

HIGHWAY HAPPENINGS



FALL 2018

Mission Statement: "The AGC of South Dakota and its members promote skill, responsibility and integrity through construction and services which enhance the quality of life for all who live, work or travel in South Dakota."

GET READY FOR THE ...

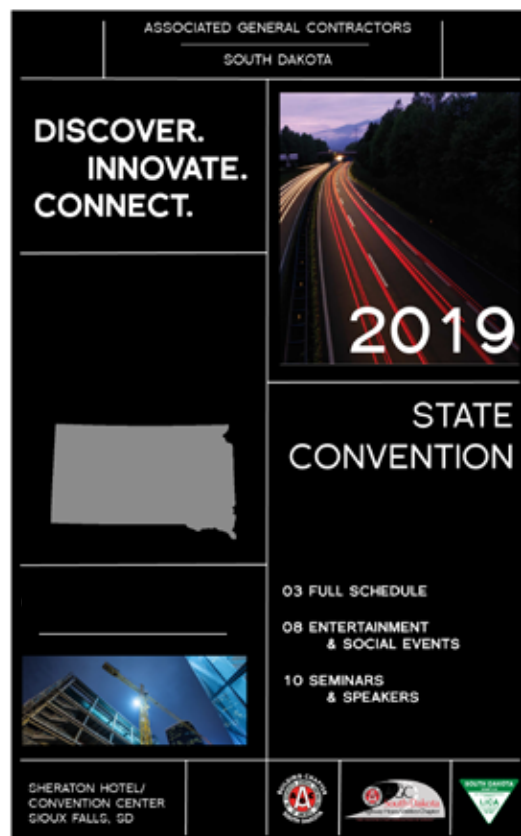
2019 STATE CONVENTION

JANUARY 9 – 11, 2019 / CONVENTION CENTER – SIOUX FALLS, SD

The planning committee has been working diligently to bring you another successful event! The line-up of speakers this year is outstanding and they each offer a little bit of something for everyone. Key-note speakers include Lt. General Russel L. Honoré, Shawn Van Dyke and Nathan Fredrickson. Topics include an Active Shooter Scenario & Defusing Workplace Violence, Recruiting the Next Workforce and Resilient Leadership.

Wednesday night activities include the annual awards and casino night! Thursday night will be the Installation of Officers Banquet followed by the band "The White Keys." There will be several educational break-out sessions and a pre-convention safety training - see page 16 or the enclosed insert for more details on the safety training! Sponsors and Exhibitors are also being accepted until December 3rd, those forms are also included as an insert! Registration will open around Thanksgiving.

An AGC block of sleeping room is open at the Sheraton Hotel and reservations can be made by calling 605-367-9695. Please save the date and register early!! You don't want to miss the 2019 State Convention in Sioux Falls!



ON THE INSIDE

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WITH JASON SMILEY / CONSTRUCTION CAMPS RECAP / AGC CARES / WORKFORCE DEVELOPMENT / SAFETY
TRAININGS / NEWS FROM AGC OF AMERICA ... AND MORE!!

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FROM THE PRESIDENT:

JARED GUSSO, SFC CIVIL CONSTRUCTORS

Greetings and Salutations Fellow AGC Members,

I hope this message finds you well as we come to the close of the 2018 construction year and into the holiday season. The great news is that it gives all of us a chance to catch our breath while providing opportunities to better ourselves, our companies, and our industry.

One of the first opportunities is during the upcoming AGC and SDDOT meeting December 6th and 7th in Pierre. Please save the date and plan on attending this great event that gives all of us an opportunity to work on various issues that affect our industry while strengthening the AGC/SDDOT relationship. Workgroups consisting of members from both groups have made great progress on several items during this past year. This event also gives us the opportunity to discover new matters that we can solve together and gain a consensus on.

This year's state convention committee has been working hard putting together a great convention. We have a diverse lineup of speakers, presenters and an exciting new education foundation fund raiser. There will be something for everyone. Plan on attending this great event that is being held at the Sioux Falls Convention Center in Sioux Falls on January 9, 10, and 11th. You will not be disappointed.

At the convention we will be presenting awards for Build SD, Golden Hard Hat, Good Citizen, and the Mark Knight Leadership Award (formally the Young Construction Professional Award). The submission deadline for these awards is Friday, November 30th. These awards are an opportunity to showcase how our members are building South Dakota through projects big and small. It also is a chance to recognize individuals who better our industry through hard work and dedication.

I want to say thank you for being involved in the association that is the voice of our industry. We accomplish so much more as one united voice. As always, if you would like to get more involved there are many ways to do so. Helping on a committee or getting involved in your nearest Construction Careers Camp are easy ways to start. The diversity of the work we do and the different perspectives we each bring is a strength of our association as we take on the challenges of workforce or regulations or funding. Please reach out to myself or an AGC staff member to learn more about how to make our voice stronger while improving our industry.

The last item to update on is our strategic plan. Four years ago we sat down and broke down our major objectives into 8 categories. Since that date we have continued to follow the plan and work it. We have completed some tasks and added new ones. The plan has continued to provide a map of our priorities. If you have any questions about our plan, please reach out for more information.

Jared Gusso, PE



JARED GUSSO

2018 AGC of SD HHU President
SFC Civil Constructors
Sioux Falls, SD

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Senior VP - Tim Foerster, Rapid City
Sec./Treas. - Cindy Monnin, Sioux Falls
Past Pres. - John Morris, Pierre

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Lynn Kading / Rapid City
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President - Casey Dolney, Rapid City
VP - Jon Snedeker, Sioux Falls
Sec./Treas. - Derek McTighe - Pierre



AGC MEMBER BENEFITS

LEGAL COUNSEL

The AGC of South Dakota, HHU Chapter has an attorney, Jason Smiley, on retainer to assist members and staff with construction-related legal questions. Member firms may contact Jason directly at 605-342-1078 or by email jsmiley@gpnalaw.com



EMPLOYEE RETIREMENT PLAN

Fringe Benefits Design Inc. is the administrator for the AGC of South Dakota - sponsored 401(k) Profit Sharing Plan. They provide all contractors and associate members the education, investments, documents and other administrative needs to implement a qualified retirement plan. Contact Fringe Benefits Design, Inc. for more information at 605-331-5082.

DENTAL PROGRAM

The AGC of South Dakota has a dental insurance program available to in-state member firms. For more information or to discuss eligibility requirements, please contact the Delta Dental office at 605-224-7345 or by email: sales@deltadental.com



SAFETY TRAINING

Contact the AGC Safety Team for all of your Training Needs!

MICHAEL@SDAGC.ORG
JIM@SDAGC.ORG

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AGC's Membership Discount Programs provide members access to high-quality services, cutting-edge technology and top-of-the-line products. From discounts on vehicles to office supplies to cloud-based construction management solutions, AGC has partnered with some of the best to give you the most for your money and improve your daily business operations.

Visit the website: <https://www.agc.org/member-benefits/member-discount-programs>



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SPOTLIGHT!



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This section of the bulletin highlights the AGC, its' members and/or staff who have been quoted, interviewed, published, etc. by the media recently. If you are aware of AGC of SD "In the News" items, please forward them to the AGC Office.

August 25, 2018 KOTA-TV:

Floyd Schafer, Mainline Contracting featured in a news story titled "*Mainline Contracting hosts a Kids Construction Day*" on the 5:30 & 10:00pm newscasts.



September, 2018 Western Builder:

Heavy Constructors featured in article titled "*SDDOT, Heavy Constructors Begin Final Phase of Project to Reconstruct I-90*".



September 12, 2018 NewsCenter 1 TV:

AGC's Simulators featured in a news story titled "*Students Get Dirty Without Leaving the Classroom*" on the 5:30 & 10:00pm newscasts.



July 11-17, 2018 Sioux Falls Business

Journal: **Kyle Vongrovin, Infrastructure Design Group** pictured and quoted in article titled "*Southeast Tech Surveying Program Rules the Region*".



July 6, 2018 Argus Leader: **AGC of SD** mentioned in article titled "*Critics Question Power of Initiative's Ethics Panel*".



July 25-31, 2018 Sioux Falls Business Journal: **Tom Kelley, Gage Brothers** pictured and quoted in article titled



"Gage Bros.' \$40M Plant a Massive Undertaking".

August 25, 2018 Construction Equipment Guide: **RDO Equipment** featured in article titled "*RDO Equipment Holds 50th Anniversary Celebration*".



October 5, 2018 Argus Leader:

Jim Soukup, Soukup Construction quoted in article titled "*Sioux Falls on Verge of Rain Record*".



October 9, 2018 DRG News: **AGC of SD, HHU Chapter** featured in an article titled "*AGC of SD, Highway-Heavy-Utilities Chapter Wins National Award*".



October 11, 2018 NewsCenter 1 TV:

AGC Executive Director, Toby Crow interviewed in news story titled "*Construction Awareness Day Camp*" on the 10:00pm & 6:00am newscasts.

October 15, 2018 AGC of America SmartBrief: **AGC's Construction Camps** featured in a article titled "*Camp teaches S.D. students about construction*".

October 13, 2018 Argus Leader: **Dawn Andel, Journey Group** quoted in article titled "*Big Changes Coming*".



November Sioux Falls Chamber News: **Jolene Smith, Journey Group Companies** quoted in a article titled "*Skilled Trades Meeting the demand for skilled workers*".

EVENTS

November 15, 2018 - Bid Letting Conf. Call
November 15, 2018 - HR Alliance Meeting - *Rapid City*
November 16, 2018 - Safety Lunches - *RC & SF*
November 21, 2018 - SDDOT EBS Letting
Nov. 22-23, 2018 - Thanksgiving Holiday - *AGC Closed*
November 29, 2018 - SD Trans. Comm. Mtg. - *Pierre*
December 5, 2018 - SDDOT EBS Letting
Dec. 6-7, 2018 - Joint AGC / SDDOT Meeting - *Pierre*
December 7, 2018 - AGC Board Mtg. - *Pierre*
December 12, 2018 - SDDOT EBS Letting
December 13, 2018 - PR Comm. Mtg. - *Sioux Falls*
December 18, 2018 - Assoc. Div. Board Conf. Call
Dec. 24-25, 2018 - Christmas Holiday - *AGC Closed*
January 1, 2019 - New Year's Day Holiday - *AGC Closed*
Jan. 3-4, 2019 - DAPA Annual Meeting - *Deadwood*
January 8, 2019 - 1st Day of Legislative Session - *Pierre*
January 15, 2019 - 1st Legislative Briefing Conference Call
Jan. 9-11, 2019 - 2019 State Convention - *Sioux Falls*
January 16, 2019 - SDDOT EBS Letting
Jan. 16-18, 2019 - AGCA Safety & Health Conf. - *Miami, FL*
January 23, 2019 - SDDOT EBS Letting
January 29, 2019 - AGC Annual Legislative Day - *Pierre*
February 6, 2019 - SDDOT EBS Letting
Feb. 11-12, 2019 - Concrete Conference - *Deadwood*
February 20, 2019 - SDDOT EBS Letting
Feb. 27-28, 2019 - SD Asphalt Conference - *Pierre*

SAVE THE DATES

Mar. 12-13, 2019 - SD Transp. Const. Summit - *Oacoma*
March 26, 2019 - AGC Exec., Board & Spring Mtg. - *Sioux Falls*
March 28, 2019 - AGC Spring Meeting & Mixer - *Rapid City*
April 23, 2019 - Construction Awareness Days - *Pierre*
May 8-9, 2019 - AGC/Corps of Engineers Annual Mtg. - *Omaha, NE*
June 13-14, 2019 - Safety & HR Summit - *Oacoma*
June 21-22, 2019 - AGC Fishing Tournament - *Pierre Area*
July 15, 2019 - Summer Social - *Sioux Falls*
July 16, 2019 - AGC Golf Tournament - *Sioux Falls*
July 25, 2019 - AGC Board Web Meeting
August 7, 2019 - Summer Social - *Rapid City*
August 8, 2019 - AGC Golf Tournament - *Rapid City*
October 2, 2019 - Construction Awareness Days - *Sioux Falls*
October 10, 2019 - Construction Awareness Days - *Rapid City*
October 24, 2019 - AGC Exec., BOD, Fall Mtg & Mixer - *Rapid City*
October 29, 2019 - AGC Fall Meeting & Mixer - *Sioux Falls*
Nov. 8-9, 2019 - Young Constructors Pheasant Hunt - *Pierre*
Dec. 5-6, 2019 - Joint AGC / SDDOT Meeting - *Pierre*
December 6, 2019 - AGC Board Mtg. - *Pierre*
January 15-17, 2020 - AGCLICA State Convention - *Deadwood*
January 28, 2020 - AGC Annual Legislative Day - *Pierre*

MEMBER NEWS

Welcome New HHU Members!

Range Country Lodging

Greg Miller, President

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EPI Investigations & Risk Management

Nathan Fredrickson

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Kraus Anderson Insurance

Jeff J Larson, Senior Risk Consultant

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Condolences: In Memory of John Shoemaker

We regret to inform you that John Shoemaker, 47 of Webster Scale tragically passed away November 2nd in a plane crash. John was Vice President of Webster Scale, Inc and AGC's Vice President elect.

Recruitment

The AGC is always looking for new members to join our association and we need your help! If you know of a company that would benefit from joining the AGC, please get in contact with them and ask them to join! The Board of Directors recently approved giving potential members a free registration to attend our 2019 State Convention. Please send any potential member information to the AGC staff today!

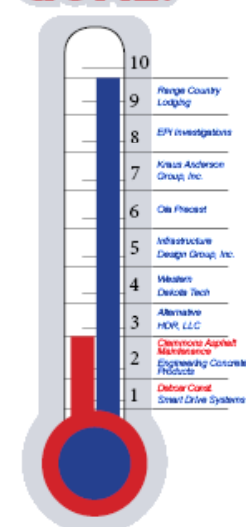
HELP US REACH OUR GOAL

Membership is the lifeline of our great association and new members are needed! Please ask your business associates to join today! Help the HHU staff by actively recruiting new members

RECRUITMENT GOALS:

■ 5 CONTRACTORS
 ■ 10 ASSOCIATES &

GOAL!



2019 Director Openings

While all of you are busy wrapping-up the 2018 construction season, the AGC is busy preparing for 2019. This means it's time to fill our 2019 Board of Director openings. The AGC Board and Associate Division Board is currently accepting Board of Director nominations. If you are interested in becoming a Director please contact the AGC Office or any current board member. Please remember, AGC's success largely depends on the active volunteer leadership of its members. As 2019 nears, please make a commitment to remain or become more active in the AGC!

2019 Membership Renewal & Directory Update

Your 2019 AGC membership renewal information will be in your mailboxes soon! Please complete the membership form and submit payment in a timely fashion. Thank you for being an AGC of SD member! In addition to renewing, please update your company information using our member verification system through Naylor.

Log in with your private user name and password at this link: <http://memberverify.officialdirectory.com/applicationLogin/login>. Once your information is correct, click the "Member Approved" button and you're done! It's very important to us that your information is printed correctly. The update link is also available each Monday in the Weekly News!



2018 Chapter Awards Program - LAST CHANCE!

Members are encouraged to submit nominations for the 2018 AGC of South Dakota Awards (Build South Dakota, Golden Hard Hat, Good Citizen and the Mark Knight Leadership Award (formally the Construction Leadership award)! These awards recognize both individual and company achievements. Nominations are strongly encouraged and may be submitted by any member firm. These awards will be presented at the 2019 State Convention on Wednesday, January 9th at the Sioux Falls Convention Center and again at the Spring



Membership Meetings. Nomination forms are available on the AGC website www.sdagc.org. Nominations are due no later than November 30, 2018!

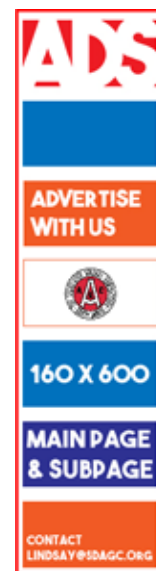
Legislative Day & Dinner - Save the Date!

The AGC will be hosting our 3rd Annual "Legislative Day" followed by the Annual Legislative Dinner in Pierre, SD on Tuesday, January 29th, 2019. This unique opportunity allows for members to see first-hand how our Legislature operates in Pierre. The AGC is looking for recommendations for groups to visit & meetings to attend during this event. If you have any suggestions, please call the AGC office at 605-224-8689. Please save the date now, you do not want miss the opportunity to get face-to-face with your Senators & Representatives!



2019 Advertising Opportunities

The new year is just around the corner, so get ahead of the curve and reach your target audience by advertising in a HHU Chapter publication! Opportunities include the AGC website www.sdagc.org, the quarterly bulletin and new ads now in Monday's Weekly News E-Newsletter! Ads are sold at a discounted rate for members and can be placed on a one-time only basis or in every publication for a year. Please see the enclosed form for all of the details and email lindsay@sdagc.org with any questions!



AGC Online Store

The AGC HHU online store has been re-stocked with apparel items for you to purchase! New this year - add your company logo to your apparel items along with the AGC logo! Log on to: <http://sdagc.logoshop.com> and help us brand our great association!!



LEGISLATIVE NEWS

Unemployment Insurance Reduced Tax Table in Effect for 2019

Due to the strength of the Unemployment Insurance Trust Fund, a reduced tax table for employers' UI taxes will remain in effect for 2019. The lower tax table is triggered when the ratio of UI contributions paid by employers and benefits paid out to workers ensure that the UI trust fund has adequate revenue to pay 18 months of benefit claims.

The reduced tax table was passed by the legislature as a way to keep the UI Trust Fund from growing too large when the economy is good. AGC supported the legislation.

The state Unemployment Insurance Division mailed the 2019 UI tax rate notices to employers in late October.

Election 2018 Recap

Contractors are politically active, and they certainly participated in the 2018 midterm elections. CONPAC contributed more than \$30,000.00 to 56 legislative candidates, one initiated measure, a constitutional amendment and the governor's race. Overall, CONPAC had a good election night.

- Initiated Measure 25 – Proposed a tax increase on tobacco to raise \$24 million to be used to reduce tech school tuition. CONPAC contributed to the campaign to pass IM 25, and AGC lent its name to the proponent list. The measure was defeated as opponents outspent proponents three to one with a tax hike message.
- Constitutional Amendment W – Another



attempt to clamp down on the political process by Represent Us in Massachusetts. Most of their first attempt (IM 22) was so unworkable that the 2017 Legislature threw it out, while keeping some lobbyist gift prohibitions and crafting a government ethics panel. This attempt proposed a new part of the state constitution that limits campaign contributions, supersedes all other parts of

the constitution and sets up an ethics tribunal with no oversight, which would cost \$400,000 annual in tax money. AGC was part of a 41-member coalition who defeated this unworkable proposal 55-45%.



- Legislative Candidates – CONPAC supported 56 candidates in the 2018 general election. Two withdrew (Rhoden when tapped as lieutenant governor and Heinemann due to health). One incumbent, Rep. Turbiville, passed away prior to the election. There are numerous districts where a recount may be requested, so total tallies won't be available for at least a week. But it appears that at least 49 of the candidates CONPAC supported won their races. Once any recounts are complete, we will have a better analysis of net gains/losses per party and per chamber.
- Governor's Race – CONPAC supported the campaign of Kristi Noem for Governor. Her opponent, Senator Billie Sutton, cast a NO vote on SB 1 in 2015, the highway funding bill. Kristi Noem won the governor's race 51-48%.
- US House Race – AGC of America PAC supported the campaign of Dusty Johnson. Dusty was involved in early discussions of the 2015 highway funding bill when he served as Governor Dugaard's Chief of Staff. Dusty won his seat on a 60-36% margin.

2019 Session Starts in Two Months!

South Dakota's new governor will start the 2019 Legislative Session on Tuesday, January 8 with the state of the state address. AGC will again be there during session to represent the construction industry. In fact, discussions on potential legislation stated a few months ago. Members will receive weekly email updates on session beginning on Friday, January 18. Weekly legislative phone calls will begin on Tuesday, January 22. And the Annual AGC Legislative Dinner is Tuesday, January 29!

LEGISLATIVE NEWS

Be a Politically Active Contractor: Join CONPAC

CONPAC works year-round to raise money to elect bipartisan candidates to the legislature who understand how important business and the construction industry is to South Dakota. CONPAC is also involved in ballot measures and on occasion, local issues that affect business and industry in the state.

Now would be a great time to join. Email info@sdagc.org for details. The CONPAC Annual Meeting was held Tuesday, November 13. Members were given a full recap of money raised and spent and reviewed the November election results. CONPAC also discussed fundraising for the upcoming year and they will have a booth set-up at the 2019 State Convention!



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AGC LEGAL MINUTE

Jason Smiley, AGC Legal Counsel



GOOD FAITH, GOOD GRIEF

The South Dakota Supreme Court recently decided a case related to road construction. The project ran late and liquidated damages were imposed. The project engineer was alleged by the contractor to have committed professional negligence related to the design, interpretation, and application of the plans and specifications.

The contractor presented evidence in the form of expert testimony that the engineer's services on this project were below an acceptable standard. The contractor's expert gave an opinion that the engineer failed to "objectively evaluate the circumstances, determine its impact on cost and/or time, and take the appropriate action to adjust the bid amount or schedule." The negligence alleged was that the engineer "chose the wrong field tactic when deciding how to handle circumstances that clearly could not have been known—or were not revealed—to bidders." *Id.* at ¶ 26. The engineer disputed these claims and presented evidence of its own to refute the allegations.

Ordinarily when the evidence is conflicting, the issue will be decided by a jury at trial, giving the jury an opportunity to determine whom they believe. But this case was not decided by a jury based upon the conflicting evidence. It was decided by the court when it ruled that there was no question of fact for the jury to consider regarding the engineer's good faith. In doing so the court relied upon the following language in the contract:

Neither Engineer's authority or responsibility under this Article 9 or under any other provision of the Contract Documents nor any decision made by Engineer in good faith either to exercise or not exercise such authority or responsibility or the undertaking, exercise, or performance of any authority or responsibility by Engineer shall create, impose, or give rise to any duty in contract, tort, or otherwise owed by Engineer to Contractor, or any Subcontractor, any Supplier, any other individual or entity, or to any surety for or employee or agent of any of them.

Id. at ¶ 5.

The effect of this ruling is that if language of this nature is used in a construction contract, a contractor cannot meet its burden of proof by presenting evidence that the engineer's conduct is below that which is expected of a professional engineer. So what is good faith? It's not entirely clear. Although the court differentiates good faith from "mere negligence or an honest mistake," it does not state what level of proof would be needed to meet this heightened burden. *Id.* at ¶ 25.

The practical implications of this decision are not good for contractors in South Dakota. Language of this kind is an effort to shift the risk of design and project administration to the contractor. While "good faith" may be good for engineers, it is bad for contractors. Before bidding a project with language of this nature, you should think carefully about how to price the associated risk. There are some open questions remaining after this decision. We will have to wait and see how the law develops in future cases. Until then, be careful.

For more information on this article, send me an e-mail or give me a call.

SDDOT NEWS



AGC/SDDOT Fall Meeting December 6 & 7 in Pierre, SD!

Make plans to attend the AGC/SDDOT Fall Meeting of Contractors and Key SDDOT personnel! Be prepared to extend your knowledge & help shape the future of our industry! Key discussion topics include; contractor constructability review, electronic payroll submittals & the wage survey, storm water control, successive project impacts and much more! The tentative schedule has the meeting starting at 1:00pm CT on the 6th and wrapping up by Noon CT on the 7th. Room reservations can be made by calling the Ramkota Hotel at (605) 224-6877. The block room rate is \$96.00 per night. Agenda & registration information will be available soon - but please save the date!

2019-2022 Statewide Transportation Improvement Program (STIP) Approved

The 2019-2022 Statewide Transportation Improvement Program (STIP) has recently been approved by the South Dakota Transportation Commission, the FHWA and FTA. The SDDOT begins the yearly update of the STIP in mid-April, however, they welcome input year-round. If you have any suggestions you would like to offer concerning improvements to the state's transportation system, please direct them to Dave Voeltz at dave.voeltz@state.sd.us

Hall of Honor Banquets Held for Laurie Schulz & Charles Lien

Laurie Schulz from Pierre and the late Charles Lien from Rapid City were honored recently after being chosen as the 2018 South Dakota Transportation Hall of Honor recipients. The purpose of the Transportation Hall of Honor is to recognize



those who have made a lasting, valuable or unique contribution to South Dakota's air, highway or rail transportation system. The South Dakota

Transportation Hall of Honor dates back to 1972 and now includes 90 inductees. Congratulations to both Laurie & Charles!

AGC/SDDOT Transportation Summit Details!

The AGC & SDDOT will once again be hosting the Annual Transportation Summit March 12 & 13, 2019 in Oacoma. More details will be available soon, but in the mean time, please save the date!



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AGC SCRAPBOOK – FALL 2018

FALL MEMBERSHIP MEETINGS

The 2018 Fall Membership Meetings were a huge success held on October 25th in Rapid City at the Rushmore Plaza Holiday Inn and November 1st at the Sheraton Hotel in Sioux Falls. Attendee's were given a brief overview of the many AGC happenings and upcoming events. Thank you for attending these great events!



AGC HHU CHAPTER WINS SMALL CHAPTER OF THE YEAR AWARD!!

During the annual Associated General Contractors of America National Chapter Leadership Conference on October 1st in Washington, D.C., the AGC of South Dakota, Highway-Heavy-Utilities Chapter, received the 2018 “Small Chapter of the Year” Award!

The AGC of America recognizes Chapters which have developed outstanding programs and excelled at achieving tangible accomplishments during the calendar year. Noteworthy HHU Chapter achievements include our AGC Coloring & Activity books, Simcoach Mobile Gaming Apps, Annual Jobs Bank Campaign, Scholarships, AGC Charity Work “AGC Cares”, Workzone Awareness Activities, Membership Growth and our Public Relations Campaigns.



AGC SCRAPBOOK – FALL 2018

CONSTRUCTION CAREER CAMP SUCCESS THANK YOU SPONSORS!

AGC hosted two Construction Career Camp (CCC) events, one in September and one in October to coincide with “Careers in Construction Month”.

The first camp took place in Sioux Falls at the CTE Academy on Wednesday, September 26th then in Rapid City at Western Dakota Tech on Thursday, October 11th. We also participated in Mitchell Tech’s Construction Camp on October 10th. Over 450 high school students were exposed to hands on demonstrations on Concrete Finishing, Construction Technology, and Heavy Equipment Operation just to name a few. As a reminder these events could not take place without the sponsors and our members support!



WORKFORCE DEVELOPMENT



AGC's Two New Apprenticeships Starting Soon!

We are excited to kick off two new Apprenticeship programs. Those programs are in Heavy Equipment Operation and Concrete Finishing to go along with the existing Carpentry program. To start, the two new programs will take place in Rapid City and Sioux Falls. Many of you may know that the value of Apprenticeships is starting to rise in South Dakota. In fact President Trump has been resoundingly endorsing the importance of Apprenticeships in our Country and as usual South Dakota is ahead of the curve. These Apprenticeships can help the retention rates for our members while also recruiting more individuals into the industry. The AGC's Heavy Equipment Operator Class will begin December 3rd at the CIC building in Rapid City. AGC's Apprenticeships are an important part of training your current workforce and ensuring you have qualified workers for the future. See the enclosed insert for more information or email michael@sdagc.org.

Contact Us Today to Add Your Company to the List of Members Willing to Participate in our Apprenticeship Program

In order for someone off the street to participate in our Apprenticeship programs they need to be employed by a member of AGC of SD. Therefore it is vital to have a list of all members willing to participate in the Apprenticeship program on the Build South Dakota website. This will allow AGC staff and SDDL employees a place to fairly point individuals interested in our Apprenticeship programs. Once that individual

sees what members are willing to participate in the program it is on them to contact a member regarding their interest in working for them and participating in the Apprenticeship program. If you're interested please email michael@sdagc.org.

South Dakota Proclaims October as "Careers in Construction Month"

AGC of South Dakota and Governor Dennis Daugaard via an Executive Proclamation, proclaim October 2018 as "Careers in Construction Month" across South Dakota! A key aspect of the states on-going workforce development goal is to show students the rewarding career opportunities available in construction. With the ever-growing need for skilled professionals in the construction industry, there has never been a better time for education and industry to work together to help students build successful construction career pathways.

LATI Stretch the Millions Scholarship Luncheon

AGC participated in LATI's Stretch the Millions Scholarship luncheon this Fall. This is the third year, AGC has partnered with LATI to provide



a full-ride scholarship to a student. In all, 124 LATI students received a full-ride Build Dakota scholarship for the 2018-2019 school year. AGC's chosen recipient is Dylan Alexander from Newell, SD. Dylan is perusing an HEO degree and will graduate in Spring of 2020.

Good Bye Dustin Baertsch

AGC's Construction Careers Coordinator, Dustin Baertsch, resigned his position as of October 31, 2018. We want to wish Dustin, the very best in his new adventure. AGC is working diligently to get Dustin's position filled in a timely manner, but please be patient with us! Once someone is hired, we will make sure to let all AGC members know.

AGC CARES

AGC Cares is still doing good things and helping make a difference when help is needed!

Most recently donations were made in

support of Rich Uckert, PE who works for AGC Member Banner & Associates who is battling Lymphoma. In addition, a donation was made in honor of John Shoemaker to 20/20 Inc., in Webster, SD. If you have a project idea, please email lindsay@sdagc.org or call the office at 605-224-8689!



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The **Construction** industry is unlike others. There are some unique risks and challenges that businesses in this sector have to contend with, which outsiders may not be able to appreciate:



CONTRACT DISPUTES and construction defects which can inevitably occur given the many factors affecting the successful completion of projects.



With complex projects spanning years, the possibility of **INTERRUPTIONS AND DELAYS** is real.

Construction firms are also highly exposed to the risks of **WORKER INJURIES**



SUBCONTRACTOR RISKS are also important, as there can be many parties involved in a construction project.



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SAFETY & TRAINING NEWS

Upcoming Safety Training Opportunities

OSHA 10hr. Construction

December 11, 8:00am – 5:00pm & December 12, 8:00am – 11:15am - Watertown/TBD

Rigger/Signalperson Qualification

November 28-30, 8:00am – 5:00pm - Rapid City / CIC

Traffic Control Supervisor Classes! - Only offered Twice in 2019

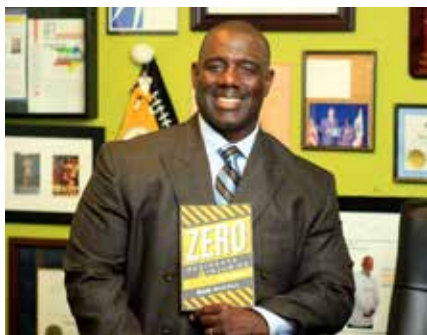
January 15 & 16 8:00am- 5:00pm - Sioux Falls / TBD

February 13 & 14 8:00am – 5:00pm - Rapid City / Butler Machinery

2018-2019 Training Calendars Now Available!

The training calendars for Safety Training & Workforce Development for late 2018 early 2019 were unveiled during the Fall Membership meetings in Rapid City and Sioux Falls. If you didn't attend a membership meeting, look for the calendar available at www.sdagc.org

Pre-Convention Safety Training & Seminar Opportunity



On Wednesday, January 9th at 8:30am Robert (Bob) McCall will present “Getting to the Next Level of Safety Performance (What’s a life worth, are you willing to pay the price to save it)” This is

a pre-convention training session you do not want to miss! Bob McCall’s career spans over 33 years in the Utility industry. Join him as he shares four proven and battle tested steps to improving your team’s performance. See the enclosed insert to register!

Safety Lunches

The Safety Luncheons for Rapid City and Sioux Falls will be held on November 16th from 12:00 pm – 1:30pm local time. Rapid City will meet at Marlins, while Sioux Falls will meet at the All Day Café. We need those attending to RSVP so that we get a good headcount for tables. Preliminary agenda will be discussing the Safety Pre-Convention Trainer, Convention Safety committee meetings and any other items that you would like to bring to the table. RSVP to Michael@sdagc.org or Jim@sdagc.org



State Convention Safety Committee & MSHA Alliance Meetings Announced!

The AGC Safety Committee will be meeting during the 2019 State Convention at the Sioux Falls Convention Center. The MSHA Alliance will be meeting from 7:30-8:30am CT on Wednesday, January 9th. In addition, the Safety Committee meeting will also be held on Wednesday, January 9th from 12:45-1:45pm CT. All meeting details will be sent out soon in an Outlook calendar invite - but please save the dates today!

OSHA Updates National Emphasis Program on Trenching and Excavation

OSHA has updated its National Emphasis Program (NEP) on preventing trenching and excavation collapses in response to a recent spike in trenching fatalities. Under the NEP, OSHA will increase its education and enforcement efforts; inspectors will record trenching and excavation inspections in a national reporting system; and each area office will develop outreach programs. <https://www.osha.gov/news/newsreleases/trade/10022018>



SAFETY & TRAINING NEWS

AGCA Annual Construction Safety Excellence Awards - Now Accepting Applications

The 20th Annual Construction Safety Excellence Awards (CSEA) program is now accepting applications. These awards have been an ongoing and evolving effort by AGC of America to recognize companies who have developed and implemented excellent safety and loss prevention programs achieved through management commitment, employee training and participation, and program innovation. Forms are available on our website at www.sdagc.org and the deadline to submit is December 14th!



South Dakota AGC Awards

We know you have outstanding people in your organizations that should be recognized for their contributions to the safety of your companies. It is time we show them how much they mean to our organizations and the safety community. We have the Safe Driver Award, Outstanding Company Safety Award, and of course the Paul Lepthian Award given to the most outstanding Safety personnel. Please make sure and take the time to submit for these AGC of South Dakota Safety Awards that will be given out during the AGC State Convention. The forms are available on our website at www.sdagc.org

OSHA Issues Crane Operator Certification Guidance

In early November the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) published its final rule that clarifies certification requirements for crane operators, and maintains the employer's duty to ensure that crane operators can safely operate the equipment. Under the final rule, employers are required to train operators as needed to

perform assigned crane activities, evaluate them, and document successful completion of the evaluations. Employers who have evaluated operators prior to Dec. 9, 2018, will not have to conduct those evaluations again, but will only have to document when those evaluations were completed.

The final rule, with the exception of the evaluation and documentation requirements, will become effective on Dec. 9, 2018. The evaluation and documentation requirements will become effective on Feb. 7, 2019. AGC will provide more information as it continues to review the final rule.



Upcoming AGC of America Training Events

AGC Safety & Health Conference

Jan 16-18, 2019, Miami Florida

Safety Management Training Course

Monday, February 11, 2019 to Wednesday, February 13, 2019 Omaha, Nebraska

AGC CDL Training

AGC is now offering construction industry specific CDL training conducted by Glen Heibult. Training courses offered are Class A & Class B CDL Written Test Prep., Pre-trip Inspection Training, and In Truck Ride Along Training. Please see the enclosed insert for more details!

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AGC OF AMERICA NEWS



President Signs Major AGC-Backed Water Infrastructure Bill

In early October, President Trump joined by bipartisan members

of the House and Senate signed an AGC-supported water resources development bill into law that helps the U.S. Army Corps of Engineers (USACE) maintain much of our nation's water resources infrastructure. As previously reported, while not a funding bill, this legislation allows Congress to eventually approve billions of dollars in funding for U.S. Army Corps of Engineers Civil Works projects, including navigation (dredging, locks), flood control (levees), hydropower (dams), recreation (parks), and water supply. In addition, the bill reauthorizes the Water Infrastructure Finance and Innovation Act (WIFIA) for \$50 million annually in fiscal years 2020 and 2021 and provides a new authorization, championed by AGC, for the funding of State Revolving Funds with WIFIA dollars—which can be used for drinking water and wastewater facility projects.

AGC of South Dakota Represented at AGC Centennial Celebration in D.C.



The AGC of South Dakota was well represented at the AGC of America's National & Chapter Leadership Conference and Centennial Celebration in

Washington, D.C. last week. Our chapter was awarded the 2018 AGC of America "Small Chapter of the Year" Award and asked to present our workforce development initiatives to other AGC Chapters. In addition, while in the nation's capital, our leadership met with our Congressional Delegates to discuss AGC priorities and thank them for their support of the construction industry!

2019 AGCA Annual Convention

Join leading contractors from across the country for the 2019 AGC Annual Convention happening April 1-4, 2019 in Denver. Register today at www.convention.agc.org

Senate Passes Five-Year FAA Reauthorization

In October the Senate passed the longest reauthorization of the Federal Aviation Administration (FAA) since 1982 by a vote of 93-6. While AGC supports the legislation – as it included a provision championed by AGC that would create one size standard Disadvantaged Business Enterprise (DBE) and adjust it from \$23.98 million to \$36.5 million for FAA funded construction projects – disappointment remains in that it did not provide a significant funding increase for airport infrastructure. Other provisions supported by AGC include language that encourages the FAA to develop rules addressing integrating Unmanned Aircraft Systems (UAS) safely into the national airspace in a manner that will speed the creative use of UAS in construction operations. AGC also supports disaster relief provisions in the bill that will provide meaningful reforms to improve pre-disaster planning and mitigation while providing incentives for building and rebuilding infrastructure to mitigate damages from future disasters.

Implications of 2018 Congressional Elections on Construction

The results of the Midterm Congressional Elections will have an impact on construction-related federal policies and legislation. Below are some overviews of how the election outcome may impact a wide range of issues impacting your construction business and market.

Taxation

With Rep. Richard Neal (D-Mass.) likely to lead the Ways and Means Committee in the House, we expect to see a number of hearings on the effects of the new tax reform law on businesses, individuals, and the economy.



AGC OF AMERICA NEWS

Transportation & Infrastructure

Infrastructure is a top priority for the incoming Congress Democrat House Leader Nancy Pelosi, President Trump, Republican Majority Leader Mitch McConnell and Democrat Minority Leader Chuck Schumer all made public statements on Nov. 7 citing infrastructure as an issue they can work together on.

Workforce

One of the few areas that saw bipartisanship in Congress were education and workforce policies. Only a couple months ahead of the divisive election, Congress overwhelmingly approved a re-write of the Career and Technical Education (CTE) law in addition to increases in CTE funding during the last two fiscal years.

Immigration

House Democrats' primary focus will be passing stand-alone legislation protecting Deferred Action for Childhood Arrivals (DACA) program recipients with a path to citizenship. However, those efforts will be stymied unless they are coupled with increased border security funds and visa program reforms.

Labor

Earlier this year, Democrat leaders released a laundry list of priorities including restoring "card check," expanding the joint employer standard, restricting traditional independent contractor roles, and limiting an employer's ability to seek legal advice during union elections. These efforts are unlikely to advance in a GOP-controlled Senate

Pensions

The unfinished work and recommendations of the Joint Select Committee on Solvency of Multiemployer Pension Plans will dictate any pension policy changes in the next Congress.

Environment

A Democratic majority in the House will likely result in a renewed focus on climate and energy issues, which may include carbon taxes or renewables mandates.

AGC OF AMERICA SAVE THE DATES

April 1-4, 2019
AGC's Annual Convention
Denver, CO

May 14-15, 2019
Transportation Construction Coalition Fly-In
Washington, DC

June 10-12, 2019
AGC Federal Contractors Conference
Washington, DC

July 22-25, 2019
AGC Safety & Health Conference
Seattle, WA

Aug. 7-9, 2019
AGC IT Forum
Chicago, IL

Sept. 22-24, 2019
AGC National & Chapter Leaders Conf.
Washington, DC

Oct. 9-12, 2019
AGC HR & Training Professionals Conf.
Chicago, IL

Oct. 16-19, 2019
AGC CFMA Conference
Las Vegas, NV

Nov. 6-8, 2019
AGC Transp. & Utilities Issues Meeting
Tucson, AZ

March 9-12, 2020
AGC's Annual Convention
Las Vegas, NV



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