

FOUNDATIONS

“The Voice of Wyoming’s Construction Industry”



Photo Courtesy of L.M. Olson, Inc.
School Construction, Powell

Straight Talk About Delivery Methods

***“Get Into
Politics or
Get Out of
Business!”***

*ABC Members Can Make
Their Voices Heard at the
Polls*

**ABC’s STEP
Program:
YOUR ROADMAP
TO IMPROVED
SAFETY**

***SFC READY TO
MOVE FORWARD
WITH DESIGN
BUILD PILOT***

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Wyoming Chapter

FOUNDATIONS

'The Voice of Wyoming's Construction Industry'

The official publication of the Associated Builders & Contractors of Wyoming, a non-profit association of Wyoming's contractors and businesses that supply them materials and services.

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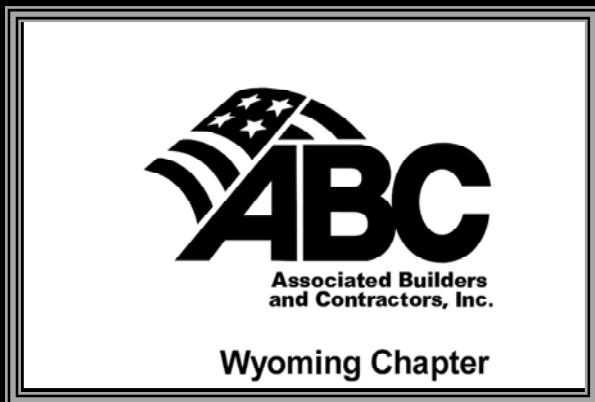
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LIKE IT OR NOT, IT'S TIME TO VOTE

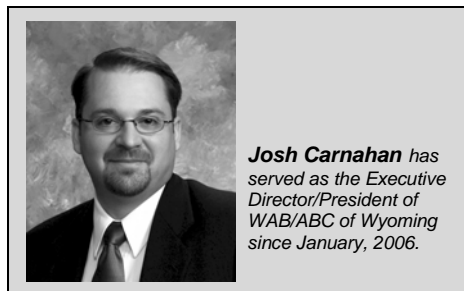
By Josh Carnahan, ABC of Wyoming President

I don't know about you, but I sure have had a difficult time getting excited about this election year.

Whether it is the countless rows of candidates' signs littering our streets, or if it is the constant bickering of the news media on the television and newspapers, I've had enough of the two solid years of Presidential campaigning, which have worn on me like a pair of sandpaper jockey shorts.

And while I am worn out, and will be so thankful when this is all over for another four years, I am not underestimating how important my single vote will be in just a few short weeks.

But there is much more at stake than just the Presidential Election. There are crucial races for the U.S.



House and Senate, as well as state and local races.

This year we are playing more of a role in the races for State Legislature. Our political action committee, the Wyoming Associated Builders Political Action Committee, or WABPAC, has donated over \$4,500 to state Legislature candidates and PACs that either have helped us with issues in the past, or are candidates that we want to help educate about our issues.

And while we are working hard at our end to ensure that the candidates that we support win – it is just as important that you are working on it too.

It's not just about going out and voting, it's also about helping your employees get registered to vote and giving them time to go vote on Election Day.

It's about ensuring that your family and neighbors are up to speed on the issues that are important to you, and which candidates uphold those values.

A lot of people will tell you that you have the "right" to vote. I'm telling you that it's your duty to vote.

Nationally, we are facing this generation's greatest economic crisis, an ongoing war on terror, and a porous border. While on the State level, we continue to see unprecedented growth, labor shortages, and an uncertain future.

Yes, it is our duty to get out the vote, to encourage everyone to vote, and vote informed.

Throughout this issue of *Foundations*, you will find various election related sources that will help you to get out the vote.

And, as always, if there is ever anything we here at ABC of Wyoming can do to help you in anyway, please feel free to give us a call or drop us an e-mail.



ABC of Wyoming EVENTS CALENDAR

OCTOBER

- 20 -21st School Facilities Commission Meeting, TBA
- 23rd WAB Insurance Trust Meeting, TBA
- 30th Select Committee on School Facilities, Casper
- 31st Halloween

NOVEMBER

- 4th Election Day
- 11th Veteran's Day
- 14th WAB Insurance Trust Conference Call, TBA
- 17 – 18th School Facilities Commission Meeting, TBA
- 20th ABC of WY Board of Directors Meeting, TBA
- 20th ABC of WY OPEN HOUSE and Blood Drive, Casper
- 27th Thanksgiving

DECEMBER

- 3rd ABC Attorney's Conference, Washington, DC
- 12th WAB Insurance Trust Meeting, TBA
- 14th WAB Insurance Trust Conference Call, TBA
- 18th ABC of WY Board of Directors Meeting, TBA
- 24th Christmas Eve
- 25th Christmas Day
- 31st New Year's Eve

JANUARY 2009

- 1st New Year's Day
- 13th 2009 Legislative Session Begins in Cheyenne
- 15th ABC of WY Board of Directors Meeting, TBA
- 19th Martin Luther King

FEBRUARY

- 1st Super Bowl Sunday
- 14th St. Valentine's Day
- 16th President's Day
- 19th ABC of WY Board of Directors Meeting, TBA

TENTATIVELY SET FOR APRIL 2009

ABC of WY Annual Convention - Cody

UPCOMING OSHA CONSTRUCTION CLASS DATES

10 Hour Construction Class/Excavation

This course is designed for construction workers, foremen, job supervisors, and anyone involved in the construction industry. This course is intended to provide instruction on a variety of general construction safety and health standards. Course topics will include: Introduction to OSHA, Electrical Safety, Fall Protection, Ladder Safety, Excavation Safety, Scaffold Safety, Materials Handling & Forklift Safety, Personal Protective Equipment, and Permit Required Confined Space Entry. Upon successful completion of the course, participants will receive an OSHA construction safety and health 10-hour course completion card from the Department of Labor.

Excavation Safety

Topics include the mechanics of cave-ins, how to perform a soil analysis to classify soil, protection of workers with shoring, shielding or sloping, and Competent Person duties and requirements. This course covers the topics included in OSHA 29 CFR 1926.650 Subpart P.

Nov 4-5, 2008 - 8:00 AM - 5:00 PM - **Casper - McMurry Training Center**, The Excavation portion will be on the second day from 8:00am. to 12:00pm. You must attend both days to receive a card. **Call 307-777-7786 for information**

Nov 11-12, 2008 - 8:00 AM - 5:00 PM - **Cheyenne, Cheyenne Business Center, Rm. 1142**, The Excavation portion will be on the second day from 8:00am. to 12:00pm. You must attend both days to receive a card. **Call 307-777-7786 for information**

Nov 18-19, 2008 - 8:00 AM - 5:00 PM - **Gillette - Fire Training Hall**, The Excavation portion will be on the second day from 8:00am. to 12:00pm. You must attend both days to receive a card. **Call 307-777-7786 for information**
<http://www.doe.state.wy.us/doe.asp?ID=112>



www.abc.org

GOVERNMENT WATCH

SFC READY TO MOVE FORWARD WITH DESIGN BUILD PILOT

Despite concerns from ABC of Wyoming, architects, and the School Facilities Commissioners themselves, the Wyoming Schools Facilities Commission appears ready to move forward with a Design Build pilot project for Pinedale's new elementary school.

Although the Commission will not vote to authorize the project until the October 2008 Commission meeting, Commissioners at the September meeting appeared ready to do a design build project.

With assurances from the Sublette County School District to drop the \$200 million dollar design-build experience requirement and other limitations that would have excluded Wyoming business from conducting the project, Commissioners were ready to vote in September to approve the project, but since the item was listed as "informational" they decided to wait to conduct an official vote until their October meeting.

"Instead of establishing a policy, the SFC is starting a project, and the policy will be drafted as the project progresses, in my view, this is putting the cart ahead of the goat," says Josh Carnahan, President of ABC Wyoming.

"We wouldn't be so concerned about the issue except for inflammatory comments made by the SFC's consultant for the Design Build process, and her intent to ensure that no Wyoming business would be able to do the job."

In a letter to the SFC, ABC of Wyoming has raised concerns about the Design Build process as the SFC is pursuing it.

ABC of Wyoming is adamant that the SFC have a number of delivery tools available to them so that they can build schools throughout Wyoming as effectively as possible.

However, ABC of Wyoming fears that the Design Build process is thought to be the new "silver bullet" that will bring down construction costs. Just as was stated with the CMAR process, it has cost savings potential, but this process is not likely to bring the cost savings and transparency the commission seeks.

The SFC has hired a consultant to guide the Design Build process; this consultant has made disparaging remarks about Wyoming and continues to guide the process in such a manner that could disqualify nearly all Wyoming architects and contractors from even proposing a project.

The Commission appears to be ready to move forward with Design Build now that they have had verbal assurances from the Sublette School district that Wyoming businesses will not be disqualified.

SFC REQUESTS ABC TO PARTICIPATE IN PROCUREMENT SPECIALIST SEARCH

The SFC has requested that ABC of Wyoming participate in a committee that will help them obtain services of an outside consultant to help them develop procurement methods and documents that would likely to be used throughout the state on various school projects.

The procurement procedures and documents developed will also include processes for delivery methods, specifically CMAR and Design Builds.

The ABC of Wyoming Board has approved Ray McElwee, Secretary/Treasurer of Grothouse Construction to sit on this panel.

Straight Talk on Delivery Methods

By Fred Bronnenberg, President Groathouse Construction, ABC of Wyoming Director

As our State continues to enjoy a surplus budget and invests heavily in new infrastructure, the construction boom continues even through astronomically rising costs. We are fortunate to live in a state that is still strong in terms of construction spending, while many of our neighboring state construction firms are seeing their workloads decrease. Following the basic economic principles of supply and demand; the number of firms competing for the construction projects in our State is increasing. Rising costs, labor shortages, and additional competition are again adding fuel to the debate on construction delivery methods. Owners are trying to maintain budgets and schedules in an environment unprecedented in our State. Logically, owners are turning to 'construction professionals' for assistance and guidance through the unsettled waters, hoping to land on a successful project that satisfies their needs and stays within an established budget.

“As a construction organization it is our responsibility to understand the different delivery methods and the processes in which they are implemented.”

The use of alternative construction delivery methods has increased significantly since legislation was passed to facilitate the selection of



Wind River School in Pavillion was built by Groathouse Construction using the CMAR delivery method

construction professionals based on qualifications and not only the lowest price on bid day. Legislators have passed legislation in the recent past allowing alternative construction delivery methods; specifically Construction Management at Risk (CMAR) and Design Build (DB) to provide owners with a means to work with construction professionals during the design to improve their process and ultimately the end result. This legislation has moved the construction industry from simply producing an end product to a service orientated industry, a tremendous improvement in my opinion.

As with anything 'new' there are unknowns and discrepancies as the processes for implementation are developed. The typical project owner

does not possess the intimate knowledge of the different delivery methods, nor should they, the successful completion of their project is the goal. Use of one delivery method over another has become a search for the 'fix-all', 'silver bullet'; that will fend off any undesired outcomes such as budget or schedule overruns and poor quality construction. A delivery method that can live up to this billing does not exist, yet any delivery method can provide a successful project.

“Use of one delivery method over another has become a search for the ‘fix-all’, ‘silver bullet’; that will fend off any undesired outcomes such as budget or schedule overruns and poor quality construction.”

The Construction Management at Risk delivery method has been used

Continued on page 8...



Frontier Middle School in Casper was built by Caspar Pope Joint Venture utilizing the Design Build Delivery Method

WBC/CANDO
**EnergySmart Buildings
Seminars 2008**

*(To be listed when topics are
confirmed for
Oct. 22, and Nov. 19, 2008)*

Site Design
Lighting and Electrical Systems
Structural Boot Camp

CANDO is targeting new and existing K-12 schools, hospitals and municipalities working with the State of Wyoming, Wyoming Business Council Energy Department to adopt and aggressively pursue energy efficient building concepts. CANDO will provide the resources and training necessary to improve energy efficiency in public buildings.

For information on these seminars, please contact Linda Wolfe:

Linda S. Wolfe
CANDO, Education and Outreach
Manager
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Douglas, WY 82633
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SAFETY SECTOR

ABC's STEP Program:

YOUR ROADMAP TO IMPROVED SAFETY

In the construction industry, no resource is greater than our employees, and ABC members take pride in sending their workers home safe every night. Safety is everyone's priority, and improving jobsite safety is a continuous process that ABC member companies participate in every day.

That's why ABC created the Safety Training and Evaluation Process (STEP) – to not only recognize ABC member companies who consistently excel in the field of safety, but—more importantly—to provide an evaluation tool to help identify areas in which contractors can work to reach the ultimate goal—sending every worker home safe to their families every day.

ABC's STEP: Building Safety.

Background Information on the ABC Safety Training & Evaluation Process (STEP)

What is the STEP Program?

STEP was created in 1989 by the ABC National Environment, Health & Safety (EH&S) Committee to recognize ABC member companies with exceptional safety records.

There are four levels of achievement in the STEP program: Bronze, Silver, Gold and Platinum.

STEP Platinum recipients represent:

Companies with a proven track record of safety—those who have achieved the STEP Gold or Platinum level the previous year

Around 500 ABC member companies, or about 2% of all ABC members

Companies with OSHA recordable incident rates well below the national average

STEP Platinum winners are automatically eligible for the ABC National Safety Excellence Awards (NSEA), ABC's highest level of recognition in the field of safety training. Platinum winners are also eligible for the Construction Users' Round Table (CURT) Construction Industry Safety Excellence (CISE) award.

STEP provides ABC contractor members with a consistent, effective tool to evaluate safety training programs by using 20 standard "key components" of safety. Each key component focuses on specific safety and training areas essential to a successful, effective safety training program.

STEP highlights not only a company's safety and training successes, but also helps to identify areas where companies can improve their efforts to build a stronger safety program.

STEP recognizes companies that go above and beyond OSHA requirements for a safe workplace!

What are the benefits of participating in the STEP Program?

STEP helps members evaluate their safety training programs and areas where they can improve.

STEP helps companies reduce workers' compensation costs by building a stronger, more effective safety training program.

STEP can be used as a long-term evaluator of a company's progress in building and maintaining their safety training program

STEP provides recognition for ABC members who consistently provide a safe work environment not only to employees, but to customers as well.

How can your company get involved in STEP?

Simply fill out the evaluation form, available through your local chapter or on the ABC website (<http://www.abc.org/step>). All you'll need is a pen and you OSHA Form 300A from the previous year.

STEP applications are accepted by ABC National year-round so that ALL ABC member companies can get involved and reap the many benefits of the STEP program.

For more information, contact ABC Wyoming or ABC's Safety Department at (703) 812-2016 or safety@abc.org.

**NEW WEBSITE
COMING SOON!**



www.abcwyoming.org

“GET INTO POLITICS, OR GET OUT OF BUSINESS!!!”

Bill Stern once said, “Our elections are free – it’s in the results where eventually we pay.” This year, perhaps more than any other does that quote ring true, especially for those involved in the construction industry.

Election Day is Tuesday, November 4th, 2008. There is no doubt it will be a historic day, but it will also be a crucial day, a day that may determine the future of our businesses and our lives.

This is no overstatement of the impact this election could have. It will be historic for obvious reasons, but who becomes the next President is not as likely to be as crucial to you and your business as the other offices that are up for election.

The entire U.S. House of Representatives, 35 Senate seats, 11 Governorships and the Office of the President are up for election. On the national level, we are faced with the distinct possibility of losing many merit shop rights as there are many politicians whose campaigns were financed largely by trade unions.

With the Democrats firmly in control of Congress for the past two years, virtually every piece of major legislation has included some form of Davis Bacon expansion.

And now we are faced with the distinct possibility that our businesses and our employees may lose the right to a secret ballot for union votes.

The unions and their friends in Congress plan to ensure that they know exactly who is voting against unionizing any shop, something that ABC fears will lead to possible intimidation and retribution to

those employees standing up for Merit Shop values.

Barack Obama and a number of candidates for Congress have openly supported the so called “Employee Free Choice Act” or “Card Check” legislation that could give union’s unprecedented power over our workforce.

Of course, card check is not the only issue of interest at the National level, we also have concerns about Project Labor Agreements, or PLAs, where government only contracts based on labor agreements and not a fair competitive system, we are concerned about illegal immigration, the War on Terror, and of course, the economy.

Many of us feel that national elections are out of our control, especially since we get one person in the Congress, and two in the Senate. Remember, elections lately have been scary close; this year is likely to be the same. More than ever, your vote counts.

Even if you are not that concerned about the national elections, there is still a lot at stake right here in Wyoming.

In Wyoming, the entire House of Representatives (60 seats) are up for election and half of the State Senate (15 Seats) are up. There are also many offices at the local level that are up for election.

Recent elections in Colorado and Montana have seen a huge political shift, and that shift does not bode well for Wyoming. Both Colorado and Montana have seen a huge increase in pro regulation, and anti business sentiment.

While Wyoming is likely to remain in the hands of the pro-business crowd, we must be sure that it stays that way. While ABC works hard at the national and local levels to promote issues and legislation that benefits our members,

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Political Action Do's and Don'ts

A list of Do's and Don'ts to help you stay "legal" during the 2008 election cycle

Key Term- *The restricted class of a member company includes the company's "executive or administrative personnel, and their families." (Note: Executive and administrative personnel are paid on a salary and have policymaking, managerial, professional, or supervisory responsibilities.)*

To Whom May ABC Members Announce Political Endorsements?

An **ABC member company** may announce at a press conference or in a press release sent to regular press contacts that it has made a "candidate endorsement" to its restricted class as long as there is minimal cost involved and there is no coordination with the candidate.

What Type Of Signs May ABC Member Companies Put Up?

An **ABC member company** may not put up any sign in a public area that expressly advocates the election of any candidate. However, a company may and is encouraged to put up nonpartisan signs that stress registering and voting in their public areas. A company may also use signs, billboards, and advertisements for issue advocacy purposes. Please consult ABC National or an election law attorney on any message to the general public.

An **employee** is allowed to display campaign signs, buttons, or bumper stickers in his or her individual work area if the company allows employees to display personal items.

What Rules Apply To Voter Registration And Get-Out-The-Vote Drives?

An **ABC member company** may sponsor non-partisan get-out-the-vote and voter

Continued on Page 6...



OSHA's New "Safety Pays" Program Provides Planning Tool for Businesses

In the midst of increasing prices, small business owners and managers are feeling the pinch of increasing expenses, scrutinizing expenditures, and analyzing the most cost-effective ways to maintain operations.

Workplace injuries, illnesses, and fatalities cost U.S. businesses an estimated \$170 billion a year—about \$1,300 per employee. Increases in injuries and illnesses result in higher workers' compensation costs, decreased productivity, possible government fines and legal fees, and increased employee turnover, all leading to a negative effect on a company's bottom line. This in no way outweighs the significant personal impact on injured employees and their families.

OSHA offers free resources to employers looking for cost-saving measures. OSHA has developed a new interactive tool, the "Safety Pays" program at: www.osha.gov/dcsp/smallbusiness/safetypays/index.html to help employers approximate the costs of occupational injuries and illnesses and the estimated impact on a company's profitability.

This Web-based application allows businesses to identify the direct and indirect costs of injuries and calculate the amount of sales revenue needed to make up for these losses.

Direct costs involve medical expenses incurred from occupational injuries and compensation payments to injured employees while they are away from work. Indirect costs include wages paid to injured employees for absences not covered by workers' compensation; costs related to lost time due to resulting work stoppages; employee training and replacement costs; and administrative time used by supervisors after an accident.

To use the tool, employers select from a list of work-related injuries and illnesses or enter actual workers' compensation costs. The tool then calculates the estimated sales revenue needed to cover the costs associated with those injuries or illnesses.

In addition, OSHA's electronic Compliance Assistance Tool at www.osha.gov/SLTC/etools/safety_health/index.html provides employers with guidance for developing and implementing a comprehensive safety and health program.

Prudent planning and a safe and healthful work environment protect your business as well as your employees.

Article reprinted from the fall 2008 edition of the SSA/IRS Reporter

Political Action Do's and Don'ts

Continued from page 5

registration drives. This means it can provide such services as transportation to the polls, but such services must be provided without regard to party affiliation or voting preference.

Get-out-the-vote and voter registration drives may not, however, be conducted in consultation with any political party or candidate or expressly advocate the election or defeat of any candidate. Furthermore, any registration drive may not be directed at individuals primarily or previously registered with a preferred party. Assistance must be provided without regard to party affiliation. An individual conducting the activities must not be compensated based on the number of individuals registered or transported in the course of the activity.

Finally, those receiving information or assistance must be notified at the time of the drive that these services will be available without regard to the voter's political preference.

The ABC website (www.themeritshopvotes.com) is a voter registration and information page. ABC members and their employees can visit this site to register to vote, learn about absentee and early voting regulations as well as finding their polling location.

May An ABC Member Company Distribute Voter Guides?

One type of voter guide is a nonpartisan presentation of written questions posed to candidates on campaign issues and their responses to those questions. **ABC member Get registered. Get informed. Get to the polls. Get the government you deserve.** companies may distribute voter guides obtained from nonprofit organizations to employees and the general public as long as the guides comply with FEC regulations. In order to comply with FEC regulations, all candidates for a particular office shall be provided an equal opportunity to respond (with limited exceptions for presidential races). The voter guide must print the candidate's response verbatim, no candidate may be featured more prominently than any other, and the voter guide may not contain express advocacy, contain an electioneering message or score or rate the candidates' responses in such a way as to convey an electioneering message.

An **ABC member company** may not, however, prepare or distribute voter guides in coordination with a campaign or as part of an endorsement of any candidate or party. The official ABC voting records of elected officials may be distributed under separate FEC regulations.

May An ABC Member Send An Advocacy Letter Or Other Printed Materials Supporting A Federal Candidate To Other ABC Members?

ABC members may send partisan

communications to its own restricted class. Use of corporate funds and letterhead to send letters beyond the restricted class is not allowed. If an ABC member or a chapter spends more than \$2000 per election on a communication to its restricted class supporting a candidate for federal office, the expenditure must be reported to the Federal Election Commission.

An **ABC member company** may participate in issue advocacy directed at its members, employees, and the general public. Personal or corporate money may be used for this purpose, but you should consult an attorney before engaging in any type of issue advocacy that mentions an incumbent legislator, candidate, or political party, especially since there may be restrictions of the timing and placement of the advocacy piece and it may trigger reporting requirements. You must cite the organization, person, or company that paid for the issue advocacy piece.

What Means Can I Use to Advocate Issues?

You are welcome to use any resource available to talk to your employees. **Posters and bulletin board announcements** may be put up to promote a stance on an issue. **Envelope stuffers**, or informational flyers that fit inside paycheck envelopes, are effective tools that can easily deliver short messages about why a worker should get involved. **You can use specific days to highlight related issues.** For instance, on April 15, tax day, host an event or send an e-mail that highlights how tax policy impacts employees. On Flag Day or Memorial Day, discuss the freedoms that our armed forces protect, especially the freedom to vote. Around Labor Day, showcase the benefits of the merit industry. Contact ABC National or visit our web site (www.abc.org) for sample posters, announcements and envelope stuffers.

If you have any questions about this list of Dos and Donts, please do not hesitate to contact Chris Singerling at (703) 812-2022 or singerling@abc.org



Wyoming Chapter

ABOUT ABC

(As re-printed from www.abc.org)

Chapter One: The 1950s

The 1950s for ABC was about name establishment, general organization building and the start of what would become hundreds of legal battles to protect members' rights to work. The organization's primary aim then, and sole reason for formation, was to fight to repeal certain prohibitive laws and regulations, such as the Davis-Bacon Act. These laws tended to favor the unions and limit open shop contractors' ability to compete.

"The unions did try to keep us out of certain sectors," Co-founder Colwill said of the early years of the organization before his death. "We picked up the chaff and they took the wheat."

ABC hired its first executive vice president, John Trimmer, in 1952. Shortly thereafter, Trimmer coined the term "merit shop," as a way of bringing attention to the organization's mantra:

construction projects should be awarded on merit to the lowest qualified and responsible bidders, working in harmony, regardless of whether they operate on a non-union or union basis.

An extra facet of this theme is that workers within these firms should be advanced based on merit and not categorized based on learned skills, as unions traditionally do. According to Sam Cook, long-time general counsel of ABC, "that free market principle revolutionized the building industry."

However, choosing to begin such an organization in Baltimore, at the time termed "the blackest spot in the nation for union contractors," came with inherent challenges.

"A fair and reasonable reaction by organized labor to this economic challenge would be through concessions at the bargaining table to become more competitive," Cook says. "Instead, the building trades developed a host of nefarious initiativesThese market recovery schemes were aimed at the removal of economic advantages of non-union construction."

In 1954, when ABC claimed about 500 members throughout Maryland, Pennsylvania, Delaware and Washington, D.C., national Building and Construction Trades union leaders publicly expressed concern over the growth of ABC and declared "war" on open shop contractors.

This led to a series of legal battles, such as the Stover Case, in 1955, in which ABC fought to win a secondary boycott action in a U.S. Court of Appeals. This action helped establish a new legal principle in the administration of the Taft- Hartley Act regarding picketing of construction sites.

In 1957, ABC requested an investigation by a special congressional labor committee of construction labor racketeering and attacked prevailing wage laws.

Feeling further strengthened, the organization chartered its first chapter in 1957, the Eastern Shore Chapter, and held its first construction fair. Attendance topped 3,000 as the two-day exhibit set a record for the biggest industrial fair in Maryland.

The next year, ABC held its first national convention, where it rejoiced in its victory in the Selby-Battersby case (the longest secondary boycott case in history) in a U.S. Court of Appeals. The case restricted the Building Trades Council and its unions from conducting secondary boycotts against several ABC member firms. Later, ABC won an appeal in the U.S. Supreme Court.

Check back next issue for Chapter Two: The 1960's...

www.abc.org



Wyoming Chapter



"GET INTO POLITICS OR GET OUT OF BUSINESS"

Continued from page 5...

we can only be effective if our members get involved too.

As business leaders, Legislators are very interested in what our members have to say or think about issues. And, as business leaders, you have many effective tools that you can use to not only influence legislation and educate legislators, but to also get out the vote to support business friendly candidates for state and local offices. What can you do to help? Simple, vote, and help others vote.

Register to vote. If you are not registered, contact your local County Clerk, they can help you with registering to vote. They can also help you provide materials to your employees about registering to vote and absentee voting.

You must be careful about communicating with your employees about candidates and issues, please read the "Political Action Do's and Don'ts on page 5, and for more information, contact ABC.

It's not too late to get involved in the campaigns. Posting signs, going door to door, writing letters to the editor and other volunteer efforts are almost always welcome by candidates. If you need a list of candidates and contact information, it can be found at:

<http://sos.wy.state.wy.us/Elections/CandidatesandCom.aspx>

So, **GET INTO POLITICS, OR GET OUT OF BUSINESS.** At the very least get out and vote to support the candidates that support you.

Straight Talk on Delivery Methods

Continued from page 3...

extensively by public owners over the recent past. Many of these projects have been extremely successful, but as construction managers our responsibility changes. Once the project enters the construction phase, the role is similar to that of a general contractor in the Design Bid Build delivery method, but the owner's interests need to be placed ahead of ours, we are a team member and have ownership in the entire process including the design.

Owner's have embraced this delivery method because of how they select their construction professional, they are not 'stuck' with the low bidder, selection is based on qualifications including experience, past performance, availability, and proposed key management personnel. The owner is making a selection and placing their trust in a construction professional to guide the entire process.

The legislators have now passed legislation allowing Design Build, another alternative delivery method, and it appears there are public entities investigating the possibility of utilizing this method, some of which have already started down this path. Some have grasped and even promoted the use of these delivery methods as the 'fix all' to construction projects in this State. No delivery method is a 'fix all', nor immune to failure. The success or failure of any project lies not with the selected delivery method, but solely with the project team members.

Owners, Designers, and Contractors must all work together and fulfill their respective roles to achieve success, not to say that one faction of the team cannot 'carry' another, but much like the engine in your vehicle, if it is not firing on all cylinders, it is not running as well or as smoothly as it could. As contractors, we know our responsibilities once construction begins (or should). The use of alternative construction delivery

methods increases our responsibility during the entire process.

The project is developed by a team, not individual companies. This team does not strive for simply the lowest price, but the best value for the money spent. I do not think it would be accurate to state that CMAR yields a lower cost for the project than another delivery method. An accurate statement would be the CMAR delivery method provides a means for an owner to make informed cost-based decisions that will result in more effective utilization of the project budget.

Without construction professionals involved during the development of a project, the owner does not have the cost information required to make informed decisions. Architectural firms conduct research and attempt to keep abreast of construction costs and inflation, but without daily contact, it is difficult, if not impossible, to understand or predict the current construction market in Wyoming. Labor shortages, material shortages, increasing freight costs, and all associated increases in energy costs are affecting project budgets in exponential terms.

“Each firm will have a different approach to a project, this will not change, but in CMAR, the AR stands for At Risk. The construction manager is assuming risk from the owner for the project.”


As a construction organization it is our responsibility to understand the different delivery methods and the processes in which they are implemented. Owners will and should look to us for guidance, as

professionals, we have a responsibility to provide that guidance in an unbiased manner that is not self-serving to any one member. To accomplish this task, it will become or already is our responsibility to evaluate the processes within the different delivery methods.

Each firm will have a different approach to a project, this will not change, but in CMAR, the AR stands for at Risk. The construction manager is assuming risk from the owner for the project. The process utilized defines what, if any, risk is assumed. As construction managers we assume risk by issuing a guaranteed maximum price and schedule prior to design completion or receipt of bids, prequalification and solicitation of subcontractors and suppliers, providing payment and performance bonds for the project, holding all subcontracts and purchase orders, analyzing the materials used, methods implemented, and constructability of the design.

The premise to these alternative delivery methods is involvement by the owner, design professionals, and construction professionals throughout the evolution of the project. The integrity of the firms, people within those firms, and the fulfillment of their respective responsibilities is what will determine the success or failure of a project.

YOUR AD HERE!



Associated Builders
and Contractors, Inc.

Wyoming Chapter

ABC OF WYOMING HAS MANY
ADVERTISING OPPORTUNITIES!

(307) 237-5197

CARNAHAN APPOINTED TO SKILLSUSA BOARD OF DIRECTORS

ABC of Wyoming President, Josh Carnahan, has been appointed to serve on the SkillsUSA Wyoming Board of Directors.

Wyoming SkillsUSA is a Career-Technical Student Organization serving students in Secondary and Post-Secondary technical, skilled, and service occupations, including health occupations.

SkillsUSA prepares America's high performance workers. It provides quality education experiences for students in leadership, teamwork, citizenship and character development.

It builds and reinforces self-confidence, work attitudes and communications skills. It emphasizes total quality at work, high ethical

standards, superior work skills, life-long education and pride in the dignity of work. SkillsUSA also promotes understanding of the free enterprise system and involvement in community service activities.

For more information, visit:

www.skillsusawyoming.org

DEPARTMENT OF EMPLOYMENT – EMPLOYER SEMINARS

Training/Presentation topics:

- Unemployment Insurance (UI) Tax
- Workers' Compensation (WC) Premium
- UI & WC Claims and Appeals Information
- Labor Standards
- Risk Management
- Labor Market Information
- Office of the State Mine Inspector

Locations:

- Gillette: 10/29/08
- Cheyenne: 12/03/08
- Cody: 04/17/09

Registration Fee: \$25.00 per Attendee

Pre-registration is recommended. Register Early!
Space is limited!

The seminars will start at 9 am and finish at 4:30 pm with a Continental Breakfast served at 8:30 am, and Lunch at Noon, included in the fee.

Register online for the seminar through the UC Center for Conferences at :
<http://outreach.uwyo.edu/conferences/employerseminars/>

Or Phone 877-733-3618 or 307-766-2124 to have a registration form sent to you.



ABCares

ABC of WY to Host Blood Drive (in conjunction with our open house - see ad to right)

Thursday November 20th from 1PM to 4PM,
United Blood Services
will be on site at the
ABC of WY Chapter
Office, 800 Werner Court,



Suite 255, Casper, WY to accept blood donations. If interested in donating blood at this event, please call ABC of WY at (307) 577-6460 to reserve a time. ABC of WY will provide snacks to all who show up to donate.

THIS BLOOD DRIVE WILL ENABLE ABC OF WY TO GIVE BACK TO OUR COMMUNITY AND OUR DEEPEST GRATITUDE IS EXTENDED TO THOSE OF YOU WHO COME DOWN AND DONATE

"One is not born into the world to do everything but to do something."
-- Henry David Thoreau

ABCares is a national initiative designed to promote and encourage community service projects in the construction industry. Community service has always been a cornerstone of ABC, and each year, ABC chapters and member companies strengthen their communities by serving the needs of others.

ABC of WY OPEN HOUSE

Wyoming Associated Builders (WAB) is transitioning to Associated Builders and Contractors of Wyoming (ABC of WY) and we would like to invite you to join the ABC of WY staff and other member companies to celebrate our new beginning.

**JOIN US THURSDAY, NOVEMBER 20TH
BETWEEN 1PM AND 6PM IN CASPER AT
800 WERNER COURT, SUITE 255. TO RSVP, CALL US
AT (307) 577-6460; ALSO, CONSIDER JOINING US IN
DONATING AT THE BLOOD DRIVE (SEE AD TO LEFT).**

We look forward to meeting with you and sharing our excitement of our affiliation with the national ABC organization.



Wyoming Chapter

FOUNDATIONS

800 Werner Court, Suite 255
Casper, WY 82601

Phone: (307) 577-6460
Fax: (307) 577-6436

www.wyobuilds.com

FROM THE ABC NEWSLINE

ABC OPPOSES INCREASED PENALTIES FOR PROTECTIVE EQUIPMENT VIOLATIONS

ABC Sept. 18 filed comments with the Occupational Safety and Health Administration (OSHA) expressing concerns regarding a proposed rule that would allow employers to be held liable on a per-employee basis for failing to provide the proper personal protective equipment (PPE) and training to workers.

ABC noted in its comments that it supported the spirit behind the rule, but could not support the rule because it failed to define the circumstance in which an employer would be subjected to the per-employee penalties. ABC pointed out that the rule, as currently written, could be interpreted to mean that all PPE and training violations would be subjected to per-employee penalties although OSHA insists that it would only apply to flagrant violations.

"The final rule's regulatory language, as opposed to the preamble, needs to be revised to make absolutely clear that the more expansive interpretation is not intended and cannot arise out of this rulemaking, i.e., that any (and every) PPE and training violation will not be 'considered a separate violation,'" ABC noted in its comments.

The proposed rule also fails to provide guidance on what will be considered appropriate documentation for proving that an employee has completed the required training. ABC pointed out that this could result in multiple citations for non-compliance because the auditor deemed the documentation to be inadequate.

"The final rule should also include specific guidance on what evidence OSHA will require (or otherwise expect) employers to provide in order to document that the requisite training has in fact been provided," ABC stated. "This is not the type of information that employers should be faced with learning for the first time during an audit."

ABC will expand its position on these comments during a public hearing on Oct. 6 at the Department of Labor headquarters in Washington, D.C.

For more information, contact Bob Hirsch at ABC, hirsch@abc.org.