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A New Beginning

In early 2008 we first met over lunch with several of our highway and building contractor colleagues to explore the idea of a merger of two of New York State’s longstanding, very successful contractor associations. While some of us knew each other, it was a little like those *Saturday Evening Post* covers of old where the old neighbors were sizing up the new neighbors on moving day.

But it didn’t take long once we started talking with each other to find that we had much in common. We were business people and contractors working in the same industry with the same goals. While some of us built out and others built up, we had the same concerns and the same problems and we lived in the same state and had to deal with the same government and the same economy. Together we have been building in excess of $30 billion of construction annually throughout New York State.

We also soon realized that the two associations had the talents and resources to become something special. It took a lot of conversation, some insightful leadership and creative thinking and some good conversations with a lot of our colleagues to determine by the summer of 2008 that a consolidation of the 83-year-old New York State Chapter of the AGC, representing the highway contractors, and the 55-year-old General Building Contractors of New York State, representing builders, made sense. As one of us said as we took that last fateful step: “One + One (can) = Three” if we do it right.

In January 2009 we formally went into business together. While there have been challenges and seemingly hundreds of details, we’re making progress. Today we inaugurate the first issue of our new magazine, *AGC Cornerstone*, and begin a new era of telling the AGC NYS’s and its member contractors’ story to our members, the construction industry and our fellow New Yorkers.

It is a time of economic challenges for all of us, but contractors and the construction industry are can-do people. We know when we are constructing New York’s infrastructure, institutions and private economy New York State is growing and New York’s people are working. We believe we are the *Cornerstone* of our economy. We invite all our readers to join us as we begin our new journey.
In the final issue of The Low Bidder magazine, the membership was treated to a description and history of the AGC NYS spec review service. The phrase “Call AGC First” has long been associated with that service. Members who have followed that advice have regularly found tremendous value.

Take, for example, the contractor who was having problems with a private construction client and the client’s architect over the issue of design delegation. The matter had turned into a major issue to the tune of $60,000. The AGC NYS spec reviewer was called in to offer detailed comment on the matter. When the client was shown that commentary, he had just one thing to say to the contractor: “How much do I owe you?”

Or the time when a member and an architect were on a conference call with the AGC NYS spec reviewer over an issue in dispute between them. The architect started with the following statement: “You have always dealt straight with us, so we have agreed to abide by whatever decision you make on this matter.”

Or the dispute that went to the highest level of NYSDOT for a decision. AGC NYS worked with the member and the DOT reviewer to identify the actual scope and impact of the change. The ability to understand the contractor’s field operation as well as a clear knowledge of the contract terms allowed AGC NYS to provide support to the contractor. This resulted in a full payment by the DOT for the cost impact of a post-bid contract change.

Then there was the case involving an AGC NYS member from Long Island who contacted AGC NYS regarding several OSHA citations they received. They felt as though their goose was cooked. Upon reviewing the citations with the member, AGC NYS staff found that many of the citations were not violations of applicable OSHA standards. AGC NYS assisted the contractor with establishing their defense and at the end of the day, all violations were withdrawn.

These are just a few examples of times when AGC NYS members called upon AGC NYS for expert assistance. There are many more on a whole range of issues. As members of AGC NYS, you are privileged to have an association staff that is unparalleled in its ability to help on substantive issues. An examination of the backgrounds, talents, skills and abilities of the AGC NYS staff, such as Jim Redmond and Dennis Kiefer on safety and OSHA matters, Karen Morrison, PE on NYSDOT and Thruway Authority contracts and specifications, or Joe Hogan, CDT on matters related to public and private bidding and contract documents as well as the various state building construction agencies, will reveal that we are ready and able to assist in a wide range of issues. Whether it’s matters involving safety and OSHA, a regulatory issue with a State or local regulatory agency, or a construction
contract issue with a State construction agency – whether building, highway or heavy, or with a local government or designer on a public or private construction project – remember to “Call AGC First.” For that matter, the same should go for federal construction projects. AGC NYS and AGC of America staffers stand ready to assist.

Most frustrating to AGC NYS staff are the phone calls that come when it is too late for AGC NYS to affect the outcome. With the knowledge that the member has spent too much on the matter or not gotten the result we could have helped them achieve, we simply sigh and remind the member for next time – “Call AGC First.”

Beware!! It is not our role or desire to tell members what they want to hear. Rather, we tell them what they need to hear. At times, we will let you know where we believe you erred and will suggest the best course of action from there.

Joseph P. Hogan, CDT, is the Vice President - Building Services of the AGC NYS.

NOTE: “With the Spec Reviewer” will be a regular column featuring issues and topics related to bidding and contract documents. In some cases, they may seem to be only public work, competitive bidding-related issues. It is important to look deeper. There are likely to be parts related to private work as well. “With the Spec Reviewer” will explore such issues as unforeseen conditions, delay damages, equivalents, change orders and a host of other topics. If there is a particular topic you would like tackled, please let us know.

Beware!! It is not our role or desire to tell members what they want to hear. Rather, we tell them what they need to hear.

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AGC NYS now has two scholarship programs to benefit college students.

The AGC NYS Annual Scholarship Program, formerly administered by the NYS Chapter, AGC, since 1988 has distributed more than $770,000 in the form of over 370 scholarships to college students working toward a degree in Civil Engineering or Construction Technology at a college or university. More than a dozen $2,500 scholarships in Paul’s name are awarded each July. The scholarship program is funded through the annual Anthony S. Santaro AGC Scholarship Golf Classic, by individual member donations, and through endowments.

Paul Richards, former Managing Director of the General Building Contractors of NYS, earned the respect of all with whom he worked by his dedication to the AGC ideals of skill, integrity and responsibility. In memory and appreciation for Paul’s excellent service and leadership and for his strong commitment to education, the Paul B. Richards Memorial Scholarship was endowed in 1987 by the Membership of the GBC. Each year, $2500 scholarships in Paul’s name are presented to deserving young men and women pursuing undergraduate degrees in construction-related fields who show a real interest in pursuing a career in the construction industry.

The AGC NYS is pleased to announce the two winners of the Paul B. Richards Memorial Scholarship for 2009.

Melissa Ann Sokolinski of Walden, NY is a sophomore at Alfred State pursuing a Bachelor’s degree in Construction Management/Engineering Technology. Melissa is President of Delta Chi Omega and worked from March to August 2008 with AGC member Advance Testing. Melissa is the niece of Vic Macri of AGC NYS member VMJR Companies.

Scott Andrew Sidell of Lockport, NY is a junior pursuing a Bachelor’s degree in Structural Engineering from SUNY Buffalo. Scott is a member of his ASCE student chapter and has worked during the summers for a construction-based trucking company and for the Town of Cambria Highway/Water Department. Scott is the son of Peter Sidell of AGC NYS member LeChase Construction.

Brendan Manning is AGC NYS’s Education and Environmental Director.
The Anthony S. Santaro AGC Scholarship Classic will be held on Tuesday, June 23, 2009 at the Turning Stone Resort & Casino in Verona.

A five man scramble and two man best ball competitions will be held on the Shenendoah and Kaluyat courses.

We are accepting items for the player gift pack and the silent and live auctions that are held that evening. If you would like to donate an item for the gift pack (275 pieces or for golf balls 70 dozen) or the auction please contact Cathy Newell, at at 518-456-1134 or via email at cnewell@agcnys.org.
The Crisis Program Works for Better Roads and Bridges

By Rich Couch

The Crisis Program (TCP), born out of the tragic collapse of the NYS Thruway bridge over the Schoharie Creek in 1987, is the education and advocacy arm of the Highway Division of the Associated General Contractors of New York State (AGC NYS). TCP works to inform the general public of the need for an adequate highway infrastructure and well maintained roads and bridges. Most people do not know that over 34% of the bridges in New York are deficient and over 50% of the pavement in the state is fair or poor. Funding for TCP comes from voluntary contributions made by firms who care about our State’s infrastructure. TCP has been involved in a number of policy advocacy projects over the years, including highway bond acts.

One way that The Crisis Program works for better roads and bridges is through media advocacy. By working with volunteers to submit letters to the editor, write opinion editorial pieces for the newspaper, participate in radio programs, and work with reporters, it is possible to get our infrastructure needs in “the news.” Since January, The Crisis Program has been on WHCU radio in Ithaca, assisted with letters to the editor in over 20 local papers statewide, had opinion editorial pieces appear in The Saratogian, The Poughkeepsie Journal, The Journal News (White Plains), and worked with reporters at The Daily Freeman (Kingston) and The Evening Telegram (Herkimer). Articles connecting school buses and safe roads have appeared in PTA newsletters.

The Crisis Program is working with statewide and regional groups to get all New Yorkers thinking about roads and bridges. TCP is active in three upstate regional business groups: The Buffalo Niagara Partnership, The Rochester Business Alliance, and the Greater Syracuse Chamber of Commerce. Partnerships have been started with regional Automobile Association of America (AAA) chapters serving the Hudson Valley, Central and Western New York. Contact has been made with the Firefighters Association of the State of New York (FASNY) so that we can partner on road and bridge concerns.

The Crisis Program is building a database of advocates who care about roadways and bridges in New York State. **Being a TCP advocate has only one requirement – concern for the roads and bridges that you use every day.** We all use our highway infrastructure – isn’t it time we started advocating for it? When lawmakers begin to hear from their constituents that New York State roads are terrible and we are tired of it, they will begin to make our infrastructure a priority. Being a TCP advocate is not difficult. Action alerts are sent via e-mail with message points and details on issues. All you have to do is call your elected officials and let them know you care about the roads and bridges you use every day.

Currently, the advocacy database is small. In order to be effective we need a large number of advocates. To sign up to be a TCP Advocate, please send your name, address, telephone number and e-mail address to Rich Couch at rcouch@tcpny.org. Your voice can help improve New York State roadways and bridges. **We need your voice!**

Rich Couch is Director of Advocacy for The Crisis Program.
Tight budgets and strict deadlines are just the beginning.

For over 60 years private companies and local governments have turned to Posillico to provide all-in-one solutions across its many business units. Our seamless integration and vast experience save your project time and money. No one is more deeply involved or dedicated to solving the complex construction problems of our region than Posillico.
A GC NYS has a professional safety and consultation services subsidiary to serve the membership. Recognizing that a safe workplace is a productive workplace, GBC Safety and Construction Services was created 15 years ago by GBC. In the ensuing years, the subsidiary has developed safety services to educate members and their employees on safe work practices and field conditions and to assist members with their safety concerns. Safety training is offered covering a wide array of topics, including OSHA 10 and 30 Hour Construction Outreach Courses. Also offered are corporate safety advisory services, jobsite inspections and consultation, and written safety programs.

Jobsite inspections have long been the mainstay of the GBC Safety professionals’ service to the membership. Regular, scheduled inspections have resulted in better safety records for many members. Like most things in life, repetition of good practice often leads to success, and the same can be said for safety on the jobsite. Inspections help to train employees about safe work practices. Eventually, workers become familiar with the rules and regulations of safety, thereby improving the safety aspect of each project they work on.

Key to this service are the pre-planning sessions that are conducted prior to the start of the project as well as during the various phases of construction. This service involves reviewing the project with the construction team and identifying what measures will need to be taken to maintain employee protection. This also allows for safety devices to be incorporated in the structure for utilization at a later date.

Another service provided by GBC Safety is OSHA consultation. Members that receive OSHA violations can contact GBC Safety for assistance. We always encourage contractors to contact GBC Safety after an inspection occurs and not to wait until citations are received. There are many steps contractors should be taking when responding to an OSHA visit. In many cases these measures are critical in maintaining a solid corporate safety program and can be beneficial in efforts to defend citations if they are issued. GBC Safety has extensive experience in this area and has been of great assistance to
the membership over the years. Of course, contractors that have a proactive safety program have a better chance to defend violations if they are issued.

Recognizing the value of trained employees, GBC Safety developed two Safety Training Centers, our original site in Rochester, and our sister safety center in Albany. Both centers are equipped with training modules and equipment that give participants a “hands-on” approach to safety training. The safety centers are available to the AGC NYS membership and have evolved into a valuable resource for conducting training programs.

“The training centers are a great way to ‘show-and-tell’ participants during a training course,” said Jeff Zogg, CEO of AGC NYS. “A 30-Hour OSHA course is a long time to study safety and there is a lot to learn. What better way than to be able to show and use actual equipment that the participant will encounter on the jobsite? The safety training centers have been extremely popular with the membership.”

We continue to put safety in the forefront as one of the most utilized and respected services of AGC NYS. As construction sites become increasingly complex in the coming years, and the pressures of high expectations and short time-frames are placed upon contractors, safety will be at an all-time high of importance, and GBC Safety and Construction Services will be there to assist our contractor members.

AGC NYS Safety & Health Services Director Jim Redmond and Safety Specialist Dennis Kiefer are available to assist AGC NYS members with their safety needs. Jim can be reached at 585-370-1853 and Dennis at 518-376-8221.
How do two associations become one? One step at a time, the former NYS Chapter, AGC and GBC of NYS have been learning the answers to that question. Little by little, the Associated General Contractors of New York State, LLC has been taking shape. The organization is now the largest statewide trade association representing the construction industry, with over 650 general contractors, subcontractors, material suppliers and related firms as members.

AGC NYS staff has been working furiously since last summer to make decisions on the hundreds of details of merger. A new name and logo necessitated changes to everything from stationery and business cards to the design of our newsletters and this magazine. Some staffers have new job descriptions and focuses. More changes are in the works, including new offices for the former GBC staff, who will be moving in with their colleagues at 10 Airline Drive sometime this spring.

Leadership

Another area in which AGC NYS members will see changes is in the leadership of the association. A 14-member Board of Directors, made up of leaders from both the Highway and Building sides, will oversee the association. The “old” Boards of Directors from the NYS Chapter, AGC and the GBC of NYS will not be retired, however – they will now serve as the Boards of Directors of the AGC NYS Highway Division and Building Division, respectively. The two divisions will have the opportunity to hold separate meetings in order to discuss specific subjects of interest. (See sidebars for lists of the directors.)

The four new officers of the AGC NYS offer the membership a combination of leadership expertise and experience that is hard to match. Here’s a brief look at each one:

Chairman
Mark Galasso
of Lancaster Development Inc. (Richmondville)

Mark Galasso started working at the age of 11 as a laborer. Following his education at Notre Dame University, where he obtained a degree in Civil Engineering, he returned to the Richmondville area and continued in the footsteps of his family. He became a third-generation president in 2001. He also serves as a Trustee of the Village of Cobleskill. He has served on the AGC Board of Directors since 2001 and was the Chairman in 2008.

Vice Chairman
Mark Breslin
of Turner Construction Co. (Albany)

Mark Breslin began his career with

The Making of an Association
Turner in 1995 as a project superintendent for the Albany School of Humanities. By 1999 he was overseeing all of Turner’s K-12 school construction in Upstate New York. In 2000, he was promoted to his current assignment as VP and General Manager for Turner’s New York North Business Unit, responsible for offices in Albany, Buffalo and Syracuse. Mark served on the GBC Board of Directors for several years before being elected GBC President in July 2008.

**Treasurer Butch Marcelle** of The Fort Miller Co., Inc., (Schoharie) started his construction career with D.A. Collins Construction in 1972. Butch joined Fort Miller in 1981 and has seen the company grow extensively over the past 28 years. As the Executive Vice President, he is responsible for the overall operation of the precast concrete company that provides a variety of engineered precast concrete products to contractors throughout the Northeastern United States as well as California, Utah, Virginia, and Canada.

**Secretary Mike Benson** of BCI Construction Inc. (Albany) began his construction career in 1989 as a project superintendent for a Northern Virginia-based residential/commercial building contractor. In 1991 he started MK Benson Construction Company, Inc., a residential, single/multifamily building contractor in Albany, and in 1993 created BCI Construction, Inc., a commercial/industrial building contractor. With over 20 years in the industry, Mike has grown BCI from a small, specialized construction company to one of the most respected construction companies in the Capital District, offering a full spectrum of general construction, design-build and construction management services.

**Committees**

An extensive committee structure is currently being developed, with a number of committees tailored specifically: some to building contractors’ interests, others to highway contractors’ interests, and others to serve the membership generally. Members are welcome and encouraged to participate on committees that reflect their interests and expertise. Strong committees will be able to give the association direction and guidance on the many general and technical issues facing the construction industry today. (See the sidebar on page 15 for a list of committees.)
2009 Directors –
Highway Division

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Chairman
The Fort Miller Co., Inc.

Jeff Hanlon
First Vice Chairman
Slate Hill Constructors, Inc.

Paul Posillico
Second Vice Chairman
Posillico Civil, Inc.

Fred Stutzman
Treasurer
Hudson River Construction Co., Inc.

Jim O’Brien
Assistant Treasurer
BOTHAR Construction, LLC

Chris Ramsey
Executive Committee
Director at Large
Ramsey Constructors, Inc.

Jeff DiStefano
Past Chairman/Highway Funding Task Force
Chairman
Harrison & Burrowes Bridge Constructors

Mark Galasso
Immediate Past Chairman
Lancaster Development, Inc.

AJ Castelbuono
President & CEO
AGC

Dave Santos
Region 1 Director
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Scot Owens
Region 2 Director
Barrett Paving Materials, Inc.

Dick Anderson
Region 3 Director
Vector Construction Corp.

Chris Bollin
Region 4 Director
Crane Hogan Structural Systems, Inc.

Ryan Forrestel
Region 5 Director
Cold Spring Construction Co.

Robert Rook
Region 6 Director
Elderlee, Inc.

Rhonda McNeely
Region 7 Director
Hi-Lite Markings, Inc.

George Pacchiana
Region 8 Director
Thalle Industries, Inc.

Stephen Compagni
Region 9 Director
Economy Paving Co., Inc.

Joe Posillico
Region 10 Director
Posillico Civil, Inc.

Peter Tully
Region 11 Director
Tully Construction Co., Inc.

Scott Collins
Associate Director
Tracey Road Equipment

Gib Gagnon
Associate Director
Milton Cat

Chip Stephenson
Subcontractor Director
BVR Construction Co., Inc.

Jonas Havens
LRD Director
Callanan Industries, Inc.

James Smith
Asphalt Division Director
Advance Testing Co., Inc.

Dave Collins
TCP Representative
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John Brizzell
Director at Large,
Bergmann Associates

Chris Larsen
Director at Large
Halmar International LLC

Roseanne Letteri
Director at Large
DiPizio Construction Co., Inc.

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Joseph Compagni
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Economy Paving Co., Inc.

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Past Chairman
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Past President
Cold Spring Construction Co.

Richard E. Forrestel
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Martin Galasso
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Joseph Gigliotti
Past President
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Doug May
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John Peckham
Past President
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James Pratt, III
Past Chairman
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Thomas Barr
Past President
Barr & Barr, Inc.

Michael Benson
Treasurer
BCI Construction Inc.

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AGC NYS CORNERSTONE Spring 2009
AGC NYS, LLC
Committees and Task Forces

AGC of America
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Alternative Delivery Task Force
Budget & Finance Committee
Bylaws
Construction Career Days
Diesel Retrofit Task Force
Education
Emerging Technologies
Environmental
Labor & Employee Relations
Legal Advisory
Legislative/PAC
Labor Procurement Task Force
Membership Development
Membership Meetings (Summer & Winter)
Nominating
Public Relations
Publications
Risk Management/Insurance
Safety
Scholarship & Golf Tournament
Strategic Planning
Technical Conference

Building Division Committees
Designer Relations
Economic Development
NYC Buildings Dept. Liaison
Private Owner Relations
Project Delivery
Public Owner Relations
Subcontractor Relations

Highway Division Committees
Asphalt Industry Division
Asphalt Pavement Committee
Bylaws
CPM Task Group
Executive Level Partnering
Funding Task Force
Labor Relations Division (LRD)
Nominating Committee
Section 100
Section 109 Task Group
Specifications Committee
Strategic Highway Funding Task Force
The Crisis Program (TCP)

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By Jeffrey J. Zogg and Steve Stallmer
One of the primary reasons for merging two highly successful construction associations was increased clout. The AGC NYS leadership recognized the need to join forces to address the complexity of the current political, legal and regulatory environment. As such, our principle purpose will always be to advocate for the members before federal, state and local governments and educate the members to help them better manage their businesses. The hallmark of the advocacy part of that dual mission will be a strong government relations program. AGC NYS staff and consultants have already begun that process in earnest.

It starts with effective leadership. The Officers of the AGC NYS, LLC – seen on the cover of this magazine with newly designated United States Senator Kirsten Gillibrand – are committed to aggressively pursuing each level of government to ensure the construction industry is heard and respected. Mrs. Gillibrand’s visit on February 27, 2009 was the first time in our 80-year history that a sitting United States Senator came to the AGC NYS offices. Twenty AGC NYS members participated in the hour-long dialogue with the Senator on a variety of key construction industry issues, including the federal stimulus package and the union-backed “Employee Free Choice Act.” Hosting this political event so early in our new life sends a message to our membership about the importance and effectiveness of our enhanced government relations efforts.

To coordinate our government relations programs and services, 2009 AGC NYS Chairman Mark Galasso and Vice Chairman Mark Breslin have appointed active and knowledgeable members to co-chair our Legislative and PAC Committees. David Collins of the D.A. Collins Companies (Saratoga County) and John Bishop of Bishop-Beaudry (Albany) have been tapped to co-chair our Legislative Committee. They will work closely with AGC NYS staff and consultants to develop a sound legislative program and network. John Peckham of Peckham Industries (White Plains) and William Gaetano of Charles A. Gaetano Construction Co. Inc. (Utica) will serve as the co-chairmen of the Political Action Committee. The AGC NYS PAC is one of
our most effective tools in our advocacy and lobbying efforts.

As this new association was developed and now co-managed by AGC NYS President AJ Castelbuono and CEO Jeffrey J. Zogg, we knew we had a multitude of staff talent and experience in key and complementing areas. Jeff Zogg has represented the GBC of NYS since 1971 and spent the bulk of his career leading the building chapter’s governmental relations effort. On a staff level, he will lead and oversee our government relations efforts in the State Legislature and with State building regulatory agencies. AJ Castelbuono will continue to manage programs and services involving transportation agencies and the all-important future of funding for that sector. Together they will utilize Vice President of Government & Public Affairs Steve Stallmer to lead our day-to-day operations in this regard. Steve has served the highway chapter since 2004 and previously was a senior legislative aide for a Buffalo-area Congressman.

For AGC NYS to properly communicate our message and concerns, we need to know our substance and the political landscape. To help us navigate that ever-interesting and changing terrain, we will continue to use the team at Greenberg Traurig, led by Harold Iselin and Mark Glaser. On matters dealing with transportation funding, staff efforts will be assisted by Fred Hiffa of Ostroff-Hiffa & Associates. Additionally, The Crisis Program (TCP) will continue to generate grassroots support throughout the State for increased investment in our transportation infrastructure. TCP’s public awareness and action campaign is spearheaded by its Director of Advocacy, Rich Couch.

While we’ve talked about the people surrounding our program, we also need to be reminded of its breadth. It is more than just legislation pending in Albany. AGC NYS members depend on government directly for their public markets and indirectly for developing a strong New York economy to support their private markets. This reliance on government, however, creates a heavily regulated industry. Labor law matters, tax issues, and environmental and other regulations impact a contractor’s business every day. They come from both Albany and Washington, DC and often at the local level. A productive government relations program needs to keep abreast of developments at all levels. It wouldn’t be possible without the constant presence of AGC of America in our nation’s capital.

The Associated General Contractors of America was founded in 1919 at the urging of then President Woodrow Wilson. Since that time, it has become the construction industry’s strongest and largest voice on a national level with 95 chapters and over 33,000 members. AGC NYS, through its two predecessor organizations, has been affiliated with AGCA since 1926 (NYS Chapter) and 1955 (GBC NYS), and our new association is the sixth largest AGC chapter in the country. AGC of America’s staff of industry experts and lobbyists is on top of every construction and business-related piece of legislation and regulatory action. Its Political Action Committee is highly respected by both parties and its Capitol Hill Townhouse, the closest private-sector facility to the Capitol, regularly hosts political events for the most influential lawmakers.

The leaders of the AGC NYS believe they have brought to this new endeavor the resources to expand and improve already effective government and legislative relations services. However, we can’t do it without an activist membership supporting those efforts and building the grassroots from Long Island to the Niagara Frontier, because at the end of the day, all politics are local. We urge all members to join this new voice to make a difference for your industry and your business.

Jeffrey J. Zogg is the CEO of AGC NYS, and Steve Stallmer is the association’s Vice President of Government & Public Affairs.
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The New York State Department of Transportation (NYSDOT) is continuing its efforts to streamline bidding and increase efficiency through the use of electronic contracting procedures. Longtime bidders will remember that NYSDOT developed and implemented its first electronic bidding software, EBS®, in 1994 – still early days for the internet! In the fall of 2004, NYSDOT upgraded to the use of Trns. port® Expedite® software, a product developed by the American Association of State Highway & Transportation Officials (AASHTO) and currently in use by more than 30 State DOTs. Both EBS and Expedite allow one-way electronic bidding. NYSDOT posts bid files on the web, contractors download and complete them electronically, but bids must still be submitted on diskette or CD together with a hard copy paper bid. The paper bid is definitive if there are any differences.

On May 7, 2009 NYSDOT implemented full two-way electronic bidding with a product called Bid Express®. Bid Express is another AASHTO-sponsored product developed and run by InfoTech, a subsidiary of the company that developed Expedite, and it works hand-in-hand with Expedite to electronically sign and encrypt bid files for secure submittal via the internet. Submittal is close to instantaneous and a hard copy paper bid will no longer be required for contractors who use Bid Express. Bid Express also incorporates electronic bid bond verification. Contractors who use Bid Express will no longer have to come to Albany or mail hard copies of any documents prior to letting. They will also have the option of submitting amended bids right up to the deadline that will override any previous bids. The use of Bid Express is optional, though. Bidders will still be able to submit a paper bid with diskette or CD in lieu of using Bid Express.

Benefits to contractors include:
- Instantaneous, secure, encrypted bid submittal from any location
- Ability to submit a “safety bid” early while continuing to solicit quotes from subs and suppliers right up to the submission deadline
- Automated error checking that ensures all required items are bid properly

By William Howe and Karen Morrison
How many late nights are you spending at the office?

Speed up your preconstruction process

- Reach bidders quickly and efficiently
- Provide instant access to all documents
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• No worries about driving to Albany in inclement weather or overnight mail services arriving after the bid deadline
• Ability to solicit and receive quotes from subcontractors

For electronic bid bond verification, contractors first obtain a bid bond from their usual surety. Their agent must have an account with one of the on-line bond registration services compatible with Bid Express (currently, Surety 2000® or InSure Vision®). The agent then enters the bid bond info on the registration service’s website, obtains a bid bond verification number and provides this number to the contractor. Contractors then enter this number in their Expedite bid file.

Soliciting and receiving quotes from subcontractors is done via a feature called the Small Business Network. Primes request quotes for specific work items and quantities and can note any special requirements (e.g., if quotes are wanted from D/M/WBEs, if M&PT will be provided, etc.). This feature can be used as evidence of Good Faith Efforts to meet D/M/WBE goals.

When contractors are ready to submit their bid, they sign the bid in Expedite using a digital signature called a Digital ID. Expedite connects to the internet, goes through Bid Express to the registration service, retrieves the bond verification information and brings it back to the Expedite file, storing the information in the file. When contractors submit their bids over the internet, the bond verification information is included.

Bid Express is a fee-based service. The current fee schedule is $35 per month for unlimited viewing and download of bid files, $15 per month to submit bids, and $25 per month to request and receive quotes. There is a one-time fee of $100 to obtain your Digital ID. Bid Express is used by many other State DOTs, including New Jersey, Vermont and Ohio. The $35 per month fee allows access to the websites of all participating states but the $15/month fee to submit bids is required for each state a contractor bids in. No longer having to pay for overnight mail or hand delivery of bid documents can offset these costs quickly.

Subcontractors and suppliers can subscribe to the Small Business Network for the combined fee of $60 per month, which includes $35 to view the letting information and $25 to be able to receive requests and send quotes. NYSDOT plans to procure a block of Small Business Network accounts to provide access to DBE firms.

Contractors should allow at least five business days to obtain a Digital ID and password to use Bid Express. Allow some time too to become familiar with the set-up processes and bid preparation procedures. The set-up is straightforward and tutorials will lead you through the whole process.

To sign up for Bid Express, view demos or obtain additional information, visit the Bid Express website at http://www.bidx.com/main/index.html. Select New York on the “Select an Agency” dropdown menu, then click the Go button.

Bonding agents who wish to sign up with an electronic bid bond registration service or obtain additional information should visit these websites: http://www.surety2000.com and http://www.insurevision.com.

Additional information on electronic bidding with NYSDOT is available on the NYSDOT website at https://www.nysdot.gov/bids-and-lettings/construction-contractors/electronic-bid-system.

William Howe is Director of Contracts at NYSDOT. Karen Morrison is VP of Transportation and Technical Services at AGC NYS, LLC.
Leading the Way in Building Information Modeling

As Building Information Modeling (BIM) gains acceptance throughout the architecture, engineering and construction industry, AGC is leading the way in BIM collaboration and education.

AGC BIMForum
Join the more than 1,500 professionals from every construction sector who are collaborating and jointly developing the next generation virtual design and construction programs.

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Learn how you can use BIM to radically transform the process of planning, designing, constructing and operating buildings.

AGC’s BIMForum is “considered the best place for collaboration and collective action to relieve the aches and achieve the potential gains of the paradigm shift to BIM-enabled design and construction.”

Engineering News Record, November 2008

www.agc.org/BIM • BIMForum@agc.org
LEED, which stands for Leadership in Energy and Environmental Design, is the most commonly used green building rating system in the U.S. The design and construction team of a LEED Certified project must achieve a number of credits, plus comply with several prerequisites, and carefully document their work.

April 27, 2009 is the launch date for LEED v3, which comprises three elements:

- LEED 2009, which is the update to the rating systems;
- LEED Online, a newly designed website interface to help users work through the process to certify projects;
- A new delivery system for certifying projects, through a new organization – the Green Building Certification Institute.

Changes are coming this spring to green building design and construction. The United States Green Building Council (USGBC) is launching an update of its LEED rating systems for commercial and institutional buildings.

By James A. D’Aloisio, P.E., SECB, LEED AP
**LEED 2009**

The rating systems being updated in 2009 are the following:

- LEED for New Construction (and major renovations)
- LEED for Commercial Interiors
- LEED for Core and Shell
- LEED for Schools
- LEED for Existing Buildings: Operation and Maintenance

The new rating systems are similar to the previous versions, with improvements to clarify many of the credits. They are also different in the following ways:

- **Harmonization:** Credits for different rating systems have been made more similar to each other.

- **Credit Weightings:** Each credit was evaluated for its effect on a number of “impact categories” with each category assigned a level of importance by the LEED Steering Committee. Each credit was then assigned one or more points based on the importance of maximizing the outcome of the impact categories.

- **Regional Credits:** Our Region (the Upper Northeast Region) will be identifying credits that, if obtained by a project, will count as an additional credit, up to a maximum of four.

- **Scale:** All of the rating systems are now based on 100 total points, plus 10 additional (up to five for Innovation Credits, up to four for Regional Credits, and one for having a LEED-AP on the team). The Certified level now requires 40 points, the Silver level 50 points, the Gold level 60 points, and the Platinum level 80 points. For more information about the new rating systems, see www.usgbc.org.

  **Timetable:** For 60 days starting on April 27, 2009, commercial and institutional projects can be registered under either the old system (LEED-NC, LEED-CI, or LEED for Schools) or the new system (LEED 2009 BD&C or LEED ID&C). After June 26, projects can be registered only under the new LEED 2009 rating systems. Projects that are currently registered need not change to the new rating systems. From April 27th until October 24th, project teams can switch currently registered projects to the new LEED v3 for no additional fee.

**GBCI**

The USGBC has assigned the administration of LEED project certification to a new independent, nonprofit organization – the Green Building Certification Institute. GBCI has certified ten companies as Certification Bodies. When a project is registered it will be assigned to one of these companies, who will provide assistance in advancing the project towards LEED Certification.

GBCI will also handle the LEED professional accreditation program for individuals. There will now be three levels of professional accreditation:

- Level 1 – LEED Green Associate
- Level 2 – LEED AP + (with specialization)
- Level 3 – LEED AP Fellow

All levels will require continuing education and some degree of recent experience with LEED projects, with the requirements varying between the levels. Why the change?

**DASNY Greens Up New York**

The Dormitory Authority (DASNY), as a provider of approximately $6.5 billion in tax-exempt financing each year, and as a manager of $7 billion in construction at any given moment, is in an excellent position to green-up New York. We have approached this by understanding that the most powerful effect on the sustainable future of our state is by producing buildings and renovating existing stock with greener goals in mind.

We decided an “all-green, only-green” construction policy was in order for our construction work, and implemented this in January 2008. We currently have 23 buildings registered with the USGBC for a LEED rating, and three LEED-Silver or better rated buildings.

There has been a tremendous influx of training at DASNY to ensure that we can support our ambitious goals. We have included specific sustainability goals and tools in all of our contracts, and are now sharing our knowledge with contractors, consultants and owners to smooth the path to more energy efficient, environmentally sustainable, cost responsible and healthier buildings.

DASNY is working closely with state agencies and within our own operations to green up all that we do. Executive Order #4 on Green Procurement and Waste Reduction is a great driver for green practices in all state agencies/authorities. DASNY is helping to lead this endeavor by facilitating communications, developing training, and working on green procurement language for the state to adopt for a full range of purchased items.

The little and the big all count in this endeavor. Green your product for your clients and make a bold, positive effect for them and for your business, then green your operations and become more streamlined and successful in your own operations and maintenance.

Jodi Smits Anderson, AIA, LEED AP, is the Director, Sustainability Programs for the Dormitory Authority of the State of New York (DASNY).
LEED v3 represents a giant step in the advancement of the rating system. The range of knowledge and level of recent experience of the current LEED-APs, which now number over 80,000, risks making the credential less meaningful. It’s time to distinguish between those who know the basics of the LEED process and those who have truly developed expertise in the field. For more information about professional accreditation, see www.gbci.org.

LEED v3 represents a giant step in the advancement of the rating system. As interest in green building design and energy savings continue to grow, USGBC has positioned itself to accommodate the increased demand and respond to the need for a cleaner, more timely process, while tying the rating systems more directly to the impacts that it hopes to make in the built environment. Change is never easy, but this one should be well worth it.

Jim D’Aloisio is a Principal with Klepper, Hahn & Hyatt, a structural engineering, landscape architecture, and building science firm located in East Syracuse. He is also on the National Board of the U.S. Green Building Council, and on the Advisory Board and Program Committee of the New York Upstate Chapter of the USGBC.

AGC NYS Workers Compensation Safety Group #550

Since 1992, AGC NYS (through one of its predecessors, GBC NYS) has sponsored a very successful workers’ compensation safety group with the NYS Insurance Fund for Building Contractors. Today over 40 of our building contractor Members participate in this group. With the formation of the AGC NYS now representing both Building and Highway Contractors, as well as a number of Specialty Contractors, we encourage all AGC NYS Members to take a look at our program. Some of the highlights include:

- Group #550 has regularly provided a 25% dividend or better each year
- Up-front discounts of 15% or more are available
- Each contractor is individually experience rated
- The Group is managed and dividends determined by contractors
- Group #550 is professionally managed by G.C.G. Risk Management
- Loss control services provided by GBC Safety & Construction Services

If you are looking for a competitive alternative to your current Workers’ Compensation coverage, it’s time to take a look in your own backyard.

Call AGC NYS today for more information or check our website at www.gbcnys.agc.org/public/GBCsafety/09.02.550brochure.pdf.
NYS requires all workers on public works projects to have the OSHA 10-Hour card. Are you in compliance? Are all of your workers trained? Are all of your subcontractors trained?

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Don't be caught without the card. Get your workers trained. Call AGC NYS TODAY!!

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**AGC NYS Awards Programs**

Honoring New York’s best projects and safest contractors.

AGC NYS has two distinguished awards programs available to all AGC NYS Contractor Members. The Build New York Award recognizes outstanding project management and honors those builders who have completed exceptional projects in the face of complex design and coordination, and extraordinary circumstances. Winning projects are awarded the trophy made from Lake Placid granite.

The AGC NYS Safety Excellence Award recognizes those contractors who demonstrate an on-going commitment to safety excellence both in process and field implementation. Winning entries are awarded the Hard Hat Safety Plaque.

Both awards programs have strict criteria for entrants and are judged by an independent jury. Entry forms for both programs will be out soon. The pride in displaying an award-winning project, or recognition for company safety policy is a great tool for positioning yourself against your competition.
It was with great pride that AGC NYS member Elderlee, Inc. accepted a first place award in the AGC of America’s 10th annual Construction Safety Excellence Awards (CSEA) program. The award, announced during the AGC’s annual convention in San Diego in March, was in the Highway category for companies performing under 100,000 hours of work. But Elderlee’s honors did not end there – the company was further awarded the Grand Prize Award for Construction Safety Excellence, making Elderlee the “best of the best.”

Only 44 AGC member companies from across the country met the standards of safety needed to qualify. There were 19 first place awards given, from which the Grand Prize Award was selected. (See the sidebar accompanying this article for more information about the AGCA and AGC NYS safety awards programs.)

Elderlee, Inc. of Oaks Corners, NY and Dunn, NC is a subsidiary of REH Holdings, Inc. of York, PA, which is also the parent company of L.S. Lee, Inc. The company is a fourth-generation, family-owned business that has been installing highway guardrail and signs since 1942, and employs nearly 200 people working in several states.

Elderlee and L.S. Lee are both driven by the guiding principles of quality, service, integrity and safety. The companies pride themselves on being trend setters in the development, investment in, and use of technology, training and safety. They are committed to the fact that their efforts have a direct impact on saving peoples’ lives.

Highlights of Elderlee’s CSEA application included a focus on the company’s safety initiatives such as repainting their entire fleet for better visibility, use of high intensity LED warning lights, development and use of specialty equipment and day-to-day tools, continuous investments in personal protective equipment, implementation of a GPS Fleet Management System, and their aggressive approach to training, including a custom training video.

It is a tremendous tribute to Elderlee to have been selected as the best of such a prestigious group of companies from around the U.S. The honor reflects the commitment to safety that Elderlee and all of its employees have worked so hard to develop.
All AGC NYS contractor members are welcome and encouraged to enter the AGC NYS Safety Excellence Awards program and AGC of America’s two safety awards programs.

**The AGC NYS Safety Excellence Awards Program** recognizes and honors AGC NYS members with excellent safety programs that meet the established minimum criteria, criteria that exceed industry standards. The entrant’s past safety history is reviewed by an independent jury and compared to their current history, focusing on the direction in which the trend is heading. Finally, a random, unscheduled inspection is carried out to view on-site implementation of company safety programs. All entrants who meet the established criteria are honored with the AGC NYS Safety Excellence Award, and then are qualified to enter the AGCA’s Construction Safety Excellence Awards (see below).

**The AGC of America’s National AGC Safety Awards (NASA) program** is an opportunity for AGC NYS members to evaluate their safety record in comparison with other AGC members around the country, based on size and construction type. AGC NYS members are sent a reporting form each fall, and are asked to complete it with information readily available on the OSHA 300A form. The information is submitted to the AGC NYS, which in turn transmits it to the AGC of America. Award certificates are presented to those members who have participated for at least three consecutive years, and who have an incident rate below 25% of their division rate.

**The AGC of America’s Construction Safety Excellence Awards (CSEA) program** is the construction industry’s elite safety excellence awards program, recognizing member companies that have developed and implemented premier safety and loss prevention programs. The CSEA selection process is considerably more comprehensive than that for the NASA program. Members must be nominated by their home AGC chapter in order to participate, and an entry fee is required. The entrant’s written submittal showcases the overall company and employee involvement in safety; programs, procedures and resources used by the company to promote safety; management’s commitment to safety; and any unique activities the company uses to promote safety.

Members of the AGCA’s Safety & Health Committee review the submittals. Then the finalists in each category compete at the AGCA Annual Convention in March. Finalists have the opportunity to give an oral presentation in front of five judges. The first, second and third place awards in each division are determined after oral presentations.

---

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AGC NYS continues to recruit high-quality General Contractors, Specialty Contractors, and Associate Members to the association. Our membership list reflects the top contractors in New York who stand behind the tenets of skill, integrity, and responsibility.

If you are a quality contractor looking for an association that can provide advocacy, training, education, safety, and above all, solutions, then look to the AGC NYS.

The following have become members in 2009:

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John Luke Hodorowski

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518-885-0060 Phone
518-885-0744 Fax
Terri Boland
tboland@wmschultz.com
www.wmschultz.com

**SPECIALTY MEMBERS**

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518-371-7203 Fax
Andrew Sciocchetti
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Masonry and concrete construction

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As AGC NYS launches its new Cornerstone magazine, we are grateful for the support of these five leading members who have helped underwrite this issue. Their logos and full names and addresses appear on this page. They have our gratitude for their help.

All contractor members are invited to join the Member Sponsors team! Contact Brendan Manning at bmanning@agcnys.org for more information.

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The 83rd Annual Meeting of the Highway Division

The 83rd Annual Meeting of the Highway Division was held in January 2009 at the Westin Resort in St. Maarten. The welcome reception held around the pool opened the week of events.

The Open Board of Directors meeting set a record for attendance. Several open discussions on current industry issues were held. Chairman Butch Marcelle and his Board of Directors for 2009 were elected at the conclusion of that meeting (please see page 14 for the full Board listing). Several committees met that week and had the opportunity for open discussion on various topics of interest. The Annual Banquet was an enjoyable evening and gave us the opportunity to thank our past Chairman Mark Galasso for his service to the Highway Division.

The BBQ/beach afternoon was a great event. The annual tournament events were held despite the wind and several teams met in volleyball and bocce ball competitions. The winners of the Medalla Cup Volleyball Tournament were the Vibrators from The Fort Miller Company. First Place in the Bocce Tournament went to Jackie Marcelle and Bill Murphy. Several children participated in the Sandcastle Building Tournament and did a fine job with the construction of their buildings.

The snorkel tour held on Wednesday was well attended and the group enjoyed seeing some of the island from the water. After snorkeling and lunch on the beach we made one more stop for a group swim before heading back to the hotel. The week closed with the presentation of the sports awards on Thursday evening.

We hope you and your family can join us in 2010 at the first Winter Meeting of the AGC of NYS, LLC. We are making plans for our stay at the El Conquistador Resort and Country Club in Puerto Rico for the week of January 24-29, 2010.
SPORTS AWARDS

MEDALLA CUP
VOLLEYBALL TOURNAMENT
The Vibrators –
The Fort Miller Co., Inc.
John Gonyea
Rae Lynn Gonyea
Scott Harrigan
Shann Harrigan
Joe Kouba
Roya Kouba
Todd Marcelle
Regina Marcelle
Joe O’Malley
Kate O’Malley
Rick Schumaker
Tymm Schumaker
Tom Vishneowski
Kerry Vishneowski

SANDCASTLE CONTEST
Stingray City
Antonio Colarusso
Garret Delaney
Cole Compagni
Matthew Galasso
Jack Kouba
Timothy Kouba

Princess Castle
Fiona DiCerbo
Julia Galasso
Mia Galasso
Kaylee Stallmer

Pretty in Pink
Johanna DiCerbo
Sophia Compagni

BOCCE TOURNAMENT
First Place
Jackie Marcelle
& Bill Murphy

Second Place
Peg & Paul Sweeney
AGC NYS Building Division

The AGC NYS Building Division met in January at the Ocean Reef Club in Key Largo, Florida. The key Board discussions revolved around how the future of the Building Division will be organized within the AGC NYS, and how to reinvigorate the committee structure of the association. The second half of the weekend involved a program by Jim Hess of Jim Hess Associates, who discussed generational differences in the workplace.

Attendees had ample opportunity to enjoy the recreational activities and the beauty of Key Largo.

PHOTOS:
TOP
Building Division Friday night reception.
BOTTOM LEFT
The Building Division Meeting was held in Key Largo.
BOTTOM RIGHT
Building Division Director Howard Rosen and wife Julia try their skill at kayaking.

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MLB Continues Ownership Transition

MLB Construction Services, LLC announced that James M. Dawsey was elected President of the company effective January 1, 2009. Past President Thomas M. Eckert will continue as its Chief Executive Officer.

As President, Mr. Dawsey oversees operations of the $65 million company known for its work on high-profile construction projects. Dawsey joined MLB in 1979 as a project engineer, and rose through the ranks to Vice President of Operations and most recently Chief Operating Officer. He has effectively managed all phases of the construction process from the initial bidding through project completion.

“Jim has proven himself through years of leadership in this company,” said Eckert. “I couldn’t be more pleased with the success of our transition. He and many others helped grow MLB into what it is today and now it’s their turn to define our future.”

Pike Participates in Heart Association Campaign

The Pike Company (Rochester), in their second annual Red Dress Campaign, raised $8,890 for the American Heart Association. A substantial amount of the money raised will fund heart and stroke research done in Rochester. Operations Manager Larry Fuentes, Pike’s champion fund-raiser, wore a red dress for a day and walked through the city of Rochester with a sign that said, “Pike has heart.” Pike has raised nearly $15,000 in the first two years of the Red Dress Campaign.

Turner Recognized by OSHA

Turner Construction Company’s Albany, Syracuse and Buffalo offices have been recognized by OSHA as merit workplaces within the Voluntary Protection Program’s Mobile Workforce Demonstration for Construction. The Mobile Workforce program ensures the highest level of jobsite safety and health by recognizing the value of cooperative efforts by management, labor, and OSHA.

Turner is the first general contractor/construction management firm in New York to participate in the Mobile Workforce. This partnership will put into place safeguards designed to protect not only the 120-plus Turner employees but also every subcontractor employee who works on a Turner jobsite.

Nelson Mandela Bay Stadium to Receive Tensioned Membrane Roof from Birdair, Inc.

Birdair, Inc., the leading specialty contractor of lightweight long-span roofing systems and tensile structures throughout the world, has been awarded roofing contracts for three of the four primary 2010 Federation Internationale de Football Association (FIFA) World Cup Stadiums, including Nelson Mandela Bay Stadium in the Eastern Cape Province of South Africa.

As the first world-class stadium to be built in the City of Port Elizabeth, Nelson Mandela Bay Stadium presents Birdair with another unique opportunity to showcase the architectural and aesthetic capabilities and advantages of lightweight long-span tensile architecture. As roofing subcontractor for the 50,000-seat venue, Birdair’s project role includes design, engineering and construction of the tensile roofing system, as well as erecting 2,400 metric tonnes of roof girders.

Construction on the athletic facility is slated for completion in May 2009. To date, Birdair has completed work on 65 sports facilities globally. Visit www.birdair.com to learn more.

Milton CAT Conducts Emissions Regulations Seminar Series

Milton CAT is conducting a series of seminars on the subject of emissions regulations, giving construction companies across the Northeast and upstate New York the opportunity of getting expert updates and professional advice on this challenging topic.

The workshops are carefully planned to convey relevant information and summarize
appropriate action steps. There are four main topics covered – Understanding the Background, Being in Compliance Today, Preparing for What the Future Will Bring, and Finding the Support You Will Need.

Vice President of Parts and Service Mark Biron explains that Milton CAT believes in the company’s responsibility to support equipment owners by remaining ahead of upcoming trends and regulations that can affect their customers’ business. “We have made significant investments in the area of emissions solutions,” states Biron, “including state-of-the-art technology and professional staff dedicated to this specialty.”

SAKAI’s SW990 Brings Powerful Performance to Paving Projects

Sakai America’s new SW990 double drum, high-frequency vibratory asphalt roller brings powerful performance to asphalt paving projects with its 4000 vpm, Deutz engine and dual drum drive system.

The SW990 offers a drum width of 84" and 4000 vpm, which allows for 10-12 impacts per foot at 4.55 mph. This feature allows for faster rolling speeds while maintaining the proper impacts per foot to achieve compaction. The drums are also machined smooth and edges are rounded for a smooth matte surface. The SW990 is the perfect roller for compaction of county, state and interstate highways and airport runways.

Sakai manufactures and markets a full line of compaction equipment, including vibratory soil compactors, vibratory asphalt rollers, vibratory pneumatic tire rollers and static three-wheelers and other combination rollers. For more information on the SW990 or other compaction equipment, please contact your nearest authorized dealer, log onto http://www.sakaiamerica.com or call 1-800-323-0535.
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The Associated General Contractors of America has not endorsed this contract. In order to participate, companies must meet all eligibility requirements of the National Purchasing Program Member Agreement, and be a Member in good standing with the AGC NYS, LLC.

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These posters measure 32” x 48” and are specially printed for indoor or outdoor posting on heavy-duty vinyl stock.

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A number of informative programs are being planned, including updates on current association and industry issues. We will all have the opportunity to learn about each other and each other's businesses. Several recreational activities are also being planned for everyone.

Mark your calendar and plan to join us!

Questions? Please call AGC NYS, 518-456-1134.

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