



AGC of Texas
Highway, Heavy, Utilities & Industrial Branch
E-BULLETIN

QUICK LINKS:

[July 2010 CD Request Form](#)

June 8, 2010

Texas Department of Rural Affairs Releases Project List
[List](#)

The link above reflects the latest activity report for the Texas Department of Rural Affairs Hurricane Recovery Program (the Texas Disaster Recovery Act).

Projects are listed by their current submittal phase with regards to Engineers' drawings. Actual advertising and bid dates cannot be accurately predicted and are therefore not provided. However, estimated timelines for activity should be fairly easy to estimate.

Submittal guidelines designate plans to be submitted for review at 30%, 60%, and final (100%) package, but plans may be submitted at 100% at any time and submissions may jump from 30% to final.

Interested parties should contact the listed Design Engineer for information on requesting and submitting proposals. For internal questions, please contact Thomas Bohuslav at tbohuslav1@gmail.com.

Appeals Court Ruling on Long-Term Maintenance Contracts

For road builders offering long-term maintenance agreements: They can't use the percentage-of-completion method to defer tax on income from a multiyear maintenance contract, an Appeals Court rule. While this method is allowed from a road construction contract and activities incident to its completion, it does not apply for warranties. In this case, (Koch Industries, 10th Cir.), the road building company warranted to keep the pavement in good shape for 21 ½ years.

TxDOT to Host Meetings Around State to Discuss DBE Methodology

[RSVP](#)
[AGENDA](#)

Federal Regulations require the Texas Department of Transportation (TxDOT) to set overall Disadvantaged Business Enterprise (DBE) goals. To help TxDOT develop the FY 2011 DBE Goal Methodology, they are asking contractors to participate in one of four meetings around the state.

The purpose of this forum is to have a face-to-face exchange on factors influencing the availability of DBEs. This will involve evidence and information provided by contractors, DBE subcontractors, community based-organizations, and the like. The discussion topics will include the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and efforts for establishing a level playing field for participation of DBEs.

If you are unable to attend any of these meetings but would like to contribute, please contact Gloria Brown at (512) 486-5500 to discuss alternative methods to collect information and make it available for discussion and evaluation.

If you have any questions please contact Eli Lopez at (512) 486-5511 or Christina Calvo at (512) 486-5510.

2010 Nominating Committee

In accordance with the chapter constitution and by-laws, the 2010 Nominating Committee has been appointed by President Larry Johnson and consists of the seven most recent, active past presidents of the chapter:

Chairman, Jack Albert, Reece Albert, Inc., 325/653-1241
Tracy Schieffer, A.L. Helmcamp, 903/626-5911

Jim Andoga, Austin Bridge & Road, 214/596-7320
Zack Burkett, III, Zack Burkett Company, 940/549-0436
Terry Bryant, Jones Bros Dirt & Paving Construction, Inc. 432/332-0721
Art Daniel, A.R. Daniel Construction Services, Inc., 972/291-3304
John R. Weisman, Hunter Industries, LTD, 512/353-7757

If you would like to make a recommendation for the chapter board of directors please contact any member of the Nominating Committee. If you would like to present your recommendation to the Nominating Committee, they will meet Wednesday, September 8 at 11:00 a.m. and again at 2:00 p.m. or immediately following the membership luncheon, and again Wednesday, October 20 at 9:30 a.m. All three meetings will be held at the chapter office, 300 Barton Springs Road in Austin. Members are encouraged to contact any of the committee members and make nominations for chapter directors for 2011-2012.

In addition to directors, the chapter Nominating Committee is accepting nominations for Life Members. The chapter constitution and by-laws state: "**Section 3.** The Branch may, by affirmative vote of the members, at the recommendation of the Directors, grant the title 'Life Member' to any individual who has ceased to be active in the construction industry providing the individual, firm, or corporation has been an active member for at least five years prior to nomination as a 'Life Member.'"

Please send recommendations to the chapter office by fax, 512/478-7936, mail to P.O. Box 2185, Austin, Texas 78768, or to dkoehler@agctx.org.

Regarding the Use of General Notes for Texas One Call System

[Memo](#)

At the May 19, 2010 Joint AGC/TxDOT Committee Meeting, the committee discussed the use of "general notes" requiring contractors to use the one call system for utility locates. As noted in the attached memorandum from Mr. David Casteel dated August 25, 2009, incorporation of notes to this effect creates a direct conflict with Chapter 251, Underground Facility Damage Prevention and Safety, of the Texas Utilities Code.

Please review the attached memorandum with your staff to ensure compliance. For any questions contact Jennifer Newton at 512.478.4691 or jnewton@agctx.org.

New OSHA Directives For Severe Violator Enforcement Program

[OSHA Instruction](#)

The SVEP directive establishes enforcement policies and procedures for OSHA's Severe Violator Enforcement Program (SVEP), which concentrates resources on employers demonstrating indifference to their OSHA Act obligations by committing willful, repeated, or failure-to-abate violations. Anyone with a history with OSHA may find themselves targets for these new enforcement procedures for a period of 3 to 5 years. Fall protection and excavation violations are a couple of the violations that they will focus on to reduce accidents in the work place. For more information, please contact Paul Causey at pcausey@agctx.org.

OSHA Policy on Employee Training: OSHA's Training Standards Policy Statement

[Memorandum](#)

Please review the linked memorandum, which states OSHA's training standards policy. OSHA requires that OSHA-required employee training must be presented in a manner employees can understand, and to provide enforcement guidance to the area and regional offices relative to the Agency's training standards. This position applies to all of the Agency's agriculture, construction, general industry, and maritime training requirements.

AGC of Texas Regional Safety Conference in Corpus Christi, Thursday, June 24, 2010

[Flyer](#)

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WARNING: DOT Reports Attempts to Defraud Potential Recovery Act Grantees

DOT is aware of attempts to defraud potential Recovery Act grantees. These attempts occur by written request for confidential financial information that appear to be from DOT. DO NOT

RESPOND TO THESE REQUESTS. If you receive such a request, please contact the Office of the Inspector General (800-424-9071 or <http://www.oig.dot.gov/fraud-alert>), or email the Senior Procurement Executive at recovery.grantee@dot.gov. DOT is working with domestic and international law enforcement agencies to identify and prosecute the persons responsible for this fraudulent activity.

June Highway Letting Results

	Construction Jobs	Maintenance Jobs
Total Low Bids	\$134,379,134.74	\$8,523,216.64
Total Second Low Bids	\$141,885,566.65	\$9,411,339.94
Amount Left on the Table	\$7,506,431.91	\$888,123.30
% of Low Bids Left on the Table	5.59	10.42
Average Number of Bidders per Job	6.07	4.29
Total of the Engineer's Estimate	\$148,633,158.83	\$9,518,504.65
Difference between Estimate & Low	-\$14,254,024.09	-\$995,288.01
% Over/Under Engineer's Estimate	-9.59	-10.46
Total Number of Projects	67	14

July Local and Statewide Letting Estimates

The July letting is scheduled for July 8 and 9 and is estimated at \$583.67 million for 141 projects statewide and \$19.58 million for 8 local-let projects. The monthly luncheon will be held July 8 at the Four Seasons Hotel.

The July letting schedule is now approved. To view the approved schedule, go to <http://www.dot.state.tx.us/business/schedule.htm>. To view more information regarding the locally let projects, click on the appropriate month at the bottom of the page.

In Memoriam: Mrs. Sara Minerva R Hoy

Mrs. Sara Minerva Ramirez Hoy (Mine), mother in-law of TxDOT Executive Director Amadeo Saenz, passed away May 22, 2010.

Mine was born in Roma, Texas. She was a graduate of Hebbronville High School and Laredo Business College. She was a Red Cross certified Home Health nurse, a member of the Catholic Daughters of America and several other local clubs and organizations.

She is survived by her son, James Allen Hoy and her daughter, Geraldine (Amadeo) Saenz of Austin, Texas and two beloved grandchildren, David Saenz and Priscilla Saenz of McAllen, Texas. She is also survived by her brother, Orlando (Leonor) Ramirez of Hebbronville, as well as sisters in law, nieces and nephews. She was a devoted wife, mother, grandmother, sister and aunt.

Deepest sympathy and sincere regret are extended to the family on behalf of the entire membership.

If you are an AGC of Texas member not currently receiving bulletins and want to join our mailing list [CLICK HERE](#)