

SUMMER 2021

# CROSS SECTION

CONGRATULATIONS  
**GLENN  
BUKOSKI, PE**  
ON YOUR RETIREMENT  
PAGE 29



Michigan Infrastructure & Transportation Association

MITA, Michigan Infrastructure & Transportation Association  
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## On The Cover

Fort Wayne, Indiana  
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2018  
Photo Courtesy of  
Dunigan Bros, Inc.



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**Thanks  
for the  
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Glenn.**

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## NEW MITA MEMBERS

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Construction  
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### New Associate Members

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For Cross-Section Magazine advertising or editorial inquiries, contact Nancy Brown at 517-347-8336 or email her at [nancybrown@thinkmita.org](mailto:nancybrown@thinkmita.org).

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Michigan Infrastructure & Transportation Association



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This edition of "Cross-Section Magazine" is devoted to saying goodbye to Glenn Bukoski, P.E., our Vice President of Engineering Services, who is retiring at the end

## Executive Vice President

of the year after devoting nearly 50 years to the industry. From his humble beginnings as a student technician with MDOT, to his current position, Glenn has always exhibited patience and professionalism. For details about Glenn's career, check out the special section that begins on page 29 and includes photos, testimonials and ads. Rachele VanDeventer, P.E., Vice President of Industry Relations, says goodbye to Glenn in her article on page 26, which is aptly titled: "MITA's Great Guy, Glenn Bukoski, P.E., to Retire." Needless to say, Glenn is going to be missed by everyone at MITA, and we wish him all the best in his retirement.

The show must go on, and after a challenging year, MITA's popular networking events are back. Rob Coppersmith, Vice President of Membership Services, offers all the details in his article on page 8. As of the writing of this article, all three MITA Golf Outings are sold-out, and the MITA Summer Conference is well on its way to being a capacity crowd. If you missed these events, check out the MITA Events Calendar on page 59 for more opportunities to take a break from the hectic construction season.

Have a prosperous year, and we hope to see you at a MITA event sometime this year. **CS**

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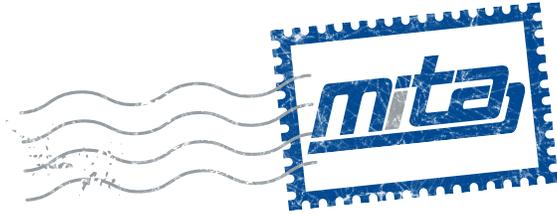
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Dear Rob:

I wanted to let you know how pleased we were with the Safety Meeting that Greg presented for our employees Wednesday morning. It was to the point and very beneficial. I think that Greg is going to be a great asset to all of our MITA members.

Steve Jackson  
Jackson-Merkey Contractors, Inc.

*C & D Hughes, Inc. and the family of David H. Hughes would like to thank everyone for their thoughts and prayers during this difficult time. Our family truly appreciates the visits, flowers, donations, cards, and kind words. We are overcome by the support of the industry and tributes to David that continue to be of great comfort to us in our time of sorrow.*

*Cheryl Hughes  
and Family*



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It's been a long time coming but barring any unforeseen circumstances MITA Events are back in the saddle! The release of the golf information in early spring resulted in all three outings being sold out in just a few short weeks! The MITA Summer Conference at The Grand Hotel on Mackinac Island experienced a similar level of interest and at the time of writing this we believe the event to have record numbers. The purpose of this article, however, is to update you on two major events that are just around the corner -- The MITA Wild Game Dinner and Scholarship Fundraiser and the MITA Annual Conference.

There is no argument that the lack of workforce in our industry is currently at a horrifically low level and the need will continue into the foreseeable future. This issue is not confined to the field but is impacting the industry at all levels of positions. The MITA Wild Game Dinner is an opportunity to build a scholarship fund that can provide some meaningful dollars to prospective candidates considering the heavy construction industry. The event has boasted attendance numbers of over 500 in the past. If our current demand for entertainment

## BACK IN THE SADDLE

is any indication, we should have an incredible evening. The event will be held at the Palazzo Grande in Shelby Township on Thursday, September 23 with a similar format to years past. As a MITA member reading this the ask is simple: please support the event in any way possible! A monetary donation towards auction items is always appreciated. A donation of tickets or other event related items is nice, or just supporting the event via the purchase of tickets and tables for the event. MITA sincerely thanks all of you that have supported this event in the past. For those of you who have already stepped up for the impending event, your unwavering support will be recognized the night of the event. If you'd like to book a table, please contact Danielle and she will be happy to get your organization registered.

MITA did a fine job of dealing the hand we were dealt concerning our Annual Conference via ZOOM sessions. The fact of the matter is that this event relies heavily on personal interaction. The digital world we live

in does not provide the face to face opportunities that this event does. The good news is that Soaring Eagle during the downtime that Covid provided was able to completely renovate all their guest rooms while we were gone! Many other changes are also being made or considered. First, there will be many more non-smoking rooms available, in fact it will probably be difficult to get a smoking room, thus flip flopping past experiences. It is highly possible that the main floor of the casino will also be non-smoking, with room off the main casino floor for those of you that might prefer to partake while gambling. The event will be kicked off on Tuesday, January 18 with a Miss Dig all day session followed by the MITA event Wednesday through Friday the 21st. MITA is looking forward to bringing the industry together for what is always the biggest gathering of the year! Please watch your emails for more specific information and registration information in late October or early November. **cs**



Newly remodeled guest rooms will be available during MITA's Annual Conference January 18-21, 2022 at The Soaring Eagle Casino and Resort.



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## The Dunigan Story

Carrying on the deep family legacy of Dunigan Bros., Inc., might seem like a heavy lift, but the current management makes it look easy from their office in Jackson, Mich.

Having weathered the depth of the COVID crisis in 2020-2021, the company is carrying on into their 76th year of doing business. They had to forgo celebrating their 75th anniversary in 2020 because of the crisis; and, it would have been a huge celebration, said Company President and MITA Board President Patrick Dunigan, Sr. But the crisis did not slow down their workload.

"Last year, our jobs included a unique one for the City of Lansing and Board of Water and Light, which was a sewer siphon and watermain under the Grand River," said Patrick Sr. "It was an open cut project across the river."

His son, Patrick Dunigan, Jr., chief estimator and project manager, seamlessly added that they sheeted across the river and built a dam in order to complete the work. Father and son make the complex work that they perform, with 35-40 full-time employees, sound easy and enjoyable, even with inevitable challenges.

"Competition at bid time is high, as

more guys get into the field and grow their business," said Patrick Jr., who is a recent graduate of MITA's Future Leader Development Program. "We chase large volume pipe jobs, and also normal city street and utility work. This year, one of our large volume jobs involves a reconstruct of city utilities and streets in a large section of city neighborhoods in Brighton. We are also performing the same type of work in Saline and Jackson, in addition to a box culvert project for MDOT."

His Dad adds that in addition to MDOT jobs, they perform city and county work, but very few private projects. (Father and son are a good team as you can see.) They are joined

# Dunigan

BROS. INC.  
JACKSON, MICH.

## Dunigan Bros., Inc.

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

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#### Steve Dunigan

Safety and Maintenance  
Director

#### Dustin Dunigan

Superintendent

#### Drake Dunigan

Foreman

#### Members of MITA

**Since 1946** when the former  
*Associated Underground  
Contractors* was founded.

### SPECIALTIES

- Demolition
- Excavation, Earthwork,  
Site Development, Land  
Clearing
- Wastewater, Pump  
Stations
- Water and Sewer



Joe Dunigan, Sr., was one of the founders of Dunigan Bros., Inc., and also a founding member of Associated Underground Contractors (AUC). He received this honorary manhole from AUC to recognize his service to the association as board president. AUC merged with the Michigan Road Builders in 2005 to form MITA.

by other Dunigan family members who help make the company successful. Steve Dunigan, Pat Sr.'s brother, is safety and maintenance director; Drake Dunigan, Pat Sr.'s son, is a foreman; and Dustin Dunigan, superintendent, is the son of Patrick Sr.'s brother, Charlie Dunigan, who like his other brothers, Dan and Tim, is happily retired. As is his other brother Joe Dunigan, Jr.

Speaking of family: Patrick Sr. said he is looking forward to MITA's family event of the year, the Summer Conference at the Grand Hotel on Mackinac Island in July. He misses MITA's in person networking events, which give him a change to rub elbows with other contractors and suppliers.

"Being a member of MITA is important because of these events,

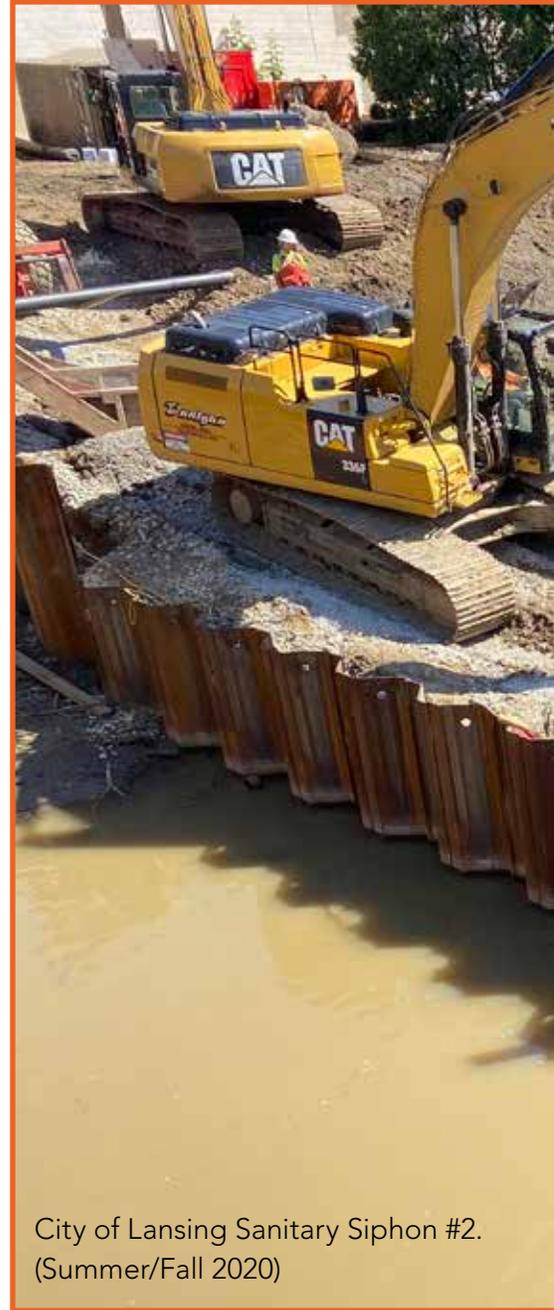
## HISTORY

Dunigan Bros, Inc., of Jackson, Mich., is a family-owned-and-operated heavy civil contractor that has served the water and wastewater industry since 1945. Brothers Joe, Charlie and Bill Dunigan banded together and performed small jobs, such as digging basements and sewers, and unloading steel for Jackson Drop Forge. The company also performed several demolitions, including many of the buildings razed in downtown Jackson. Since then, the company has grown into one of the premier water and wastewater contractors in Michigan, Indiana and Northern Ohio.

Joe Dunigan, Sr., remained at the helm of the company for 50 years until retiring in 1986. He and his brothers were founding members in 1946 of Associated Underground Contractors (AUC) in Michigan, which merged in 2005 with the Michigan Road Builders Association to become MITA. He served as board president of AUC in 1982, and his son, Joe Dunigan, Jr., was president in 1992. Today, his youngest son, Patrick Dunigan, Sr., serves as president of MITA.

Today, the sons of Joe Dunigan, Sr., along with some of their own sons, are still actively involved in the daily operation and management of the business. They have also carried on Joe's legacy of generosity to the community, especially the Catholic community in Jackson. This second and third generation of the Dunigan family has narrowed the focus from the broad range of heavy civil construction provided throughout the mid to late 1900's. While they still provide street construction, demolition, and site work services, their primary focus is now on underground sewer and water pipe construction services. These include pressure water and sewer piping, gravity sewers, and pumping station construction.

Their extensive experience and knowledge of the underground construction industry and other heavy civil construction work has allowed them to become one of the leading underground contractors in the Midwest. They have completed some of the most complicated projects, from water transmission mains, water distribution systems, combined sewer separation projects, and complete new gravity sewer systems. Their experience includes complex underground projects requiring specialty pipe products, deep excavations, cast in place structures, river siphons, specialty shoring and ground water management.



City of Lansing Sanitary Siphon #2.  
(Summer/Fall 2020)

and the political access, safety training, MIOSHA appeals service and a wide variety of other services," said Patrick Sr. "I enjoy the gatherings, and we are already signed up for summer conference and looking forward to the annual conference in January."

Besides being active MITA Members, and chasing large pipe jobs in Michigan south of the bridge and in Indiana, father and son enjoy flying their planes, which they sometimes

do to meet other MITA members for breakfast, such as Kalin Construction, Co., Director of Operations J.W. Kalin, in Sodus, Mich. Patrick Jr. and his wife, Kelsey, are also busy parents to two young children, three-year-old daughter, Magnolia; and nine-month-old son, Douglas. Patrick Sr. and his wife, Lucy, are proud parents of not only Patrick Jr., and Drake, but they also have a daughter Lauren, who works outside the company in Fenton.

So, by now you probably understand why that 75th anniversary party would have been huge! The Dunigan family tree is even more extensive, because Joe Dunigan Sr. and his wife, Mayme, had 12 children (seven boys and five girls), but we won't go there for this story.

Instead, we will wish Dunigan Bros., Inc. a happy 76th anniversary and many more years of success and massive family reunions. **CS**



McDevitt Reconstruction  
in Jackson, Mich.  
(Spring/Summer 2020)  
Watermain, storm sewer,  
and complete road  
reconstruction.



This photo was taken during the 2019 Levi's Link Run at Mid Michigan Materials Wilson Pit.

*Since 1962, Mid Michigan Materials has been providing quality products and exceptional customer service when it comes to producing, manufacturing and selling aggregate products.*

# MID MICHIGAN MATERIALS



"2020 was very busy year for us in spite of everything that continues to affect us with COVID-19," said Rob, who serves as company vice president. "We are fortunate and have kept employees safe through a collaborative effort of our entire team. We continue to see this as a change, not a challenge. We navigated through a unique season in 2020 by remaining nimble, all while planning ahead to meet the 2021 season's predicted demand."

Mid Michigan Materials sells natural sand and gravel at pits in Brown City, Jeddo, and at their newest location in Ann Arbor. Their pit in Ruby sells MDOT Class 2A Sand, Class 3 and topsoil.

"I am proud to be the fourth generation in this family business," said Rob, about the business which is still separately held after joining the Ajax Paving and

## Mid Michigan Materials

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**Members of MITA  
Since 2005**

### PIT LOCATIONS

Bechtel Pit – Brown City, MI

Burgess Pit – Ruby, MI

Vella Pit – Ann Arbor, MI

Wilson Pit – Jeddo, MI

### SPECIALTIES

- Aggregates
- Stones
- Sand
- Gravel

Twin dewatering screens as part of the updated wash plant in Jeddo.



## HISTORY

Mid Michigan Materials, Inc., was founded in 1962 by Vern Molesworth, Ted Molesworth and William L. Wilson. Immediately the company established itself as a leader in the industry, providing quality products and exceptional customer service in Michigan's Blue Water area and surrounding markets. The company provided washed products to redi-mix producers and other specialty materials used in building projects.

In the late 1980s the company broadened its product offerings and expanded into the dense graded market and then later into producing products for hot mix asphalt.

Mid Michigan Materials is currently led by the third and fourth generation of the Wilson family. Jeff Wilson acts as the company's president and his son, Rob Wilson, serves as vice president. The company continues to be recognized for excellence in the aggregate industry and has expanded from one to four locations to best serve its customers throughout the Blue Water and metropolitan Detroit areas.

Dan's Excavating family of businesses in 2016. "My grandfather, great uncle, and great grandfather came before me in the business and my Dad is still active. Everything I have ever known is this business, and I truly enjoy coming to work."

Rob said the company has been fortunate since joining the larger enterprise in 2016, as they were able to acquire the Bechtel Pit in Brown City from the Bechtel family, and the Burgess Pit in Ruby from the Burgess

family. Most recently, in 2020, they acquired Washtenaw Sand & Gravel in Ann Arbor from the Vella family, which is now aptly named the Vella Pit.

"What makes us different from other companies is that we have become big enough to be considered big," Rob said, "but we are still a small enough company to offer that personal touch to customer service. We are larger than we once were, but we are still a family company. This also allows us the ability to partner with the communities

that we are a part of."

Mid Michigan Materials is a huge supporter to many local causes, including hosting the Levi's Link Run each year to fund the Levi's Link Special Needs Hospital Program at McLaren Port Huron, as well as providing the sand for the nationally recognized Blue Water SandFest each summer, which draws sand sculptors from around the world and spectators from the United States and Canada.

Being a member of MITA, he

said, helps because “it gives us an exceptional opportunity to connect with our customers and engage with our industry. It also provides unique training and conference opportunities for our employees, as well as the ability to remain connected to the government affairs issues that impact our industry.

With all the challenges that 2020 brought to the construction industry, Rob added, “we have been fortunate to make significant investments in the company, including replacing our wash plant at our Wilson Pit and purchasing a new plant at our recently acquired Vella Pit operation. All of these investments will help us address the growing demand of natural aggregates in southeast Michigan.” **CS**



From left to right: Rob Wilson, Vice President of Mid Michigan Materials and Jeff Wilson, President.

New Telescopic Stacking Conveyor for 2NS as part of the complete new KPI Plant at Vella Pit.



## 2021 MITA SCHOLARSHIP FUND RECIPIENTS

Established in 2016, this is the sixth year in a row that MITA has offered scholarships to individuals looking to pursue a career in the heavy/highway construction industry. Several applicants submitted their information for consideration for the 2021-2022 academic year, all of whom were great candidates. After careful consideration, the MITA Scholarship Committee and the MITA Board of Directors is pleased to announce this year's MITA Scholarship Fund recipients.



**Donovan Awrow**  
University of Michigan  
BS in Civil Engineering



**Joe Bertolini**  
Michigan State University  
BS in Construction Management



**Austin DeBuck**  
Oakland University  
BS in General Management



**Luke Gillette**  
Ferris State University  
BS in Construction Management



**Justin Stark**  
(Dave Fons Scholarship Recipient)  
Michigan State University  
BS in Civil Engineering



**Alyssa Henry**  
Ferris State University  
BS in Construction Management



**Gabriel Johnson**  
Northern Michigan University  
BS in Construction Management



**Lucia Mancini**  
University of Michigan  
BS in Electrical Engineering



**Mackenzie Miller**  
Ferris State University  
BS in Civil Engineering



**Ethan Rozanski**  
Lawrence Technological University  
BS in Construction Engineering  
Technologies



**Colton TerBeek**  
Michigan State University  
BS in Construction  
Management



**Curtis Vogel**  
Ferris State University  
BS in Construction Management



Glenn Bukoski, P.E.

To contact Glenn Bukoski, email him at [glennbukoski@thinkmita.org](mailto:glennbukoski@thinkmita.org) or call the MITA office at 517-347-8336.

After a couple of years of contemplating, deciding, undecided, and then more contemplating, I have decided that I am now ready, and will retire on December 31, 2021, to start the next chapter of my life. When Mike Nystrom announced my retirement decision at the April, Board of Directors meeting, a huge wave of emotion overcame me as I tried say a few words to our board. Thinking back to that day and the announcement, I have come to understand my emotion in that moment as I realized it was the first time I was publicly admitting that I was voluntarily ending my career, a career I have enjoyed every chapter of for nearly 50 years.

It all started for me in October 1972, when just a few months after graduating high school, I left my small hometown of Ubyly, Michigan (up in the Thumb's, Huron County), and headed to Lansing to begin my career with the then, Department of State Highways, as a member of their Student Technician Program, Class of 72. The Student Technician Program was an awesome way to begin a career as it was a co-op program that allowed me to gain a variety of work experiences within the department while taking a full schedule

## TIME TO START THE NEXT CHAPTER

of classes at Lansing Community College. In June 1974, at the end of the 2-year program, I graduated with an associate degree in hand and the assignment to a full-time technician position with the department.

With my career and educational interest wanting more, I continued to take "pre-engineering" classes at night while still working full-time for the department. In 1976, I applied for and was awarded an FHWA scholarship that allowed me to pursue an engineering degree at Michigan State University (MSU) while working part-time with the department to maintain my permanent civil service status. In 1979, I graduated from MSU with a bachelor degree in Civil Engineering, and was assigned to an entry level engineer position in the department (by then renamed the Michigan Department of State Highways and Transportation) to begin the "engineer" part of my state government career.

Over the course of the next 23 years, I moved around the department gaining work experience through a range of engineering assignments, all related to bridges, and thus my indoctrination and evolution to becoming a "bridge guy".

My early work assignments included a couple of years of actual bridge design work (I did manage the consultant design of the department's only timber trunkline bridge, the timber arch bridge that

carries M-26 over the Eagle River in the UP's Keweenaw County), and then several years working in engineering automation where I developed and wrote the computer programs (anyone remember Fortran??) that automated the department's bridge design and drafting functions. A highlight of my engineering automation experience was my development of the computer program that was used by the departments design and construction staff to verify the stressing forces and expected elongations for the thousands of high strength tendons used in the construction of the Zilwaukee Bridge. It was my many visits to that Zilwaukee construction site that piqued my interest in the construction of bridges.

Earning my Professional Engineer License (PE) in 1982 opened the door to opportunities for advancement and my eventual 1989 appointment to the position of Supervising Engineer of the department's (by then again renamed, the Michigan Department of Transportation, MDOT as we know it today) Structural Research Unit. Although much of the work we did in this Unit was the less than exciting "traditional research" (we actually watched painted steel coupons rust in an environmental chamber as they were subjected to thousands of exposures to UV light, salt and wet/dry conditions to simulate in-field service

*Continued on page 20*

Continued from page 19

life), the “operational research” we conducted was more in my line of interest as it involved working with the department’s maintenance and construction divisions to solve real time, real world bridge field issues.

In 1993, I had the good fortune to be finally reassigned to the department’s Construction Division, as the Structures Engineer, where I had statewide responsibility for contract development and technical consultation for bridge and other structure construction. It was during this assignment that Ron Brenke, then with the Michigan Road Builders Association (MRBA), and I got together and agreed to create the MRBA & MDOT Bridge Committee. Our goal in establishing the Bridge Committee was to bring MRBA bridge contractors together with MDOT design, specification, research and construction staff to build relationships

so we could openly talk about bridge related concerns and issues, and then work together in finding solutions (apparently we were pioneers in this idea of “collaboration”). More to come later in this article about the influence this “Bridge Committee” had on my career.

Five years later, in 1998, I was again reassigned to the position of Bridge Systems Manager, a newly created position in the department with statewide responsibility for developing and implementing a capital investment program for trunkline bridges. It was in this position that I co-authored MDOT’s Strategic Investment Plan for Trunkline Bridges, the first of its kind in the country, asset management plan for a bridge network that involved long range strategic planning and investing based on bridge inventory condition, a mix of fixes, and established bridge network goals. It was this asset

management plan and its’ capital investment recommendations that prompted MDOT’s leadership to significantly increase their annual bridge program investments.

In mid 1999, after a reorganization effort to realign some of the department’s bridge functional areas, I was named the Engineer of Bridge Operations, with responsibility for the Bridge Operations Unit that included bridge program management, construction support, bridge safety inspection and bridge load rating analysis.

In June 2002, under an early-out initiative of the Engler administration, I had the good fortune to be able to retire from the “state government” chapter of my career, with 30 years of public service and just a month shy of my 48th birthday.

I want to circle back now and

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talk about the "Bridge Committee" because that committee that Ron and I started in the late 90s was my portal to the contractor's side of our industry in the post-MDOT chapters of my career. It was during those committee meetings while I was still at MDOT that I developed my relationships with the bridge contractors, relationships that were based on trust and respect of each other's perspectives and opinions. I quickly learned to understand, appreciate and value their input and ideas as we tried to solve things together so that we could do things better (trust me, this committee was not just a big love fest; there were many discussions that ended with the solution that we would just have to agree to disagree). I would be remiss if I didn't give a shout-out and "thank you" to those bridge contractors who were there with me in those early

years as they were all my influencers and teachers, I consider then all colleagues and friends: Joe Malloure, Don Anderson, Gale Rewa, Bruce Lowing, Jim Kloote, Tom Stover, Steve Lewis, Terry Smid, John Pierson (John was a special gentleman, he often told me how he thought I should be the Director of MDOT), John Lamb, Bob Jones, Paul Malloure, Dusty Barclay, Tom Pratt, John Malloure, Larry Grennell, Brian Slagter and Gary Watters. A special "thank you" to Don, Joe, Bruce and Gale; these guys were my mentors and confidants.

After my June 2002 retirement from state service, and a failed attempt to get hired for a position with AUC/MPA (I was a bridge guy, they needed a HMA person), I followed several of my recently retired MDOT friends and ventured into the world of consulting, accepting a position with the consulting

firm, Parsons Brinckerhoff (PB). Soon after starting at PB, we pursued and won the construction engineering oversight contract for the City of Ann Arbor's, Broadway Bridges Project, and I was assigned to be the on-site Resident Engineer. The Broadway Bridges Project was a very challenging bridge replacement project that involved the part-width replacement of an eight or nine span bridge over a street and several railroad tracks, and the part-width replacement of a double barrel earth filled concrete arch bridge over the Huron River ... I thought I'd hit the lotto; I was finally in the field building bridges.

About halfway through the Broadway Bridges Project in the early fall of 2003, I got a call from Tony Milo, the Executive Vice President of the MRBA, inquiring if I was interested in their

*Continued on page 23*

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Director of Engineering and Member Services position that had opened up with Ron Brenke's move over to ACEC. After thinking it over, and consulting with the confidants I noted above and some longtime friends then in MDOT leadership positions, I accepted the MRBA offer and the "consulting" chapter of my career ended after only 15 months of time. I learned later from Tony and others that my bridge contractor friends had been very influential in MRBA's decision to pursue me for their vacancy ... those Bridge Committee relationships paid off!

I started the "association" chapter of my career in November 2003, and it was a new world for me as I now had hundreds of members to get to know, I had to learn about board meetings and board reports, there were bulletins to write, conferences to plan and new relationships to establish. However, within a year of my start at MRBA we (the staff) began to hear rumors that a merger of the MRBA and the AUC were being seriously discussed and negotiated. This was concerning to me as I worried that I might be ending this career chapter and having to start a third new chapter in less than a 3-year timeframe.

As we know now, the merger of the MRBA and the AUC did happen and we celebrated the birth of MITA at our first annual conference in January 2005. With the merger, I transitioned over to the MITA staff as the Director of Technical Services. In January 2006, I was promoted to Vice President of Engineering Services, the position I proudly hold today. The rest of my story in this chapter you know because you all have been a part of it and you helped me write it. It was a chapter full of challenges, but many successes, tough times, but a ton of good times, new beginnings and many friendships made.

As I head out into retirement, I hold

my head high and I am very proud of who and what MITA is today, it has been my honor and privilege to be a part of it.

I am especially proud of how our "engineering" side of MITA has developed, grown, and established itself in our industry; we are a prominent and respected voice for our membership! A "thank you" to Doug Needham; he was here with me in those early years when on those late-night drives home from membership functions we would strategize and plan how we could grow our services and who we needed to build relationships with to do it. And to Rachelle (VanDeventer), "thank you"! Rachelle has been with me now several years and her professional experiences, outlooks and perspectives have proven to be invaluable especially as our industry evolves with technology. I am very pleased to know that Rachelle will assume my role and responsibilities as the Vice President of Engineering Services, her personality, experience and passion for what she does will serve the industry well ... you will be in good hands!

"Thank you" to all the MITA members; it truly has been my honor to work for you. It was always my goal to be there when you needed me to help make your day, your business, your life, better ... I hope I have done that.

To the 16 or 17 Boards of Directors I have served, "thank you" for your confidence in me, your guidance, and most of all, your friendship. Unfortunately, board meetings will not likely get shorter with my departure as Rachelle knows the drill, and knows that the engineering report is the most important thing on your meeting agenda.

To the MITA staff, you guys are the best! Being the most senior staff member you know I have been somewhat technology challenged, but

as I have always said "that is why I have people" ... and you all were the best people I could have; you always made my job easier and more fun. I will miss seeing you all every day.

To my fellow VPs on staff: Lance ... I don't know how you do that lobbying job, I would much rather argue a specification with MDOT any day; Rob ... you make a job that often involves "herding cats" look easy and fun, I don't know how you maintain your sanity; and Rachelle ... you got this!!! Careers end, but I'm hopeful our friendships will live on.

And finally, to Bob Patzer and Mike Nystrom, a most sincere "thank you" for having confidence in me and giving me the opportunity to be a part your team and this truly awesome organization. It has been my privilege to work for, and beside you both; you never overmanaged, and always gave me plenty of rope to run with. I consider you both mentors, colleagues, confidants, and most of all, friends.

So off I go into retirement on January 1, 2022. We have no "special plans" for this chapter of life, although we do plan to spend more time with family, do some volunteer work, whittle down our projects list, and hopefully, at Sher's request, I will learn how to sleep in past 5:30 a.m..

I wish everyone much success and prosperity, good health and long life, and I look forward to a time where our paths might cross again.

*(P.S. I apologize for the length of this article, but a 50-year career is a long story to tell ... peace out!) cs*





Lance Binoniemi

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

As we have all read, appropriately the federal government has come up with relief money for individuals, states and local units of government to recover from the effects of a global pandemic. Included in the massive \$1.9 trillion American Rescue Plan Act are wide-ranging new measures that range from child tax credits to unemployment benefits, from stimulus checks to assistance for school re-openings. Also included is \$350 billion for state and local governments.

For Michigan communities, this boost is needed as maintenance on important infrastructure has been put on hold throughout the state. All in all, cities, townships, villages and counties will receive \$4.4 billion in Michigan. Local governments have a lot of flexibility in how they spend the money. The money cannot be spent on pension bailouts or to lower the tax rate within a community.

This is a once in a generation opportunity for local communities in Michigan to invest in infrastructure that previously had no source of revenue to fix or replace. Recently MITA Executive Vice President Mike Nystrom wrote an op-ed encouraging locals to invest in roads, bridges and underground infrastructure with this new found money, and we encourage all of our MITA members to do the same with their local elected officials.

As contractors, you are intimately involved with those planners within local government and elected officials making the decisions on how to invest this money. Fixing our state's infrastructure continues to be the most important priority to the citizens in Michigan as we move past the pandemic, and it is important for the public to remind elected officials of that fact. Take a moment in your ongoing conversations with decision makers to remind them of the opportunity placed in front of them. They can finally replace that water main that they have known needed replacement

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Donn Ellis	CSI/Geoturf, Inc.	\$1,000.00
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Dan Cortis	Cortis. Bros.	\$250.00
Amy Hall	Ebony Construction	\$500.00
Edward C. Levy	Edw. C. Levy Corp	\$1,500.00
Karl Grant	TCI Inc. of Michigan	\$500.00
Lincoln Noel	Payne & Dolan	\$250.00
Pete Vandebos	Pete's Contracting Inc.	\$1,000.00
Toni Vandebos	Pete's Contracting Inc.	\$1,000.00
Kurt Shea	PK Contracting	\$500.00
Mike Buck	Salus Consulting Group	\$500.00
Tom DiPonio	Jay Dee Contractors	\$10,000.00
Rob Wilson	Mid Michigan Materials	\$1,000.00
Mike Peake Sr.	Action Traffic	\$1,000.00
Ryan O'Donnell	Anlaan Corporation	\$2,000.00
Scott Bazinet	Lowe Construction Co.	\$4,000.00
Mike Anderzack	Tenmile Creek Excavating LLC	\$2,500.00
Patrick Dunigan	Dunigan Bros. Inc.	\$2,500.00
David Marsh	Peninsula Prestress Company	\$300.00
Paul Muscat	Cortis. Bros.	\$250.00
Derek Arens	Anlaan Corporation	\$250.00
Nicholas Baker	Anlaan Corporation	\$2,500.00
Jim Dykema	Dykema Excavators, Inc.	\$1,000.00
Andrew Rose	Rehmann	\$250.00
Mike Peake Sr.	Action Traffic	\$1,000.00
Paul Marsh	Peninsula Prestress Company	\$300.00
TJ Peake	Action Traffic Maintenance	\$1,000.00
Timothy Peake	Action Traffic Maintenance	\$1,000.00
Jeff Irwin	Action Traffic Maintenance	\$1,000.00
Michael Peake Jr.	Action Traffic Maintenance	\$1,000.00
Tom Peake	Action Traffic Maintenance	\$1,000.00
Dan Eriksson	Hoffman Bros., Inc.	\$2,500.00
Mike Definis	Angelo Iafrate Construction Company	\$250.00
Troy Broad	Team Elmers	\$5,000.00

Name	Company	Donation
Troy Broad	Team Elmers	\$5,000.00
Gerald Kalin	Kalin Construction Co. Inc	\$1,000.00
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Kyle Fortier	Bacco Construction Company	\$1,000.00
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Dave TerBeek	AIS Construction Equipment	\$500.00
Bob Allison	AIS Construction Equipment	\$500.00
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Frank DiPonio	DiPonio Contracting	\$1,500.00
Fred Meram	F.D.M. Contracting, Inc	\$1,000.00
Gerald Kalin	Kalin Construction Co. Inc	\$1,000.00
John Zito	Zito Construction Company	\$1,000.00
Lucas Fleischmann	Michigan Pipe & Valve - Grand Rapids	\$500.00
Kurt Shea	PK Contracting	\$500.00





**Rachelle VanDeventer, P.E.**

To contact Rachelle VanDeventer, P.E., email her at [rachellevandeventer@thinkmita.org](mailto:rachellevandeventer@thinkmita.org) or call the MITA office at 517-347-8336.

“What a great guy,” is definitely the phrase that I hear the most when the subject of Glenn comes up while talking with our members. Often, the comment is followed up with a story or a remark making it clear that Glenn has had a positive impact on our industry, and he has made a lasting impression on many of us. This makes the news that MITA’s own Vice President of Engineering Services, Glenn Bukoski, P.E., will be retiring at the end of the year even more bittersweet. Although December may seem far away, we know the time will pass so quickly. We are hopeful that sharing this news early will help allow for many opportunities for industry friends and co-workers to celebrate and reminisce with Glenn throughout the rest of the year. (Just remember, Glenn enjoys his Coors Light with a glass of ice.)

When Glenn retires, effective on December 31, 2021, he will have nearly 50 years working in the industry, including working for MITA since it was created in 2005. His dedication to the industry and his exemplary service over the years has not gone unnoticed. “I’ve worked with Glenn on many industry issues over the past 15 years,” recalls Jim Doescher, President of Dan’s Excavating Inc. “Glenn has

# MITA’S GREAT GUY GLENN BUKOSKI TO RETIRE

always conducted himself ethically, with the utmost integrity, all the while advocating for our entire industry. Glenn will be sorely missed, but I wish him nothing but the best and hope he enjoys his retirement!”

When hearing about Glenn from his MDOT days, it is clear he was just as hardworking and dedicated as a state employee, and he often took pride in his work. Those qualities are valued and didn’t go unnoticed by industry or MDOT coworkers. After hearing about Glenn’s retirement and thinking back over the years, MDOT’s Chief Operations Officer, Tony Kratofil, P.E., had some well wishes and positive thoughts he wanted to share. “Congratulations to Glenn Bukoski on his “second” retirement – maybe you’ll get it right this time and really relax and enjoy yourself,” Tony stated with a grin, adding: “I had the pleasure of working with Glenn in his first career at MDOT, most notably when he developed our first-generation asset management strategy for bridge infrastructure. As the University Region Project Development Engineer, I appreciated his commitment to open communication and a thoughtful approach to improving the way we were doing business. When Glenn retired from state service and moved over to MITA, he continued those same positive ways of conducting business, whether working on technical issues with our specifications or business and procurement issues through

the Partnership for Diversity and Opportunity in Transportation, like our exploration of best value contracting and the OJT voluntary incentive program. So, thank you Glenn for the many years of collaboration and partnership. I wish you all the best for a happy and healthy retirement.”

As clearly demonstrated, Glenn works diligently and often takes great pride in his work, all while truly enjoying what he does. One of the many roles Glenn performed with enthusiasm was participating on the Distinguished Constructor Awards Panel, which is a panel of professionals who every year work diligently to nominate and select deserving individuals in the construction industry for induction into the Michigan Construction Hall of Fame with the Distinguished Constructor Award. Glenn is always very proud when one of the selected recipients is one of our own MITA members, as is the case this year with Bruce Lowing of Hardman Construction. When conversing with Lowing after he was notified of the prestigious nomination, he was happy to share some kind words regarding his fellow nominator. “As a member of the Michigan Road Builders Structure Committee, I first met Glenn when he was still at MDOT and working with the industry to develop and revise the MDOT Standard Specifications. He was always a voice of reason and did his best to see things through the contractor’s eyes, not just MDOT’s. Not

*Continued on page 28*



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Continued from page 26

only did I gain great respect through that process, I also developed a long-time friend. He will be missed but I wish him the best in his future endeavors!"

In addition to enjoying his work, Glenn often lights up when he talks about his family, which includes his three children (Megan, Brad, and Christopher), and his wife, Sherry. One of the benefits of working for MITA often involves a summer conference trip that includes our families, allowing for the opportunity for our work families and our home families to interact. Sometimes it is fun to compare notes when the two families collide. During one of my first summer conference events, I was explaining to Sherry and Brad how patient Glenn is as he worked to bring me up to speed on association items, and also how calm he always is under chaotic situations. It was fun to see Sherry and Brad look at each other and burst out laughing, and then ask me who I was talking about, all while Glenn sat there with a smile. When discussing the memory recently, Sherry added, "We laughed because Glenn is not always patient and calm at home. It has been said in our family that there is the right way, the wrong way, and the Bukoski way... and then there is also the Engineer Glenn way."

As many know, Glenn worked for MDOT for 30 years and has a strong career background in bridges, including a stretch as a structural research engineer. His bridge background and expertise often prove valuable to MITA, and like many "bridge people," Glenn will reference calculations/documents from 30 years ago while admitting he has folders he has been holding on to since his early days in engineering. While joking with Sherry about how I imagine he likely will try to take them with him and sneak them into the house without her noticing (one never knows when those documents will come in handy), she definitely had something to say about it. "Glenn will not be bringing any "folders" home," Sherry stated. "When we got married, 15 years after he graduated college, and we were combining our stuff, I had to convince him to get rid of his boxes of college notes that he thought he might need some day. I'm sure he has some office decor he might want to bring home, but hopefully it won't be his files. Also, by the way, you are welcome to keep his lava lamp."

After working on this article, it was reaffirmed what I have known all along while working with Glenn, and that is that he is a great guy. After nearly 50 years in the industry, not only does Glenn have almost 50 years of valuable experience, but he also has almost 50 years worth of industry friends and family. Glenn is irreplaceable and we will be missing him for years to come. I could probably go on and on about him, as I am sure many of us could, but that is what the next handful of months is for. Now let's all take this time to

celebrate with Glenn and thank him for the impact he has had on our industry. MITA does intend to hold the kind of retirement send-off party Glenn deserves, so keep an eye out for an announcement in late 2021 for more details. **CS**



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## ON HIS RETIREMENT FROM THE INDUSTRY

Glenn  
in the  
1970s.

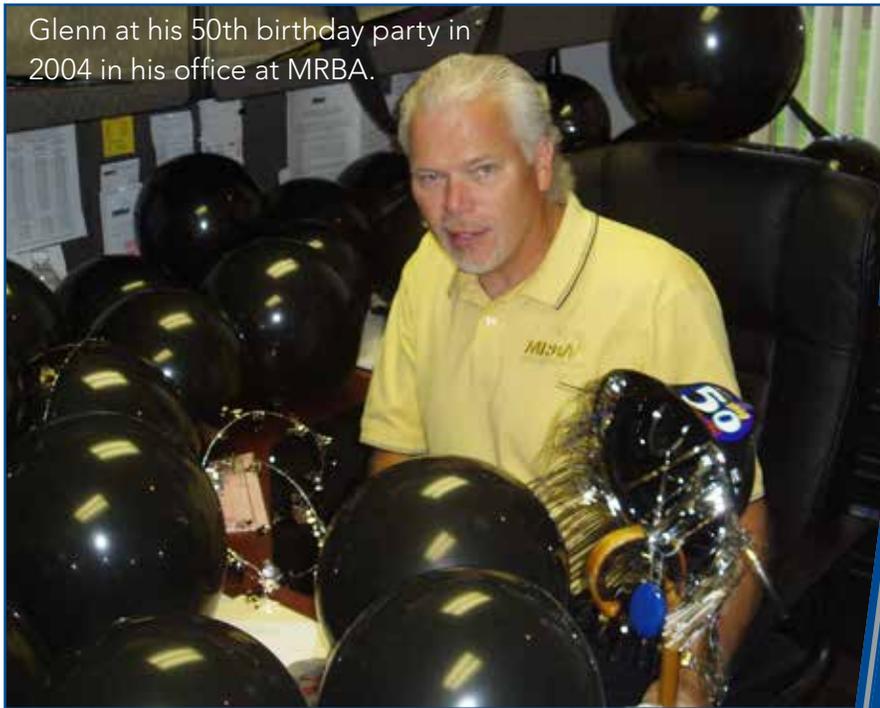


Congratulations to our son,  
Glenn. Job well done. We  
have always been proud of  
you! Enjoy this next phase of  
your life... Retirement.  
We love you,  
Dad and Mom



Glenn at  
MDOT in 1990

Glenn at his 50th birthday party in 2004 in his office at MRBA.



Congratulations, Glenn! The best is yet to come! Happy retirement!

Mark and Michelle Gates  
Brother and sister-law of  
Glenn's wife, Sherry

We at Peninsula Prestress appreciate your hard work and dedication to our industry. We hope your new venture brings you many years of prosperity, good health and tremendous happiness. You certainly earned it.

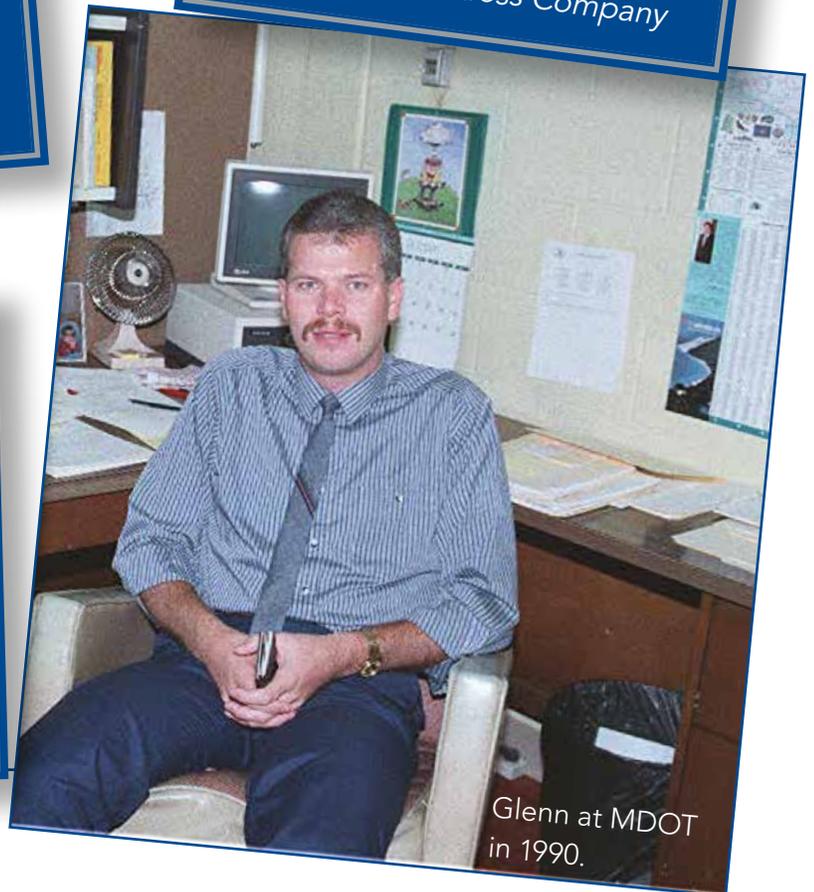
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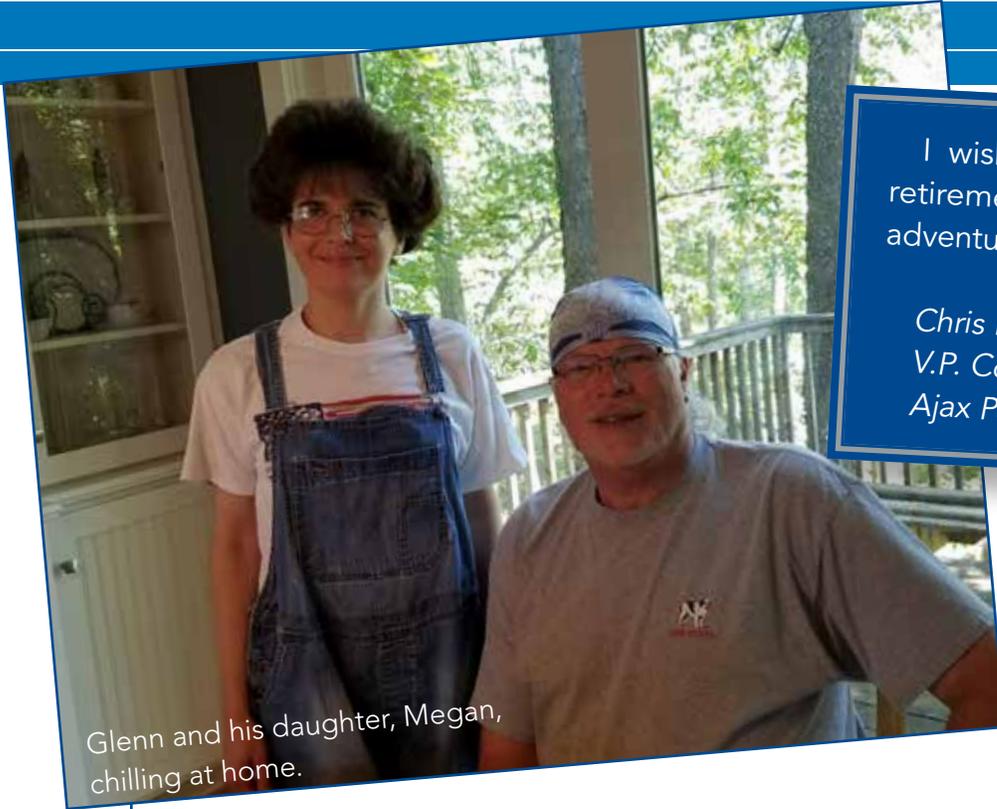
Karl Schweitzer  
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Thank you for your dedication, knowledge, help and support throughout the years. You will surely be missed. We hope that your retirement journey is filled with everything that makes you happy!

Robin Meram  
Administrator  
F.D.M. Contracting, Inc.



Glenn at MDOT in 1990.



Glenn and his daughter, Megan, chilling at home.

I wish you a long and healthy retirement! Have fun on your next adventure!

*Chris Poe  
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*Steven O'Mara  
Management Advisor  
Fisher Contracting Company*

Glenn speaking at MITA's Annual Conference in 2005.



Congrats Glenn on your next step in life. I have had great joy in both working and knowing you during my working career and since. You have been an inspiration and great pleasure to call a friend. Hope we can continue to see each other at the annual Ferris event and whatever else might come along. Put West Michigan on your retirement travel plans. We have lots of room in our new digs.

*Don Anderson  
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Glenn while he was working for Parsons Brinckerhoff.



Your partnership in helping to guide MITA will be missed. I appreciate you more than you know my friend!

*Mike (and Anita) Nystrom, MITA*

Bandana day every day! Congrats, Silver Fox!

*Rob and Danielle Coppersmith, MITA*

## Congratulations Glenn!

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Glenn and his family at the MITA Summer Conference. From left to right, Glenn's son, Brad; Glenn and his wife, Sherry; Glenn's son, Christopher, and his fiancé, Natalie.

Congratulations! Thanks for your help in my early days of prequal. Your input was very helpful and much appreciated. Also enjoyed working together after your MDOT career ended and MITA began. I appreciated the honest exchange of ideas and our friendship. I hope you enjoy retirement as much as I do. Best wishes for many years of doing whatever you want!

*Jill Mullins  
Retired from MDOT*

I want to thank you, Glenn, for your leadership and friendship that we have shared over the past few decades. It has been a pleasure to work with you both at MDOT and again at MITA. Your knowledge and ability to work through and solve problems has definitely benefited both the state as well as the entire construction industry.

*Doug Needham  
Executive Director  
Michigan Aggregates  
Association*



Glenn and his son, Christopher, who played football for Eastern Michigan University.



Glenn Bukoski and his wife, Sherry, at MITA's Summer Conference.

Thank you for all your help to us and to the industry over the years! You will be missed. All the best in this next phase of your life.

*Rob Konopinski  
Rieth-Riley Construction Co., Inc.*

Congratulations to one of MDOT and MITA's finest! You're an amazing person and so appreciated by all who know you.

*Susan Long Dunivon  
Retired from MDOT*

**Congratulations, Glenn, on your retirement.**  
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Thank you for your loyal service to MITA and the construction industry. May you enjoy your retirement with your family and friends. I will always remember your portion of the MITA board meetings being compressed into the Reader's Digest version of what you really wanted to say, which was appreciated greatly.

Dick, Scott and Tim  
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It has been a pleasure to get to know you, Glenn, over the past several years. You were always so kind and welcoming at the various MITA events. Thank you for that! You've been a wealth of knowledge regarding MDOT funding and specifications that really helped our business plan for success. You will be missed, but we wish you all the best in your retirement!

*Jamie Lemke  
President  
Give 'Em a Brake Safety, LLC*

Congratulations on 50 years. Enjoy the next 50.

*Diane Folleth  
President/Owner  
Capitol Barricading, Inc.*

Our sincerest congratulations to you, Glenn! It has been a pleasure working with you. Your dedication, knowledge and experience will be missed. Wishing you much happiness on your new journey.

*Kevin & Pattie McNeilly; Ken & Tresea McNeilly  
Owner/Operators  
Spartan Barricading & Traffic Control, Inc.*

Thank you for the many years of advice and wisdom!

*Mike Peake Jr.  
Manager  
Action Traffic Maintenance*

Congratulations Glenn!! It has been an absolute pleasure to work with you over the past 10 years, and I am proud to call you a good friend. Your knowledge and experience will be missed at MITA and within the industry. I hope you and Sherry enjoy retirement to the fullest.

*Lance Binoniemi, MITA*



Glenn at MITA in 2021.



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**Ken Bertolini**

To contact Ken Bertolini, email him at [kenbertolini@thinkmita.org](mailto:kenbertolini@thinkmita.org) or call the MITA office at 517-347-8336.

Michigan Works! can be somewhat difficult to navigate, and many members may not be aware of money that is available in their region for existing employee training. MW! offices are all across Michigan. In total, there are 16 offices throughout the state. One problem that I have with MW! that makes it difficult as a Director of Workforce Development for a statewide association is that all 16 MW! offices are run independently. There are few programs that run statewide. Each location goes after their own grants and funding. What may be available at one MW! office may not be available elsewhere throughout the state. With that said, it is worthwhile contacting your local MW! office and finding out what funding may be available for your area.

### **CDL Training Reimbursement Program**

One program that I have found to be in a number of locations at varying points of time, all depending on funding, is a CDL training reimbursement program. Some MITA member companies offer some form of tuition or reimbursement offered to employees for them to receive CDL training. An employee that has the ability to move equipment

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from job to job is much more valuable to your company than one without a CDL, and additional pay can also be awarded. Imagine having that expense either mostly or fully paid for, and not out of the profits of your company! The Michigan Northeast Consortium and West MW! have both had CDL dollars available at various times. Depending on the location and the program, some Michigan Works! have offered reimbursement for up to 75 percent of the participating employee's wage during the training period. Past MW! programs have also included reimbursement for work clothes/boots and PPE.

### **MDOT/OJT Sign Up List**

In April, MITA members were sent a list of OJT candidates willing to be hired by infrastructure construction companies. Applicants self-indicate that they may be eligible for the MDOT-OJT program. MITA members were offered to sign up to receive the list of applicants including their name, location (which MW! district) and contact information. It's worthwhile to note that these applicants are not being screened to see if they in fact qualify for the MDOT-OJT program. The application that they fill out is the same MDOT application that employers fill out when registering employees for the program. It was mentioned by some companies that they feel a bit uneasy about asking

employees some of the questions.

With a sign-up page available at [www.michiganconstruction.com](http://www.michiganconstruction.com), potential hires are filling out the information for you! Even if your company is not in the MDOT-OJT program, this list can be used by your company as a resource for interviewing and hiring. It's easily navigated by region, so you can quickly locate local people looking for employment.

If you would like to receive this list, you can sign up on the Michigan Construction website: [www.michiganconstruction.com](http://www.michiganconstruction.com). Click on the Programs and MDOT/OJT Training Program link at the top of the website. This is not an MDOT page, but one that has been developed in a collaboration between MITA, Michigan Construction, MDOT, and the Department of Labor and Economic Opportunity. It is run and maintained by MITA and Michigan Construction.

In March, MITA held its second annual Hiring Fair. It was a completely virtual event, and numbers were down somewhat because of that, but over 24 companies and organizations participated with over 80 people in attendance. With that said, the list of candidates was impressive and we are hoping that companies were able to hire employees onto their payroll. We are hoping that as the world opens

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# THE ETHICS AND LEGALITY OF BID SHOPPING AND BID PEDDLING IN MICHIGAN

By Eric J. Flessland and Louis Ronayne

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Competitive bidding is the cornerstone of public works projects. Owners publish plans and specifications then invite contractors to put together their best proposals and compete for the contract. Because the general contractor submits a bid to the owner for the entire project, it necessarily must subcontract the portions of the work it does not self-perform. Typically, the general contractor solicits sub-quotes from several subcontractors, and uses the lowest sub-quote to prepare its quote to the owner. In theory, if the contract is competitively bid by more than one general contractor, the bids submitted represent the best price for which each bidding general contractor will perform the work (i.e., the lowest price at which the bidder believes it can win the job, perform the work, and still make a profit that will keep it in business).

If the process is done correctly, competitive bidding creates a transparent environment that is open and fair. Unless the project has prequalification requirements, which may limit who may bid for a contract, any company, regardless of its company size, annual revenue, or other similar factors, will

be welcomed to the bidding process and will be given a fair chance as the rest of the competition. Competitive bidding not only works to the benefit of companies competing for the project, but also for government or public agencies responsible for the project. By making it a competitive environment, agencies can keep costs down and garner the most qualified companies to do the work.

With these unquestionable mutual benefits, it's hard to imagine why anyone would engage in conduct that undermines the competitive bidding process. While to the best of our knowledge the vast majority of Michigan infrastructure contractors adhere to ethical and legal principles when bidding public works projects, a few contractors do not play by the same rules and some owners actually encourage dilatory conduct to achieve other social goals. Once the owner declares the winning bid and the contract price is secured, some bidders seek to increase their margins through bid shopping. And, of course, subcontractors aren't immune to the allure of second chance at the work through bid peddling either. These practices are widely condemned in the construction industry as highly unethical. Yet, surprisingly they are not illegal in Michigan.

"Bid shopping occurs when a general contractor discloses the bid price of one subcontractor (or supplier) to its competitors in an attempt to obtain a lower bid than the one on which the general contractor based its bid to the owner."<sup>1</sup> In other words bid shopping occurs when a "general contractor uses the lowest bid received to pressure other subcontractors to submit even lower bids."<sup>2</sup> Its close relative is known as "bid peddling," which occurs when a subcontractor, whose sub-bid was not selected for the general contractor's bid (but knows post-bid what its competitor offered to perform the subcontract) offers to reduce its price to induce the contractor to substitute it after award of the contract."<sup>3</sup> "The only real difference between bid shopping and bid peddling is the party that initiates the disclosure of the original low bid price. A general contractor will 'shop' a low bid whereas a subcontractor will 'peddle' its bid."<sup>4</sup>

Even Black's Law Dictionary recognizes the pernicious practice of "bid shopping," defining the term to mean "general contractor's effort, after being awarded a contract, to reduce its own costs by finding a subcontractor that will submit a lower bid than the one used in calculating the total contract price. If a lower bid is obtained, the general contractor will receive a windfall profit because the savings are [usually] not passed on to the property owner."<sup>5</sup>



### **Bid Shopping and Bid Peddling are Universally Condemned as Unethical Business Practices.**

The consensus is that bid shopping and bid peddling are unethical.<sup>6</sup> Those practices are strongly condemned within the construction industry.<sup>7</sup> In fact, it has been said, "[p]erhaps nothing is more widely condemned in the construction industry than bid shopping."<sup>8</sup>

For example, the Associated General Contractors of America (AGC) calls bid shopping "highly unethical" even though it may be "legally tolerated."<sup>9</sup> AGC has even gone as far as to call the practices "abhorrent business practices that threaten the integrity of the competitive bidding system that serve the construction industry and the economy so well."<sup>10</sup> AGC has further opined that proprietary information is an overlooked yet important business asset of a construction contractor. Such proprietary information often consists of pricing, designs, a novel technique, or an innovative approach used in preparing a proposal. And preparing bids, proposals, submissions, or design-build documents results from professional consideration, which is intellectual property of the preparer, meaning it should all be considered proprietary. Thus, "[i]t is unethical to disclose to others, any information that is provided with an expectation that such information will be kept confidential."<sup>11</sup> Other industry associations, such as the American Subcontractors Association take a similar view.<sup>12</sup> Even courts have characterized the practice as unethical. As the Appellate Court of Connecticut forcefully stated:

[I]t was unethical, unfair and inconsistent with normal industry practice for a contractor to engage in "bid shopping."<sup>13</sup>

If tolerated, bid shopping may be harmful to the owner. Playing bidders against one another negatively inhibits a contractors' ability to offer quality work at the best price. Because the price is lower, bid shopping can lead to cheap labor and cheap materials, both of which run contrary to the express or implied terms of the typical general contract, and an increase in claims and change orders. For this reason, among others, some owners require bidders to list the contractors with whom they intend to subcontract. Yet, bid listing is only marginally effective at eliminating bid shopping. The mere listing of a subcontractor's name by a prime contractor itself creates no contract rights between the prime contractor and the listed subcontractor. Thus, even if a listed subcontractor is wrongfully substituted, the subcontractor typically has no claim for breach of contract.

The detrimental impact to the public has led professional organizations, such as the American Society of Professional

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Estimators to prohibit bid shopping in its Code of Ethics. Cannon No. 5 provides that professional estimators and those in training shall establish guidelines for setting forth prices and receiving quotations that are “fair and equitable to all parties by not participating in bid shopping...This practice is unethical, unfair and is in direct violation of this Code of Ethics.”<sup>14</sup> This Cannon further prohibits professional estimators from padding or inflating quoted bid prices when bidding with firms known for bid shopping. Such inflated pricing obviously skews the prices an owner receives, and thus is detrimental to public funding for project. Cannon No. 5 concludes by prohibiting a professional estimator from providing quotes to known bid shoppers.

### **Bid Shopping and Bid Peddling Are Legal in Michigan**

Michigan does not have a “competitive bidding” statute, any regulations expressly prohibiting bid shopping or bid peddling, or caselaw squarely addressing the matter. Even though universally condemned as resoundingly unethical, this legal vacuum means bid shopping and bid peddling are not prohibited in Michigan.

Michigan courts, however, are not a total stranger to the issue. In an unpublished opinion in 2004, *Central Contracting, Inc. v J.R. Heineman & Sons, Inc.*, a subcontractor bid upon and received numerous subcontracts from a general contractor over the course of approximately ten years. At some point, the subcontractor stopped obtaining subcontracts from the general contractor. The subcontractor learned the general contractor was selling the subcontractor’s bid numbers to competing subcontractors to solicit lower bid numbers from those subcontractors.<sup>15</sup> Accordingly, the subcontractor sued the general contractor, claiming it had breached an implied contract of confidentiality regarding its bid numbers. The subcontractor’s owner testified that he believed that his company’s bids were confidential before the bidding deadline. But while he claimed that the bid invitations contained confidentiality language, no other evidence confirmed his belief, and he admitted that he never discussed bid confidentiality with the general contractor’s representatives. The Court of Appeals affirmed the trial court’s ruling for the general contractor because the conduct of the two companies did not satisfy the requisite criteria of an implied contract: “The acts of soliciting bids and submitting bids are not acts for which compensation is customarily made or naturally anticipated,” and “there was no evidence that the parties bargained for a contract to keep the bids confidential.”<sup>16</sup>

The *Central Contracting* decision, while unpublished, is illustrative of the legal obstacles subcontractors face in protecting the integrity of their bid numbers. So long as such

practices are not prohibited by law, the only causes of action lie in contract, and unless a subcontractor can successfully bargain for confidentiality, it is left with theories like implied contract which, as discussed in *Central Contracting*, “exists where one engages or accepts beneficial services of another for which compensation is customarily made and naturally anticipated.”<sup>17</sup> Thus, so long as compensation for bid confidentiality remains uncustomary in the industry, implied contract claims to combat bid shopping will lack utility, and if state law otherwise permits the practice, subcontractors are left to use their independent bargaining power to protect the propriety of their bid numbers.

Otherwise, general principles of equity have been employed to combat bid shopping, and for good reason. For example, Ohio law holds that the doctrine of promissory estoppel cannot be invoked to preclude a subcontractor’s withdrawal of a bid when a contractor engaged in bid shopping.<sup>18</sup> In *Complete General Construction Co v Kard Welding*, a subcontractor submitted a written structural steel quote to the contractor on an Ohio Department of Transportation project. After award, the general contractor sent the subcontractor a purchase order to execute. The parties attempted to negotiate an agreement, during which

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the subcontractor prepared a new bid that increased its price to correct a mistake in its original bid. The general contractor promptly retained a different subcontractor and sued the original subcontractor to recover the costs it incurred above the original quote.<sup>19</sup> The general contractor claimed it had relied upon the subcontractor's quotation in formulating its bid, and under the doctrine of promissory estoppel the subcontractor was bound to honor that quotation.

Sounds like a slam dunk victory for the general contractor, but it was not. At trial, the subcontractor established that after the prime contract award, the general contractor engaged in bid shopping. The trial court found for the subcontractor, ruling bid shopping contradicted acceptance and contract formation with the bidding subcontractor, and thus constituted a rejection of that bid. Given the nature of bid shopping, coupled with the equitable principles at play, the trial court held it would be "unfair to hold the subcontractor to its bid."<sup>20</sup>

The Ohio appellate court upheld the lower court's findings, likening the general contractor's bid shopping to a repudiation of the low bid, necessarily constituting rejection of the subcontractor's original, low-bid offer.<sup>21</sup> In other words, the general contractor did not affirmatively accept the low quotation. Instead, bid shopping rejected the subcontractor's low bid. Thus, not only did the court view bid shopping as negating any application of promissory estoppel (a strictly equitable theory), it also spoke to bid shopping's relationship with general principles of contract formation under the common law. The Court relied on a well-respected source for this conclusion: Corbin on Contracts ("it is generally agreed that the general contractor cannot, after being awarded the contract, reopen the bidding with the subcontractors to chisel down the bids, while at the same time maintaining that the low-bidding subcontractor remains liable").<sup>22</sup> On that basis, the Court of Appeals of Ohio concluded that despite its claimed reliance on the subcontractor's original quote, the general contractor admittedly did not accept the subcontractor's original quote.<sup>23</sup>

On this legal reasoning, which is based on traditional concepts of offer and acceptance, if a general contractor shops a low subcontractor bid and requests a price reduction from other subcontract bidders, the general contractor is effectively rejecting the original low subcontractor bid. The thrust is that when a general contractor bid shops, it not only waives any protections otherwise afforded to it under the doctrine of promissory estoppel, but it also cuts against its own theories of contract formation as they might exist in common law. By extension, whenever a general contractor entertains another subcontractor's bid peddling

overtures, that conduct effectively rejects the low bid the general contractor used in preparing its bid, and the general contractor may not hold the low bidder to that original quote.

The Ohio court's reasoning is noteworthy because Michigan courts, like Ohio courts, have historically followed *Corbin*.<sup>24</sup> And Ohio is not the only jurisdiction to employ this reasoning to the doctrine of promissory estoppel; other states, such as Nebraska and Maryland, also limit promissory estoppel given that bid shopping negates the concept of reasonable reliance and equity favors the subcontractor.<sup>25</sup> This view appears to be influenced in part by the Supreme Court of California's ruling in 1958 that "a general contractor is not free to delay acceptance after he has been awarded the general contract in the hope of getting a better price. Nor can he reopen bargaining with the subcontractor and at the same time claim a continuing right to accept the original offer."<sup>26</sup> Numerous jurisdictions, state and federal, other than Ohio, have since followed the California Supreme Court ruling.<sup>27</sup>

Outside of the common law, many states have sought to eliminate bid shopping by statute – laws that set subcontractor listing requirements in prime contractor bids.<sup>28</sup> In states that have enacted "bid listing" legislation,

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the law typically requires that a general contractor supply a list of the subcontractors it intends to use for subcontract work when bidding on public construction contracts.<sup>29</sup> These statutes seek to eliminate bid shopping “by allowing the awarding authority to hold (or “force”) the general contractor to use the subcontractors listed on its bid, unless valid statutory grounds for substitution exist.”<sup>30</sup> Many courts which have interpreted state bid listing statutes have upheld and enforced the statutes in favor of subcontractors.<sup>31</sup> Of course, these outcomes vary from state to state, based on the language of the respective statutes.<sup>32</sup>

Besides state statutes that explicitly prohibit bid shopping, the practice may also violate unfair trade practices statutes. For example, Connecticut’s unfair trade practices statute,<sup>33</sup> like statutes found in several other states,<sup>34</sup> prohibits “unfair or deceptive acts or practices in the conduct of any trade or commerce.” In *Johnson Electrical Co, Inc v Salce Contracting Associates, Inc*,<sup>35</sup> the Appellate Court of Connecticut determined that a general contractor’s engagement in bid shopping gave rise to a subcontractor’s claim under the unfair trade practices statute. The Court’s holding followed the lower court’s finding that bid shopping is unethical, unfair, and inconsistent with normal industry practice.<sup>36</sup>

By contrast, the Michigan consumer protection act (MCPA), MCL 445.901 et seq., is not an avenue to challenge bid shopping, because while it forbids certain practices in “in the conduct of trade or commerce,” MCL 445.903(1), it defines “trade or commerce” as meaning the “conduct of a business providing goods, property, or service primarily for personal, family, or household purposes,” MCL 445.902(1) (g). Consequently, “the MCPA applies only to purchases by consumers and does not apply to purchases that are primarily for business purposes.”<sup>37</sup> Otherwise, Michigan regulations do not directly address the practice of bid shopping.

As for federal law, Congress introduced a proposed bill called the Construction Quality Assurance Act of 2009 (Act or H.R. 3492), in July 2009.<sup>38</sup> While never passed into law, its goal was “to ensure that bid shopping is eliminated from the federal construction contracting process.”<sup>39</sup> Trade associations were somewhat split with their support of this bill.<sup>40</sup>

### Conclusion

While bid shopping and bid peddling are universally deplored as highly unethical, and quite possibly detrimental to the quality of work, the practices are not illegal under state or federal law. Hence, the Michigan Court of Appeals’ reluctance to rule for the subcontractor in *Central Contracting* because there was no implied contract of confidentiality to preserve the propriety of the bid. So long as bid shopping and bid peddling persist, it is unlikely that courts will find,

for example, implied covenants to preserve confidentiality absent express contractual language protecting it.

Nevertheless, even with no statutory prohibitions, the Complete General Construction case in Ohio—a state, like Michigan, that does not regulate bid shopping by statute—offers persuasive grounds on which these practices can be challenged on more basic principles of contract law, namely, the premise the bid shopping constitutes rejection. Other states have recognized and acknowledged the reasoning of this decision, and for good reason: bid shopping evidences conduct that can adversely affect common law contract rights and rights that might otherwise exist in equity.

Given that Michigan law is relatively bare of the subject, the table is set for a strong legal challenge to these practices. MITA condemns the practice, regardless of who initiates it, and strongly encourages its members to avoid engaging in such highly pernicious unethical conduct.

<sup>1</sup> Donald W. Gregory & Eric B. Travers, *Ethical Challenges of Bid Shopping*, *Construction Law* 29 (2010) available at <<https://www.keglerbrown.com/publications/ethical-challenges-of-bid-shopping/#:~:text=%22Bid%20shopping%22%20occurs%20when%20a,its%20bid%20>

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<sup>2</sup> *Valley Crest Landscape, Inc. v. City Council*, 41 Cal App 4th 1432 (1996).

<sup>3</sup> Gregory & Travers, *supra*, n 1.

<sup>4</sup> *Id.*

<sup>5</sup> Black's Law Dictionary (11th ed, 2019).

<sup>6</sup> See *Id.*; I Farnsworth on Contracts § 3.25 (2d ed. 1998); see Nash, Jr. and Love, Jr., *Innovations in Federal Construction Contracting*, 45 Geo. Wash. L. Rev. 309, 315 (1977).

<sup>8</sup> Gregory & Travers, *supra*.

<sup>9</sup> Associated General Contractors of America Education and Research Foundation, *Ethics in Project Planning and Execution*, available at <[https://files.agc.org/files/allied/case\\_study\\_1.pdf](https://files.agc.org/files/allied/case_study_1.pdf)>

<sup>10</sup> Associated General Contractors of America, American Subcontractors Association, and Associated Specialty Contractors, *Guidelines for a Successful Construction Project* (2008), p 17, available at <[https://www.consensusdocs.org/wp-content/uploads/2019/08/Guidelines\\_Full-.pdf](https://www.consensusdocs.org/wp-content/uploads/2019/08/Guidelines_Full-.pdf)>

<sup>11</sup> *Id.*

<sup>12</sup> See Gregory & Travers, *supra*.

<sup>13</sup> *Johnson Elec Co, Inc v Salce Contracting Assoc, Inc*, 72 Conn App 342, 346; 805 A2d 735, 738 (2002).

<sup>14</sup> American Society of Professional Estimators Code of Ethics – Restated August 2018 ([https://cdn.ymaws.com/www.aspenational.org/resource/resmgr/bylaws/2018/2018\\_code\\_of\\_ethi\\_cs.pdf](https://cdn.ymaws.com/www.aspenational.org/resource/resmgr/bylaws/2018/2018_code_of_ethi_cs.pdf))

<sup>15</sup> *Central Contracting, Inc. v. J.R. Heineman & Sons, Inc.*, unpublished opinion of the Court of Appeals, issued November 18, 2004 WL 2624806 (Docket No. 247800).

<sup>16</sup> *Id.*, at \*3.

<sup>17</sup> *Id.*, citing *Elliott v. Dep't of Social Services*, 124 Mich App 124, 131; 333 NW2d 603 (1983).

<sup>18</sup> *Complete Gen Constr Co v Kard Welding, Inc*, 182 Ohio App 3d 119, 2009-Ohio-1861; 911 NE 2d 959 (10th Dist Franklin County, 2009); see also *RP Carbone Constr Co v N Coast Concrete, Inc*, 88 Ohio App 3d 505; 624 NE2d 326 (8th Dist Cuyahoga County 1993) (precluding enforcement of sub-bid where prime engaged in extensive post-bid renegotiation of sub-bid). See also *Pavel Enterprises, Inc v AS Johnson Co, Inc*, 342 Md 143, 674 A2d 521 (1996) (refusing to hold sub-bidders to their



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original sub-bids when, after the owner's acceptance of its prime bid, prime contractor invited all sub-bidders to resubmit their sub-bids).

<sup>19</sup> *Id.* at 120-122.

<sup>20</sup> *Id.* at 132, citing *Drennan v Star Paving Co*, 51 Cal 2d 409; 333 P 2d 757 (1958) for the proposition that bid shopping negates a general contractor's right to promissory estoppel, among other acts, such as when the general contractor's reliance on the subcontractor's quote was unreasonable, the subcontractor's quote was expressly revocable, or the general contractor unreasonably delayed acceptance.

<sup>21</sup> *Id.* at 132.

<sup>22</sup> *Id.*, quoting 1 Corbin, *Corbin on Contracts* (Rev Ed, 1993) 292, Section 2.31.

<sup>23</sup> *Id.* at 132-133.

<sup>24</sup> *Wright v Genesee Co*, 504 Mich 410; 934 NW2d 805 (2019).

<sup>25</sup> See *Weitz Co, LLC v Hands, Inc*, 294 Neb 215, 232; 882 NW2d 659 (2016) ("[c]ourts are reluctant to use promissory estoppel if the general contractor bid shopped, either because bid shopping shows that the

general contractor did not rely on the bid, or because injustice no longer requires enforcement of the bid, or both"); *Preload Tech, Inc v AB & J Const Co, Inc*, 696 F2d 1080, 1089 (CA 5, 1983) (promissory estoppel is often limited to serve as prohibition against bid shopping and bid chiseling) (applying Texas law but drawing this premise from *Drennan v Star*; *Pavel Enterprises, Inc v AS Johnson Co, Inc*, 342 Md 143, 168; 674 A2d 521, 533 (1996) ("a showing by the subcontractor, that the general contractor engaged in 'bid shopping,' or actively encouraged 'bid chopping,' or 'bid peddling' is strong evidence that the general did not rely on the sub-bid.")

<sup>26</sup> *Drennan v Star Paving Co*, 51 Cal 2d 409, 415; 333 P 2d 757 (1958) .

<sup>27</sup> See, e.g., *Alas Bussell Elec Co v Vern Hickel Const Co*, 688 P2d 576 (Alas, 1984); *Debron Corp. v. National Homes Constr Corp*, 493 F 2d 352 (8th Cir. 1974) (applying Missouri law); *Reynolds v. Texarkana Constr Co*, 237 Ark 583, 374 SW2d 818 (1964); *Mead Assocs Inc v Antonsen*, 677 P 2d 434 (Colo. 1984); *Illinois Valley Asphalt v JF Edwards Constr Co*, 45 Ill Dec 876, 413 NE2d 209, 90 Ill App 3d 768 (Ill Ct App 1980); *Lichtefeld-Massaró, Inc v RJ Manteuffel Co*, 806 S W2d 42 (Ky App 1991); *Constructors*

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*Supply Co v Bostrom Sheet Metal Works, Inc*, 291 Minn 113, 190 NW2d 71 (1971); *EA Coronis Assocs v M Gordon Constr Co*, 90 NJ Super 69, 216 A 2d 246 (1966).

<sup>28</sup> See, e.g., Cal Pub Contract Code §§ 4100 to 4114; Conn Gen Stat § 4B-95(b)(c); Fla Stat § 255.0515; Nev Rev Stat § 338.141; NJ Stat 52:32-2, 52:18A to 52:78.11, 52:32-2.3 and others; NC Gen Stat § 143-128; RI Gen Laws §§ 37-13-4, 37-2-26; SC Code § 11-35-3020(2); Tenn Code Ann § 62-6-119(b); Utah Code Ann § 63A-5-208(3); Wash Rev Code § 39.30.060(1).

<sup>29</sup> Gregory & Travers, *supra*, citing the statutes enumerated in *supra* note 15.

<sup>30</sup> *Id.*

<sup>31</sup> See, e.g., *CR Kirby Contractors, Inc v City of Lake Charles*, 606 So 2d 952 (La Ct App, 1992) (enforcing municipal listing requirements); *Dynacon, Inc v D&S Contracting Inc*, 899 P 2d 613 (NM Ct App 1995) (enforcing New Mexico's listing requirements); *EM Watkins & Co, Inc v Bd of Regents and Winchester Constr & Eng'g*, 414 So 2d 583 (Fla Dist Ct App, 1982) (enforcing Florida's listing requirements); *George & Lynch, Inc v Div of Parks & Recreation*, 465 A 2d 345 (Del 1983) (enforcing

Delaware's listing requirements); *Nelson & Sons, Inc v County of Fresno*, 2007 US Dist. LEXIS 38047 (D Cal, 2007) (upholding California's bidding requirements under equal protection challenge, finding that it was rationally related to the legitimate governmental interest of promoting long-term lower contract prices); *O'Shea v New Jersey Schools Constr Corp*, 908 A 2d 237 (NJ Super Ct App Div, 2006) (enforcing New Jersey's listing and substitution requirements); *Ray Bell Constr Co v School Dist of Greenville County*, 331 SC 19 (SC, 1998) (enforcing South Carolina's listing requirements and holding that a contractor's listing of multiple "alternative" subcontractors was a material violation of the bidding requirements and not waivable by the awarding authority); *Romeo Excavation & Trucking, Inc v Bradley Constr, Inc*, 913 P 2d 659 (NM, 1996) (holding that New Mexico's listing requirements did not permit a general contractor to substitute itself for a listed subcontractor after successfully being awarded).

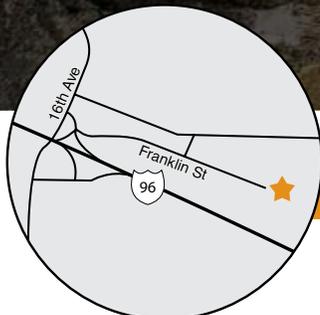
<sup>32</sup> See, e.g., *Finney Co, Inc v Monarch Construction Co, Inc*, 670 SW2d 857 (Ky, 1984); see also *Hoel-Steffen Constr Co v United States*, 684 F 2d 843 (Ct Cl, 1982) (bid-listing



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requirement affords subcontractors limited protection); *McCandlish Elec, Inc v Will Constr Co, Inc*, 25 P 3d 1057 (Wash Ct App, 2001) (holding that the Washington state subcontractor bid-listing statute neither expressly nor impliedly gives subcontractors a legal cause of action against the general contractor); see also *Holman Erection Co v Madsen & Sons, Inc*, 330 NW2d 693 (Minn, 1983); *Mitchell v Siqueiros*, 582 P 2d 1074 (Idaho, 1978); *Klose v Sequoia Union High Sch Dist*, 258 P 2d 515, 517 (Cal Dist App Ct 1953) (“A subcontractor bidder merely makes an offer that is converted into a contract by a regularly communicated acceptance conveyed to him by the general contractor.”)

<sup>33</sup> General Statutes § 42-110b (a).

<sup>34</sup> Take Oregon and South Carolina, for example. See SC Code § 39-5-20(a), which “declares unfair or deceptive acts or practices in trade or commerce unlawful.” *Singleton v Stokes Motors, Inc*, 358 SC 369, 379; 595 SE2d 461, 466 (2004) (citing the statute); and See ORS 646.638(1) (with similar language).

<sup>35</sup> *Johnson Elec Co, Inc v Salce Contracting Assoc, Inc*, *supra*, note 12.

<sup>36</sup> *Id.*

<sup>37</sup> *Slobin v Henry Ford Health Care*, 469 Mich 211, 216; 666 NW2d 632 (2003).

<sup>38</sup> HR 3492 (July 31, 2009), available at <https://www.congress.gov/bill/111th-congress/house-bill/3492?q=%7B%22search%22%3A%5B%22Construction+Quality+Assurance+Act+of+2009%22%5D%7D&s=2&r=1>

<sup>39</sup> See Gregory & Travers, *supra*, citing “Dear Colleague” letter from sponsors Rep. Kanjorski and Rep. Carolyn Maloney, urging members of Congress to support H.R. 3492 (Sept. 22, 2009).

<sup>40</sup> *Id.*, noting that the American Subcontractors Association (ASA) strongly supported the legislation, whereas the AGC, for example, opposed it while maintaining its position against bid shopping generally, stating that it “undermines the government’s attempts to streamline procurement, removes the flexibility of the prime contractor to manage projects, and does not improve the quality or decrease the cost of construction projects.” See <https://www.agc.org/industry-priorities/procurement/bid-shopping>. **CS**

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# MISS DIG 811

## THE 14-DAY RULE

### The 14-Day Rule

What is a reasonable timeframe for an excavator to provide notice to the Notification Center of their intention to dig?

Each state answers this question differently. An excavator working in Ohio may provide notice of excavation between 48 hours and 10 working days before digging. In Indiana, a notice to dig may be given two full working days but no more than 20 calendar days before commencing work. Michigan's Public Act 174 of 2013 states, "An excavator shall provide a dig notice to the notification system at least 72 hours, but no more than 14 calendar days, before the start of any blasting or excavation." This 14-day constraint was implemented because markings may be destroyed or unreliable due to lawn maintenance, weather, or removal from an unknown source.

Michigan dig notices may be submitted online using the Remote Ticket Entry (RTE) and e-Locate programs or by calling

the MISS DIG 811 Notification Center. All three platforms allow excavators to choose a Begin Date (dig start date or work date) that accurately reflects when digging will start. Excavators are encouraged to take advantage of the 14-day window to place dig notices. Notifying facility owners and their locators up to two weeks in advance of a job allows them to plan ahead during a busy dig season.

Remote Ticket Entry (RTE) users, trained to place dig notices online, are provided a drop-down menu with dates ranging from three working days to 14 calendar days. If a Begin Date is not chosen from the drop-down menu, it defaults to three working days. It is not unusual for an RTE user to place 50 dig notices or more in one day. Submitting 50 dig notices that need to be responded to within three working days places an unnecessary load on the locating community if not all jobs will actually begin in three days. Excavators placing multiple dig

*Continued on page 61*

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Did you know that MITA's Vice President of Engineering Services Glenn Bukoski, P.E., is retiring at the end of this year after working for nearly 50 years in the industry?

Did you know he always uses a straight edge when he hand writes anything (no cursive, he prints), a habit he acquired in a drafting class years ago? ("What can I say; it's an anal engineer thing," he explained).

### Other fun facts about Glenn:

- He started working for MDOT right after high school in a civil tech co-op program.
- His first job with MDOT as a student highway technician paid him \$3.48 an hour.
- He has saved all the carbon copies of his work assignments during his 30-year career with MDOT.
- He received a FHWA scholarship and earned his bachelor's degree in civil engineering from MSU in 1979.
- He has been involved in the rewrite of four editions (1996, 2003, 2012, 2020) of MDOT's Standard Specifications for Construction,

After advancing up the professional engineer ladder at MDOT for 30 years, he was hired by Parsons Brinckerhoff (now WSP); later joined the Michigan Road Builders Association

(MRBA) as director of technical services, and since 2005 he has been with MITA (the former Associated Underground Contractors, which merged with MRBA in 2005). **cs**

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# MICHIGAN'S TOP ENGINEERING AND SURVEYING PROJECTS

## RECOGNIZED AT ANNUAL ACEC/M EXCELLENCE AWARDS GALA

The American Council of Engineering Companies of Michigan (ACEC/M) recently honored firms for engineering and surveying excellence during the association's annual Engineering and Surveying Excellence Awards Gala. Design professionals and guests gathered virtually to recognize outstanding Michigan engineering and surveying projects from the past year, as well as engineering professionals who have significantly contributed to the profession. The ACEC/M Awards Program recognizes outstanding efforts of professional design firms to solve clients' needs through exceptional projects and offers the opportunity to showcase the year's best engineering and surveying achievements to an audience of peers, clients and decision makers at all levels.

This year's most prestigious award – the **Engineering Eminent Conceptor Award** – went to **Quandel Consultants, Inc.** for the Michigan Accelerated Rail Project, which enhances mobility in Michigan through rail infrastructure improvements between Dearborn and Kalamazoo. Quandel Consultants served as a program management consultant for MDOT's Office of Rail. The project team successfully managed a \$400 million budget over eight years to enhance state-supported Amtrak by increasing train speeds up to 110 mph.

**Six firms were honored with an Engineering Honorable Conceptor Award for their work on the following:**

- **AECOM** (Traverse City) and **Inter-Fluve** (Lodi, WI) – Boardman River Dams Ecosystem Restoration in Traverse City
- **Bergmann** (Lansing) – Allen Creek Berm Opening in Ann Arbor
- **SME** (Plymouth) – Frank Rewold & Sons, Inc. Headquarters in Rochester
- **SmithGroup** (Detroit) – First Automotive Works Group Research & Development Campus in China
- **SmithGroup** (Detroit) – Zeiss Regional Headquarters in Wixom
- **Wade Trim** (Detroit) – Ford Dearborn Central Energy Plant Site in Dearborn

**Engineering Merit Awards were presented to:**

- **C&S Companies** (Livonia) – Terminal Apron Reconstruction and Expansion in Grand Rapids for the Gerald R. Ford International Airport Authority
- **Fleis & VandenBrink** (Grand Rapids) – Clean Water A Flush Away for West Shore Community College in Scottville
- **Hubbell, Roth & Clark, Inc.** (Bloomfield Hills) – DTW Emergency Retaining Wall Repairs in Romulus for the Wayne County Airport Authority
- **Hubbell, Roth & Clark, Inc.** (Bloomfield Hills) – Innovation Hills project for the City of Rochester Hills
- **NTH Consultants, Ltd.** (Northville) – Livernois "Avenue of Fashion" Make-Over for the City of Detroit, Department of Public Works
- **OHM Advisors** (Livonia) – Auburn Road Reconstruction & Streetscape in Rochester Hills
- **OHM Advisors** (Livonia) – Utility Restructuring for Long-Term Success project in Taylor for the Downriver Utility Wastewater Authority
- **Progressive AE** (Grand Rapids), **Moore + Bruggink** (Grand Rapids) and **Speck & Associates** (Brookline, MA) – Envision Ada project for Ada Township
- **Spicer Group, Inc.** (Saginaw) – Universal Pump Station in Carrollton for the Saginaw County Public Works Commissioner
- **Tetra Tech** (Ann Arbor) – WRRF Headworks and Interceptor Improvements for the City of East Lansing
- **Wightman** (Kalamazoo) – Halbert Road Culvert in Battle Creek for the Calhoun County Road Department

This year's **Surveying Eminent Conceptor Award** went to **Fishbeck** (Grand Rapids) and **Tetra Tech** (Ann Arbor) for their 8-1/2 Mile Relief Drain In-System Storage Scan project, which included scan and survey of a 4.5-mile municipal pipe to identify its location and elevation, determine invert elevation, and establish the size of taps and leads entering the pipe. The gathered data will be used to place in-system storage devices to store flow in the pipe during large rain events.

A Surveying Honorable Conceptor Award was presented to **Spalding DeDecker** (Rochester Hills) for the US-31 Bascule Bridge Design Survey in Manistee for the Michigan Department of Transportation.

**Surveying Merit Awards were presented to:**

- **Anderson, Eckstein & Westrick, Inc.** (Shelby Township) – UAW Solidarity House Terrestrial & Aerial Scanning project in Detroit
- **Surveying Solutions, Inc.** (Standish) – UAV LiDAR: Expansive Topographic Monitoring project in Ontonagan County for the Michigan Department of Transportation

The Board Design Award went to **AECOM** (Traverse City) and Inter-Fluve (Lodi, WI) for their board designed to ‘tell the story’ of the Boardman River Dams Ecosystem Restoration in Traverse City.

This year’s ACEC/M Vernon B. Spalding Leadership Award was presented to **Keith M. Swaffar, P.E.**, of **NTH Consultants, Ltd.**, to honor his outstanding leadership roles in ACEC and several community organizations. The ACEC/M Felix A. Anderson Image Award was presented

to **Kimberly K. Nowack, P.E.**, of the **Mackinac Bridge Authority** for her actions and contributions to enhance the image of the profession.

The Eminent and Honorable Conceptor award winners are eligible to compete at the National ACEC engineering competition in Washington, D.C. For more information on the projects and award winners, please contact ACEC/M at [517.332.2066](tel:517.332.2066) or visit their web site at [www.acecmi.org](http://www.acecmi.org). The recording of the awards gala can be viewed at <https://youtu.be/GcWFXP013Wk>.

*The American Council of Engineering Companies of Michigan is the voice of Michigan’s engineering industry. Council members – numbering over 100 firms throughout the state – are engaged in a wide range of engineering/architectural/surveying works that propel the state’s economy and enhance and safeguard Michigan’s quality of life. These works allow people to drink clean water, enjoy a healthy life, take advantage of new technologies, and travel safely and efficiently. The Council’s mission is to contribute to Michigan’s prosperity and welfare by advancing the business interests of member firms. **cs***

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Continued from page 38

back up and we begin to normalize again, we will be able to again offer the hiring fair next March as a live event. There is nothing like meeting face-to-face with potential job seekers and determining if they are a fit for your company. During the fall and winter of 2021, MITA will begin working on the 3rd Annual Hiring Fair and provide you with sign-up information and begin promoting it to the general public. Informational bulletins will be sent out to MITA member companies.

If you would like more information about the above programs or need MITA's assistance in locating funding programs from MW! in your area, contact Ken Bertolini, Director of Workforce Development at (517) 449-0155. **cs**



Michigan Infrastructure & Transportation Association

## WORK ZONE SAFETY: DO YOU HAVE A STORY TO SHARE?

**WORK ZONE SAFETY**  
— TASK FORCE —

Working together, MDOT and the heavy construction industry are advancing our culture and practices to put **SAFETY FIRST** in Michigan's work zones.

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In an effort to continue encouraging Michigan motorists to drive safely through traffic work zones, the Michigan **Work Zone Safety Task Force** is seeking stories and photos of incidents or "near misses" in work zones. Do you have a story and or photo that you would like to share anonymously? This information will be used on the **Michigan Work Zone Safety Facebook Page** to spread the word about work zone safety. Your identity, the identity

of your company, and the exact location of the job you were working on will not be released.

You may submit your information and photos anonymously to MITA's Director of Communications Nancy Brown by emailing her at [nancybrown@thinkmita.org](mailto:nancybrown@thinkmita.org). If you have any questions, you can reach her at [517-896-1456](tel:517-896-1456).

Thank you for your participation! **cs**



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## CALENDAR OF EVENTS

### August 2021

25 MITA Golf Outing  
Eagle Eye, East Lansing

### September 2021

23 Wild Game Dinner  
Palazzo Grande, Shelby Twp.

### December 2021

10 Holiday Party, Lansing  
Lansing Country Club

15 Holiday Party, Grand Rapids  
Location TBD

16 Holiday Party, Metro  
Location TBD

### Board Meetings - 2021

January 20, 2021 9:00 AM Annual Conf. via ZOOM

April 14, 2021 1:00 PM MITA Office

July 22, 2021 8:30 AM Summer Conference, Grand Hotel

September 15, 2021 8:30 AM Country Club of Lansing

December 10, 2021 9:00 AM Country Club of Lansing



### MDOT Bid Lettings - 2021

July 9, 2021  
August 6, 2021  
September 3, 2021

October 1, 2021  
November 5, 2021  
December 3, 2021

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Continued from page 50

notices are encouraged to choose dates that accurately reflect when each project will start, giving the locating community ample time to respond to the request, as well as to reduce the need for a second or third request on each notice.

If work does not begin within 14 days from the Begin Date of the dig notice, a second request for Unmarked Facilities, which locators must respond to within three working hours, should not be placed. Instead, submitting a new dig notice gives the locators three additional working days to respond. Submitting a second dig notice because excavation did not start within 14-days can have an impact, especially when ticket volumes are high. Additional trips to the job site take the locator's attention away from other jobs and cost the facility owners money.

The 14-day window is beneficial to both the facility owners and excavators. Placing a dig notice up to 14 days in advance provides a reasonable timeframe for facility owners and their locators to respond to a request, while requiring excavation to begin within 14 days from the Begin Date on the ticket reduces the likelihood that markings are destroyed or disturbed before excavation begins.

Visit [membersupport@missdig811.org](mailto:membersupport@missdig811.org) to learn more. **CS**



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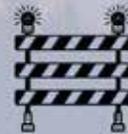
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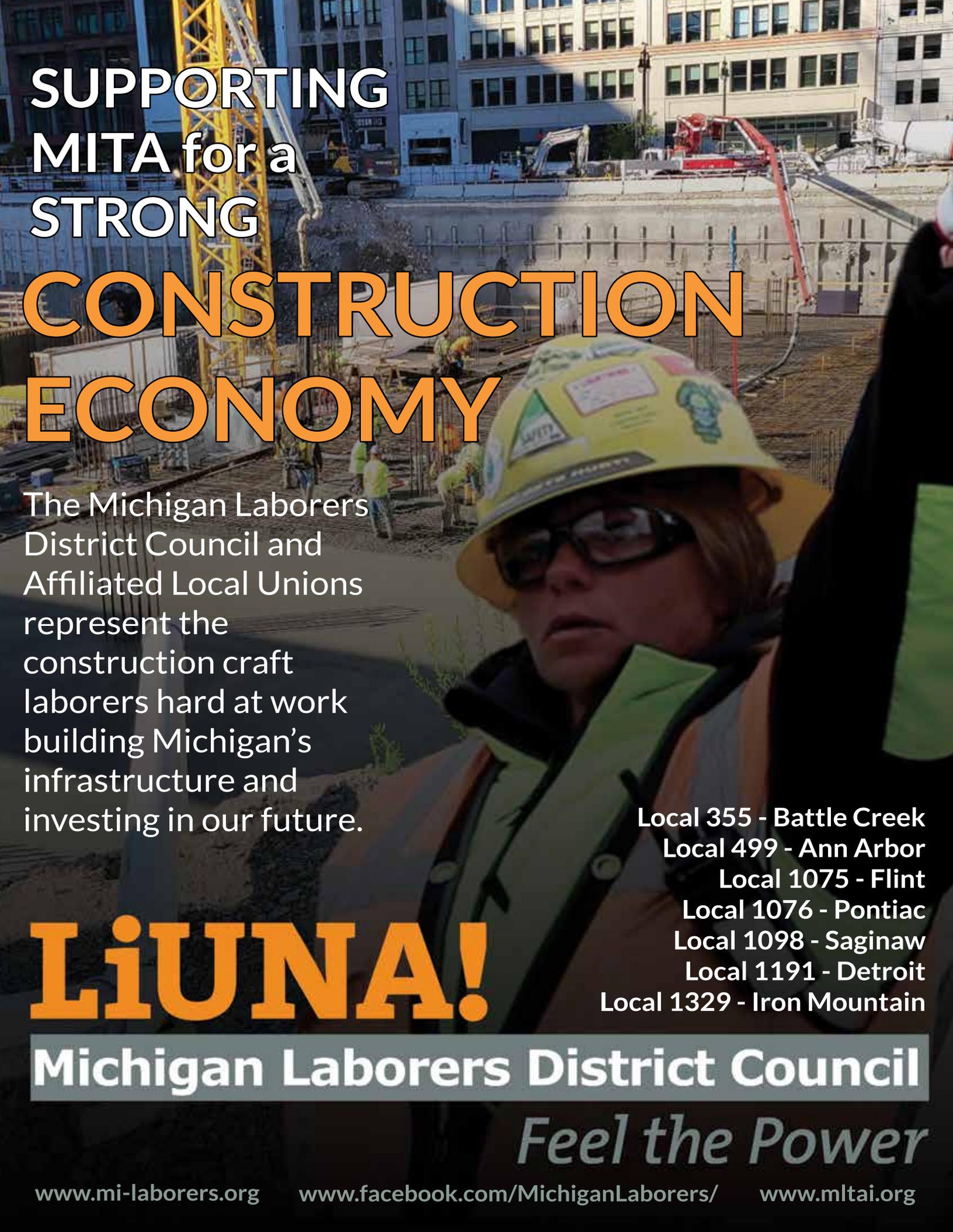
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