pushing the panels and posts incrementally down to grade as the pit is dug; a process commonly referred to as a “dig and push” shoring system.

“That was really important on this project,” explained Hurst. “In addition to being very deep, the excavation was also in a very tight spot, right along a main neighborhood road. “Mauldon couldn’t over cut the excavation at all. The sides of the pit needed to be completely vertical, which is exactly what Slide Rail accomplishes.”



*Mauldon Brothers Construction LLC are brothers Greg (right) and Steve Mauldon, who have been working in sewer and water utility construction since taking over the family business from their Dad, Glen, in 1996.*

### **Deep, tough utility install “Piece of Cake” with Efficiency Slide Rail**

“This was the first time for us using Slide Rail and it worked very well,” said Greg Mauldon. “It was the deepest we’ve gone for an install, and we had heard a lot of good

things about Slide Rail and were excited to use it and see how it performed.”

Mauldon rented direct from Efficiency a 16x16x32 feet deep 4-Sided configured Slide Rail System. The excavation was dug and the system installed with a Deere 550 excavator. Also on site, Mauldon had a CAT 314 mini-excavator, a Deere 544J front-loader and a CAT 228 skid-steer. Dewatering pumps were rented from Patriot Pumps.

Now having used Slide Rail, Mauldon believes it might open up new opportunities for their business. “We may look at a few more lift station projects in the future,” continued Mauldon. “Before, looking at lift station projects, it’s always been, ‘well I don’t know. It’s going to be wet; it’s going to be deep.’ But with Slide Rail this was simple. A piece

of cake.”

In business since 1996, Mauldon Brothers Construction LLC specializes in underground utility such as sewer and water. The new MITA member contractors are based in Mason, Mich., and can be reached at (517) 507-7289.

MITA Associate Member Efficiency Production, “America’s Trench Box Builder™,” provides the widest selection of standard and custom trench shielding and shoring systems. Efficiency’s versatile products are designed specifically for safe and cost effective installation of utility systems and infrastructure improvements. All products are P.E. certified to meet OSHA standards. For more information, visit [www.efficiency-production.com](http://www.efficiency-production.com).

*James McRay is the Director of Marketing & Media for Efficiency Production, Inc. He can be reached at 800-552-8800; [jmcray@efficiencyproduction.com](mailto:jmcray@efficiencyproduction.com).*



*The 8-foot diameter wet well we are installing is 28-feet tall,” explained Greg Mauldon. “Before this, the deepest we’d dug was 22-feet deep, so this was definitely uncharted territory for us.”*

# MEMBER VOICE

Have you seen a turnaround in commercial and residential work, and is this a market that you feel will help the industry continue to rebound now and in the future? Why or why not?

I can't accurately comment on the residential side of things, because we aren't active in that sector. However, yes, I have seen a substantial turnaround in commercial and municipal work over the past 16 months. I'm not sure how this will affect the industry long term. I think that will hinge on state and local government making smart decisions in regards to infrastructure budget. I do think that the industry will continue to strive for at least the next year or two. From what I have heard in talking with municipalities and engineering firms on the west side of the state is that work is being pushed back to 2016 already due to lack of bidder participation. This has been evident over the past couple of months. The workforce is thin at the moment and most of us are doing everything we can to attract a qualified staff and train new hires. But at the end of the day, there are only so many people available and only so much work can be done. So I think work will continue to be pushed back to 2016 and prices will continue to rise.

**Rob Lyttle**  
**West Michigan Dirtworks**

Yes, we have seen a rebound in the Northern Michigan/Straits of Mackinac area economy. This would be for both residential and commercial projects. All area contractors have seen this positive

upswing in the construction industry. Most now have a waiting list for projects to be completed.

**Katie Darrow**  
**Darrow Bros. Excavating, Inc.**

The commercial seems to be about the same as last year (a good year for commercial). The residential is taking off quite well and will likely lead us into our best year in many years. People are spending their money and this is good for the commercial side and will likely lead to new or expanding retail outlets. As the once overbuilt residential sites fill in, this will lead to new development of roads and related infrastructure.

**Tom Gallagher**  
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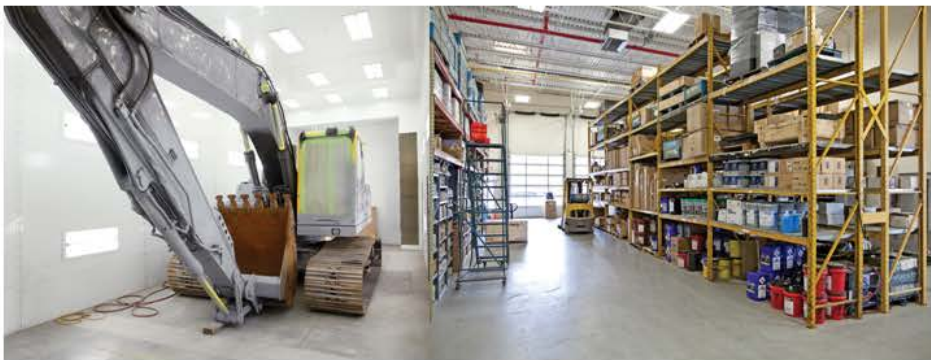
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## Develop Good “Collection Habits”

A System to Enforce Your Rights under Michigan Construction Lien and Payment Bond Laws *By Eric Flessland and Jim Urban, Butzel Long*

*We are what we repeatedly do. Excellence then, is not an act, but a habit.* – Aristotle

MITA members are excellent constructing projects, but some members are not as adept at getting paid for that work. Many in the industry are not taking full advantage of the Michigan Construction Lien and Payment Bond laws to ensure they are fully paid for work performed and material furnished to construction projects. These laws are extremely effective tools, yet they are not self-executing. While we have written and given seminars on this subject in the past, the almost daily conversations we have with those in the industry reveals that many still have not fully adopted procedures to maximize enforcing their rights to be paid for the work they perform. So, folks, it's time for a booster shot. In this article, we are providing a condensed version of the “Collection System Training Session” we have provided in house to many of our contractor clients. As you will see, perfecting

your rights to pursue collection of payment due under the construction lien and bond laws in Michigan does not require you to be trained in the law - - - it just requires you to do the correct thing at the correct time. Setting up and using the following system greatly enhances your ability to consistently do just that.

### Set Up A System

Every system has fundamental components. In this collection system, the four fundamental components to assure success of the system are:

- **Responsibility:** Assign responsibility to one person to implement and complete system procedures - - - the System Manager.
- **Consistency:** Use the system the same way every time, every project.
- **Communication:** Project supervisors must communicate the happening of the key events to the System Manager.

- **Event Driven:** A relatively small number of key events require action and those events drive the system.

We strongly recommend that the company assign one person the responsibility for implementing and completing the notice procedures for each project. This will ensure consistency as a “knowledgeable” person performs the same administrative task. This System Manager should be fully trained to implement this system – an easy yet crucial task. The System Manager should create and maintain a separate Lien/Bond file for each project, in which the manager will place each of the documents noted below. Repeatedly following this system will develop good “collection habits” and improve your bottom line.

### EVENT 1: CONTRACT FORMATION

#### STEP 1: Contract to System Manager

Before the ink dries on the signature page, the

*Continues on pg. 43*



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Project Manager or Estimating/Sales Department should provide the System Manager a copy (or relevant excerpt) of the contract. The Manager should place the copy in the System File created for the new project. The System Manager should then determine if the project is Private Work or Public Works, and follow the steps outline for each type of project.

#### **Private Work Governed by the Michigan Construction Lien Act**

The purpose of the Construction Lien Act (CLA) is to protect the rights of lien claimants to receive payment for labor or materials and to protect Owners from paying twice for such services. The CLA states it is a remedial statute to “be liberally construed to secure the beneficial results, intents, and purposes” of the Act. The CLA provides that substantial compliance with the Act will suffice to establish construction liens. Therefore, you need not be a professional lien service to ensure you are protected. You must, however, meet important milestones.

#### **STEP 2: Obtain a Copy of the Notice of Commencement**

The lien process formally starts with the aptly-named Notice of Commencement. The Owner prepares this document, which compiles all necessary information in one convenient location for subcontractors and suppliers to rely upon to assert their lien rights. The Notice of Commencement will include a legal description of the property to be improved; the name, address, and capacity of the Owner or lessee contracting for the improvement; and the name and address of the general contractor. The Notice of Commencement will also identify a person the Owner appointed to receive all notices required to be served upon the Owner under the CLA (the “Designee”). Any incorrect information in the Notice of Commencement will not adversely affect the rights of a lien claimant as against the property of the Owner or lessee who prepared the notice.

The Owner must record the Notice of Commencement with the Register of Deeds in the county where the construction project is located. The Owner must post a copy of the Notice of Commencement in a conspicuous place on the property during the project work. Last, the Owner is required to supply a copy of the Notice of Commencement within 10 days of receipt of a written request by certified mail. Failing to post the Notice of Commencement will make the Owner liable for the “actual expenses sustained by the lien claimant in obtaining the information otherwise provided by the posting.”

General Contractors: Do Not prepare a Notice of Commencement for the Owner, as you may become entangled in a dispute if the information is incorrect. General Contractors should request the Owner provide a copy of the Notice of Commencement at the time you sign the general contract. You may need the information to record your own Claim of Lien, and may be called upon to provide

a copy to subcontractors or suppliers. Place a copy in the project’s System File.

Subcontractors and Suppliers: Submit a written request for a copy of the Notice of Commencement and blank Notice of Furnishing to the General Contractor and to the Owner. MITA has a sample letter on its website. Place a copy of the letter in the System File for that project.

The Owner will then have ten days to provide a copy of the Notice of Commencement. Should the Owner fail to provide a copy within that period, it extends the time to serve the Notice of Furnishing – the next step in the process. Once you receive the Notice of Commencement, place that document and the envelope in the System File. The envelope may become relevant to establish when you received the Notice.

#### **EVENT 2: FIRST FURNISHING**

When a Subcontractor or Supplier first furnishes labor or material to a project, it triggers an obligation to send a Notice of Furnishing. If there is ever a dispute when you started work, you will want proof of that event. The Project Superintendent should notify the System Manager of the first furnishing date and, after verifying the project is correctly identified, provide a copy of the Foreman’s Daily Report or pertinent Load Ticket to the System Manager. The Manager should place that documentation in the System File.

#### **STEP 3: Send Notice of Furnishing.**

A General Contractor need not serve a Notice of Furnishing, because the Owner knows with whom it has contracted. However, the Owner may be unaware of downstream subcontractors and suppliers, and is “exposed” to potential lien claims from them. The CLA therefore provides a mechanism to alert the Owner to subcontractors and suppliers working on its project – the Notice of Furnishing. If the Owner recorded a Notice of Commencement, then the subcontractor or supplier must serve a Notice of Furnishing on the Designee named in the Notice of Commencement.

Subcontractor or Supplier: The System Manager should prepare a Notice of Furnishing, and serve it by certified mail return receipt requested upon the Designee and to the General Contractor. As a general rule, a Notice of Furnishing must be served by certified mail, return receipt requested, within 20 days of the first day labor or materials are furnished to the project. The Notice of Furnishing alerts the Owner to the need to ensure that the funds it pays to the General Contractor make their way downstream to subcontractors and suppliers.

Missed the 20-day deadline? If you do not serve the Notice of Furnishing within that 20-day period, all is not lost. The failure of a lien claimant to provide the Notice of Furnishing within the required time period is not fatal to the ability of the claimant to assert a lien. You will remain entitled to assert a Claim of Lien for any labor or materials

provided after the untimely Notice of Furnishing. You will also be entitled to recover for labor or material supplied prior to supplying the Notice of Furnishing except if the Owner made payments “pursuant to either a contractor’s sworn statement or a waiver of lien . . . for work performed or material delivered by the lien claimant.” Bottom line: Get the forms off of MITA’s website, and send them in to the Owner and/or its Designee and to General Contractor.

#### **STEP 4: Prepare a Proof of Service of Notice of Furnishing.**

The System Manager must prepare a Proof of Service, and place it in the System File. This statutorily required document will be recorded with the Claim of Lien, if necessary, to establish the Notice of Furnishing was timely mailed. When the certified mail “green cards” are received, attaché those to the Proof of Service in the System File to further demonstrate timely service of the Notice of Furnishing.

#### **EVENT 3: LAST FURNISHING**

Timing is crucial for protecting lien rights. A lien claimant must know two crucial factors to perfect a Construction Lien claim: (1) the deadline for recording a Claim of Lien; and (2) calculating when the clock begins to run for the recording the Construction Lien.

You must record a Claim of Lien with the register of deeds for the county where the property is located within 90 days of providing the last labor or material to the property. The requirement to record the Claim of Lien within 90 days of the last work is strictly enforced. Miss that deadline and your lien is invalid. Our Court of Appeals once asked in an opinion affirming the rejection of the claimant’s lien, “What part of 90 days do you not understand?” Therefore it is important to understand what work qualifies to extend the recording deadline. A good benchmark is whether you will be paid for the work. If so, then the 90-day clock has not begun to run until that work is completed. For instance, the 90-day period will likely include final clean-up and demobilization. In contrast, warranty work will not constitute “contract work” and will not extend the 90-day deadline.

#### **STEP 5: Proof of Last Furnishing**

The Project Superintendent should notify the System Manager of the last furnishing date and, after verifying the project is correctly identified, provide a copy of the Foreman’s Daily Report or applicable Load Ticket to the System Manager. The System Manager should save the Daily Report or Load Ticket in the System File. The System Manager should then record two calendar entries: (a) a 10 day warning entry 80 days from the last date of furnishing; and (b) Lien recording deadline 90 days from the last date of furnishing.

#### **EVENT 4: NONPAYMENT**

On the 80th day after the last date of furnishing, the System Manager should verify the contract balance due,

*Continues on pg. 44*

including undisputed and disputed extras (noting separately those amounts) and insert the final account balance in the System File.

## STEP 6:

### PREPARE CLAIM OF LIEN

**General Contractor:** The System Manager should prepare a Claim of Lien in recordable form. Again, the form is available on the MITA website.

**Subcontractor or Supplier:** The System Manager prepares the Claim of Lien in the same manner, but must also attach a copy of the Notice of Furnishing and the Proof of Service of Notice of Furnishing.

The Claim of Lien will include the name and address of the claimant, the contract price, the identity of the Owner of the property, the first and last dates of supplying labor and material, and a legal description of the property that was improved. A subcontractor or supplier must include a Proof of Service of a Notice of Furnishing with its Claim of Lien. When you fill out the Claim of Lien form, simply copy onto the form the relevant information from the Notice of Commencement. If the legal description is long, rather than retype it and risk making a mistake, insert "see attached" in the applicable space and attach the legal description accompanying the Notice of Commencement or the actual Notice of Commencement form. You are entitled to rely upon the accuracy of that information. Note, however, if you fail to provide all the required information, the clerk at the Register of Deeds office might reject the form and refuse to record it. This could prove fatal if the System Manager waits until the 90th day to record the claim of Lien, and there is insufficient time to correct the document. The form on MITA's website has blanks in the appropriate locations for the required information.

You will also need to include the amount your claim is owed. This amount must be accurate. If an excessive amount is claimed in bad faith, the Claim of Lien will be invalid and unenforceable in its entirety. A lien claimant would act in bad faith, for example, where the lien includes amounts for labor or materials that were not furnished or wholly speculative claims for extra work. A claimant who records and/or pursues an invalid lien may be responsible for attorney fees the Owner incurs to discharge it.

So what may properly be included in the lien amount? A General Contractor should include in its lien the amounts that are legitimately due, outstanding and owing under its contract. The fact this claimed amount may include monies then due and payable to a subcontractor does not affect the validity of the General Contractor's lien. Further, a lien claimant may include amounts over which there is a good faith dispute if they were earned and due, such as contested claims for extra work. Where there is a good faith dispute as to the amount owed, you may assert entitlement to the entire amount claimed and the court will ultimately reduce the lien by any amounts that are determined not owing. In this situation, we suggest it would be prudent to use the form MITA has provided, and itemize and explain the basis for the amount claimed. Moreover, include a statement as to any amounts disputed by the Owner. This will help avoid a later determination that the lien was artificially inflated and recorded in bad faith.

### STEP 7: RECORD AND SERVE THE CLAIM OF LIEN

Within 90 days of last furnishing, record the Claim of Lien with the Register of Deeds in the county where the construction project is located.

### STEP 8: SERVE THE CLAIM OF LIEN AND

#### PREPARE PROOF OF SERVICE

Serve a copy of the Claim of Lien, with all attachments, upon the Designee by certified mail, return receipt requested, within 15 days of recording the Lien.

The System Manager must prepare a Proof of Service of Claim of Lien, and place that completed form together with the complete copy of the Claim of Lien and service letter into the System File. Once the post office returns the certified mail "green cards," attach those to the Proof of Service in the System File.

### STEP 9: CALENDAR

## ENTRIES

Construction Liens are valid for 1 year from the date of recording. Once you record the lien, we suggest the System Manager make two calendar entries:

- 30-day warning entry notation 11 months from that date to Claim of Lien was recorded; and
- Lien expiration date 1 year after the date of recording.

The System Manager should verify at the 11th month from recording that full payment has been made. If full payment has not been received, provide copies of the Claim of Lien documents to your attorney with instructions to commence foreclosure by the one-year deadline. It will be a simple task to hand your attorney those documents contained in your System File if you've followed this system.

Developing and following this system will result in:

- A perfected lien claim;
- Payment security provided under the Michigan Construction Lien Act;
- Statutorily authorized recovery of attorney fees and costs in a foreclosure/collection action;
- Reduction in the cost of commencing the foreclosure action;
- Improvement in company profitability; and
- Fewer sleepless nights.

### Asserting Payment Bond Claims on Public Works projects

Improvements to "public property" are not covered under the Construction Lien Act. You may not record a lien against a publicly owned property or State highway. Unlike commercial projects on private property, General Contractors are afforded no protections against non-payment on public works projects. However, statutes provide a measure of security to subcontractors and suppliers. State law requires that a general contractor performing work on a public works project provide the Owner with performance and payment bonds, and provides a claims procedure against the payment bond to safeguard against bad debt loss. Note, however, the claims procedures differ on State Highway projects and all other general public works projects. MITA has provided forms and a simple "what to do when" checklist for subcontractors and suppliers on both types of projects. Using these tools will often go a long way to protecting both subcontractors' and suppliers' profit and loss statements.

### NON-MDOT PUBLIC WORKS PROJECTS:

#### EVENT 1: CONTRACT FORMATION

##### STEP 1: Contract to System Manager

Just as for Private Works Projects, the Project Manager or Estimating/Sales Department should provide the System Manager a copy (or relevant excerpt) of the contract, who should place the copy in the System File created for the new project.

##### STEP 2: Obtain a Copy of the Payment Bond

*Continues on pg. 45*

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When you are subcontractor or supplier on a public works project, the System Manager must first obtain a copy of the payment bond. Send the Owner a certified letter, return receipt requested, asking the Owner to provide a certified copy of the Payment Bond that the General Contractor furnished for the Project. Upon receipt of the bond, verify the surety is authorized to do business in Michigan to ensure the bond is legitimate. Place the valid bond in the System File.

## EVENT 2: FIRST FURNISHING TO PUBLIC WORKS PROJECT

### STEP 3: Notice of Furnishing

First-tier subcontractor or supplier: If you are a first-tier subcontractor or supplier with a contract directly with the Principal Contractor (i.e., the contractor furnishing the Payment Bond to the Governmental Owner), then you need not send a Notice of Furnishing. The Principal Contractor knows who you are and the work you are doing or the materials you are providing.

Second-tier subcontractor or supplier: If you are a subcontractor or supplier who does not have a contract with the Principal Contractor, you must timely serve a Notice of Furnishing with 30 days of first furnish labor or materials to the Project.

Within those first 30 days, the System Manager must prepare a Notice of Furnishing and send it by Certified Mail, Return Receipt Requested, to the Principal Contractor and 2 additional copies to the Owner. No particular form is required. A sample letter on MITA's website is sufficient.

NOTE: if the System Manager fails to send full and timely Notice of Furnishing to the Owner, it is fatal to your claim. Unlike the Construction Lien Act, there is no "savings" clause in the bond statute.

The System Manager should prepare a Proof of Service of Notice of Furnishing and place the original Proof of Service, with a copy of the Notice of Furnishing, and the Daily Report or Load Ticket in the System File. Upon receipt, the System Manager should attach the certified mail return receipt "green card" to the Proof of Service of Notice of Furnishing in the System File.

### EVENT 3: LAST FURNISHING

#### Step 4: Verify last day of furnishing

The Project Superintendent should notify the System Manager of the last furnishing date and, after verifying the project is correctly identified, provide a copy of the Foreman's Daily Report or applicable Load Ticket to the System Manager. The System Manager should save the Daily Report or Load Ticket in the System File, and make two calendar entries: (a) 10-day warning entry 80 days from the last date of furnishing, and; (b) bond claim submittal deadline 90 days from the last date of furnishing.

## EVENT 4: NONPAYMENT

### Step 5: Verify contract balance

On the 80th day after last furnishing, the System Manager should verify the outstanding contract account balance

inclusive of contractually specified interest, finance or time-price differential charges and unresolved additional compensation claims, and insert a detailed outstanding account statement into the System File.

Step 6: Prepare and Serve Notice of Intent to Rely upon Payment Bond

Within 90 days following last date of furnishing, the System Manager should serve a Notice of Intent to

Rely upon the Payment Bond for Payment. Again, no particular form is required, and we suggest you use the sample letter on MITA's web page. Itemize in that claim letter the outstanding balance, including retainage; accrued interest, finance or time-price differential charges authorized by contract; and unresolved claims asserted in good faith.

Serve the Notice of Intent to Rely on the Payment  
*Continues on pg. 46*

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Bond upon the Principal Contractor and 2 additional copies upon the Governmental Owner via Certified Mail, Return Receipt Requested.

The System Manager must also prepare a Proof of Service of Notice of Intent to Rely upon the Payment Bond. Place a copy of the Notice of Intent to Rely upon Payment bond and a copy of the Proof of Service in the System File. Attach the "green cards" to the Proof of Service in the System File upon their receipt. Follow these steps and you have perfected a claim against the payment bond.

#### **STEP 7: Monitor Final Payment to the Principal Contractor**

The System Manager should monitor the status of final payment to the Principal Contractor by the Governmental Owner monthly and document the date of final payment to the Principal Contractor. That payment triggers the time within which to sue. Once the System Manager determines when Final Payment was made, the Manager should make two calendar entries: a 30-day warning at the 11th month following the date of final payment to the Principal Contractor; and (b) Expiration of limitations period for commencing a lawsuit against the payment bond at 1 year following the date of final payment.

#### **STEP 8: Company Decision to Commence Collection Action**

You have one year from the date of Final Payment to the Principal Contractor to sue the payment bond surety to collect the amount due. Miss that deadline and your bond claim is unenforceable. If the company decides to sue for collection of the amount due, the System Manager should verify the current status of the contract account and amount outstanding inclusive of retention, interest, finance, or time-price differential charges authorized by the contract, and any unresolved claims. The System Manager can then easily copy and send the System File to the company attorney with instructions to commence action upon the Payment Bond by the statute of limitations deadline.

#### **MDOT PUBLIC WORKS PROJECTS**

Unlike Non-MDOT Public Works Projects, no Notice of Furnishing is required, regardless of subcontract tier. While this "streamlined" process makes claims easier to assert against these types of payment bonds, it also creates greater risks for the Principal Contractor of having to pay twice for the same work because the Principal Contractor may be unaware of lower-tier subcontractors and suppliers and be unable to ensure payment flows down to them. Principal Contractors should take appropriate measures to monitor payments downstream to avoid those risks.

#### **EVENT 1: CONTRACT FORMATION**

##### **STEP 1: Contract to System Manager**

Just as on the other projects, the Project Manager or Estimating/Sales Department should provide the System Manager a copy (or relevant excerpt) of the contract, who

should place the copy in the System File created for the new project.

##### **STEP 2: Obtain a Copy of the Payment Bond**

The System Manager must first obtain a copy of the payment bond. Send MDOT a certified letter, return receipt requested, to MDOT Contracts Section asking it to provide a certified copy of the Payment Bond that the General Contractor furnished for the Project.

Prepare a Proof of Service requesting copy of bond, and place it in the System File with a copy of the requesting letter. Upon receipt of the "green cards," attach them to the Proof of Service.

Upon receipt of the bond, the System Manager should verify the surety is authorized to do business in Michigan to ensure the bond is legitimate. The System Manager should also confirm whether the Payment Bond contains the typical "MDOT Endorsement." Place the valid bond in the System File.

#### **EVENT 2: LAST FURNISHING**

Step 4: Verify last day of furnishing

The Project Superintendent should notify the System Manager of the last furnishing date and, after verifying the project is correctly identified, provide a copy of the Foreman's Daily Report or applicable Load Ticket to the System Manager. The System Manager should save the Daily Report or Load Ticket in the System File.

Most MDOT contracts will contain the typical "MDOT Endorsement" that extends the time for filing a "Notice of Lien" upon the payment bond.

- MDOT Endorsement For Subcontractors: The Endorsement extends the deadline for sending the "Notice of Lien" to 60 days after the MDOT posts the notice of final payment or makes the final payment.
- MDOT Endorsement For Suppliers: The Endorsement extends the deadline for sending the "Notice of Lien" to 120 days after the materials are last furnished.

Suppliers' System Manager should make calendar entries on the 110 and 120 days after last furnishing materials, warning of the impending and actual deadlines similar to those noted in the previous sections. The System Manager for Subcontractors should monitor MDOT website to determine when Final Payment was made, and make calendar entries consistent with the deadlines under the MDOT Endorsement.

##### **STEP 5: Prepare and Serve Notice of Lien**

Within the time limits noted above, the System Manager should prepare a "Notice of Lien" on the MDOT form, and serve 2 copies upon the MDOT Financial Services Division by Certified Mail, Return Receipt Requested. You may find that form on the MITA website. On that form, the System Manager should identify the outstanding balance on the contract, including retainage; accrued interest, finance or time-price differential charges authorized by contract; and unresolved claims asserted in good faith. The

System Manager should also prepare a Proof of Service of Notice of Lien, and place copies of both in the System File. Upon receipt of the "green cards," attach them to the Proof of Service.

##### **STEP 6: Company Decision to Commence Collection Action**

The System Manager should document the date of Project Completion and Acceptance, and Issuance of Final Estimate to Principal Contractor because the MDOT Endorsement extends the time for filing Notice of Lien, but does not modify the statute of limitations. You have one year from Project Completion and Acceptance to sue on the payment bond. The System Manager should calendar two entries: (a) 30-day warning at the 11th month following the date of Project Completion and Acceptance; and (b) Expiration of limitations period for suing the payment bond surety at 1-year following the date of Project Completion and Acceptance.

NOTE: sometimes, the lawsuit must be filed before the time expires under the MDOT Endorsement to send Notice of Lien. Watch the dates!

#### **CONCLUSION**

Paraphrasing Aristotle, your company can excel at collections provided you repeatedly employ good processes available to ensure you get paid. Adhere to this system. Make it instinctive to act at each noted event. Use the MITA-furnished forms and the checklist that follows this article. Use this system and you will go a long way to protecting your company from suffering bad debt losses that otherwise could easily have been avoided.

#### **Contact Information:**

Eric J. Flessland  
flessland@butzel.com  
313-983-6901

James J. Urban  
urban@butzel.com  
517-372-4385

#### **CLAIMS FILE CHECKLIST**

1. Copy of Contract or relevant excerpts.
2. Certified Mail Request for Notice of Commencement with receipt.
3. Notice of Commencement.
4. If no Notice of Commencement, copy of legal description and identity of record Owner from County records.
5. Daily Report or Load Ticket for First Furnishing.
6. Notice of Furnishing and Transmittal Letter.
7. Proof of Service of Notice of Furnishing and receipt from Certified Mail.
8. Daily Report or Load Ticket for Last Furnishing.
9. Contract Account Ledger verifying balance due.
10. Claim of Lien and Transmittal Letter.
11. Proof of Service of Claim of Lien.
12. Sworn Statement.

# Productivity in Construction

Implemented in 2012; the Michigan Laborers' Training and Apprenticeship Institute has developed a Laborers' Productivity Training Course. In today's competitive environment it is critical that the highest level of productivity be achieved in all aspects of a project. The Michigan Construction Laborers' Union recognizes this need and is leading the way to a more productive workforce by including this training in our Apprenticeship Program and offering the class to our Journeymen as a skills enhancement course.



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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# MICHIGAN INFRASTRUCTURE & TRANSPORTATION ASSOCIATION

# 2015 Calendar of Events

## SEPTEMBER

- 22 MITA BOARD MEETING**  
Country Club of Lansing,  
Lansing — 8:00 a.m.



## DECEMBER

- 11 MITA BOARD MEETING**  
Country Club of Lansing,  
Lansing — 8:00 a.m.
- 11 CENTRAL MI HOLIDAY PARTY**  
Country Club of Lansing, Lansing  
11:30 a.m. - 1:30 p.m.
- 15 WESTERN MI HOLIDAY PARTY**  
Location TBD  
11:30 a.m. - 1:30 p.m.
- 16 SOUTHEASTERN MI HOLIDAY PARTY**  
Location TBD  
11:30 a.m. - 1:30 p.m.

*All dates are subject to change and additional events may not be added. Please check out the electronic calendar regularly at [www.mi-ita.com](http://www.mi-ita.com) for updates.*



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**Eric Flessland**  
P: 313-983-6901  
C: 734-778-1964  
[flessland@butzel.com](mailto:flessland@butzel.com)

**Jim Urban**  
P: 517-372-4385  
C: 517-930-4185  
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## MITA Staff Members Receive Honors

**W**e are proud to announce that Lance Binoniemi, MITA's vice president of government relations; and Matt McClintick, MITA's director of safety and workforce development, were recently recognized for their contributions to the association industry.

Lance was named a top association lobbyist in a biennial survey conducted by the Michigan News and Information Service (MIRS) and tabulated by EPIC-MRA.

Lance was among lobbyists who received a "most effective" rating.

Matt was named a 2015 Rising Leader by the Michigan Society of Association Executives (MSAE). MSAE picks 15 winners each year who exemplify the leadership necessary to succeed in the association world. MSAE's Rising Leaders are under the age of 35 or within their first five years working in the association or hospitality industries.

MITA is proud to have the hard work of Lance and Matt recognized by others. Congratulations to Lance and Matt!

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