



AGC of Alaska

NEWSLETTER

Volume 19, Issue 01

January 1, 2016

A \$5 State of Alaska – OSHA 10 Class?

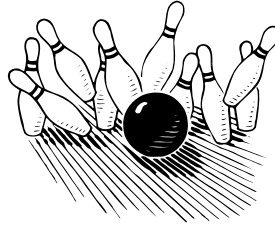
That's Right! Join us on February 11 & 12 at the Davis Constructors & Engineers, Inc. Training Facility at 6591 A Street in Anchorage for a 10 hour OSHA course, offered by the State of Alaska. **Cost is only \$5.00** (payable at the event) and includes lunch on Thursday the 8th. To register, contact bekka@agcak.org or call 907-561-5354. Space is limited and will be on a first come first serve basis.

National AGC Safety Award (NASA) Program

The National AGC Safety Award (NASA) Program is an ongoing annual effort that offers AGC contractor members an opportunity to compare their safety records with other AGC contractors that perform similar construction and are of similar size. [Please click here to download the participation form in either word format as a pdf.](#) For more information please contact Kimberley at Kimberley@agcak.org or 907-561-5354. Completed forms can be emailed to Kimberley@agcak.org or faxed to: 907-562-6118. Deadline is February 5th, 2016.

2016 FREE Construction Spending Forecast Events

The annual presentation, generously sponsored by the CIPF, will be in **Anchorage on Thursday, January 28th** at the Alaska Airlines Center at U.A.A. starting at **11:30 am** and in **Fairbanks on Friday, January 29th** at the AGC office starting at **7:00 am**. AGC members in Anchorage can RSVP to Margaret@agcak.org or 907-561-5354 and in Fairbanks to Trish@agcak.org or 907-452-1809.



AGC 19th Annual Bowl-A-Thon January 30 in Fairbanks

Mark your calendar to attend the 19th Annual AGC Bowl-a-Thon taking place in Fairbanks on Saturday, Jan. 30th [Click here to download the Bowl-a-Thon Flyer.](#) Interested in sponsoring a Team or a Lane? Call Trish in the Fairbanks office at 907-452-1809 or email her at trish@agcak.org. Teams are sold out but sponsors are needed!

The LUNCH & LEARN Series is Back!!

Wednesday, January 13th: Registered Apprenticeship - Blueprint for Building a Skilled Workforce in Alaska. The purpose of a Registered Apprenticeship program is to enable employers to develop and apply industry standards to training programs that can increase productivity and improve the quality of the workforce. Registered Apprenticeship is a national training system that combines paid learning on-the-job and related technical instruction in a skilled occupation. We will also show you a nationally recognized curriculum to help you chart progress and train for all essential skills. Come learn about Registered Apprenticeship and NCCER Curriculum and what it can do for your company.

Thursday, February 11th: Revegetation and Erosion Control - Phil Czaplá & Casey Dinkel with the Alaska DNR Division of Agriculture, Plant Materials Center. This Presentation will include an overview of the revegetation approach and processes starting with baseline data collection and progressing to species selection, plant materials, revegetation options, field implementation, weed free forage & gravel products and monitoring. Discussion of erosion control including its impacts, regulatory requirements and BMPs for erosion control and sediment control will also be included.

So mark your calendar and join us, network with your fellow AGC members, and have lunch on us. Please RSVP early (*so we also know how much to make*) to kimberley@agcak.org. Both sessions are available in the Fairbanks office via Video Conferencing. Please RSVP with Trish@agcak.org.

January Legal Tip

Pay Attention to the Details

By Ashley J. Sherwood, Esq., Oles Morrison Rinker & Baker LLP

Contractors and suppliers working on federal government projects are likely familiar with the trials and tribulations associated with preserving and exercising rights under the Federal Miller Act (40 U.S.C. § 3131–3134). Whether a claim was timely, what costs may be included in the claim, and whether notice was in the proper form are frequently litigated issues that can make or break your Miller Act claim. However, there is a significant threshold issue that some contractors and suppliers may be overlooking—*who* may exercise Miller Act rights?

The canned response is that the Miller Act protects only those persons who have a contractual agreement with a prime contractor or subcontractor on a federal project. A person supplying labor or materials to a subcontractor in a Prime Contractor – Subcontractor – Supplier relationship has Miller Act rights, while persons supplying labor or materials to a materialman in a Prime Contractor – Materialman – Supplier relationship do not. But how do you know whether the party you are supplying materials to is a subcontractor or a materialman? Does labeling someone a “subcontractor” in the contract documents automatically make them such under the Miller Act? What if the materials provided constitute a significant portion of the overall contract price? Whether the “middleman” is a subcontractor or materialman is a crucial determination which directly impacts whether a supplier may pursue a claim under the Miller Act.

In an effort to create consistency, federal courts have adopted a list of twelve factors to be used in determining whether a party qualifies as a subcontractor or materialman. The more “YES’s” a court can give to each question, the more likely a party is considered a subcontractor.

1. Is the product supplied custom fabricated?
2. Is the product supplied part of a larger, complex integrated system?
3. Is there a close financial interrelationship between the prime and the middleman?
4. Is there a continuing relationship between the prime and the middleman – i.e., periodic shop drawing approval or a requirement that a representative be on-site?
5. Is the middleman required to perform work on-site?
6. Is the term “subcontractor” used in the agreement?
7. Does the middleman’s contract constitute a significant portion of the prime contract (i.e., 15% or more)?
8. Is there a contract for labor in addition to a contract for materials?
9. Is the middleman responsible for furnishing *all* of the particular material?
10. Is the middleman required to post a performance bond?
11. Is there a contractual mechanism for back charging the middleman for the cost of correcting nonconforming work?
12. Is payment made on a progressive basis (i.e., payment applications)?

No one factor is dispositive and there is no minimum number of factors a party must meet in order to qualify as a subcontractor. Rather, the court’s inquiry is a factual determination and courts examine the nature of the prime contractor-middleman relationship on a case by case basis. Such a circumstance-specific approach should be a warning to both contractors and suppliers. Before challenging a claim or abandoning your rights under the assumption the middleman is considered a materialman, consider the above factors and determine whether the situation may truly afford protections under the Miller Act.

NEW MEMBERS

SPECIALTY

Air Duct Cleaning & Services

Wayne Calkin – Owner
Teena Calkin – Co-Owner
10231 Caribou Street
Eagle River, AK 99577
Ph. (907) 350-3050 | Fax. (907) 694-1353
www.anchoragecleanducts.com
nothingbutduct@hotmail.com

*Air Duct Cleaning, Dryer Vent Cleaning, Chimney Sweep,
Insulation Removal*

Alaska Premium Painting, LLC

Rigo Paredes – Manager
205 E. Dimond Boulevard PMB 237
Anchorage, Alaska 99515
Ph. (907) 522-5232
www.alaskapremiumpainting.com
alaskapremiumpainting@gmail.com

*Residential and Commercial Painting, Drywall Installation &
Repairs, Specialty Coatings*

Hennard Tile & Stone

Zac Hennard – Owner
8680 Ruth Drive
Eagle River, AK 99577
Ph. 907-351-8439
itsmezac@yahoo.com

Residential and Commercial Tile and Stone Installation

ASSOCIATE

BAC Transportation, LLC

P.O. Box 243742
Anchorage, AK 99524
907-222-2600
907-245-4511
Athena Grimm - reservation@bactrans.com
www.bactrans.com
Transportation Services

AGC of AK Tech Tip

Did you know that the American Red Cross has a number of apps that put help in your hand? These include a First Aid App, the Blood App, an Emergency App, an Earthquake App, a Wildfire App, the Pet First Aid App and more. To learn more, visit the Red Cross Mobile App webpage:

<http://www.redcross.org/prepare/mobile-apps>. Download Red Cross mobile apps today in the [Apple App Store](#) or [Google Play](#).



● First Aid App



● Blood App



● Emergency App

Upcoming AGC Events

✓ Legal Bites and Bagels

Anchorage & Fairbanks AGC Event

January 13, 2016 from 7:30 to 8:30 am
Recent updates in Construction Law with
Traeger Machetanz, Davis Wright Tremaine
LLP. **RSVP** Kimberley@agcak.org to attend in
Anchorage and Trish@agcak.org to attend in
Fairbanks (via Video Conferencing).

✓ Lunch & Learn –Presentations

Anchorage & Fairbanks AGC Event

January 13, 2016 from 11:45 am to 1:15 pm
**Registered Apprenticeship - Blueprint for
Building a Skilled Workforce in Alaska**
RSVP to Kimberley@agcak.org to attend in
Anchorage and Trish@agcak.org to attend in
Fairbanks (via Video Conferencing).

✓ 2016 Excellence Reception

Anchorage Only AGC Event

January 19, 2016 at the AGC offices from 4:00 -
5:30 pm. For more information contact
Kimberley@agcak.org.

✓ Construction Spending

Forecast Lunch

Anchorage Only AGC Event

January 28, 2016 – starting at 11:30 am
**Alaska Airlines Center at UAA. 3550
Providence Center Drive
(Parking is available)**

FREE event, sponsored by CIPF. Space is
limited. RSVP to Margaret@agcak.org or 561-
5354.

✓ Construction Spending

Forecast Breakfast

Fairbanks Only AGC Event

January 29, 2016 – starting at 7:00 am
Fairbanks AGC office - 3750 Bonita Drive
FREE event, sponsored by CIPF. Space is
limited. RSVP to Trish@agcak.org or 452-1809

✓ 19th Annual Bowl-A-Thon

Fairbanks Only AGC Event

January 30, 2016
Contact Trish@agcak.org for more information.

ANNIVERSARIES

GENERALS

KIEWIT BUILDING GROUP - 67
DAVIS CONSTRUCTORS & ENGINEERS, INC. - 31
BRICE, INC. - 28
OSBORNE CONSTRUCTION COMPANY - 28
FERGUSON & ASSOCIATES - 20
CONSTRUCTION UNLIMITED, INC. - 17
MWH CONSTRUCTORS, INC. - 16
ORION MARINE CONTRACTORS, INC. - 14
TUMET INDUSTRIES, LLC - 7
GLOBAL DIVING & SAVAGE, INC. - 6
WIRTANEN COMMERCIAL LLC - 2

SPECIALTY

A & A ROOFING COMPANY, INC. - 46
OTIS ELEVATOR CO. - 34
BUCHER GLASS, INC. - 31
INDUSTRIAL ROOFING, INC. - 30
ALASKA SIGNS & BARRICADES - 30
INDUSTRIAL SERVICE CORP. - 27
UNIVERSAL WELDING & FABRICATION, INC. - 26
AARON PLUMBING & HEATING, CO. - 23
ALAS-CO INSULATION SERVICES - 21
PENA TRUCKING, INC. - 19
MERIDIAN SYSTEMS, INC. - 18
IRON, INC. - 14
ARCTIC DRILLING, INC. - 14
MACCHEYNE'S CARPETS PLUS, INC. - 14
CITY CONSTRUCTION COMPANY - 10
CADDO CONSTRUCTION COMPANY, INC. - 9
ALASKA ELECTIC & CONTROL, INC. - 6
ARCTIC AIR ENVIRONMENTAL SERVICES - 5
ENDEAVOR ELECTRIC, LLC - 3
NORTHERN REINFORCING PLACERS, INC. - 2
KACHEMAK ELECTRIC CO., INC. - 1
AMAQ CORPORATION DBA AMAQ EXCAVATING - 1
THE WELDING SHOP, INC. - 1
HOLADAY-PARKS, INC. - 1
J.T. ALLISON CO., LLC - 1

ASSOCIATE

ALASKA SALES & SERVICE - 52
ALASKA USA INSURANCE BROKERS - 48
PACO AKA PACIFIC AMERICAN COMMERCIAL COMPANY - 42
AURORA CONSTRUCTION SUPPLY - 36
ENSTAR NATURAL GAS - 34
CROWLEY PETROLEUM DISTRIBUTION, INC. - 33
CONTECH ENGINEERS SOLUTION, LLC. - 32
DOWL - 31
FLOWLINE ALASKA - 29
NORTHRIM BANK - 26
BETTER BUSINESS BUREAU - 24
STINEBAUGH & COMPANY - 24

ASSOCIATES CONTINUED

ALASKA TRUCKING ASSOCIATION - 22
ANCHORAGE HOME BUILDERS ASSOCIATION, INC. - 22
INLAND BARGE SERVICE, INC. - 20
WEAVER BROS., INC. - 19
MERIDIAN MANAGEMENT, INC. - 16
NATIONAL ELECTRICAL CONTRACTORS
ASSOCIATION, INC. - 16
BEACON OCCUPATIONAL HEALTH & SAFETY
SERVICES, INC. - 15
TEAMSTERS LOCAL 959 - 15
HATTENBURG, DILLEY & LINNELL, LLC. - 15
HECTOR'S WELDING, INC. - 14
NORTHERN AIR CARGO - 14
ALASKA DIGLINE, INC. - 14
IRONWORKERS' LOCAL #751 - 14
ALMEX ALASKA, LLC - 13
DENALI STATE BANK - 13
ALASKA RAILROAD CORPORATION - 13
DENALI INDUSTRIAL SUPPLY, INC. - 12
JACOBS ENGINEERING GROUP INC - 11
SHORESIDE PETROLEUM INC. - 11
VALLEY BLOCK & CONCRETE - 10
THE HOTEL CAPTAIN COOK - 9
OPTI STAFFING GROUP - 9
LABOR TRUST SERVICES, INC. - 9
ADVERTISING STRATEGIES, LLC - 8
SEATAC MARINE SERVICES, LLC - 8
FAIRBANKS BLOCK & BUILDING MATERIALS - 8
ALASKA ROCK PRODUCTS ASSOCIATION - 7
PROCTOR SALES, INC. - 6
ICC - ALASKA NORTHERN CHAPTER - 6
GORDON THOMPSON ARCHITECT - 6
CONTRACTORS BONDING AND INSURANCE
COMPANY - 6
MERRILL LYNCH - 4
ASD CAREER TECHNOLOGY EDUCATION DEPARTMENT - 3
DORSEY & WHITNEY, LLP - 3
SCAFCO STEEL STUD COMPANY - 2
TAYLORED BUSINESS SOLUTIONS, LLC - 2
ACE SUPPLY, INC. / ALASKA PETROLEUM EQUIPMENT - 1
SH ALASKA LLC - 1
AZIMUTH ADVENTURE PHOTOGRAPHY - 1
BASE CAMP FIRST AID AND CPR - 1
BURR, PEASE & KURTZ, PC - 1
ATS ALASKA - 1

