



ALLIANCE of CONSTRUCTION TRADES

Hard Hat News

Downtown Hotel Voted Down

Tucson's Mayor and Council voted to end all negotiations with developer Garfield Traub on the city's proposed \$258 million downtown convention center hotel. After three years of negotiations, countless meetings and public hearings, a motion was passed 7-0 to finally end this financially-unrealistic project. The Alliance of Construction Trades (ACT) was emphatically opposed to the hotel after years of attempting to gain fairness and transparency in the bidding structure for specialty contractors, material and equipment suppliers. See ACT's Executive Director Jim Kuliesh's article, "Imagine...Construction Association Fights Construction," on page 4.



NSA Going To Las Vegas

The National Subcontractors Alliance (NSA), a coalition of 12 state specialty contractor and material/equipment supplier associations, of which ACT was a founder, will hold its annual conference in Las Vegas March 18-20. The main speakers will focus on cre-

ating new marketing and business strategies to help the associations' members in this extremely difficult construction market. For additional details contact NSA at (330) 762-9951 ext. 22 or director@national-subcontractors.com.

Major News ACT To Permit Water Heaters

By Bob Dinius

The Alliance of Construction Trades has successfully negotiated with the area's local Building Safety jurisdictions a solution to the continual problems of water heater replacements. In February, ACT will introduce a new low cost on-line permitting and certified in-

spection procedure for "like-for-like" replacement of residential water heaters while providing code-compliant installation.

As all licensed plumbing contractors already know, for life safety reasons a permit and inspection is

Major News *Cont. on p.2*

Following Marijuana Law Will Challenge Employers

PHOENIX - Arizona's new medical marijuana law may pose a dilemma for employers trying to ensure a safe workplace while respecting the new rights of those who will be able to legally inhale the drug.



The law spells out that workers who have a state-issued card allowing them to possess and use marijuana cannot be fired or otherwise disciplined solely for testing positive on a drug test.

Nothing in Proposition 203 permits an employee to use marijuana while on the job. And the law says that immunity from being discharged does not apply to a worker who is "impaired."

But two attorneys who specialize in labor law disagree on how hard it will be to prove that.

Marijuana Law *Cont. on p.10*

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required to replace a residential water heater, and that unless the work is being performed by the homeowner, the work needs to be performed by a licensed contractor. Unfortunately, as we all know, due to the lack of homeowner awareness and the proliferation of unlicensed handymen illegally performing residential water heater replacements without a permit, it puts the licensed plumbing contractor at a severe competitive disadvantage. Additionally, even if a licensed plumbing contractor is able to get a job they have the burden of

having to comfort an unhappy homeowner when the homeowner learns they will need to take another day off from work to wait for the plumbing inspection.

So this year a joint effort by ACT, Pima County, City of Tucson, City of South Tucson, Town of Marana, Town of Sahuarita and Tucson College will address this disparity head on with the Residential Water Heater Replacement Self-Certification Program. This program will allow a licensed plumbing contractor's plumbers to take a test through Tucson College, whereupon receiving a passing grade they will be issued a certification and a photo ID badge

which will permit the plumber to perform their own inspection of a residential water heater they replace.

Equally important is that the program allows the licensed plumbing contractor to obtain a water heater replacement permit online for a minimal cost, using the plumber's certification number. This is a win-win for all parties.

The homeowner will be protected by having their water heater replaced legally by a licensed plumbing contractor and won't need to take another day off work to wait for an inspection, the licensed plumbing contractor can now compete with the unlicensed handymen illegally performing water

heater installations and the building departments will benefit from more water heaters being properly permitted without incurring the expense of sending out an inspector.

ACT will hold a workshop on February 22 (see notice below) on a presentation of the details of this program and how you can enroll. ACT commends all of the jurisdictions on this example of how by working together government and the private sector can resolve problems for our citizens and local businesses.

Bob Dinius, is Chairman of the Area Building Officials Committee and ACT Vice President.



ATTENTION:

Owners And Senior Management PLUMBING CONTRACTORS And MATERIAL SUPPLIERS

ONLINE WATER HEATER REPLACEMENT PROGRAM ("LIKE FOR LIKE")

Attend this informational meeting on the introduction of the "online" water heater replacement program.

Date: February 22, 2011

Time: 4:00 – 6:00 AM

Place: Hotel Tucson

(Formerly Inn Suites)

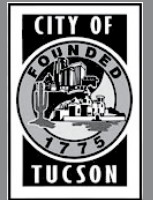
475 N. Granada Ave.

Cost: \$10 per person- RSVP Required

Discussion will include:

- Process to certify your installers
- Website permitting review
- Obtaining permits
- Local jurisdiction involvement

RSVP by filling an online form at: www.actaz.net/seminars or call ACT at (520) 624-3002 for more information on how to sign up





ACT's PRESIDENT

Jeff Hamstra

Hamstra Heating & Cooling

Is Your Place a "Great Place" to Work?

Traditional business thinking says that employers hold all the power in a down economy. Because there are fewer jobs in the marketplace, employers can pay employees less, expect them to take on additional tasks and work longer hours. While it is true that in a down economy your staff needs

to be operating at maximum efficiency, I don't believe now is the time, nor ever is there ever a time, to take advantage of the people who work for you. A happy, well-trained and motivated staff who loves coming to work is absolutely crucial for business success, especially in these difficult times.

Now I'm not saying rush out and give all your employees raises or big bonuses. Operating in the construction industry, I know first hand this is not an option in these times. However there are many low cost and free things you can do to ensure your staff remains in high morale. Consider adding some of these things to your business model and I believe you will see better performance from your people.

• **Year-End Employee Appreciation Party** – Gather all of your folks at the end of the year to say thank you for their hard work goes a long way. This party doesn't need to be

at the Ritz or anywhere fancy, just a place where everyone can gather for an evening to socialize. Make the event fun! We play trivia and game show-style games for small prizes and our people love it. It takes a small amount of planning on our part, but putting on an event like this and making it fun really does wonders for employee morale.

• **Recognize your outstanding employees in front of their peers** – Whether you have people who have been performing well, or a salesman who landed a huge account, or have employees who have reached

Great Place to Work Cont. on p.21

The Hard Hat News

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ACT's EXECUTIVE DIRECTOR

Jim Kuliesh

Imagine—ACT Fighting Construction

“Kuliesh went off his meds”

“Kuliesh went off his meds” was the quote by a local radio talk show host the day after Tucson City Mayor and Council held a public hearing on the City's proposed \$258 million downtown convention center hotel. Well I'm not on any meds, but I did get calls from a few psychiatrists telling me that they could help me with “anger management”.

OK, the truth be told, when I was called on to speak I did get

loud, maybe even shouted a bit, and yes, I did pound the podium. The 400 attendees were mostly taken aback with my frustrations that exploded after almost three years of attempting to do everything within ACT's power to have all qualified specialty contractors and material suppliers receive a fair and transparent opportunity to bid and build the hotel.

After countless meetings with the developer, Garfield Traub,

and their construction management team, Turner/Sundt, it became evident that fairness and transparency were not in their vocabulary. It was a shame that the project's construction responsibilities were controlled by Turner's 60% to Tucson-based Sundt's 40%. If it was reversed I firmly believe that instead of an adversarial relationship that we did experience with Turner, the project would have had a greater chance for success.

Not to put another nail into this coffin, but read the article below, “City Cites Slipshod Work on the TCC Entry.” This was a separate contract for \$4.3 million given to the developer for a new entrance to the Tucson Convention Center. It just got worse and worse.

On a positive note.

Yes, there is a positive note, after this horrendous experience, the Mayor and Council, after follow-up meetings with the City Manager and Procurement Director made a commitment to ACT that on all future projects, and there will be future projects, that our subcontractors and suppliers will be treated with the respect they deserve.

From my office parking lot every day I see the University of Arizona's, (Tucson's major construction user,) new \$140 million dormitories being completed by CORE Construction. Both the University and CORE are prime examples of the way projects should be built with all “partners” being treated with respect.



City Cites Slipshod Work on TCC Entry

Work on the new \$4.3 million entrance to the Tucson Convention Center, built to accommodate a downtown convention hotel that now won't be built, is so shoddy that Rio Nuevo is refusing to make final payments.

City and Rio Nuevo officials complain a support column is misaligned, and installation of an intricately-patterned floor was so slipshod there are expanses of bare, unadorned concrete and in one location rebar showing through.

While the city is disputing the quality of developer Garfield Traub's work, the company is submitting another nearly \$1 million in bills for work it insists was authorized, despite no record it was ever officially approved.

Garfield Traub officials told city and Rio Nuevo representatives this week the two new bills, totaling \$951,000, were change

orders for work added to the project, City Finance Manager Stacie Bird said in an e-mail.

Garfield Traub told officials the costs were always in the budget for the TCC east entrance, but payments were deferred until the city and Rio Nuevo approved the \$190 million convention hotel, the e-mail said. The Tucson City Council voted to kill the hotel in October, so now the bills are being submitted, Bird's e-mail said.

The developer said Hector Martinez, project manager for the city, and Greg Shelko, the hired consultant for the Rio Nuevo board, knew about the payments, Bird's e-mail said. Rio Nuevo board Chairwoman Jodi Bain, who also attended the meeting, said Garfield Traub officials “claimed the city knew and approved it.”

Martinez and Shelko, however, both said they didn't know about the bills, didn't agree to them and

had no authority to authorize any such payments.

The city is withholding the final \$275,000 worth of payments to Garfield Traub until the disputes over the column and floor are settled. And officials already are balking at the expected \$1 million in additional bills.

Unless they reach a settlement, Bain said the two sides could end up in litigation, or the Rio Nuevo Board could file a complaint with the attorney general. The Rio Nuevo board voted this week to give its attorney on the hotel construction, John Sundt, a waiver allowing him to be interviewed by the attorney general or auditor general about confidential matters.

Stephen Moffett, president of hospitality for Garfield Traub, said the two sides are in confidential settlement discussion and said he won't talk about the issues.

Shoddy work

The \$4.3 million east entrance was supposed to be finished on time for the 2010 gem show, and was hurriedly approved by the former Rio Nuevo board in September 2009 as a way to show the Tucson Gem and Mineral Showcase that the community was serious about keeping it here.

It was also the reason the former Rio Nuevo Board hired Shelko on a \$100-an-hour consulting contract.

Construction hit a snag, however, after workers discovered a foundation listed in the plans was not there. The entrance was finished in June, but the final bills are on hold because of the dispute over the quality of the work.

Article by Rob O'Dell. Reprint Permission from the Arizona Daily Star.



MEMBER PROFILES

By Alan M. Petrillo

Earhart Equipment Evolves Into Full-service Equipment Sales and Rental

Whether the economy is in the doldrums as it currently stands or if it's the super-hot, supercharged economy of a few years ago, having a wide variety of equipment to offer is the answer to finding and maintaining a solid customer base.

That's the philosophy that Earhart Equipment Corp.

uses in dealing with customers, said Gordon Earhart, chief operating of-

ficer. His son, Mitch, serves as the company's president.

"Right now, there's not anything in the construction industry that is doing the same as it did a few years ago when everyone was so busy," Gordon Earhart said. "Everyone is down, market-wise, so we're continually trying to find the things that people want and need, and then ca-



Mitch Earhart, Owner of Earhart Equipment

Earhart Equipment *Cont. on p.21*

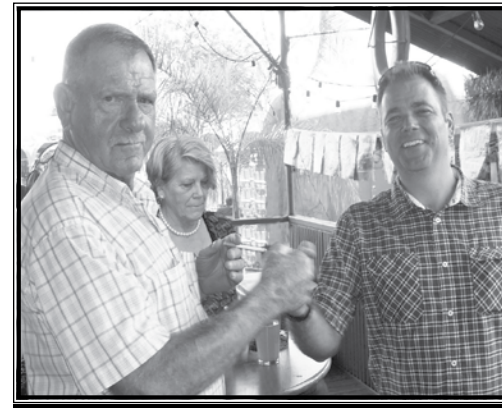
Collins Excavating & Materials Celebrates 30 Years in Business

It all began with a backhoe and a dump truck in 1980, with Mike Collins starting out as the owner-operator of Collins Excavating & Materials Inc. The business would grow exponentially, eventually reaching 24 employees and a couple of million dollars in billings annually.

In the early 1990s the economy took a turn down and Collins downsized the business, only to get

it fired back up to its pre-downturn size by the end of that decade. The current recession has trimmed the company down once again to about a dozen employees, but Collins Excavating & Materials continues to service a great number of customers, handling large commercial projects and small subdivision work.

Kerry Lanoue, co-owner with Mike and Gigi Collins Excavating *Cont. on p.23*



Mike and Gigi Collins with Kerry Lanoue.

Collins Excavating *Cont. on p.23*

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