

Highway Happenings

Winter 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."

2018 Jobs Bank Campaign "The Road to the Right Career Starts Here!"



The AGC will kick-off our Annual Jobs Bank digital and print media marketing campaign on March 1st! The goal behind this marketing campaign is to drive the public to your open positions posted on the AGC's Jobs Bank! The campaign is comprised of several digital ads that will run on various hiring websites and ads in all South Dakota newspapers. We will once again be partnering with hiring specialist,

BirdDogHR™ which offers a comprehensive talent management software and service to help AGC members fill their open positions!

The Jobs Bank is FREE to all members, while BirdDog offers members the opportunity to buy into their program and post to hundreds of other job seeking websites such as; Monster, Indeed and CareerBuilder. Prior to the marketing campaign beginning on March 1st - we need ALL members to get your open positions posted to the site www.sdwork.org. The more jobs the merrier so that job seekers in all areas across the region have something to apply for.

Survey results following last years' campaign, show that the new site has become a great asset that our members and job seekers are currently utilizing! Posting a job is quick and easy and your audience reach is in your hands!

To request access to post your jobs for free, please visit: <http://go.birddoghr.com/agc-sd>. Enter the requested information and click the submit button. You will then get an email back from BirdDogHR in 24-48 hours with your account details to get started!



Don't Miss...

WHAT'S INSIDE:

- Welcome New Members!
- AGC Cares
- AGC Legal Brief
- SDDOT/AGC Meeting Recaps
- State Convention Scrapbook
- New HHU Board Members
- Summer Event Dates
- Membership Directory
- Spring Membership Meetings
- Corps. of Engineers Meeting
- Membership Drive
- Pizza, Pop & Power Tools
- Legislative Day & Dinner Recap
- Safety Lunches
- Construction Leadership Raffle
- 2018 Legislative Session

ENCLOSED:

- 2018 Advertising Opportunities
- Project Scheduling Training
- Scholarship Poster
- WZAW Sponsorships
- CONPAC Pledge Form
- MSHA Training Flyer
- Gubernatorial Panel
- AGC Apprenticeship Questions



CONTACT US

ASSOCIATED GENERAL CONTRACTORS OF SOUTH DAKOTA, INC.

Highway-Heavy-Utilities Chapter

300 E. Capitol Ave., Ste. 1

Pierre, SD 57501

Phone 605-224-8689

Fax 605-224-9915

Toll Free 1-800-242-6373

www.sdagc.org - info@sdagc.org

Purpose Statement:

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

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President

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cell: 605-366-1278

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Office Administrator

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Pierre Office



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Rapid City Office

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Rapid City Office



Deb Mortenson, AGC of SD
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midco.net

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Pierre Office



AGC OFFICE LOCATIONS:

Pierre (main)

300 E. Capitol Ave, Suite 1

Pierre, SD 57501

Rapid City

2771 Plant St.

Rapid City, SD

57702

Sioux Falls

2307 W. 57th

St. Suite 101

Sioux Falls, SD

57108



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From the President:

Jared Gusso, SFC Civil Constructors

Fellow AGC Members,



It is with great honor that I look forward to serving as your 2018 chapter president. It is with great excitement that I step into this role knowing all the initiatives that we have going.

This year's State Convention was held in Deadwood with an amazing turnout and a schedule full of items related to our industry while also being a very fun event. The convention provided a lot of opportunity to not only advance our personal skills and traits but also to socialize with other people in our industry. All while having an amazing time with the different activities. I want to personally thank all of those who worked so hard to make this year's convention a huge success.

I encourage everyone to be involved in any of the committees that we have. There is a committee that works on subjects of interest to everyone; safety, workforce development, public relations, government affairs, SDDOT, construction leadership, and associate division. We want, and welcome, new ideas, thoughts, and concerns to help solve current issues and set direction with new ones. Remember, this is your Association, your involvement and input is critical to shaping the future.

One committee I want to spotlight is the Membership Committee. It is through the focus and efforts of this committee that we continue to grow. It is not all on them to search out new members. This effort falls on all of us. The committee members help as a resource to solicit prospective members and will help with informational packets and visits. They need your help to go talk with and recruit new contractor and associate members.

"Every man owes a part of his time and money to the business or industry in which he is engaged. No man has a moral right to withhold his support from an organization that is striving to improve conditions within his sphere." Theodore Roosevelt, President of the United States

"Be part of the solution or quit bitching." John Morris, 2017 President of AGC of SD.

On January 30th we hosted our second Legislative Day. We were able to sit in on committee meetings in the morning and the general sessions of the Senate and House after lunch. Thanks to our lobbyist Deb Mortenson's efforts, we hosted a luncheon and panel discussion with US House of Representatives Candidates, Shantel Krebs and Dusty Johnson. After the general sessions Toby and AGC staff were able to get Secretary Marcia Hultman from the Department of Labor and Regulation, Commissioner Scott Stern from the Governor's Office of Economic Development, and Governor Dennis Daugaard to take time out of their busy legislative session time to give updates and briefings on their departments activities. The day concluded with our Legislative Diner and presentation from Secretary of Transportation Darin Bergquist on the positive effects of SB 1 on transportation funding. If you were unable to attend the event, or have never been, I encourage you to attend in 2019. This is a great event where we as an association can have a voice related to all aspects of our industry.

Make sure to contact our safety staff and schedule any training and classes you may want before the construction season picks up. I look forward to seeing you all at our March 13th and 14th meeting with the SDDOT in Chamberlain.



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

2018 CHAPTER OFFICERS

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

2018 DIRECTORS

Tim Davis Huron
Dave Dailey Rapid City
Wayne Lloyd Flandreau
Todd Waldera Spencer
Kyle Jensen Mobridge
Andy Johnson Ft. Pierre
RC Scull Rapid City
Jim Soukup Sioux Falls

NATIONAL GOVERNORS

David Gustafson ... Rapid City
Floyd Schafer Rapid City

LIFE NATIONAL GOVERNORS

Dave Fleck Sioux Falls
Gary Johnson Ft. Pierre
Merle Davis Dell Rapids
Tom Graves Sioux Falls
Lynn Kading Rapid City
Mark Knight Aberdeen
Kari Karst Dell Rapids

ASSOCIATE DIVISION OFFICERS

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

AGC MEMBER DISCOUNTS

AGC of America
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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.



AGC Members Now Have Access to Amazon Business!

Receive 20% off select Amazon items* up to \$500, plus other business-only prices and more. These special limited-time offers are tailored specifically for you, and include: business-only pricing, multi-user accounts, and business analytics. Create a free account using the link below and you will receive your promotional code within 5 days of account verification.

Visit the website: <https://amazon.1800members.com/agc/> to create a free account or call 1-800-MEMBERS (1-800-636-2377) M-F, 8:00 a.m. - 6:00 p.m., EST, for more information!



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michael@sdagc.org
jim@sdagc.org



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.

- October 28, 2017 Argus Leader: **Denise Branaugh, D&G Concrete** mentioned in article titled "South Dakota Family Has Built Roads for Generations". 
- October 28, 2017 Argus Leader: **Chad O'Donnell, Bierschbach Equipment & Supply** pictured & featured in article titled "SD's Aging Infrastructure is in Need of Some Repairs". 
- November 2017 SDDOT, Connecting the DOTS's: **Industrial Builders** mentioned in article titled "First 'BIG' Project Opens in Davison County". 
- November 18, 2017 Construction Equipment Guide: **Trail King** featured in article titled "Trail King Exhibits at NA Commercial Vehicle Show". 
- Fall/Winter 2017 Make-A-Wish, Wishful Thanking: **Great Western Bank, Hills Materials, Holmes Murphy, Loiseau Construction, Ace Ready Mix & Myrl & Roy's** recognized in the "Wishes" section.   
- Fall/Winter 2017 Make-A-Wish, Wishful Thanking: **John Crispin, Hills Materials** pictured & mentioned in article titled "Black Hills Walk for Wishes". 
- Fall/Winter 2017 Make-A-Wish, Wishful Thanking: **Several AGC Members and the AGC of SD HHU Chapter** recognized in the "Driving for Dreams" section. 
- December 2, 2017 Construction Equipment Guide: **TranSource Truck & Equipment** featured in article titled "Volvo CE Names Authorized Dealer in SD". 
- December 30, 2017 Argus Leader: **Howalt+McDowell** featured in article titled "Local Company Trains for Active Shooter". 
- Jan. 10-16, 2018 Sioux Falls Business Journal: **Holmes Murphy** recognized in "Movers & Shakers" section. 
- January 16, 2018 Construction Equipment Guide: **Dave Buck, Complete Concrete & John Van Beek, Ferber Engineering** quoted and featured and **DMI, Butler Machinery & Bierschbach Equipment & Supply** mentioned in article titled "Mt. Rushmore Road Project to Wrap-up This Spring".   
- January 16, 2018 Construction Equipment Guide: **Denise Branaugh, D&G Concrete** mentioned in article titled "South Dakota Family Has Built Roads for Generations in Yankton County". 
- Jan. 17-23, 2018 Sioux Falls Business Journal: **Tom Kelley, Gage Brothers** pictured and quoted in article titled "Last Year was a Record Year for Sioux Falls Construction-Here's Why". 
- Jan. 17-23, 2018 Sioux Falls Business Journal: **Great Western Bank** featured in article titled "Crediting Federal Tax Bill, Great Western Bank Parent Company Hikes Pay, Gives Bonuses". 
- Jan. 17-23, 2018 Sioux Falls Business Journal: **Sean Mayer, Holmes Murphy** pictured and featured in article titled "Win the Workforce Talent Race". 
- January 27, 2018 Construction Equipment Guide: **TranSource Truck & Equipment** featured in article titled "SDLG Adds TranSource to Its Network in South Dakota". 
- January 28, 2018 Argus Leader: **Ainsworth-Benning** mentioned in article titled "Restoration of Monument in Western SD Now Complete". 

Join the Social Media Revolution!



Facebook.com/SDAGC
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Twitter: @AGCofA
You Tube : AGCofSD
You Tube: AGCofAmerica



Member News

Welcome New Member!!

DeBoer Construction, Inc.

47492 SD Hwy 22
Clear Lake, SD 57226
605-880-1974
Jerome DeBoer, President
jdebou@deboerconstruction.com
www.deboerconstruction.com



Engineering Concrete Products (ECP)

3335 Seger Dr.
Rapid City, SD 57702
605-415-8877
William Huber
william@ecpcompany.com
www.ecpcompany.com



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Carey Yoder, Project Engineer
cyoder@braunintertec.com
www.braunintertec.com

M3 Safety/Merge 3 Technology

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Whitewood, SD
605-641-1799
Darin Douglas, President
darin@m3safety.com
www.m3safety.com



SmartDrive Systems

John Anderson
612-719-7386
john.anderson@smartdrive.net
www.smartdrive.com



PlanGrid

Lonnie McMurty
800-646-0796
www.plangrid.com
lonnie@plangrid.com

Condolences

With deepest regrets we advise you of the death of Jason Shoemaker of Webster Scale in Webster, SD. Jason died on Wednesday, December 20, 2017 at the age of 44.

With deepest regrets we advise you of the death of Gerald Willits, father in law of AGC staff member Lindsay Willits. Gerry died on January 8, 2018 at the age of 73.

AGC CALENDAR of Events

February 21, 2018 - SDDOT EBS Letting
February 22, 2018 - Associate Division Board Conference Call
February 26-28, 2018 - AGCA Annual Convention - New Orleans, LA
February 27, 2018 - Last Legislative Briefing Conference Call
March 1, 2018 - SD Transportation Commission Meeting - Pierre
March 2, 2018 - Last Day of Legislative Session - Pierre
March 2, 2018 - AGC Safety Lunches - Sioux Falls & Rapid City
March 7, 2018 - SDDOT EBS Letting
March 8, 2018 - HR Alliance Mtg. & Webinar - Sioux Falls & Rapid City
March 12, 2018 - Gubernatorial Candidate Dinner - Oacoma
March 13, 2018 - AGC Board Meeting - Oacoma
Mar. 13-14, 2018 - SD Transp. Const.. Industry Summit - Oacoma
March 21, 2018 - SDDOT EBS Letting
March 22, 2018 - Public Relations Committee Mtg. - Sioux Falls
March 22, 2018 - AGC Spring Meeting & Mixer - Sioux Falls
March 26, 2018 - Veto Day - Pierre
March 27, 2018 - AGC Spring Meeting & Mixer - Rapid City
March 31, 2018 - Good Friday Holiday - AGC Office Closed PM
April 4, 2018 - SDDOT EBS Letting
April 4-5, 2018 - SD Asphalt Conference - Pierre
April 7, 2018 - LICA Board Meeting - Pierre
April 9-13, 2018 - National Work Zone Awareness Week
April 18, 2018 - SDDOT EBS Letting
May 2, 2018 - SDDOT EBS Letting
May 9-10, 2018 - AGC/Corps of Engineers Mtg - Omaha, NE
May 15-16, 2018 - Trans. Const. Coalition Fly-In - Washington, DC
May 16, 2018 - SDDOT EBS Letting
May 28, 2018 - Memorial Day Holiday - AGC Office Closed

Save the Date

January 9-11, 2019 - AGC/LICA State Convention - Sioux Falls

Mark Your Calendars for ...

AGC's Spring Membership Meetings



March 22nd – Sioux Falls
Hilton Garden Inn Downtown - Revir C&D

March 27th – Rapid City
Rushmore Plaza Holiday Inn - Black Hills Ballroom

Registration information will be available soon at
www.sdagc.org and in the Weekly News!

AGC of SD Elects 2018

Officers & Directors

Members of the AGC of SD HHU Chapter and the AGC of SD Associate Division recently elected Officers and Directors for 2018. The Officers and newly elected Directors are listed below.



- President: Jared Gusso - SFC Civil Constructors
- Senior Vice President: Tim Foerster - Hills Materials/Simon Contractors
- Vice President: John Shoemaker - Webster Scale
- Secretary/Treasurer: Cindy Monnin - Friessen Construction

New Directors:

- RC Scull - R.C.S. Construction
- Jim Soukup - Soukup Construction

AGC of SD Associate Division:

- President: Casey Dolney - Bierschbach Equipment & Supply
- Vice President: Jon Snedeker - Butler Machinery
- Secretary/Treasurer: Derek McTighe - Brosz Engineering

New Director:

- Jared Heinz - Diesel Machinery, Inc.

A complete list of Officers & Board of Directors is shown on page 2 of this bulletin. The AGC also extends its sincere gratitude to our retiring Officers and Directors. This year's retiring Directors are Patty Nohr - Myrl & Roy's Paving and associates; Peggy Wolf - Diesel Machinery, Inc. and Noel Schulz - Jebro, Inc. Your leadership and involvement help make the AGC of SD HHU Chapter a success!



2018 AGC of SD Directories - Have You Ensured Your Information Is Correct?

The new directories will be mailed at the end of March. AGC partners with Naylor to bring you a more professional & resourceful book. As a contractor you will receive three complimentary copies and as an associate member you will receive one complimentary copy. Naylor has been reaching out to all members via email and personal calls to ensure your information is updated for the 2018 book. If you haven't been contacted about



Membership

updating your information, email Susan Christmas at Schristmas@naylor.com ASAP!! In addition, the AGC will be sending out a proof of the book via email within the next three weeks for you to review and approve. Make sure you check your email for information on reviewing the PDF proof. Additional copies will be available for you to purchase for \$15 each once the book is printed. The directory is also available in an electronic version (HHU App & Website) that are accessible on your desktop, laptop, cell phones and tablets!!

AGC Membership Drive - Recruit a New Member & WIN!

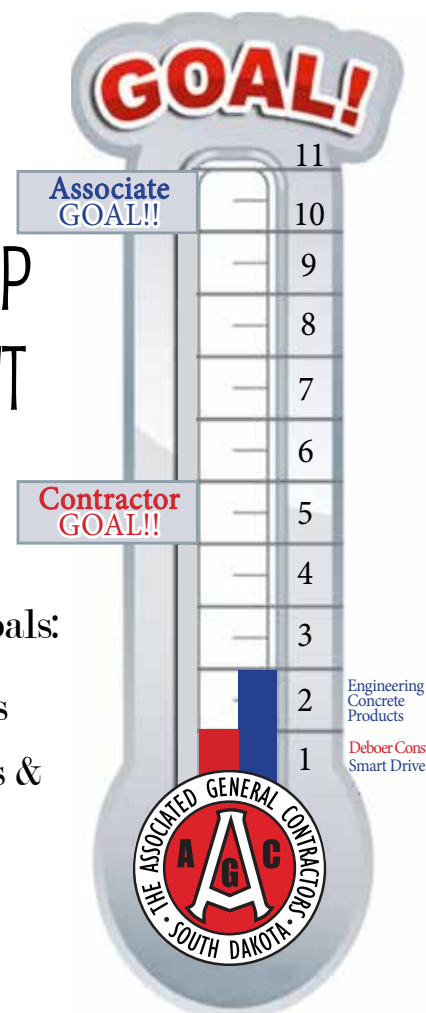
AGC is hosting a Membership Drive thru March 15th! As you know, membership is the lifeline of our great association and new members are needed! Please ask your business associates that are NOT members, to join today! Help the HHU staff by actively recruiting new members and earn prizes for your efforts! It's a win - win for you & the AGC!! Check out Monday's Weekly News for more details



2018 MEMBERSHIP recruitment Tracker!

Recruitment Goals:

- 5 Contractors
- 10 Associates & Affiliates



2018 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!

State Convention Attendee Survey

AGC HHU recently emailed out a survey polling all members who attended the 2018 State Convention in Sioux Falls, SD. If you attend the event, please take the time to complete the 10 question survey and provide us with your feedback! One lucky survey participant will WIN \$100! The link to participate is <https://www.surveymonkey.com/r/BH5XNTD>!



Corps of Engineers Annual Meeting

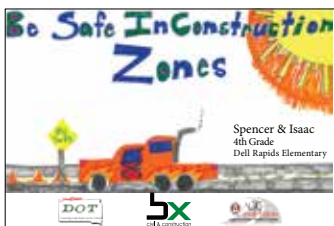
A Joint meeting with the Omaha District Corps of Engineers has been scheduled at the DoubleTree Hotel in Omaha, Nebraska May 9 & 10, 2018. If you or someone from your company would like to register for this meeting, please email becky@sdagc.org.

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!!

Workzone Awareness Participation!

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 and construction sites. The key message is for drivers to use extra caution in work zones. The AGC will once again participate through a WZAW 4th grade coloring contest to display on billboards. We need contractor participation NOW to get billboards lined-up so they can be up during the busy construction working months. The student artwork will then be used to create a 2019 calendar that is given to all HHU members and contributing campaign partners. Don't miss this great opportunity - please see the enclosed insert!



AGC/SDDOT Transportation Summit Details!

The AGC & SDDOT will once again be hosting the Annual Transportation Summit in 2018. The dates have

been scheduled for March 13 & 14 at Cedar Shores in Oacoma, SD! Contractor participation is needed as we continue our work on issues, suggestions & changes between the SDDOT and industry! Registration information will be available soon in the Weekly News!

AGC/SDDOT Fall Meeting Recap - Thanks for Attending!

The fall meeting with SDDOT Area & Region Engineers, Operations Central Office and other key SDDOT staff was held in early December in Ft. Pierre. Almost 70 participants attended this valuable meeting. There was a lot of progress made with the workgroups and valuable discussions had by all!

AGC/SDDOT Microsoft Project Scheduling Training Available Remotely!

Training is compliant with the SDDOT specifications including planning for weather days and schedule revisions that use those days. Uses minimum SDDOT views that were developed by the SDDOT. Includes printable notes to document schedule changing situations. Saturday training is available! The course objectives is to provide training for basic use of MS Project for transportation projects by using a simple example project and identifying one method for information entry and management throughout the project life. View the enclosed flyer for more information!

2018 SDDOT Proposed Spring Load Limit Map

SDDOT recently released their 2018 Proposed Spring Load Limit Restrictions Map. It is the Department's position to not implement Spring Load Restrictions any earlier than necessary.



The Department monitors the daily high/low temperatures at numerous locations throughout the state. The Department still relies heavily on the existing highway conditions and past experience of its field personnel when making the final decision of when to implement and remove load restrictions. To view the latest restrictions visit: www.sddot.com/travelers/loadlimits.

Legislative News

With 534 bills introduced, the 2018 Legislative Session is a busy one for all involved. AGC is no exception, with 25 bills and resolutions on their tracking list.



Here is a synopsis of some of those bills:

Restraints on Business:

SB 84 - Requires full disclosure when settlement with government entity reached. AGC opposes.

SB 120 - Establish minimum amount of paid sick leave. AGC opposed. Died in committee.

HB 1153 - Required "reasonable accommodation" for pregnant and breastfeeding women. No definition given, federal law already regulates. AGC opposed, bill died in committee.

HB 1224 - Would require written permission from all tribes before mining. AGC monitored only, since bill was destined to die in committee. It did.

HB 1225 - Would have slowed temporary water permits from days to weeks and may have required public hearings. DENR and AGC opposed. Died in committee.

HB 1299 - Provisions regarding lawful possession of firearms in businesses. If posted as gun free, business owners would need to provide metal detectors and train staff to detect guns.

Raids on the Highway Fund (state and local)

SB 158 - Would have taken \$6 million yearly from highway fund and put it into BIG program. AGC opposed. SB 1 should be allowed to work as designed and the BIG program is adequate and will continue to grow. Died in committee.

SB 210 - Would transfer \$1 million from ethanol fuel fund and give to ethanol infrastructure investment fund for blender pump incentives. A \$1 million hit to highway fund to fund a program for which there is no demand.

HB 1132 - Raising drinking age for service members would cost highway fund \$20.4 million. AGC opposed, bill died in committee.

HB 1158 - Removes fees for personalized plates, costs local highway funds \$5.4 million over next few years. AGC and counties opposed but got out of committee.

HB 1210 - Would remove manufacturer rebates and discounts from "consideration" on car purchase, which would take a \$7.4 million bite out of excise tax revenue. AGC opposed, bill died in committee.

Business Bottom Line Proactive Legislation

SB 136 - Allow driver license application and tests in languages other than English. AGC supports as workforce diversity issue. Died in committee but summer study possible.

SB 145 - Eliminates a civil cause of action for work comp bad faith claims and caps bad faith damages. AGC supports as it may curb trend of big court payouts and keep work comp premiums low.

HB 1230 - Primary enforcement of texting while driving. AGC supports as it will give members' policies teeth. Passed committee.

SB 1287 - Revises provision for Multiple Employer Trusts. ACC has been interested in them to provide group health insurance.

Politically Proactive

SB 128 - Redefines ballot question committees. AGC has used one for ballot measures. AGC supports.

HB 1241 - Establish tax on electric and hybrid cars. AGC supported and it passed House committee.

HB 1274 - Increased tobacco tax with some of proceeds to tech schools. AGC and others supported but it died in committee.

AGC has a fantastic Government Affairs Committee, who reads the bills of interest notification and asks questions and provides input on what stance AGC should take on each bill. With this team in action, AGC's interests are well represented at session. The last day to introduce legislation has come and gone. In addition to managing the bills of interest, we are watching all hog house bills to see if they are of interest to AGC. The weekly Tuesday telephone calls and the weekly written reports will continue until close to the end of session.

U.S. House Candidate Panel Luncheon Success!

A successful Legislative Day & Dinner was hosted in late January by the AGC. During this event, a U.S. House Candidate Panel was held.

Candidates Shantel

Krebs & Dusty Johnson answered a series of questions and spoke openly with members. We hope this panel helped guide you to the polls next November!



AGC Forum Featuring Candidates for Governor

Make plans to join AGC when we host "An Evening with Gubernatorial Candidates" Marty Jackley, Kristi Noem and Billie Sutton! AGC members will have the chance to meet the candidates and hear their position on issues important to AGC. This event will take place on Monday, March 12 at Arrowwood Resort at Cedar Shores in Oacoma, SD. The event will start with a social at 5:00pm, dinner at 6:00pm and candidate panel discussions at 7:00pm. This is a fundraiser for CONPAC, and we can accept either personal or corporate checks. PAC contributions are not tax deductible. The cost is \$100 per person and \$700 for a table for eight. Please fill out and return the enclosed flyer by March 2nd!!

CONPAC - Have You Contributed?

During the 2018 AGC Convention, CONPAC had a booth set-up for members to make pledges. Joan Lund from D&G Concrete manned the booth during the three-day event, thank you Joan! The total amount pledged during the three day event was \$17,940! If you missed the booth, a pledge form is included as an insert! And CONPAC is already gearing up for the 2018 election cycle, which will feature a gubernatorial race in addition



to constitutional officers, all legislative seats and whatever ballot measure may arise. Plans are underway for fundraising efforts and a CONPAC membership drive. When you contribute to CONPAC, you are a member and take part in contribution decisions and delivery of campaign contributions to candidates. Make plans now to join for the next election cycle email info@sdagc.org for membership information.



AGC Summer Events - Save the Dates!!

Fishing Tournament

June 21-22, 2018
Pierre, SD



East River Golf Tournament

July 17, 2018
Willow Run Golf Course
Sioux Falls, SD

West River Golf Tournament

August 9, 2018
Red Rocks Golf Course
Rapid City, SD



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Sioux Falls | 605.338.9982 Aberdeen | 605.225.8165 Rapid City | 605.716.4750

AGC Legal Minute

by: Jason Smiley, AGC Legal Counsel



CONTRACT TERMS

"What terms should be included in a construction contract?" is a question that I have been asked many times over the years. In a world where you can download fill-in-the blank contracts for minimal cost, it can be hard to know what makes for a "good"

contract. What follows is a checklist for your consideration in evaluating your next contract.

1. The place to start is the type of project. The agreement needs to match the delivery system. If you are using a hard bid form for a CM project, it's time to start over.
2. Integration is important. The general contract should match the subcontracts in terms of downstream obligations. Sets of forms are available from AGC and others that are designed to create matching sets of obligations.
3. Key terms should be defined and used consistently. Great care should be taken in drafting those portions of the agreement that are unique to the project. The contract must be understandable by people that aren't construction professionals, like a judge or jury.
4. The issues that are the most frequent sources of dispute should be carefully considered. Disputes over scope of work, extra work, delays, and payment are all foreseeable on every project.
5. Insurance, indemnity, and bonding are critical risk management tools for all project participants. You shouldn't wait until a problem arises before knowing whether you are covered.
6. Fairness is important. That means allocating risks to the parties in the best position to control them. Contracts that attempt to shift away the risk of the participant that actually caused the problem may sound good in theory, but they can backfire if they become a disincentive to project completion.
7. Dispute resolution mechanisms are not a one size fits all consideration. There are important differences between mediation, arbitration, and litigation.

8. The basis for contract termination should be easy to understand because the consequence of wrongful termination can be dire.
9. Warranties should be specific and clear. Actions that cause the termination of warranty obligations should likewise be clear.
10. Attorney's fees can be recovered for breach of contract but only if included in the contract. Whether to include such a provision may depend upon whether you are the party most likely to be in breach.

The preceding list includes some of the more important considerations, but it is by no means exhaustive. Just like every project is a little bit different, every contract should be tailored to match. For more information on this article, send me an e-mail or give me a call.

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AGC SCRAPBOOK – 2018 STATE CONVENTION

The annual State Convention was held at the The Lodge in Deadwood, SD. Over 350 attendees enjoyed exhibitors, top-notch speakers, informative meetings and FUN social events. The Awards Ceremony was held on Tuesday night - Congratulations to the following individuals and companies on their successes!

- AGC Golden Hard Hat Award - Jim Loiseau, Loiseau Construction
- AGC Young Construction Professional Award - Andy Johnson, AGE Corp.
- Build South Dakota Category I - R.C.S. Construction
- Build South Dakota Category III - AGE Corp.
- Build South Dakota Category III BX-CC
- AGC Safety Excellence Award for Driver Safety - Jim Thuringer from Myrl & Roy's Paving
- AGC Safety Excellence for Outstanding Company Award - Henry Carlson Company
- Paul Lepthien Award - Dan Kuper, Sioux Falls, SD



AGC SCRAPBOOK – LEGISLATIVE DAY/DINNER

AGC's Legislative Dinner Success!

Thank you for attending the 2018 AGC Legislative Day & Annual Dinner in Pierre! We appreciate you taking the time to attend and visit with your Senators & Representatives and State Officials! Over 50 Legislators were in attendance as well as AGC members and other constitutional officers.



Thank You 2018 State Convention Sponsors & Exhibitors!!

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Build South Dakota Website – Updated!

Are you ever curious about what AGC has up their sleeve pertaining to their WFD efforts? If so you need to check out the new and improved www.BuildSouthDakota.com. We have recently updated our site to truly be the go to for anybody interested in getting involved with AGC of SD or interested in starting a career in Construction. This site is a huge resource for parents, teachers, students and anyone that is interested in construction. Be sure to check it out periodically as there are always updates on AGC of SD WFD efforts.

“Build South Dakota: The Game” Now Available!

While you are visiting the new website be sure to download Build South Dakota: The Game! Build South Dakota: The Game is a career awareness tool created by Simcoach games for the AGC of SD. Through games, videos, imagery and assessment tools, this free app explores a virtual highway construction project and uncovers the skills needed to be a heavy and highway construction apprentice. Get real insight into just what it means to be a construction professional. Be sure to download the game today! In addition, there are a series of other games for all ages in the skills arcade. Visit the App Store or Google Play Store today. Or view all the games at www.BuildSouthDakota.com!

2nd Annual Pizza Pop & Power Tools

AGC & NAWICs second annual Pizza Pop & Power Tools event will be held at the CTE

PIZZA, POP & POWER TOOLS

Academy on Tuesday, March 6th from 9:30 a.m. – 1:00 p.m. Pizza, Pop & Power Tools is an industry initiative to encourage young women to consider construction as a career. It introduces these women to the extensive opportunities available in the construction industry. Learn about the proper use of hand and power tools, operating heavy equipment, and much more! If you are interested in learning more about this event or volunteering for the day just contact Dustin Baertsch at 605-209-5861 or dustin@sdagc.org.

Please Attend the Next HR Alliance Meeting

Mark your calendar's for Thursday, March 8th from 12:00 – 1:00 pm as that is when our next HR Alliance meetings are. Our East River group will be hearing a presentation from the Sioux Falls Police Department on

“How to Spot a Drug User”. For our West River group they will hear from the SDDL on “Employer Benefits of Working with the SDDL”. If you have not received a calendar invite for one of these presentations please contact Dustin Baertsch at 605-209-5861 or dustin@sdagc.org.

AGC & CIC Scholarships Available!!

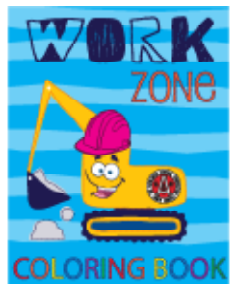
The AGC Heavy-Highway-Utilities Chapter is NOW accepting applications for the 2018 Scholarship Program. Deadline to apply is May 4, 2018. The scholarship poster is included as an insert, or log-on to www.sdagc.org for the application! The Construction Industry Center's is also accepting applications for their 2018 scholarship program. The deadline is March 30. Applications can be found at: www.constructionindustrycenter.com.

AGC New Apprenticeships Update

As most of you hopefully know AGC has created two new State Registered Apprenticeships. One in Heavy Equipment Operation and the other in Concrete Finishing. These new Apprenticeships will serve as valuable resources in building our members workforce. At this point we are gathering as much details as we can to be able to provide a program that best matches our members needs. To help with this we have included two questionnaires that will provide useful information to you and help answer the remaining questions we have. Once we have gathered all this information will be rolling out our progress to members through our Task Groups and our upcoming membership meetings in March. If you could please fill out and return the survey to Dustin Baertsch at dustin@sdagc.org by Thursday, March 1st.

Get Your AGC Work Zone Coloring Books

AGC's PR Committee brainstormed and created AGC's very own coloring & activity book. The book features several pages of construction machinery to color and activity pages. The book was created to help promote our industry to elementary students at a young age. The books are available for all members to set out at your counters or handout to employees. Contact lindsay@sdagc.org to get your copies!



AGC Construction Leadership Square Raffle

AGC's Construction Leadership Committee is hosting a fundraiser to benefit the HHU Education Foundation & our yearly scholarships for kids! This is a 100 square board raffle for \$100/each square. There are great prizes for 1st, 2nd and 3rd places! They include:



- 1st Place - O/U Shot Gun, 1 free registration to the 2018 CLC Pheasant Hunt and Name on Sponsor Banner
- 2nd Place - Semi Auto Shot Gun
- 3rd Place - \$200.00 Gift Card

Review the board on our website - www.sdagc.org and email becky@sdagc.org the square(s) you want, then send in your payment! The drawing will take place in the near future, so get your squares purchased today!

Construction Leadership Rush Game Success!

The West River Construction Leadership group hosted a networking event at the Rapid City Rush Hockey game. Over 20 members attended this great event! More events are being planned in 2018 in Rapid City & Sioux Falls!



"AGC Cares"

PROJECT REQUESTS NEEDED

"AGC Cares" is ready to kick-off 2018 by helping and is looking for some projects to get involved in! If you know of a project or a person needing some "AGC Cares" please email lindsay@sdagc.org or call the office at 605-224-8689! There is no project to BIG or small and all submissions will be considered!



AGC CARES

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

SAFETY TRAINING TEAM FULL STEAM AHEAD!

Since our last correspondence with you through the Bulletin in the middle of last November, your safety training team has conducted various trainings for over 580 attendees! While the safety training teams calendars are chock full of training obligations, we do have some limited availability still left before spring is here. Contact Mike for your East River needs and contact Jim for your West River training needs.

Upcoming Training Opportunities

Confined Space

February 20, 1:00pm –
5:00pm - Sioux Falls / AGC
March 5, 1:00pm – 5:00pm -
Rapid City / CIC
March 13, 1:00pm – 5:00pm - Pierre / AGC



Excavation/Trenching – Competent Person

February 20, 8:00am – 12:00pm - Sioux Falls / AGC
March 5, 8:00am – 12:00pm - Rapid City / CIC
March 13, 8:00am – 12:00pm - Pierre / AGC

Fall Protection Competent Person

February 21, 8:00am – 12:00pm - Sioux Falls / AGC
March 6, 8:00am – 12:00pm - Rapid City / CIC
March 14, 8:00am – 12:00pm - Pierre / AGC

Forklift

March 8, 8:00am – 12:00pm - Brookings/ TBD
MSHA Annual Refresher
February 28, 8:00am – 5:00pm - Sioux Falls / AGC
March 15, 8:00am – 5:00pm - Sioux Falls / AGC

OSHA 10hr. Construction

March 7, 8:00am – 5:00pm & Mar. 8, 8:00am – 11:00am
Brookings/ TBD

Scaffolding Competent Person

February 21, 1:00pm – 5:00pm - Sioux Falls / AGC
March 6, 1:00pm – 5:00pm - Rapid City / CIC
March 14, 1:00pm – 5:00pm - Pierre / AGC

Site Audits or Inspections

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. Again, contact Mike or Jim to schedule this member service.

Kick-off or Start-up Meetings

Contact the Safety & Workforce staff today if you want to include us in your kick-off or Start-up meetings. While we can't guarantee the date isn't already scheduled, the early bird gets the worm!



Pre-Convention Safety Training & Seminar Was Awesome!

The Pre-Convention Safety Training presented on Monday, January 15th by Tony Horton, Global Chair of Risk Practices at N2Growth received many positive comments.



Attendees joined Tony for a morning presentation entitled "Risky Business." This workshop was hands on with attendees participating in team and interactive exercises throughout the duration of the program. The afternoon kicked off with Tony's executive level seminar titled "Safety - Making It Happen," designed to take your company's safety program to an all-new level! The term "safety" means different things to different people, but essentially it captures an ideal of "absence of harm".

OSHA's Silica Rule Upheld by DC Circuit Court

On Dec. 22, the U.S. Court of Appeals for the District of Columbia Circuit upheld OSHA's controversial occupational exposure to crystalline silica rule, rejecting all industry challenges to the rule. Ultimately, the court's decision means that the rule will remain in effect as written. That is why AGC has long cautioned our members to take the steps necessary to comply with the rule—utilizing AGC's silica compliance educational resources—instead of anticipating a legal victory. The construction industry challenges to the rule primarily focused on whether it is technologically and

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economically feasible, while also raising concerns regarding certain aspects of the medical surveillance requirements and the prohibition of dry sweeping during cleanup operations. The decision underscores just how difficult it is to overturn federal regulations, even one as deeply flawed as this. AGC's intention has always been to find a way to continue reducing exposure to, and illness from, silica. While we never disagreed with federal officials' motives, we have long felt that this rule would do little to improve workplace health and safety and that better approaches exist.



Moving forward, AGC will continue to work closely with federal officials to both help ensure the undertaking of reasonable enforcement efforts and to help improve and expand upon Table 1, which lists "safe harbor" guidelines for compliance regarding 18 silica generating construction tasks. We will also maintain efforts to provide AGC members with resources and support to comply. In particular, we will continue working to stimulate the development of new technology that will enable firms to comply with standards that exceed current technological capacity.

Safety Committee Update

The AGC Safety Committee met at the conclusion of the State Convention in Deadwood. In attendance was a representative from eight member companies, two AGC safety staff members, and one AGC consultant. Three members companies called into the discussion via conference call. Despite low attendance, lively discussion took place. There was discussion on the Pre-Convention Safety speaker Tony Horton talking Risk, not Safety with the general consensus that they were good sessions and we need to continue to bring in outside speakers to conduct sessions around State Convention. The training calendar, catalog, and training summary were discussed. Apprenticeship Training was discussed.



Increasing Safety Award submissions and committee participation was discussed with the consensus to attempt to align the committee meetings with the Safety speakers that many Safety staff attended. Don't forget this is your Safety Committee; we need your involvement to continue to provide you what you want in Safety Services. If you

know someone that should be involved, but isn't, or maybe isn't getting the SAW or email notifications, please get ahold of Mike or Jim.

MSHA Alliance Update

The MSHA Alliance met after the Safety committee and wrapped up the State Convention in Deadwood. The MSHA Alliance was attended in person by 6 people each representing a different company, 2 AGC Staff members present, and 1 AGC safety consultant while 1 individual attended via conference call. The MSHA Alliance had the pleasure of featured speaker Alan Roberts, MSHA Educational Field and Small Mines Specialist. Mr. Robert's started by providing an overview of what his position does, which is to assist mine operators with compliance assistance. Time was allowed for a question and answer session. Mr. Robert's also provided an update on the open supervisor position in the Rapid City office that is leaving the supervisor role to a monthly rotation among 4 senior inspectors. The Holmes Black Hills Association is being revitalized according to Alan. Members discussed the possibility of a beneficial communication forum, which staff will investigate. MSHA Alliance members in attendance recommended align the committee meeting more closely with the Safety speakers that many Safety staff attended to increase participation.



Safety Lunches March 2nd!

We'll pay any space fees; you pick up your lunch tab and engage fellow safety professionals in this networking event. Heck, even bring a buddy because there are no secrets in safety. We're kicking off the discussion with silica, followed by open forum discussion.

The following regional safety lunches will be held Friday March 2nd:



- Rapid City Lunch, 11:30am @ Minerva's RSVP to jim@sdagc.org
- Sioux Falls Lunch, 12:00pm @ TBD RSVP to Michael@sdagc.org

AGC of America
 2300 Wilson Boulevard, Ste. 400
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www.agc.org
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Trump Infrastructure Plan Unveiled

The long awaited Trump plan for rebuilding the nation's infrastructure was recently released providing more detail on the President's call to stimulate \$1.5 trillion in new investment over the next 10 years, shorten the process for approving projects to 2 years or less, address unmet rural infrastructure needs, empower State and local authorities, and train the American workforce of the future. Included in the definition of infrastructure is roads, bridges, airports, drinking and wastewater systems, waterways, water resources, energy, rural infrastructure, public lands, veterans' hospitals, and Brownfield and Superfund sites. The plan is the beginning of the discussion, it is now up to Congress to put these ideas through legislation.



Budget Deal Final After Brief Shutdown \$20 Billion for Infrastructure Included

Early Friday morning, after a brief government shutdown, the House and Senate passed an AGC-supported bipartisan budget bill for fiscal years 2019 and 2020 that: (1) averts arbitrary, across the board cuts to construction programs by lifting the budget caps established under sequestration; (2) provides nearly \$90 billion in emergency funding for reconstruction and recovery efforts from the 2017 natural disasters; (3) creates an avenue for the appropriation of \$20 billion in additional infrastructure funding over two years; and (4) renews certain tax incentives—specifically Section 179D—for energy



efficient commercial construction projects. However, the bill does not address issues within the current immigration debate nor does it complete the FY 2018 funding process, setting the stage for another potential federal government shutdown on March 23.



Trump Signs Tax Reform Legislation - IRS Begins Process of Administering New Law

In December, President Trump signed into law H.R. 1, the Tax Cuts and Jobs Act. Most of the tax reform law's provisions went into effect on Jan. 1, creating a challenge for the Internal Revenue Service (IRS) and the Department of the Treasury to administer the changes to the tax code within the next 12 months.



In the immediate future, The IRS issued guidance in January on how much taxes employers should withhold, which allowed payroll processors and

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human resources departments to begin implementing changes in February. The IRS also announced that the guidance will be designed to work with existing W-4 withholding forms, and that additional action by employees is not expected.



AGC will continue to monitor the law's implementation to ensure that new tax provisions utilized by construction firms are enforced correctly and favorably.

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 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.

AGC OF AMERICA UPCOMING EVENTS



April 1-3, 2019
AGC's Annual Convention
Denver, CO

View Full Event Details at: www.agc.org!

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