



AGC of Texas

Highway, Heavy, Utilities & Industrial Branch

E-BULLETIN

QUICK LINKS:

[October 2009 CD Request Form](#)

September 16, 2009

[Trade Show Registration Now Online!](#)

Remember, to avoid standing in line at the Trade Show this year, make sure to register early! Go to www.agctx.org, click on the Red 26 Trade Show logo, and then go to the "Registration" button. You'll have until **October 7** to register for your desired seminars, summits, and luncheons. After that, registrations must be performed onsite. We are also proud to announce our special guest at the West Texas Contractors Fish Fry: musical prodigy Ruby Jane Smith! Ruby Jane is the youngest fiddle player ever to have been invited to play at the Grand Ole Opry, and has played with country and bluegrass greats like Willie Nelson, Ray Benson, Lyle Lovett, Marty Stuart, and many more. She is now a cast member of Asleep at the Wheel's "A Ride with Bob." We hope you can make it to see this phenomenal talent!

If you wish to add your company name to our list of generous sponsors and contributors, AGC is still accepting Auction Items and Gold Sponsorships. Contact Danielle Kraus at dkraus@agctx.org for more info.

E-Verify goes into effect for Federal Contractors

[E-Verify Final Rule](#)

[E-Verify Exemptions](#)

[E-Verify MOU](#)

Beginning September 8, federal contractors must begin using E-Verify on all federal contracts. The Federal Acquisitions Rule only applies to contracts on or after Sept. 8, which henceforth must include a clause requiring the enrollment and use of E-Verify by federal contractors and subs (unless those contracts are exempt). The contractors must enter into an MOU with the government. This requirement does NOT include contracts entered into with the Texas Department of Transportation, or any other state-level awarding agency. The rule does apply to USACE, FEMA or DOL projects.

Remember, E-Verify participation does not substitute for an employer's Form I-9 Employment Eligibility Verification obligations. Affected employers will be required to enroll in E-Verify within 30 days, and will be required to implement usage of the program within 90 days. Employers must include all existing employees working on the project and any new hires on any project.

To view the Final Rule, the MOU, or the list of exemptions, please click on the corresponding links. Contact Kristen Ogden at kogden@agctx.org for further questions. For more in-depth information regarding immigration policy, Foster Quan, LLP is hosting two free seminars, in Houston October 6 and in San Antonio October 14. To register, visit their website at [http://www.fosterquan.com/news/seminar%20invitation%20\(web\).pdf](http://www.fosterquan.com/news/seminar%20invitation%20(web).pdf).

FHWA Reports Noncompliance on Majority of ARRA Project Bulletin Boards

As part of its oversight and risk management plans for the ARRA program, FHWA staff has been visiting many projects to check for compliance. As a result of these, FHWA has reported one consistent and recurring issue which requires immediate attention: the proper posting of the required information on project bulletin boards. Issues noted have been "out of date wage rates,

out of date 1420s, lack of the Whistleblower posters," etc.

An FHWA national review team has arrived in Texas to continue its inspection. Results have been favorable so far. To see if your projects are in compliance, refer to the links for a comprehensive list of posters, both stimulus-related and non-stimulus related.

Required posters on construction projects are outlined in CCAM, Chapter 17, Section 2:
http://onlinemanuals.txdot.gov/txdotmanuals/cah/eo_poster_notice_checklist.htm

In addition to the above-noted posters, the following Whistleblower poster is required on ARRA projects:
<http://www.recovery.gov/sites/default/files/Whistleblower+Poster.pdf>

TxDOT Prepares for Added Projects due to Underruns Mobility Stimulus Projects

Due to cost underruns for construction projects, state transportation officials have put together a back-up plan which would add additional mobility projects to the list of those funded through the American Reinvestment and Recovery Act (ARRA).

At the August meeting, the Texas Transportation Commission gave TxDOT staff preliminary approval for additional transportation mobility projects that may be covered under the federally-funded ARRA (attached). These projects will be considered in priority order if funding becomes available as a result of underruns. Savings from the underruns generated in a region will stay in that region.

TxDOT would like to make the following clarifications: **1.)** These new projects are realized through savings generated by our low bids, not due to any new stimulus funding. **2.)** A project listed on the back-up list is not guaranteed to advance with ARRA funds. It is eligible should funding become available, and are listed by priority, by region. Higher priority projects may be passed up for less costly projects if necessary. **3.)** Maintenance, enhancement and MPO-funded projects due to underruns are being handled separately from mobility projects, and are not included in this list. **4.)** None of the mobility projects on the original list have been dropped.

AGCA Announces Safety Excellence Awards Program

The Associated General Contractors of America is announcing the 2010 Construction Safety Excellence Awards (CSEA) program, which recognizes companies that have developed and implemented premier safety and loss prevention programs. The program also showcases companies that have achieved continuous improvements and maintenance of their safety and health management systems. All AGC Chapters are encouraged to submit nominations for each division and occupational category. For more information regarding the program please visit www.agc.org/csea where you can find application instructions to assist with the proper completion of the CSEA application and a list of Chapter Safety Professionals who can assist with questions regarding the application process. The deadline for submitting the entries to AGC is December 4, 2009. If you have any additional questions, please contact Raj Vohra at 703-837-5409 or vohrar@agc.org.

Department of Labor Hosts Prevailing Wage Conference in San Antonio Wage Seminar

The Department of Labor is hosting a Davis-Bacon Seminar at the Hyatt Regency San Antonio (Downtown Riverwalk), September 22-24. For more information and to register, please click on the link. DOL intends to hold more throughout the year but are still TBD. They will hold a seminar in Boston, Massachusetts at the end of the month. Check for future conferences at their website, www.dol.gov/esa/whd/recovery.

Invitation to Meet on Financial Incentives for Propane and CNG Vehicles Texas Propane Vehicle Tour

Texas Railroad Commissioner Michael Williams invites the AGC membership to explore its grant opportunities to help offset the upfront cost of propane vehicles, including the recently awarded \$12.6 million grant from the US Department of Energy. There are additional incentives to aid contractors in purchasing alternative-fueled vehicle purchases and for using alternative motor fuels. The TRC is taking these propane and natural gas vehicles on the road. If you would like to check some of these vehicles out, learn more about the grants, or to take a ride, click on the link to learn more.

2009 Nominating Committee

If you wish to make a recommendation for the 2010-2011 Chapter Board of Directors, please contact any member of the Nominating Committee, listed below. If you would like to present your recommendation to the Nominating Committee, they will meet Tuesday, October 20 at 9:30 am at the Chapter Office, 300 Barton Springs Rd, Austin. The chapter Nominating Committee is also accepting nominations for Life Members. A Life Member, per the Chapter Constitution and By-Laws, is "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.'" 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.

Chairman, 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 · Jim Bradley, Capital Excavation Company, 512/440-1717.

SEPTEMBER LETTING RESULTS

[September 9 Low Bids](#)

[September 10 Low Bids](#)

August 11 & 12, 2009	Highway Jobs	Maintenance Jobs
Total Low Bids	\$ 228,071,216.91	\$ 5,783,103.99
Total Second Low Bids	\$ 237,925,680.23	\$ 6,520,462.58
Amount Left on the Table	\$ 9,854,463.32	\$ 737,358.59
% of Low Bids Left on the Table	4.32	12.75
Average Number of Bidders per Job	6.52	5.56
Total of the Engineer's Estimate	\$ 266,075,400.00	\$ 8,759,000.00
Difference between Estimate & Low	\$ 38,004,183.09	\$ 2,975,896.01
% Below Engineer's Estimate	14.28	33.98

October Letting Estimate and TRADE SHOW REMINDER

The October letting is estimated at \$264.16 million for 74 projects. The letting dates are October 20 and 21. Instead of the monthly luncheon, AGC of Texas is hosting its 26th Annual Trade and Equipment Show at the Austin Convention Center October 10 and 20. The JD Abrams Grand Opening Luncheon on October 19 will feature special guest Speaker of the House Joe Straus, III, beginning at 12 noon. To register for the show, go to www.agctx.org, click on the Red 26, and go to the Registration button. Hope to see you there!

In Memoriam

Mr. Tim Nobles, age 45, died September 4, in San Antonio. Tim was born on November 6, 1963 in Snyder, Texas to Bobby and Ann Nobles. He is a former resident of Colorado City and graduated in 1982 from Colorado High School. Tim graduated from Southwest Texas State University in San Marcus in 1987. He worked as a construction project manager.

Tim leaves behind his wife, Kaye Lynn Nobles of San Antonio; son Colton Nobles of Lubbock and daughter, Alex Nobles of Westbrook; parents, Bobby and Ann Nobles of Stephens-Martin Paving; brothers, Tony Nobles and wife, Aurora of Wimberley, Matt Nobles of Fort Worth, Dr. Lindsey Thomas of Fort Worth; sister, Mamie Myers and husband, Aaron of Abilene; grandmother, Earline Sellier of Colorado City and grandfather, Bob Nobles of Colorado City; niece, Emily Nobles of Wimberley; Aunt, Mary Jane Deaton and husband, Fred; cousins, Janie Blanton and Stacy Turner of Granbury.

He is preceded in death by his grandmother, Zona Nobles and great-grandparents, Mr. and Mrs. Earl Webber, Mr. and Mrs. Fred Acuff, Mr. and Mrs. Milton Nobles.

Deepest sympathy and sincere regret are extended to the family at this time.