



# The Future of Colorado is Ours to Build!

By Randy DeMario, 2010 AGC Colorado President



Randy DeMario  
Heath Construction

This simple insight is the guiding vision behind all our work at AGC. AGC's 2010 leadership team is more focused than ever on the need to join with state leaders to plan wisely for the future. AGC is also actively promoting the growth of infrastructure to boost your business and create jobs.

## Funding Essential Infrastructure

AGC is actively involved in WIN-Colorado, which was launched in early February. WIN stands for Water, Infrastructure and Network, and is a coalition of key groups pursuing water infrastructure funding from local, state and federal sources. The outcome for you likely will be access to more projects. This is just one example of how AGC's vertical infrastructure initiative is working for you.

## Legislation That Affects You

### SB116 – Change orders

At the statehouse, AGC is working to influence legislation that will impact your bottom line. Let me explain the first legislative bill by telling a quick story.

While constructing a facility for a Front Range municipality, the owner decided they wanted wood flooring instead of carpet. The owner's next statement was one many of us have heard before. "Go ahead. Make the change, and we'll settle up at the end."

Like you, Heath Construction often serves as a "bank" for owners. When a change order occurs, we often pay suppliers and subcontractors early. But we don't get paid by the owner for weeks, months, or – in the case of state or other public entities – even a year. This places an unfair burden on contractors and drives up costs.

Fortunately, Colorado legislators are considering a bill that would speed payments to contractors who work on public projects.

AGC has been working on your behalf to get this bill passed by meeting with legislators, testifying before committees, writing letters and more.

### HB1012 - Workers' comp costs

In other legislative action, lawmakers have introduced bills to alter the structure and direction of Pinnacle Assurance, the company that provides workers' compensation insurance for many of us. If these bills pass, including HB 1012, workers' comp insurance costs almost certainly will go up.

We need your help to make sure these workers' comp bills are defeated and that legislation beneficial to contractors passes. Contact AGC Executive Director Michael Gifford at [mgifford@agccolorado.org](mailto:mgifford@agccolorado.org) for key points to include in letters or phone calls to legislators. Or check the AGC Website's Legislative/Take Action section at [www.agccolorado.org](http://www.agccolorado.org) to learn how to easily e-mail your legislator on key issues. Your voice is critical in our efforts at the statehouse.

If we stay close, come together and stay as one, we can improve the future of Colorado's construction industry – and enhance the economic vitality of the entire region.

The future of Colorado is ours to build. Join us!



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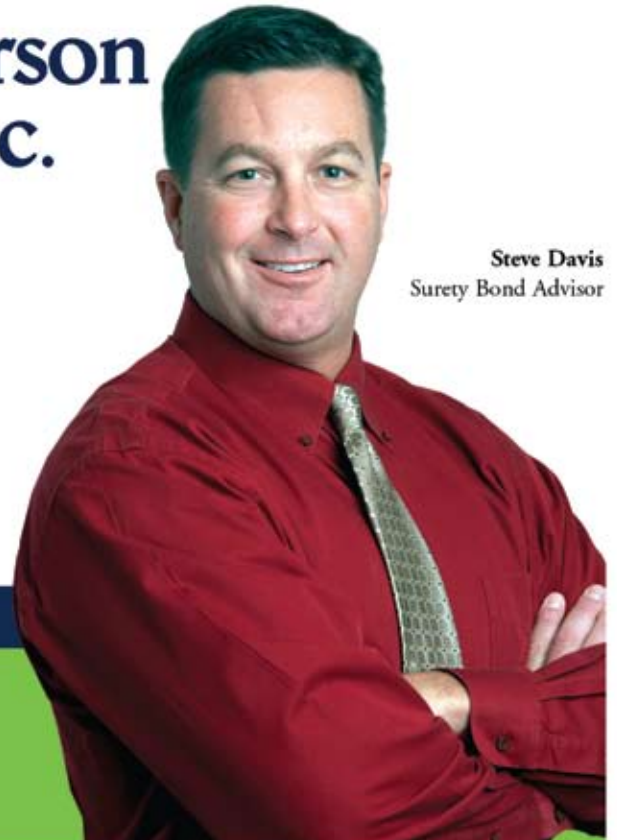
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## Upcoming Events

Register Online Today For Upcoming Events/Training at [www.AGCColorado.org](http://www.AGCColorado.org)

### GENERAL MEMBERSHIP LUNCHEONS @ LAKEWOOD COUNTRY CLUB:

|         |                                 |                        |
|---------|---------------------------------|------------------------|
| April 6 | General Membership Luncheon     | CANCELED               |
| May 4   | Safety and Environmental Awards | 11:30 a.m. – 1:30 p.m. |

### SPECIAL EVENTS - DENVER:

|          |                                                                                                                                                 |                       |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| April 21 | Happy Hour at Lucky Strike Lounge, Belmar - FREE                                                                                                | 4:00 a.m. - 6:00 p.m. |
| May 18   | All Associates Meeting: <i>Tips for using social media to promote your company.</i><br>Speaker: Kevin Knebl, Knebl Communications. @ AGC Office | 4:00 p.m. - 6:00 p.m. |

### NORTHERN COLORADO MEETINGS:

|         |                                                                    |                        |
|---------|--------------------------------------------------------------------|------------------------|
| April 8 | Northern Colorado Bowling @ Chipper's Lanes - FREE for AGC Members | 6:00 p.m. – 9:00 p.m.  |
| May 17  | Golf Tournament @ The Olde Course, Loveland, CO                    | 7:30 a.m. – 12:30 p.m. |
| June 10 | Northern Colorado Breakfast @ Budweiser Event Center               | 7:30 a.m. – 9:00 p.m.  |

### SOUTHERN COLORADO MEETINGS

|          |                                                                       |                        |
|----------|-----------------------------------------------------------------------|------------------------|
| April 29 | Construction Outlook with Ken Simonson, AGC America Chief Economist   | 11:30 a.m. – 1:30 p.m. |
| May 27   | Southern Delivery System Update from Colorado Springs Utilities @ TBD | 11:30 a.m. – 1:30 p.m. |
| June 16  | Clay Shoot @ Pike's Peak Gun Club                                     | 2:00 p.m. – 4:00 p.m.  |

## Upcoming Training @ AGC Education Center:

**Webinar - LEED Green Associate Exam Prep**  
**Online Training** ..... 1 p.m. – 3 p.m. or 6 p.m. – 8 p.m.  
 April 7, 14, 21, 28  
 May 5, 12, 19, 26

**Fall Protection Course** ..... 12:30 p.m. – 4:30 p.m.  
 April 8

**AGC/C & Dale Carnegie Series** ..... 9:00 a.m. – 12:00 p.m.  
 April 22  
 May 18  
 June 15

**Basic Stormwater** ..... 7:30 a.m. – 4:30 p.m.  
 April 23  
 May 19  
 June 30

**Advanced Stormwater**  
**Manager's Course** ..... 7:30 a.m. – 4:30 p.m.  
 April 28-30

**Trenching & Excavation** ..... 12:30 p.m. – 4:30 p.m.  
 May 26

**LEED AP+ BD & C** ..... 8:00 a.m. – 4:30 p.m.  
 May 14  
 June 11

**Project Management** ..... 8:00 a.m. – 5:00 p.m.  
 June 9

**Flaggers Course** ..... 12:30 p.m. – 4:30 p.m.  
 June 16

**LEED Green Associate Exam**  
**Prep Training** ..... 8:00 a.m. – 4:30 p.m.  
 May 13  
 June 10, 23, 24

**Leadership in the Field Series II** ..... 2:00 p.m. - 5:00 p.m.  
 April 30  
 May 7, 14



# Membership Has its Privileges

## AGC Colorado members take advantage of exclusive opportunities and benefits

By Kim Gill

Thank you for your continued support in 2010. Now it's time to get the most from your membership. AGC wants you to take full advantage of the many services and savings available to help you strengthen your business. When you utilize your membership benefits you'll discover what a resource, partner and advocate the AGC Colorado can be for you and your company.

Here are six ways that you can immediately start taking advantage of your membership:

- **Join one of AGC/C's 14 committees.** Whether you are a general contractor, specialty contractor or associate member, there's a committee, council or forum for you. From membership committees to the Safety Council and the Future Leaders Forum to the Legislative Committee, you can get plugged into the leadership of the association and expand your network of contacts.
- **Attend an AGC/C program to connect to key influencers in the industry.** Stay informed and keep in touch with your peers at a luncheon, breakfast or networking event in Denver, Colorado Springs or Loveland. See page 111 or visit [www.AGCColorado.org](http://www.AGCColorado.org) for a calendar of upcoming events.
- **Register today for an education or safety class to help your business perform better.** AGC/C offers the most comprehensive and up-to-date line of industry education, safety and certification programs in the state. Members enjoy special discounts for all AGC/C programs.
- **Contact one of our affinity partner programs for discounts and start saving money today! Save on purchases you make on the core services that keep your business running.** Take advantage of members-only programs with American Express (\$300 enrollment bonus), Verizon (up to 22% discount), Enterprise, McGraw-Hill and others. Visit <http://bit.ly/AGCdiscounts>.
- **Call AGC/C Safety and Stormwater Director Ed Davis to take advantage of AGC/C safety services.** Save time, money and aggravation with assistance on OSHA inspections, training and consultation and access to the AGC/C's workers' compensation dividend program through Pinnacle Assurance (a 4% discount upfront for eligible participants and two dividend opportunities).

- **Respond to AGC Calls for Action to positively influence industry-related legislation.** Make sure your legislators are aware of your stand on the issues. Your influence will help AGC to advocate for you on the issues that matter most to your company and the industry.

### FOR MORE INFORMATION

VISIT [WWW.AGCCOLORADO.ORG](http://WWW.AGCCOLORADO.ORG)

OR CONTACT KIM GILL, AGC/C MEMBERSHIP DIRECTOR

[KIM@AGCCOLORADO.ORG](mailto:KIM@AGCCOLORADO.ORG)

303-388-2422 X1903

## New Members

### Argus Contracting, Inc.

*Specialty Contractor Member*

Contact Keith Yowell for more information.

8141 W. 1-70 Frontage Rd., #100 Arvada, CO 80002  
Phone (303) 940-9700 • Fax (303) 940-9797  
[www.arguscontracting.com](http://www.arguscontracting.com)

Argus performs supply and installation of seismic controls including seismic joint covers, seismic dampers, carbon fiber reinforcement and expansion joint covers.

### Burgess Services, Inc.

*Specialty Contractor Member*

Contact Denise Burgess for more information.

1602 S. Parker Road, Suite 301 Denver, CO 80231  
Phone (303) 745-0883 • Fax (303) 745-0679  
[www.burgessservices.com](http://www.burgessservices.com)

Burgess Services, Inc. provides construction management, quality control/quality assurance, commissioning, value engineering and green-build construction services.

### Environmental Systems Inc. dba. Choice City Electric

*Specialty Contractor Member*

Contact Carlo Rota for more information.

132 Commerce Drive  
Fort Collins, CO 80524  
Phone (970) 493-4077 • Fax (970) 493-0122

# OSHA Crane and Derrick Rule-Making Update

At the AGC National Safety Committee meetings in January, Director Directorate of Enforcement Programs for OSHA Richard Fairfax indicated that the new rules for cranes and derricks may be released in July of this year. Official estimates in 2009 had originally targeted an April 2010 release. The standard is open to changes until published; however, there were indications that the standard would closely follow last year's proposed standard released for comment from the general public. It was also discussed that the National Commission for the Certification of Crane Operators was positioning itself to launch new certification testing based on the proposed standard as quickly as possible after the new rules are released. The revised standard is expected to increase from roughly 13 pages to around 130 pages of rules, exhibits and more information.

In anticipation of the new standard, the AGC/Colorado Crane Task Force completed initial efforts in producing a Crane White Paper that debuted in December. The paper is designed as an outline of a variety of issues to consider for help in managing crane operations on the construction jobsite. The paper was drafted by a diverse group of crane operators, general contractors, subcontractors and suppliers. A complimentary copy of the Mobile Crane User Guidelines is available at [www.agccolorado.org/safety/crane-safety.html](http://www.agccolorado.org/safety/crane-safety.html).

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We look forward to meeting your workers' compensation insurance needs for years to come.

For more information, please call the Associated General Contractors of Colorado at 303-388-2422.



# Stormwater Activity Update

By Ed Davis

The AGC of Colorado has established a Stormwater Council focused on the vertical build construction community. The council has established three task forces: 2012 State Permit, Subcontractor Stormwater, and the Colorado Stormwater Excellence Program (CSEP) and MS4 task force.

The 2012 State Permit Group meets bimonthly and is concentrating on the renewal process for Colorado's permit with the EPA. The permit process calls for renewal every five years. This group will be monitoring this process, drafting relevant questions and addressing issues to be considered during renewal. This group plans to extend an invitation to other community groups, organizations and associations to work with them.

The Subcontractor Stormwater Task Force meets biweekly and is concentrating on developing educational tools and processes for subcontractors to use for basic BMP recognition on the job site. They are also compiling a listing of "Best Practices" for use based on various trades. Interested subcontractors are invited to attend the bi-weekly meetings.

The CSEP/MS4 Task Force also meets biweekly and is working on refining the CSEP program itself, incorporating feedback from the MS4 community. This group would like to invite any interested MS4 in Colorado to join us with this effort.

Please contact AGC/C for meeting times and dates at 303.388.2422 or on the Web at <http://www.agc-colorado.org>.



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# Legal Risks Related to LEED Certification

By Janet Lawler McDaniel, LEED AP

Today's construction projects often include a requirement from the owner to obtain some level of LEED certification. The LEED certification requirement on public projects can be based on law and can be driven by market forces on many private projects. The legal consequences, or damages, arising from the failure to obtain LEED certification on a project can be substantial. If the project fails to obtain LEED certification, the owner may look for recovery of its damages from the party or parties responsible for such failure.

The responsibility for obtaining the various credits necessary to obtain a project's LEED certification is complex and can lie with the owner, architect or contractor. Ordinarily the owner, or the owner together with its architect, makes the site selection before the contractor is selected. The architect selects the building materials and systems and depicts them in the contract documents. The contractor cannot deviate from the contract documents without a written change order. However, there are a number of potential risks for the contractor if the project fails to obtain LEED certification.

## DOCUMENTATION

A common criticism of LEED certification centers around the high volume of documentation required. For many LEED credits, the obligation to preserve and submit documentation lies with the contractor. For example, the waste stream diverted away from landfills must be properly documented from the project's inception. A project could meet the LEED requirements but fail to establish certification through lack of documentation.

## VALUE ENGINEERING

LEED strategies should be considered early in the development of the project by an integrated project team. The prerequisites and points necessary to obtain LEED certification are often inter-related. Changing the requirements for one category can impact other categories. Therefore, any value-engineering proposal must be thoroughly researched to determine whether it may negatively impact another LEED category or credit. The contractor may be required by the contract to verify that changes proposed by the contractor equal the specified systems or to notify the owner of any impacts or

variances. A value engineering option that results in losing compliance with expected LEED credits, or results in losing credits for another category, could cause the project to fail to obtain LEED certification. Such impacts must be thoroughly reviewed and vetted by the integrated project team in the overall cost-benefit analysis.

## MATERIAL SUBSTITUTIONS

Requests from the contractor to substitute other building materials for the specified materials carry risk for the contractor. The contract documents often require the contractor to certify that substituted materials meet or exceed the original specification. The contractor should also verify whether material substitutions maintain LEED certification compliance.

Changes on a project slated for LEED certification carry an additional level of review to maintain any expected LEED credits or prerequisites. Failure to obtain and submit required documentation could also expose the contractor to substantial potential damages from the owner.

## UPCOMING LEED CLASSES

### LEED Green Associate Exam Prep Training

8:00 a.m. - 4:30 p.m.

May 15

June 10, 23 & 24

### LEED AP+ BD & C

8:00 a.m. - 4:30 p.m.

May 14

June 11



## Aims Automotive and Technology Center

Bryan Construction builds state-of-the-art learning facility in Windsor



The Aims Automotive and Technology Center is a 46,000-sq-ft automotive learning facility for Aims Community College and is the first building on the Windsor Campus. The new building includes multi-purpose classrooms, administration offices, a science lab, and full service collision and automotive shops with multiple car lifts, state-of-the-art paint booths, upholstery shop, and welding and diesel bays. Designed by Vaught Frye Ripley Design of Fort Collins and constructed by Bryan Construction of Colorado Springs, the building features precast concrete wall panels, a sloped glass storefront system, skylights, concrete masonry and brick veneer, metal wall panels, polished concrete floors and sealed concrete floors in the shop areas.

This project is pursuing LEED certification and is under review by the U.S. Green Building Council. Some of the project's green elements include the use of 25% recycled materials and 35% regional materials. Additionally, more than 80% of the construction waste was diverted from the landfill and recycled.

Value-engineering efforts coordinated by Bryan Construction and Vaught Frye Ripley enabled Aims to afford all of the extras on the project's wish list. In addition, all of the contractor's contingency dollars were returned to Aims Community College for a total of more than \$400,000.

"The quality service we received from Bryan Construction could be described in automotive terms as

'Best In Class,'" says Amy Kegg, the college's public information representative. "From the initial groundbreaking to the final ribbon cutting, the level of professionalism and integrity of Bryan's team was outstanding."

Kegg says that even when faced with one of the wettest springs and coldest winters Northern Colorado has seen in decades, Bryan Construction worked overtime to ensure the project's scheduling was maintained.

### Aims Automotive and Technology Center

**Location:** Windsor, Colo.

**Construction Cost:** \$7 million

**Scope:** 46,000 sq ft

**Construction Start:** April 2009

**Construction Completion:** December 2009

### Project Team

**Owner:** Aims Community College

**Architect:** Vaught Frye Ripley Design, Fort Collins

**Engineers:** Integrated Mechanical, APS Inc., RNF Consultants

**General Contractor:** Bryan Construction, Colorado Springs

**AGC-Member Subcontractors:** West Electric, Stresscon, Triple C Communications, Inc.

# Maroon 5 Office Center



General Contractor: GE Johnson Construction Company  
Architect: Barber Architecture  
Engineer of Record: S.A. Miro  
Developer: Shea Properties

- \* 100,000 SQ FEET Core and Shell.
- \* 681 Total Production Pieces.
- \* 48 Total Erection days.

- ◆ Use of architectural load bearing spandrels and columns minimizes contractors time and risk in completing core and shell
- ◆ Close collaborative efforts with design team allowed core and shell to be well under budget
- ◆ Architectural concrete color, texture and shape compliments other buildings in the Maroon Campus



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