

Highway Happenings

Spring 2017



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."

AGC Summer Networking Events

Fishing Tournament, Sioux Falls and Rapid City Golf Tournaments & Summer Socials

Right around the corner are the AGC Summer networking events benefiting the AGC Education Foundation! There are FIVE upcoming opportunities to mix & mingle with other AGC members!

The first event is the Annual Fishing Tournament taking place on Thursday, June 15 and Friday, June 16 in Pierre. This event begins with a social and dinner on Thursday night and the tournament begins bright and early Friday morning!

The next event is the Sioux Falls Golf Tournament taking place on July 18 at Willow Run Golf Course in Sioux Falls. This event has sold out each year, so if you don't get your registration in early, you might miss out. Registration forms will be available around June 1st!

The final Summer networking event is Rapid City Golf Tournament taking place on Thursday, August 10th at Red Rocks Golf Course. In addition to this golf event, the AGC Summer Social will be held the night before, August 9th, at Murphy's in Rapid City. Based upon our survey results the past two years, members are busy every week in the Summer, except during the Sturgis Motorcycle Rally. Both of these events fall during that week, so we hope to have a very high turn out!

The Sioux Falls Summer Social will be held on Wednesday, August 16 at The District. All of these Summer Events are worth the time & effort to attend! The Fishing Tournament registration form is included as an insert. The golf tournament flyers will be available around June 1st and the Summer Socials flyer will be available around July 1st. All events details will be posted on www.sdagc.org so check back periodically!



Don't Miss...

WHAT'S INSIDE:

- Welcome New Members!
- AGC Cares
- AGC Legal Brief
- SDDOT/AGC Meeting Recap
- Spring Meetings Scrapbook
- DOL Grant Information
- Training Trailers Update
- HHU Jobs Bank
- Membership Directory
- Corps. of Engineers Meeting
- HHU Online Store
- Safety Summit Plug
- AGCA Convention Photos
- WZAW Information
- Pizza, Pop & Power Tools
- SDSU Mock Letting
- CONPAC
- CL Community Projects
- Legislative Dinner Photos

ENCLOSED:

- Fishing Registration Form
- Directory Order Form
- Call for Presentations
- Speed Enforcement Memo
- HHU Committee Goals



CONTACT US

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Highway-Heavy-Utilities Chapter

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Purpose Statement:

"To be the voice that promotes
and represents the construction industry."

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Pierre Office



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57702

Sioux Falls

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From the President:

John Morris, Morris, Inc.



Greetings to my fellow AGC Members!

Just recently I got to smell two of the most amazing smells of Spring I have come to appreciate; the smell of freshly disturbed dirt and AC oil. These amazing aromas always increase my heart rate and put butterflies in my stomach because it is the sign of the best season of the year....Construction Season! As our favorite season of the year begins please keep SAFETY at the forefront of all of your projects. Along those lines, we still have the availability for sponsorship of Work Zone Awareness billboards on your projects or in your area. These billboards feature student artwork from around the state that not only put Work Zone Awareness in front of the traveling public but they also promote a positive perception of our industry. Please contact Lindsay Willits if you would like to sponsor a billboard.

This month Toby Crow, Greg Fuller, SDDOT Director of Division of Operations, and I will be attending the Transportation Construction Coalition Fly-In held in Washington D.C. We will be meeting with the Federal Highway Administration as well as our Congretional delegates. President Trump highlighted infrastructure rebuilding during his campaign, again on election night, and as part of his inaugural address. We will be telling our members of Congress to support infrastructure investments that are beneficial to our great state. Our current administration is in favor of infrastructure investments and we want to make sure the opportunity is acted upon.

We are excited to welcome our newest AGC members. Please join me in welcoming our newest members listed on the next page. We are thrilled to have them part of our great association that is the voice of our industry!

This summer we will have several opportunities to network and socialize with our fellow members. Upcoming this summer we will have the annual fishing tournament in Pierre, as well as golf outings and Summer Socials in both Rapid City and Sioux Falls. These events are sponsored by the Associate Division and are always a great time. Make plans to attend and I look forward to seeing you there.

I wish you all the best of luck this coming Construction Season. Make it a SAFE season and remember to enjoy the wonderful smells along the way.



John Morris
2017 AGC of SD HHU
President
Morris, Inc., Pierre, SD

2017 CHAPTER OFFICERS

President - John Morris, Pierre
Senior VP - Jared Gusso, Sioux Falls
VP - Tim Foerster, Rapid City
Sec./Treas. - Cindy Monnin, Sioux Falls
Past Pres.- Dean Herll, Dell Rapids

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VP - Casey Dolney, Rapid City
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AGC MEMBER DISCOUNTS



As a Member of the AGC of SD, you can participate in these highly valued benefits:

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.



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.



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.



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For more information visit:

www.agc.org/member-benefits/fca-us-discount



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AGC of SD "IN THE NEWS"

This section of the bulletin highlights AGC of SD 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.

- 2016 AGCA Annual Report: **Mark Knight, Knight Construction Services** pictured and featured in "President's Message".

- January 2017 SDDOT, Connecting the DOTS's: **AGC of SD HHU Chapter** mentioned in article titled "SDDOT TRAC Program In-the-News".



- February 5, 2017 Argus Leader: **Greg Branaugh, D&G Concrete Construction** pictured and featured in article titled "South Dakota Voters Talk Trump's First Two Weeks".



- February 22-28, 2017 Sioux Falls Business Journal: **Randy Knecht, Journey Group** pictured and quoted in article titled "Bender Outlook Event Marks 20 Years".



- March 6, 2017 Argus Leader: **Jason Kjenstad, HDR, Inc.** quoted in article titled "Changes to Louise Aim to Aid Safety, Ease Snarls".



- March 8-14, 2017 Sioux Falls Business Journal: **Sean Mayer, Holmes Murphy** pictured and featured in article titled "Work Comp Trends to Watch in 2017".



- March 14, 2017 Keloland News: **AGC Workforce Development Coordinator, Dustin Baertsch** interviewed in news story titled "Getting Girls Interested in Construction".



- April 12-18, 2017 Sioux Falls Business Journal: **Andy Pederson, Great Western Bank** pictured and featured in article titled "Why Flexible Work Schedules Retain Staff".



- April 22, 2017 Construction Equipment Guide: **Terex Bid-Well** featured in article titled "Terex Bid-Well Partners with Terex Materials Processing".



- April 27, 2017 Black Hills Fox News: AGC Member **Forterra Pipe & Precast** Featured in news story titled "Local high school students learn about the concrete industry at an internship."



Condolences

In Memory of Lloyd Thompson

With deepest regrets we advise you of the death of Lloyd Thompson, founder of Border States Paving and AGC Life Director. Lloyd passed away Monday, May 1, 2017 at Essentia Health, he was 91 years old.

In Memory of Dean Tisdall

With deepest regrets we advise you of the death of Dean Tisdall, owner of Bestway Traffic in Mobridge, SD. Dean passed away Saturday, April 22, 2017 at St. Alexius Hospital in Bismarck. Dean was 54 years old.

In Memory of Doug Kroger

With deepest regrets we advise you of the death of Doug Kroger, 53, of Sioux City, IA. Doug worked for Bierschbach Equipment and Supply for 30 years, serving most recently as branch manager in Sioux City.

In Memory of Lloyd Priebe

With deepest regrets we advise you of the death of Lloyd W. Priebe, age 87, of Chamberlain. Lloyd passed away on March 14, 2017. Lloyd was the owner of Lloyd Priebe & Sons Construction.

In Memory of Matthew D. Butler

With deepest regrets we advise you of the death of Matthew D. Butler, 81, of Fargo, ND. Matthew passed away on February 22, 2017. Matt spent his life building Butler Machinery Company.

Join the Social Media Revolution!



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You Tube: AGCofAmerica



MEMBER NEWS CORNER

Welcome New Members

Dakota 2000 Construction

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J&J Asphalt Company

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JandJasphaltco.com



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SDSU Construction & Operations Management - Department

Theresa Hall - Department Head
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SDSU.CON.OP.Management@sdstate.edu



CALENDAR OF EVENTS

May 10-11, 2017	AGC/Corps of Engineers Mtg. - Omaha, NE
May 11, 2017	SD Transportation Comm. Conf. Call
May 12, 2017	CLC Community Project - Sioux Falls
May 17, 2017	SDDOT EBS Letting
May 17-18, 2017	Trans. Const. Coalition Fly-In - Washington, DC
May 24, 2017	2018 State Conv. Planning Mtg. - Rapid City
May 25, 2017	SD Transportation Commission Meeting - Pierre
May 29, 2017	Memorial Day Holiday - AGC Office Closed
May 30, 2017	Associate Division Board Conference Call
June 1-2, 2017	Safety Summit - Chamberlain
June 7, 2017	SDDOT EBS Letting
June 8, 2017	NAWIC Golf Outing - Sioux Falls
June 13, 2017	Finance Committee Conference Call
June 15-16, 2017	AGC Fishing Tournament - Pierre Area
June 21, 2017	SDDOT EBS Letting
June 21, 2017	CFMA Meeting & Golf Outing - Sioux Falls
June 22, 2017	SD Transportation Commission Meeting - Pierre
June 25-28, 2017	WAASHTO - Juneau, AK
July 4, 2017	Independence Day Holiday - AGC Office Closed
July 18, 2017	AGC Golf Tournament - Sioux Falls
July 19, 2017	SDDOT EBS Letting
July 27, 2017	Board Web Meeting
August 2, 2017	SDDOT EBS Letting
August 9, 2017	Summer Social - Rapid City
August 10, 2017	AGC Golf Tournament - Rapid City
August 16, 2017	SDDOT EBS Letting
August 16, 2017	Summer Social - Sioux Falls

SAVE THE DATES

September 27, 2017	- Construction Awareness Days - Pierre
October 4, 2017	Construction Awareness Days - Sioux Falls
October 17, 2017	Construction Awareness Days - Rapid City
October 24, 2017	AGC Exec, BOD, Fall Mtg & Mixer - Rapid City
October 26, 2017	AGC Fall Meeting & Mixer - Sioux Falls
Nov. 3-4, 2017	Construction Leadership Pheasant Hunt - Pierre
November 8, 2017	Construction Awareness Days - Mitchell
Dec. 7-8, 2017	Joint AGC / SDDOT Meeting - Pierre
December 14, 2017	AGC Board & Strat. Plan Mtg. - Chamberlain
January 15-17, 2018	State Convention - Deadwood
January 30, 2018	AGC Annual Legislative Day - Pierre
January 9-11, 2019	State Convention - Sioux Falls

2018 State Convention

The 2018 State Convention is scheduled for January 15 - 17, 2018 at The Lodge in Deadwood, SD! Please take some time to brainstorm ideas for the type of speakers, topics and entertainment you would like to see at the 2018 State Convention. The planning committee will begin working on another successful event in the next couple of weeks. We would love your feedback and ideas, please see the enclosed insert and return it to the AGC office!

2017 AGC of SD Directories

The 2017 Naylor published Membership Directories have been mailed! Contractor's received three complimentary copies and associate's received one complimentary copy. Additional copies may be purchased for \$15.00/each, please see the enclosed form. The electronic copy of the directory is also available on www.sdagc.org!



Need a Job Position Filled? Start by Posting your Open Positions FREE on www.sdwork.org!

A media campaign is currently running driving the public to the AGC HHU Chapter's Free Jobs Bank - www.sdwork.org! Posting to the jobs board is FREE for all members and is easy! To get registered for this member benefit email lindsay@sdagc.org.



Creating a great job ad and getting it to the right candidates, sets the stage for hiring a great team. If you struggle with this process, listen to a previously recorded webinar that was offered to AGC members earlier this spring and now available at www.sdagc.org.

2017 AGC HHU Committee Goals - Get Involved!

The AGC of SD HHU Staff, Board & Committee Members have been working diligently on setting goals for our association this year. A committee goals document is included as an insert. In addition, there has never been a better time for YOU to GET INVOLVED and join a committee. These goals cannot be achieved without members like yourself!



AGC Online Store

The AGC HHU online store has been re-stocked with ALL NEW apparel items for members 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!!

2017 AGC/Corps of Engineers Annual Meeting

The 2017 AGC/Corps of Engineers Annual Meeting was held on May 10-11 in Omaha, NE. The presentations from this meeting will be posted to the AGC website www.sdagc.org very soon. This meeting is held every year in early to mid-May and is a great opportunity to learn more about Corps projects. If you do Corps work, or want to get involved in Corps work, make plans to attend next year!



NAWIC Golf Event

The 21st Annual Sioux Falls Chapter NAWIC golf tournament will be held on Thursday, June 8th at Willow Run Gold Course in Sioux Falls. The cost is \$80/person with a shotgun start at 10am CT. Forms can be found at: <http://www.siouxfallsnawic.org>.

CFMA Golf Event

The Siouxland Chapter of CFMA is hosting their 7th Annual Industry Builder Golf Tournament on Wednesday, June 21! The event will be held at Prairie Green Golf Course in Sioux Falls. Registration forms are available at <http://cafe.cfma.org/siouxlandsiouxfallssd/home>.

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Work Zone Speed Enforcement Memorandum

Work zone safety is crucial to the Construction industry, especially during the busy summer months. The AGC & SDDOT work together year round to raise awareness about the importance of being safe in work zones. Recently, SDDOT released a memorandum developed to provide direction when speed enforcement is requested in your work zone. The memo was distributed to all SDDOT personnel. AGC strongly encourages all members to follow the guidelines outlined in the memorandum for your safety and for the safety of your crews! See the enclosed insert for full details!

2017 Wage Survey News

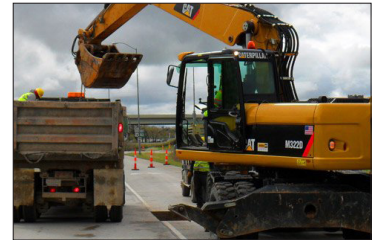
The SDDOT's Labor Compliance Program is assisting the U.S. Department of Labor, by conducting a Davis-Bacon survey of wages and fringe benefits paid to persons working on the site of highway construction projects throughout the state of South Dakota. AGC worked with SDDOT to make the survey more understandable by offering a NEW E-Learning session that is available on the SDDOT website.

The purpose of this survey is to update South Dakota's Davis-Bacon Highway Construction minimum wage rates and fringe benefit rates. It is the intent of this office to address industry labor concerns of maintaining current competitive wage rates, which is critical in recruiting and retaining skilled employees.

All contractors and subcontractors working on the site of the SDDOT's projects during the week ending June 17, 2017, will be participating in the wage survey. Companies performing non-DOT highway-heavy work in South Dakota during the week ending June 17, 2017, may voluntarily submit wage and fringe benefit data to include in DOT's survey. If your company does not perform any highway construction work in South Dakota during the week ending June 17, 2017, this survey will not apply to your company. All contractors must use the SDDOT-provided Certified Payroll Report forms. As in prior SDDOT wage surveys, please remember to report the weekly value of employer-paid "bona-fide" fringe benefits for each employee. The forms and instructions will be emailed or mailed to active contractors by the end of May 2017.



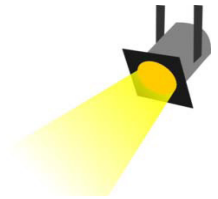
More details about the 2017 Wage Survey, the forms and instructions, and the NEW E-Learning session are currently available at: <http://www.sddot.com/business/contractors/labor/Default.aspx>. If you have any questions or if you do not receive the wage survey instructions and forms by June 9, 2017, please contact Laurie Gustafson, Labor Law Compliance Officer at Laurie.Gustafson@state.sd.us or (605) 773-3795.



DOT Seeks Nominations For Transportation Hall of Honor

The SDDOT is now accepting nominations for consideration of persons to be inducted into the South Dakota Transportation Hall of Honor.

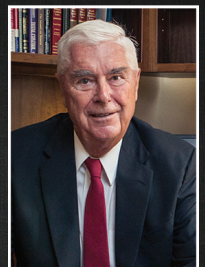
The committee is looking for people who have made a lasting or valuable contribution to the state's air, highway or rail transportation. Forms are available at www.sddot.com - the deadline is May 17th!



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Jason Smiley
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Ron Schmidt
rschmidt@gpna.com



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AGC's Legislative Dinner

Thank you for attending the 2017 AGC Legislative Dinner in Pierre! We appreciate you taking the time to attend and visit with your Senators & Representatives and State Officials! Over

70 Legislators were in attendance as well as AGC members and other constitutional officers.



AGC Lobbying Efforts are Year Round

AGC members have received a final printed report covering AGC's activity during the 2017 Legislative Session. But AGC's lobbying efforts don't stop when



the legislature adjourns. AGC stays busy during the summer and fall watching out for our members' interests by participating in "off legislative season" meetings and events. Here is a synopsis of what AGC will participate in this summer:

- Attend Workers' Compensation Advisory Council and Unemployment Insurance Advisory Council meetings throughout the summer and fall. That way we can monitor these councils and make sure their decisions are business friendly.
- Monitor legislative summer studies. This summer, legislative committees will study two issues of interest to AGC; campaign finance reform and workforce housing. AGC will attend the meetings, report on their progress and provide input to make sure the committees' decisions work for the construction industry.
- Participate in the Governor's TIF Work Group. AGC has been invited to participate in this review of TIFs. Our presence will ensure that if changes are made to the process, they will not negatively impact the construction industry.
- Watch Initiated Measures for the November 2018 ballot. It seems we just finished this process, but groups are already at work gathering petitions to place initiated measures on the 2018 ballot. There will be at least two initiated measures dealing

with medicinal and recreational marijuana. There are also groups rumored to be planning some constitutional amendments to put back some of the language that the legislature repealed from IM 22. AGC will stay involved to keep you up to date on all ballot and constitutional measures!

CONPAC

Election year is just around the corner. In November of 2018, South Dakota will elect a new governor, constitutional officers and all legislative seats. The Contractors' Political Action Committee, or CONPAC, will gear up well ahead of these elections to make sure that contractor-friendly candidates are elected. When CONPAC meets, please participate. The bigger the group, the better the decision making. Contact the AGC office if you'd like to contribute!



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AGC Legal Minute

by: Jason Smiley, AGC Legal Counsel



Bid Errors

Bid errors happen, and even the most diligent make mistakes from time to time. I have found that there is a fair amount of confusion about how to deal with the issue. Part of the confusion derives from the fact that not all of the governmental entities handle the issue the

same way.

Most public improvement projects are governed by SDCL ch. 5-18A. SDCL § 5-18A-5(6) deals with modification, correction, and withdrawal of bids. It specifically permits withdrawing or modifying a sealed bid prior to bid opening. It also addresses the circumstances under which bids may be withdrawn or corrected after bid opening:

After bid opening, no withdrawal of a bid or change in bid prices or other provisions of bids prejudicial to the interest of the purchasing agency or fair competition is permitted. The purchasing agency may waive technical irregularities in the bid or proposal of the low bidder or offeror which irregularities do not alter the price, quality, or quantity of the services, or items of tangible personal property bid or offered. Any decision to permit the correction or withdrawal of a bid, or to cancel an award or a contract based on a bid mistake, shall be supported by a written determination made by the purchasing agency, and included in the bid.

The key language appears to be “prejudicial to the interest of the purchasing agency or fair competition.” The question becomes, when is it prejudicial to the government or to fair competition? Although the courts in South Dakota have not yet answered that question, there are two cases decided by the South Dakota Supreme Court prior to the enactment of the current statute that provide some guidance. The first is *H & W Contr., LLC v. City of Watertown*, 2001 S.D. 107, 633 N.W.2d 167. The *H & W* case involved a municipality that allowed the correction of two errors in a bid. The first error was that the contractor had listed the total bid amount for one entire line item as

a unit price which caused the overall bid to increase thirty-one times the actual bid. The second error was a multiplication error that caused a minor discrepancy.

The *H & W* case made clear that the correction of these bid errors should not be considered as modification of the bid. The court allowed the bid to be corrected because there was no evidence of favoritism, improvidence, extravagance, fraud, or corruption, which are the principal concerns that the bid laws are intended to avoid. It is also noteworthy that this bid was still the low bid even after the correction of the clerical errors.

The second case is *Arcon Constr. Co. v. State*, 314 N.W.2d 303 (S.D. 1982). *Arcon* is perhaps even more illuminating because it involved an attempt to withdraw a bid that had been submitted to the South Dakota Department of Transportation. The facts were that the contractor forgot to include approximately \$178,000 in mobilization to a bid. The contractor discovered the error after submitting its bid and then notified the highway engineer for the commission. At that time, the commission had not yet met or considered the bids. The commission nevertheless awarded the contract to *Arcon*, which *Arcon* refused to sign. A lawsuit followed.

Given the amount of the error, the Court found that this mistake was material, which is the standard to invalidate a contract on the basis of mistake. Perhaps the most important portion of that

opinion is the following: “[T]he Commission has suffered no actual damage by the withdrawal of *Arcon*’s bid, since it has only lost what it sought to gain by taking advantage of the mistake. As the trial court stated in its findings: ‘Equitable considerations should not allow the recovery of the loss of bargain in this situation.’” *Id.* at 306. In addition, the court in *Arcon* did not allow the transportation commission to forfeit the bid bond.

This brings us full circle to the language of SDCL § 5-18A-5(6). When is the correction or withdrawal of a



AGC Legal Minute (Cont...)

bid prejudicial to the agency or to competition? At present there is no clear answer because the courts have not yet had to determine the effect of the amendments to the statutes. A persuasive argument can be made under the prior precedent of the South Dakota Supreme Court that errors that allow a governmental entity to take advantage of a mistake cannot be prejudicial to the interests of the purchasing agency because it has lost only what it sought to gain by taking advantage of the mistake. It would seem that withdrawal should be permitted in those circumstances. Likewise, there is absolutely no harm to competition as the result of withdrawal of an errant bid because the agency can always accept the next lowest bid. Similarly, it is hard to argue that the correction of errors effects competition if the corrected bid is still the low bid.

In all likelihood there will continue to be confusion about these issues until such time as the courts or the legislature clarifies the intent of the law.

Save the Dates

Construction Awareness Days

September 27th

Pierre

T.F. Riggs High School



October 4th

Sioux Falls

CTE Academy



October 17th

Rapid City

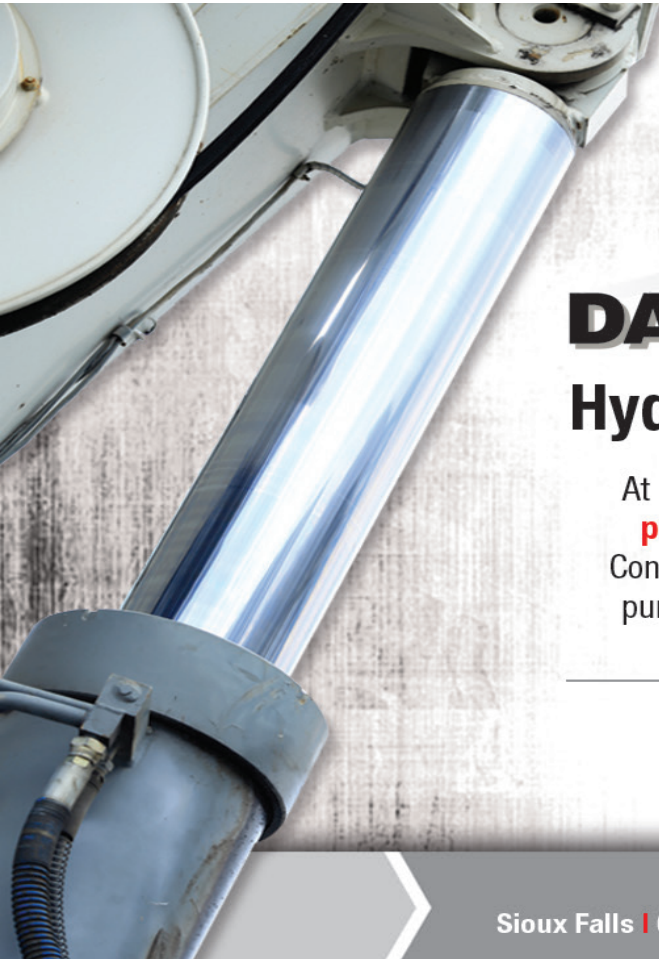
Western Dakota Tech



November 8th

Mitchell

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AGC SCRAPBOOK

2017 SPRING MEMBERSHIP MEETINGS

The 2017 Spring Membership Meetings were held on March 28th at The Downtown Holiday Inn in Sioux Falls and March 30th at The Rushmore Hotel in Rapid City. Thank you for participating & attending these annual events. These meetings included the 2017 award presentations and a Legislative Session summary given by Deb Mortenson. Award winners were present along with the charities chosen to receive a \$500 donation.



CONGRATULATIONS AWARD WINNERS!!

Good Citizen: Bob Matzke, Concrete Materials and Rob Everist, LG Everist

Young Professional of the Year: Derek Suhr, Quinn Construction

Build South Dakota:

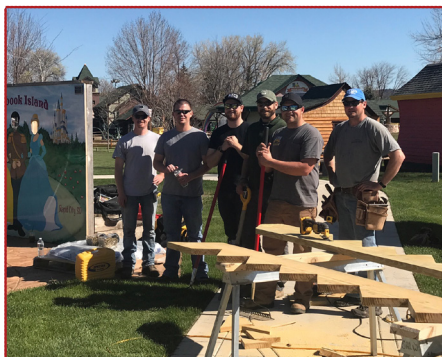
- **Mainline Contracting, Inc.** – Chosen for their work at North Middle School by Improving Storm Water Drainage, Concrete Work and Landscaping in Rapid City, SD.
Charity: \$500 – North Middle School DC Trip, Rapid City, SD
- **D&G Concrete Construction** – Chosen for their Outstanding Highway-Heavy-Utility Construction Performed on the Structure Replacement of 12th Street & Grange Avenue in Sioux Falls.
Charity: \$500 - Bishop Dudley Hospitality House, Sioux Falls, SD.
- **Knife River Midwest** – Chosen for their Outstanding Highway-Heavy-Utility Construction Performed on the Repair & Replacement of Interstate 90 in Jones & Lyman Counties, SD.
Charity: \$500 - C.O.R.E – Community Organized for Educating SD Youth



“AGC Cares” - PROJECT REQUESTS NEEDED

AGC staff and members from Lind-Exco served lunch at the Cornerstone Rescue Mission in Rapid City, in addition the AGC Construction Leaders group planned two community projects. The first event was held on May 5th and consisted of repairing two play sets at Storybook Island in Rapid City. The second event will take place on May 12th in Sioux Falls at Family Park. This project includes extending their gravel walking path. Volunteers of all ages are invited & encouraged to participate!!

AGC Cares project requests are always needed! If you have a project idea, please email lindsay@sdagc.org or call the office at 605-224-8689!



AGC Cares
An AGC Initiative Created to ...



“Give Back to the Communities & Industry
That Has Already Given So Much To Us!”

AGCA CONVENTION “DAKOTA SOCIAL”

A social for all South Dakota & North Dakota AGC Members was held in Las Vegas, NV in conjunction with the AGC of America Convention. The social was held in Mark Knight’s chairman’s suite at the Bellagio. Thank you for attending and Congratulations Mark Knight on your term as AGCA President!



WORKFORCE DEVELOPMENT

HR Alliance

Potential

Emerging

Career

AGC Receives Department of Labor Registered Apprenticeship Grant

We are excited to announce that AGC of South Dakota was recently awarded a \$50,000 grant to help boost enrollment in registered

Apprenticeships throughout the state. We were one of five sub-recipients of a larger grant through the SD Department of Labor. Three main focus areas of this grant are as follows:

- Increase the number of registered construction industry apprenticeships in South Dakota.
- Develop and implement pre-apprenticeship programs.
- And promote registered industry apprenticeships, pre-apprenticeship programs, and careers in South Dakota.

As exciting as this is there is a lot of work to do and as always a short time to do it. This grant is of course meant to benefit our industry and most importantly our members. Because of that we want as much input from our members as possible. Within this grant we are planning on starting our own Heavy Equipment Operator and Concrete Finisher Registered Apprenticeships. Before we can get the apprenticeships up and moving we need input from YOU. We sent out a Survey Monkey last week and will also be making phone calls in the coming weeks to ask questions on a variety of areas and gauge your interest on being involved with this process. If you would like to be involved in any way or have immediate questions please contact Dustin Baertsch at dustin@sdagc.org or Michael O'Neal at michael@sdagc.org.

Girls State Hockey Tournament Success!

The AGC was invited to participate in the Girls State Hockey Tournament in March in Sioux Falls. AGC and our members had a booth set-up and



showcased our heavy equipment simulator to allow families to explore the construction industry and the many opportunities for women! Thank you members for volunteering and making this event a success!

Pizza Pop & Power Tools Success!

As some of you may have heard on March 9th AGC of SD partnered with NAWIC and the CTE Academy of Sioux Falls for our first ever event specifically targeted towards middle school



girls. To say that the event was a success would be an understatement. We had just over 60 8th grade girls interact with members and learn about the many opportunities a career in construction can provide. These girls ran heavy equipment, checked out the latest and greatest on power tools, helped construct a wall, and learned about what Engineers and Computer-Aided Drafters actually do. Due to the success of this event a goal of the WFD team is to duplicate the success of this event and hold similar events throughout the state. Data shows that more and more students are being influenced in the middle school years on what they will choose for a career. And of course a huge thank you to all members that participated in this event. As with all of our Workforce Development efforts this could not have been done without member support, thank you!

LATI "Build Dakota" Scholarship Winner

The AGC, HHU Chapter has partnered with LATI's "Stretch the Millions" Program and presented our chosen winner, Anthony Johnson from Dawson, MN with a "Build Dakota" scholarship during the Governor's Luncheon in late April. Anthony will be participating in LATI's Heavy Equipment Operator Program in the Fall. Thank you AGC leaders for being a part of this special event!



WORKFORCE DEVELOPMENT

HR Alliance

Potential

Emerging

Career

Job Corp Career Fair

On Thursday, May 25th from 10:00 am – 12:00 pm AGC of SD will be partnering with Box Elder Job Corp in Nemo, SD for a Career Fair. There is no charge for this fair and Job Corp would like to use this day as an opportunity for people to check out their campus. Lunch and tours will be available after the fair. In addition to having the Box Elder Job Corp students, there will also be students from the Pine Ridge Job Corp out of Chadron, NE in attendance. Between these two Job Corps they expect at least 300 students on campus that day. If you are interested in attending this event please contact dustin@sdagc.org by May 22nd. If you are unable to make this but would like a presence, please let Dustin know and he would be willing to pass out your information.

Upcoming HR Events - Learn More About a Leadership Course Coming Next Fall

We are excited to announce that we will be having Jennifer Reecy, Chief Learning Officer (CLO) at N2Growth present for our next HR presentations in Sioux Falls and Rapid City. N2Growth is a leadership development consulting firm that helps companies create a culture of leadership. Several AGC of South Dakota members have worked with Jennifer on a variety of management & leadership areas. Because of their incredible feedback we have invited her to present on what she can offer your company. She will present in Rapid City on May 23rd and Sioux Falls on the 31st.

Jennifer will be in the Rapid City area for the entire weekend of the 22nd. If you would like to set up a meeting with her before or after her presentation please contact Dustin or Lindsay. You can reach her at Email: j.reecy@n2growth.com or by phone at 605-351-3038.

AGC Training Trailers

Are you looking for ways to get involved with workforce development? If so AGC of South Dakota has three training trailers that can help members get involved. We have a concrete and carpentry trailer that can be used for community projects or showcased at special events. We also have a trailer that includes a John Deere Excavator and a John Deere Motor Grader. These simulators have been used at high school career days,



construction camps, and community events.

One benefit of these simulators that most folks may not know is that as an AGC member you can use these simulators to train current or future employees. If you would like to utilize this free opportunity to train your employees please email or call Michael O'Neal at Michael@sdagc.org or 605-951-1665.

SDSU Construction Management Mock Letting Results

Gary Johnson's CM class at SDSU participated in a mock letting on May 4th, using the SDDOT EBS system. The winning student with the lowest bid was Alex DeJong.



Thank you SDDOT

central office for your continued support of this class event which now completed its fifth year. Also, thank you to the many AGC firms who submitted quotes and the suppliers too. Without the total team effort by all the stake holders, the reality of what this class brings to them would be far less than it has been. Gary Johnson would like to add that he is grateful for the support offered and say a heartfelt thank you to all of you for your participation.

SD Work Comp Summit

The SD Work Comp Summit will be held June 6 & 7 at the Sioux Falls Convention Center. Get registered today at their website www.workcompsd.com.

Need Training?

Contact Michael O'Neal or Jim Heaphy Today!

michael@sdagc.org

jim@sdagc.org



SAFETY & TRAINING

SAFETY TRAINING TEAM CHARGES AHEAD!

Since the start of calendar year 2017, your safety training team has conducted various trainings for over 800 attendees! While the safety team's calendar of events has expired, if you have any busy season or rainy day training needs contact them today! They are already booking training dates for the 2018 calendar year, so if you are looking that far ahead and will be using AGC Safety Services, call the safety team before conflicts arise. Your AGC safety team can be reached by contacting Mike at 605-951-1665 or michael@sdagc.org for your East River needs and contact Jim at 605-261-1567 or jim@sdagc.org for your West River training needs.

Site Audits or Inspections

Do you need an extra set of eyes periodically looking at your project? Or maybe a different perspective? Don't forget about this member service – job-site audits. Whether you refer to them as inspections or visits or audits, the focus is generally the same – site safety. The scope for on-site inspections is defined by the member – it can be from a full project walk-thru to focusing on a specific issue or area of concern after the site audit agreement is completed. Contact the AGC safety team schedule this member service

Kick-Off or Start-Up Meetings

Contact the Safety & Workforce staff today if you need or want a safety presentation included in your kick-off or start-up meetings. With training season winding down, most dates are available!

SAFETY SUMMIT AHEAD

The Safety Summit has been moved to June 1 & 2 in Oacoma at Cedar Shores. The Safety Summit intends to bring together the HR Alliance, MSHA Alliance and Safety Committee for educational sessions and networking opportunities. The Safety Summit will take place in Oacoma at Cedar Shores. Invited guests include OSHA Area Director Sheila Stanley and Jon Puetz, program director for South Dakota State University's Engineering Extension office. Look for more details in future editions of the Weekly News and Safety Academy Weekly (SAW.)

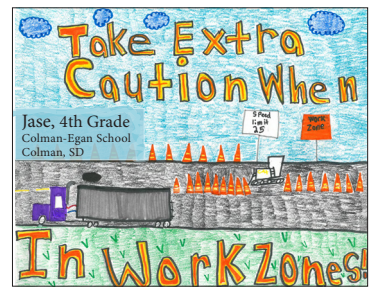


OSHA Fall Stand-Down

Did you know that OSHA's last two fatalities here in South Dakota were completely preventable falls from elevation? The 4th Annual National Fall Prevention Stand-Down will take place May 8-12, 2017. According to the Bureau of Labor Statistics, fatalities caused by falls from elevation continue to be a leading cause of death for construction employees, accounting for 350 of the 937 construction fatalities recorded in 2015. According to OSHA, those deaths were preventable. The National Fall Prevention Stand-Down raises fall hazard awareness across the country in an effort to stop fall fatalities and injuries. Details: www.osha.gov/StopFallsStandDown/

National Work Zone Awareness Week

National Work Zone Awareness Week (NWZAW) is an annual spring campaign held at the start of construction season to encourage safe driving through highway work zones. The AGC, SDDOT, FHWA and other state officials participated by promoting the #orange4safety hashtag on social media and encouraged members to wear orange! In addition, the AGC is also participating in the 4th grade coloring/billboard contest. Billboards will be up soon in Murdo, Watertown, Brookings and Rapid City! In addition, let the AGC staff know if you want Safety Sam on your projects!



OSHA Delays Silica Enforcement - Enforcement Begins on Sept. 23, 2017

The U.S. Occupational Safety and Health Administration (OSHA) announced this month that it will delay enforcement of the respirable crystalline standard for construction for three months-until Sept. 23, 2017. In its announcement, OSHA explained that the construction silica standard has a number of unique features warranting development of additional guidance and educational materials before enforcement begins. AGC continues to believe that

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implementation of this standard is technically infeasible and continues to challenge it in court.

Although OSHA enforcement of the standard is delayed, the notice does not alter the compliance date of June 23, 2017. OSHA will not take enforcement action against contractors that fail to meet the standard on their sites between June 23, 2017 and Sept. 22, 2017, but legally, the standard will still be in effect.

Misguided OSHA Rule Permanently Repealed

In April, the president repealed the OSHA “Volks” Rule by signing the congressional resolution of disapproval. AGC led a lobbying effort in passing the bill and issued a statement after the vote that the bill will preserve worker safety while protecting the Constitution and respecting court rulings. The signing of the congressional resolution of disapproval formally repeals the rule and any other substantially similar rules from OSHA in the future.

AGC Unveils New Steps to Improve Worker Safety

The Associated General Contractors of America unveiled a new study designed to improve the safety of construction workers as it announced that two-thirds of metro areas added construction jobs during the past 12 months. Association officials said the new safety study is designed to help construction firms prevent workplace fatalities and injuries. Some of the findings in the report reinforce existing safety practices and many of the association’s long-standing safety programs, Sandherr noted. For example, falls from ladders and other structures account for one-third of U.S. construction fatalities. This confirms the association’s and industry’s longstanding focus on offering training and safety stand-downs addressing fall protection. Sandherr added that the association is now also looking to establish new training programs designed to improve ladder safety. Read the full study at www.agc.org.



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2017 Budget Compromise Fully Funds FAST Act

Congressional negotiators recently agreed to a compromise FY 2017 Omnibus Appropriations bill to fund government operations for the remainder of the fiscal year. The bill funds the

**FAST
 ACT**

Federal-aid highway program at \$43.266 billion, the level set for the program in the Fixing America's Surface Transportation (FAST) Act, an increase of \$905 million over FY16 levels. In addition, appropriators agreed to provide \$500 million for discretionary TIGER grants, the same level as last year. The agreement also funds the transit formula program at the FAST Act level of \$9.734 billion. Transit capital grants (new starts) would receive \$2.413 billion, an 11 percent increase over last year. The Federal Aviation Administration's (FAA) Airport Improvement Program (AIP) grants were funded at \$3.35 billion the level it has been at for the past several years. The bill also appropriates an extra \$528 million from the general fund for the highway emergency relief program. The House and Senate are scheduled to take up measure later this week and it is expected to be adopted. The President is expected to sign the bill when it reaches his desk.

President Trump Signs Executive Order on "Buy American, Hire American"

President Trump signed a new executive order concerning the use of American made products and materials and American labor on federal and federally assisted procurements and projects. The "Buy American" portion of the order intends to narrow the



universe of iron, steel, and manufactured goods that are able to comply with domestic materials and products sourcing laws already on the books. This web of confusing laws and regulations governs which products can be incorporated on federal and federally assisted construction projects. The longstanding Buy American Act (BAA) has required U.S. products to be used on federal procurements since the Great Depression, but additional layers of statutes to modify the underlying law, as well as execute a growing international body of trade law, have changed the original Act over time. Under the Buy American Act, an "American-made" product means a product that is substantially transformed within the U.S. or comes from a country we have an existing trade agreement with.

EPA Seeks Comment on Review of Existing Regulations

The U.S. Environmental Protection Agency (EPA) announced that it is seeking public input on its evaluation of existing rules pursuant



to President Trump's government-wide Executive Order 13777 on Enforcing the Regulatory Agenda and Executive Order 13771 that directs agencies to "identify" at least two existing regulations for elimination whenever any new rule is proposed or issued (the 2-for-1 EO, Reducing Regulation and Controlling Regulatory Costs). AGC will provide EPA with detailed recommendations on existing regulations that should be considered for repeal, replacement or modification to make them less burdensome.

"Blacklisting" Rule Finally Dies, Marking Big Win for AGC Members

Thanks in part to AGC's advocacy efforts, contractors are enjoying a major victory today: permanent nullification of



regulations implementing Pres. Obama's Fair Pay and Safe Workplaces Executive Order, often referred to as the "blacklisting" rule. In March, Pres. Trump signed into law a joint resolution under the Congressional Review Act (CRA) by which Congress expressed disapproval of the rule and stripped it of all force and effect.

Under the blacklisting rule, both prime and subcontractors were required to report violations and alleged violations of 14 federal labor laws and "equivalent" state labor laws during the previous three years, and again every six months, on federal contracts over \$500,000. Prime contractors were also

responsible for evaluating the labor law violations of subcontractors at all tiers. A single alleged violation could have led a contracting officer to remove a contractor from an ongoing project or to deny to a contractor the right to compete for a contract. The rule also required contractors to provide certain pay information to employees and independent contractors, and it limited the use of mandatory arbitration of employment disputes.

A Look at Tax Reform Proposals through the AGC Lens

President Trump recently released his long-awaited proposal to cut taxes. Both Trump's proposal and the previously-released House blueprint for tax reform have commonalities with AGC's goals for tax reform. There is still a long way to go before tax reform is reality, but AGC believes Republicans in Congress and the President are at a good starting point.



AGC goals include: lower rates, simplification, permanency, fund and finance infrastructure, eliminate AMT, eliminate Death Tax, and reform C-corps and pass-through companies simultaneously. The chart below shows where the president's plan and the House proposal align with AGC's goals (and where they do not).

AGC Tax Reform Goals	Trump Plan Elements	House Tax Plan Outline	
Lower Rates Individuals	10-25-35%	12-25-33%	✓
Lower Rates Corporations	15%	20% C Corps, 25% S Corps	✓
Simplification	Fewer brackets, fewer deductions, repeal of AMT	Fewer brackets, fewer deductions, repeal of AMT	✓
Permanency	No	Likely not	✗
Fund and Finance Infrastructure	No direct mention	No mention and GOP leadership currently opposed	✗
Eliminate AMT	Eliminated	Eliminated	✓
Eliminate Death Tax	Eliminated	Eliminated	✓
Reform for C Corps and S Corps simultaneously	Yes	Yes	✓

Building a Better Congress

AGC PAC is the nonpartisan political action committee (PAC) sponsored by AGC of America. It is registered with the U.S. Federal Election Commission (FEC) and allows eligible employees of AGC member companies to pool personal, voluntary financial contributions. The contributions are used to support candidates running for elective office who, regardless of party affiliation, understand the construction industry and the specific

AGC of America SAVE THE DATES

Sept. 24 - 26, 2017 -

**AGC National & Chapter Leadership Conf.
Washington, DC**

Nov. 1 - 3, 2017 -

**AGC's Transportation Issues Meeting
Phoenix, AZ**

February 26 - 28, 2018 -

AGC's Annual Convention - New Orleans, LA

April 1 - 3, 2019 -

AGC's Annual Convention - Denver, CO

needs, interests and concerns of AGC member companies and their employees. For more information on how to get involved contact David Ashinoff, Director of AGC PAC & Political Advocacy at ashinoffd@agc.org or (202) 547-5013.



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