



AGC of Alaska

NEWSLETTER

Volume 18, Issue 02

February 1, 2015

Have you downloaded the AGC App yet?



Along with a listing of Members, the App also has information on Events, Member Benefits, the list of Executive Board and AGC/CEF Staff with photos and contact info, a link to the AGC Online Plans Login webpage and even a link to the latest Alaska Construction Spending Forecast issue. If you haven't updated your AGC app since 2012 you will need to download the latest version. Just go the app store applicable for your phone and download the AGC of Alaska Event App.

Are you going to Juneau for the AGC Legislative Fly-in? The AGC App also has your schedule along with the bio and photos of the Legislators you'll be meeting with. Just go to: "My events" in the upper left hand corner of the app and select 2015 Legislative Fly-In. Want more information, contact the AGC office staff. We're happy to help!

FREE LUNCH & LEARN SERIES

February 11th: Workers Comp 101

What to do when your employee is injured with **Chuck Brady**, Workers Compensation Manager with **ASRC** from 11:45 a.m. to 1:15 p.m. in the Anchorage AGC office (available in Fairbanks via video conferencing). Workers' Compensation: For Alaska employers it's something we all must have, no one wants, and few understand, and over the decades it has grown from a relatively small expense to a huge item on the P&L. In this session we will take an interesting look at the origins of workers' compensation, an overview of what the benefit provides to injured Alaska workers, as well as some thoughts on what can be done to rein in the out-of-control costs that have made Alaska workers' compensation rates the highest in the country. [Click here to add this to your Outlook calendar.](#) RSVP at kimberley@agcak.org

March 3rd: DOT&PF and Social Media.

Come learn why you should be using Social Media, what the benefits can be, what your strategy might look like, & more from the DOT&PF. Meadow Bailey of the DOT office in Fairbanks will be in the Fairbanks AGC office for this session. 11:45 a.m. to 1:15 p.m. in the Anchorage AGC office & the Fairbanks office. [Click here to add this to your Outlook calendar.](#) RSVP at kimberley@agcak.org

LEGAL BITES & BAGELS

Join us on **February 11 at 7:30 am** at the Anchorage AGC office to hear **Traeger Machetanz**, talk about **The 7 Deadly Sins of Construction**. RSVP at kimberley@agcak.org. (Available in Fairbanks via video conferencing.)

Meet the Prime – UNIT COMPANY

Join PTAC & AGC from **12:00 to 1:30 p.m.** on **February 23** for the year's first Meet the Prime event with UNIT COMPANY. During this discussion you will hear an introduction to the company, their current projects and what they have on the horizon. This is an excellent opportunity to meet with a representative from an active prime contractor. Be sure to bring your business cards, Statement of Qualifications and questions! A light lunch will be provided. There is no charge for attendance but registration is required. [Click here for more information or to register to attend.](#)

February Legal Tip

Pay Attention to the Details

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

At the end of a project, contractors are often already preparing for the next job, starting to demobilize from the job site, and resolving any final payment issues. However, if you're a subcontractor or supplier on a state public works project, moving on too quickly without reserving your right to payment could cost you.

Alaska's Little Miller Act (Alaska Statute § 36.25 et al) provides some hard-and-fast rules for payment disputes on Alaska state public works projects. When a subcontractor or supplier performs work on a state project and is not fully paid, it can file a "bond claim" against the general contractor's payment bond if its claim rights were properly preserved. Here is the WHO, WHAT, WHEN and WHY that every potential claimant should know:

Who May Bring a Claim? The Alaska Little Miller Act applies to public works contracts valued at over \$100,000 and allows a subcontractor, supplier, second-tier subcontractor, or second-tier supplier who is not paid in full to make a claim on the general contractor's payment bond. More remote subcontractors and suppliers (i.e., third-tier subcontractors, etc.) are not included.

What Must the Claim State? The claim is a formal notice that must include (1) the amount the contractor claims is due and owing and (2) the name of the person (or company) to whom the materials or labor was furnished (i.e., a general contractor or subcontractor). Claim must be sent via registered mail to the contractor with a copy to the bonding company, owner, and/or subcontractor if you are a second-tier sub or supplier.

When Must the Claim Be Brought? You must send out a claim no later than 90 days from the last date you performed labor or furnished materials for the project. A lawsuit to foreclose on the claim of bond must be brought no later than one year after final settlement of the contract.

Why Bring a Claim? Use it or lose it. Failure to provide notice of claim within 90 days of last date of work and/or failure file suit within one year after final settlement of the contract is a complete bar to recovery on a payment bond claim.

Few statutes are as unforgiving when it comes to deadlines as the Little Miller Act. Take the time to properly and promptly send out a claim notice if you have a payment bond claim – it's yet another example of how paying attention to the details can put you in a better position to collect.

Ashley is an attorney at Oles Morrison Rinker & Baker. Her practice focuses primarily on Construction Law, Real Estate and Commercial Litigation.

Mark your calendar for the **AGC SPRING TRAIN RIDE**

Yes, it's time once again for the AGC Spring Train Ride! If you weren't on the train last year, you'll want to make sure you aren't left behind when it pulls out of the station this year! All members, prospects, and guests are welcome! Join us on **Sat., April 25** for the 5-hour train ride north toward Talkeetna. Details to come!

Governors Safety & Health Conference

Mark your calendar to attend the Governors Safety & Health Conference, **March 24-26** at the Dena'ina Convention Center, Anchorage, Alaska. There is still time to enter your company for a 2015 Governors Safety & Health Recognition Award. Deadline is Monday, February 23 at 4:00 pm. [Click here for more information.](#)

Transportation Fair

Come to the 2015 Anchorage Transportation Fair, **Wednesday Feb., 4 from 4:00 p.m. to 8:00 p.m.** to learn about the many transportation projects in the Municipality of Anchorage! 3550 Providence Dr., AK Airlines Center Auxiliary Building. Contact [Anne Brooks](#) for more information. Event blog: <http://anchoragegetranspofair.blogspot.com/>

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SPECIALTY

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The Associated General Contractors of Alaska, Inc. (AGC of Alaska) & Construction Education Foundation, Inc. (CEF) scholarship application is now available online. To sign up online, [click here](#). Visit the [AGC of Alaska Website](#) under [Training](#) for more information.