

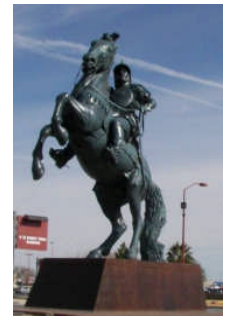
# The BOLT

ASSOCIATED GENERAL CONTRACTORS - EL PASO CHAPTER

4625 RIPLEY • EL PASO, TEXAS

February 2009

Volume 2  
Issue 2



## AGC Victorious in YISD Issue! Trustees Back Down in Meeting with AGC New Superintendent provides Experience & Common Sense to Meeting

### Key Dates

- Daylight Savings Mar 08
- Spec. Board Mtg Mar 09
- AGC in Austin Mar 23-34
- April Board Mtg Apr 09
- Easter Sunday Apr 12
- Membership Mtg Apr 23
- Secretaries Day Apr 22
- Memorial Day May 25
- Golf Tourney Aug 10 ?

Need information on our Apprenticeship Program? Our Safety Program? Membership? Call Christie or Pat @ 585-1533.

**Ed Anderson and Larry Trejo**, AGC Board President and Executive Director, respectively, emerged victorious from a February 12th meeting with YISD Trustees Liza Montelongo, Carmen Munoz and New YISD Superintendent Dr. Michael E. Zolkoski.

The meeting began with Trejo stating YISD's position on why conducting a forensic construction quality inspection at AGC member built facilities was a bad idea. Chiefly, spending taxpayer money, to check on facilities that had already been tested, inspected, passed and accepted by all parties involved made no sense. Anderson

repeated AGC's promise that IF there there any problems with any of the projects, AGC members who built the facilities would gladly fix ANY problems under warranty. Thanks is also owed to architect Geoff Wright who countered some of Montelongo's assertions at the meeting, and to the Greater El Paso Chamber of Commerce, which brought three people to the meeting. Trustees Montelongo and Munoz then both said the RFP was "not what they wanted" and that "purchasing got it wrong."

At this point new Superintendent Michael Zolkoski stepped in saying that he would study the trustee's con-

cerns and report back to them at a later date on how best to resolve them.. When pressed on whether the RFP was no longer on the agenda for the March meeting, Dr. Zolkoski replied flatly that he could guarantee that the issue would not be on the agenda.

The meeting was the culmination of several weeks worth of work by AGC, assisted by the coalition against the RFP, to inject common sense into the discussion. It helped that the new YISD Superintendent poured cement for a south Texas general contractor in his youth.

AGC will continue to monitor the situation closely. **TB**

### Special Notes

- **March 01 2009: Drop Dead Day for Membership. Dues Must be Paid by March 01 or you will be dropped from membership rolls.**
- **New Member column debuts. (p. 2)**
- **PLA's Project Labor Agreements quietly OK'd by President Obama. (p 2)**

## Next on the Agenda with local School Districts

With AGC-El Paso's success in the YISD forensic inspection issue, comes the opportunity to address two other nagging issues for members doing business with local school districts.

Retainage, or more accurately, a more timely return of retainage which is required in school district contracts, is a sore point with AGC members.

School district's typically hold back 10% of a contract fee before final acceptance of a project. This retainage should be returned in a "timely" fashion to the GC. However, many school districts hold onto the money for months and many GC's have to do without the funds until the school district decides it want to pay back the retainage.

AGC is looking at ways of shortening the time districts can keep the retainage.

The other issue is how GC's are treated by school districts in general, including late or timely payment. It is AGC's goal that promotion of the professionalism of its members be recognized and accepted by everyone it's members do business with. **TB**

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**<[www.agcelpaso.org](http://www.agcelpaso.org)>**

**at least not yet. Our webpage  
is DOWN, but we are almost  
finished on a more modern  
and user friendly version.**



**Report from the  
State Capital**



**AGC Legislative  
Agenda Highlights State  
Board Meeting**

AGC El Paso Board President Ed Anderson attended the February state board meeting in Austin and the following items highlighted the meeting.

The AGC PAC also met and is asking for a 10% increase from chapters to allow the AGC Pac to stay in the top 100 of all state based PACS. That's about \$300k for this election cycle.

**Dodging a Bullet: The OSHA-AGC Safety Partnership at Work**

The AGC-OSHA Partnership provides members with a trained eye, in this case AGC Safety Consultant Ronnie Uribe, to inspect their projects four times a year to look for things that OSHA inspectors could fine our members for if found on a job site. But its our good working relationship with OSHA that can benefit members. Example: Recently, a veteran OSHA inspector, shopping at the Sam's eastside Warehouse, saw an improperly erected scaffolding at a site nearby. He returned the next day and notified the GC that the scaffolding did not meet OSHA requirements. The GC, an AGC-OSHA partner, called Uribe, who called AGC before heading out to the site. The result? **OSHA fined the sub-contractor BUT NOT THE GC.** The GC's participation in our Safety Partnership paid off through avoidance of a fine which was much more than what the GC paid to join our Safety Partnership. The sub got the fine and a lesson in proper safety procedures, the GC dodged a bullet. **TB**

**New Member**

Allen Concrete is the first of a handful of new members who have joined the AGC El Paso Chapter for 2009. Allen Concrete specializes in all types of concrete and asphalt work, including tilt up concrete panels, retaining walls, sidewalks, curbs and gutters an asphalt paving. They have been in business since 1998.



(L-R) Vanessa Muniz, Allen Concrete President Miguel Allen, and Lizette Cisneros with their new membership plaque

***Following are AGC sponsored bills:***

**SB555/HB818**

After several weeks of negotiation, AGC-TBB board members approved a proposed bill to modify **indemnification clauses** in construction contracts. The state legislature, which convened in January, will now consider that legislation as filed:

**SB 555 (Duncan) and HB 818 (Eiland).**

**SB1110 (Jackson)**

Deals with public works payment/performance bonds. Filed so far only in the Senate.

***Top other pending Bills***

**HB 266 (Berman)**

Would regulate provision of benefits and services to immi-

grants and verification of employment status of immigrants and enforcement of laws relating to same.

**HB 535 (Anchia)**

Relating to the provision of a preference in state purchasing decisions for vendors that provide health benefits to employees

**HB 707 (Rose)**

Relating to the provision of a preference in state purchasing decisions for vendors that provide health benefits to employees.

**HB 1291 (Eiland)**

Relating to regulation of certain disaster remediation contractors.

**SB 222 (West)**

Relating to arbitration and arbitration agreements.

**SB 477 (Wentworth)**

Relating to the award of certain

municipal contracts.

**SB 496 (Wentworth)**

Relating to certain unlawful acts involving state money or property and actions by the state and private persons to prosecute those acts.

**PLA's and Ft. Bliss**

On the Federal scene. President Obama has quietly signed a number of executive orders. The one that immediately could affect contractors was signed on February 9th. The Executive Order repealed a previous order signed by George Bush prohibiting PLA's or Project labor Agreements at all major federal installations (such as Ft. Bliss).

The new executive order does not mandate PLA's but does "encourage executive agencies to consider the use of project labor agreement on any construction project.."