

# BUILD HOUSTON

August 2008/September 2008



## Nerves of Mobil Steel

Learn how Flexibility, Service and Quality made Mobil Steel one of Houston's top steel fabricators.



### ALSO IN THIS ISSUE:

**Industry Challenges and Innovative Solutions**

**When Bad Things Happen to Good Employers**

**Hey Fred!**

**Avoiding "Off-the-Clock" Work Claims**

**Special Focus Section: Construction Law Firms**



Greater Houston Chapter

## ABC LEADERSHIP

Chairman

**Laura Price**

**Accurate Air Systems**

Chair Elect

Mike Gremillion

**Industrial Specialty Contractors**

Vice-Chair

**Wayne Navarro**

**S&B Engineers & Constructors**

Secretary

**Neil Adams**

**Gilbane Building Company**

Treasurer

**Diego Cabrales**

**URS Washington Division**

Past Chairman

**Roger Berry**

**SpawGlass Construction Corp.**

## 2008 BOARD OF DIRECTORS

Darlene East  
Holes Inc.

Brian Anderson  
G.R. Birdwell Construction

Greg Ateberry  
Zachry Industrial, Inc.

Barry Babyak  
Austin Industrial

Tasos Banos  
TDIndustries

Dwayne Boudreaux  
The Shaw Group, Inc.

Phil Berthelot  
TIC - The Industrial Company

Jeff Burnett  
Insurance Alliance

Brian Cook  
HOAR Construction, LLC

Matt Daniel  
Skanska USA Building

Daniel Donaldson  
Basic Industries "The Brock Group"

Jim Egger  
Brand Energy & Infrastructure

John Golashesky  
Turner Industries Group

Ronnie Johnson  
KBR

Bruce Marek  
Marek Brothers Systems

John Marshall  
Satterfield & Pontikes Construction

Michael Moore  
Acoustical Concepts, Inc.

James Morris  
Jacobs Field Services N. America

Bob Nussmeier  
Baker Concrete Construction, Industrial

Jim Owrey  
E.E. Reed Construction, L.P.

Rodney Page  
Ref-Chem LP.

Wayne Pruitt  
Anchor Industrial Services

Tim Ricketts  
Cajun Constructors, Inc.

Christina Stone  
Gaughan, Stone & Thiagarajan

Kurt Vossler  
Vossler Electrical Services, Inc.

Allan Williams  
Manhattan Construction Co.

Lohn Zylicz  
D.E. Harvey Builders, Inc.

Build Houston Magazine  
3910 Kirby Drive, Suite 131  
Houston, Texas 77098  
(713)523-6222

www.buildhoustononline.com

Publisher/Owner: Associated Builders

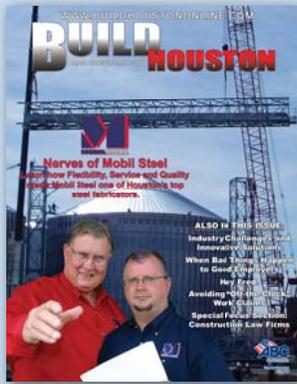
& Contractors of Greater Houston

Executive Editor: Jennifer Woodruff

Editorial Assistant: Meghan Stephens

Account Manager: Janice Peters

Graphic Design: Jennifer Woodruff



# BUILD HOUSTON

August/September 2008

### ON THE COVER:

Mobil Steel discusses their philosophy of delivering value and flexibility at a time when material cost escalation and economic challenges have many clients feeling the pinch. Learn about the history of this diverse fabricating business and how their team of employees focus on customer satisfaction based on integrity, reliability, and quality. (P17)

### INDUSTRY NEWS:

#### **Industry Challenges and Innovative Solutions**

Build Houston sits down with three local General Contractors to learn about some challenges they face on projects and the innovative solutions developed to overcome each challenge. From material price escalation to incorrect material orders and workforce shortage issues, our three contractors developed win-win situations producing stellar results. (P8)

### LEGAL NEWS:

#### **Five Steps to Avoiding "Off-The-Clock" Work Claims**

"Off-the-clock" work claims are the most popular claims by non-exempt employees in wage and hour litigation. Reported cases and U.S. Department of Labor enforcement statistics reveal that both large and small employers are extremely vulnerable to off-the-clock work claims. Discover five steps that you can take to minimize the risk of claims. (P4)

#### **The Genetic Information Nondiscrimination Act (GINA) Becomes Law**

The Genetic Information Nondiscrimination Act of 2008 prohibits employers from discriminating against applicants and employees based on genetic tests or genetic information. Learn what GINA requires, important amendments and the effects of GINA. (P6)

### POLITICAL NEWS:

#### **Proposed Legislation has Obama Questioning Your Patriotism**

Obama's proposed Patriot Act could result in higher business costs and loss of jobs in America. Learn about the six proposed conditions that his Act requires for businesses to achieve tax incentives and how it will affect your business. (P12)

#### **ABC Goes to Washington**

Members from Associated Builders and Contractors of Greater Houston visited Capitol Hill in June to discuss issues and concerns related to merit shop contractors with Congress. (P14)

### HEY FRED!

In this issue, Fred discusses what to look for when upgrading to construction specific accounting and estimating tools. (P15)



### EDUCATION NEWS:

#### **Moving On Up!**

Construction & Maintenance Education Foundation moves to a new office in Deer Park to help meet the demand for craft training. Learn about their new office facility and the programs that will be offered at this location. (P16)

### SAFETY NEWS:

#### **Stand-Down to Stand Up For Safety**

ABC Members recently participated in an industry wide Safety Stand Down to emphasize safety on the jobsite. Discover the premise behind the Safety Stand Down and the success of this popular program. (P18)

#### **When Bad Things Happen to Good Employers**

Your employees know your safety rules but still break them - while OSHA is watching. What's an Employer to do? Affirmative Defenses may be the solution. Learn some tips to help you get on the path toward a solid Affirmative Defense. (P20)

### FINANCIAL NEWS:

#### **The Retirement Gender Gap**

Ladies - Retirement may be a distant thought - but maybe it shouldn't be. Your future depends on you. Check out these timely tips to ensure a happy retirement. (P22)

### IN THE KNOW:

Learn about people on the move, project news and special recognition of industry leaders. (P30)

### SPECIAL FOCUS SECTION: CONSTRUCTION LAW FIRMS

Learn about local Law Firms in Houston who specialize in Construction Law and Litigation (P26)





## PRICE

### Dear Reader,

Challenging times call for innovative solutions – this is especially true in the world of construction. From skilled labor shortages, material mishaps and unprecedented commodity price escalation, life on the jobsite can be stressful and outright complicated with a maze of hectic schedules and deadlines. In this issue, we sit down with three leading Houston General Contractors and learn how they met challenges head on, creating win-win situations for all parties involved.

Also in this issue, as we head swiftly toward the '08 election, we explore some political topics that are vital to our industry, including what could be a detrimental proposal from Obama called the Patriot Act. If this Act passes, it will brew trouble for the free enterprise system. In addition to monitoring proposed legislation like the Patriot Act, representative from Associated Builders and Contractors (ABC) recently met with Congressmen and women to express support and concern about legislative issues related to the construction industry. A brief summary of the visit can be found in the Political News section.

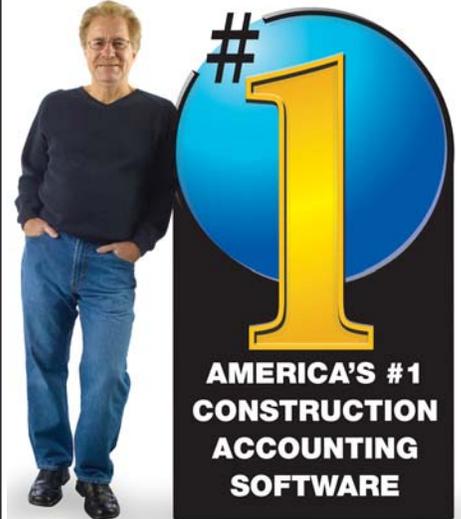
This is a volatile election cycle for free enterprise supporters. I urge you to educate yourself about the issues and candidates. Your rights as a business professional are at stake. ABC offers several resources to learn about the political process and a number of ways to get involved, from the grassroots level to active political campaigning. Take a moment and visit [www.abc.org](http://www.abc.org) to learn about political initiatives underway and download helpful information that you can distribute throughout your company. You may also contact ABC Greater Houston's Political Affairs Coordinator for additional information at (713)523-6222. Remember the ABC Motto, "Get Into Politics or Get Out of Business."

Laura Price  
Accurate Air Systems President  
2008 ABC Greater Houston Chair

## INDEX OF ADVERTISERS

A&E - The Graphics Complex.....	22	Holes Inc.....	21
Acme Architectural Hardware .....	9	Industrial Foundation of America...	19
Aggregate Technologies.....	11	Interface Consulting .....	7
Andrews Myers Coulter & Cohen PC.....	29	Industrial Specialty Contractors.....	13
Barmore Insurance .....	5	JC Glass.....	11
CLP Resources, Inc.....	23	Karl's Event Rentals.....	23
Cokinos Bosien & Young.....	23, 26	Marek Brothers .....	24
Commercial Wireless Solutions.....	14	Maxim Group.....	15
Debra B. Norris, P.C.....	28	Mobil Steel .....	17
DellaMark .....	30	National Construction Rentals.....	22
Digitex.....	21	Oldenettel & Dies .....	19
Ditch Witch of Houston .....	12	Porter & Hedges .....	27
Equipment Depot .....	16	RSC Equipment Rental .....	32
Expertox .....	19	Scott-Macon Equipment.....	24
Foundation Software .....	3	Texas Mutual .....	31
Growth Capital Partners .....	5	The Worksource of Texas .....	11
		United Rentals .....	5

## Construction-Tough Accounting & Project Management Software.



Fred Ode,  
CEO/Chairman

See the advantages of  
**FOUNDATION® for Windows®**  
construction-specific  
accounting system.

Job Cost | Payroll | General Ledger | Accounts Payable  
Accounts Receivable | Project Management | Scheduling  
Report Writer | Purchase Order/Subcontract | Inventory  
Time & Material Billing | Equipment | Unit Price Billing  
Fixed Assets | CPA Audit/Review

**FOUNDATI<sup>ON</sup>**  
software, inc.



[www.foundationsoft.com](http://www.foundationsoft.com)  
**1-800-246-0800**

\* See what makes FOUNDATION® for Windows® #1 by visiting  
<http://www.foundationsoft.com/best-accounting-software.htm>



# Five Steps to Avoiding “Off-the-Clock” Work Claims

**W**age and hour lawsuits under the Fair Labor Standards Act (“FLSA”) are the most dangerous claims faced by employers today. The FLSA, a “pro-employee” statute, makes it very easy for employees to bring collective actions to recover not only unpaid wages and overtime, but punitive awards in the form of liquidated damages, in addition to attorneys’ fees.

“Off-the-clock” work claims are the most popular claims by non-exempt employees in wage and hour litigation. Reported cases and U.S. Department of Labor enforcement statistics reveal that both large and small employers are extremely vulnerable to off-the-clock work claims. This is particularly true in the construction industry where non-exempt employees may engage in unpaid work activities before and after their scheduled work shift.

Off-the-clock work claims generally have three root causes. An employer’s misconception or confusion regarding what actually constitutes compensable working time is one of the prime causes for off-the-clock litigation. Inadequate or improper recordkeeping practices also contribute to the problem. Finally, supervisory misconduct is a leading source for off-the-clock claims.

Employers can minimize the risk of off-the-clock work claims by taking the following five steps, which require action and accountability on the part of managers and employees.

**Step 1:** Adopt a Timekeeping Policy. A written policy that addresses the issue of off-the-clock work is extremely valuable because it can effectively reduce the number of potential FLSA violations, as well as provide a defense to defeat lawsuits asserting off-the-clock claims. The timekeeping policy should expressly prohibit off-the-clock work and clearly state that managers cannot request or require employees to work off-the-clock. Another key component is the requirement that managers report all suspected off-the-clock work to human resources so that it can be investigated and corrected. Similarly, there should be a procedure for employees to report any payroll errors or other concerns. The timekeeping policy should require employees not only to record all hours worked on their timesheets but to sign and certify the accuracy of their time entries. Managers, in turn, should be required to review their employees’ timesheets for accuracy and make corrections as needed. To safeguard against managerial abuse, the policy should prohibit managers from improperly editing employee timesheets to reduce actual working time. The timekeeping policy should also prohibit employees from completing timesheets for coworkers. Once the timekeeping policy is adopted, it is critical that it is publicized and distributed to all employees. Employees should sign an acknowledgment that they have received and reviewed the policy and agree to comply with it.

**Step 2:** Compliance Training. Timekeeping policies are ineffective when employers fail to provide basic training to managers and employees as to what is expected and required under the policies. The importance of following the company’s timekeeping policy and complying with the rule against off-the-clock work must be communicated to every new manager and new employee. Employee and manager orientations should include review of the company’s timekeeping policy. In addition to the orientation training, there needs to be ongoing training and periodic reminders to managers and employees of their obligations under the timekeeping policy.

**Step 3:** Review and Certification of Time Entries. Requiring employees to review and sign their weekly timesheets is an effective preventive measure to reduce the risk of off-the-clock claims. The timesheet should complement the components of the timekeeping policy by including a certification that the employee has reviewed the time entries and the entries reflect all time actually worked during that workweek, as well as a statement that the employee was not instructed by any manager to work off-the-clock.

It is essential that managers review their employees’ timecards. Managers are presumably most familiar with their employees’ work hours and therefore they can ensure that the time records accurately reflect all hours worked by the employees. Managerial review provides the company with an opportunity to ensure that the timesheets are properly completed and the employee has signed the certification.

**Step 4:** Implement a Reporting Procedure. Employers should place a high value on maintaining and enforcing internal procedures that encourage the reporting and discovery of wage violations. These procedures have value in preventing litigation and they afford defenses to the company in litigation that could effectively avoid the risk of liquidated damages.

**Step 5:** Periodic Audits of Payroll Records. Unfortunately, many off-the-clock claims could have been avoided by companies merely taking the time to periodically audit their payroll records. Frequently, off-the-clock claims arise by managers improperly revising timesheets to avoid overtime hours. A review of timesheets most likely would have detected this practice and avoided the litigation.

Firmwide: 85847762.1 800000.1000



**ABOUT THE AUTHOR**

G. Mark Jodon, a shareholder in Littler Mendelson's Houston office, is one of the labor and employment attorneys for the Greater Houston Chapter of Associated Builders and Contractors. Mark is board-certified in labor and employment law by the Texas Board of Legal Specialization. If you would like a copy of Littler's task force report on "Total Wage and Hour Compliance," please contact Mark at (713) 652-4739 or mjodon@littler.com.

*Serving The Houston Area Since 1952*



# Barmore

INSURANCE AGENCY, INC.

## Business and Personal Insurance Specialists

- Risk Management
- Workers' Compensation
- Employee Benefits
- Commercial Property
- General Liability
- Contract Bonds
- Commercial Auto
- Professional Liability

*Our professional staff is personally committed to designing the right insurance program for you.*

8511 S Sam Houston Pkwy E  
Houston, TX 77075

713-209-2800

Please visit our website at:  
[www.barmore.com](http://www.barmore.com)



*"Your risk is our specialty"*



**GROWTH CAPITAL PARTNERS**



has been acquired by





has been acquired by





has been acquired by





has been acquired by



## 281-445-6611

GROWTH CAPITAL PARTNERS, L.P.  
GCP Securities, Inc.  
INVESTMENT AND MERCHANT BANKING FIRMS SERVING PRIVATELY HELD AND PUBLIC MIDDLE MARKET COMPANIES.  
[www.growth-capital.com](http://www.growth-capital.com)

HOUSTON   DALLAS   AUSTIN   GREENWICH

## Working with You from Start to Finish

- Widest selection of construction equipment
- Outstanding customer service and expert advice when you need it
- On site maintenance, equipment and safety training
- Delivery to your job site
- Concrete batch plants



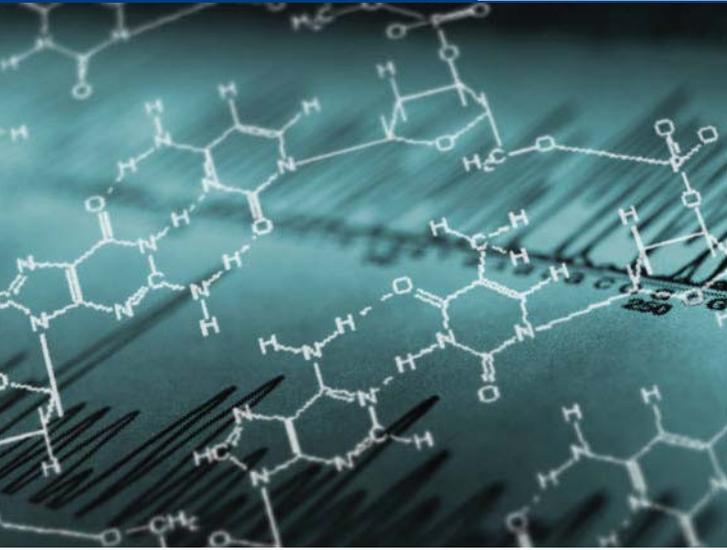
**Consider it done.™**

Beaumont 409-833-7902	Jersey Village 713-466-7040	League City 281-332-8982
Conroe 936-539-2119	Katy 281-693-4040	Pearland 713-434-0903
East Houston 713-674-4040	La Porte 281-479-8500	Rosenberg 281-342-6343

800-UR-RENTS

unitedrentals.com

Rentals • Sales • Service • Supplies



# THE GENETIC INFORMATION NONDISCRIMINATION ACT (GINA) FINALLY BECOMES LAW

On May 21, 2008, President George W. Bush signed into law the Genetic Information Nondiscrimination Act of 2008 (H.R. 493) (GINA) which prohibits employers from discriminating against applicants and employees based on genetic tests or genetic information. The federal government already has a similar law applicable to federal employees – the Government Employee Rights Act of 1991. The new law also prohibits health insurers from restricting enrollment and premium adjustments for health insurance on the basis of genetic information or genetic services.

## EFFECTIVE DATES

Title II (Employment Discrimination) requires the U.S. Equal Employment Opportunity Commission (EEOC) to issue final regulations within one year of enactment (May 21, 2009), and the law's effective date is 18 months after enactment (November 21, 2009). Title I (Health Insurance) requires the Secretary of the U.S. Department of Health and Human Services (HHS) to issue final regulations within nine months of enactment, and Title I becomes effective one year after enactment.

The bill, which passed the Senate by a vote of 95-0 and the House by a margin of 414-1, reflects its bipartisan support in Congress after more than 10 years of negotiations among the business community and various civil rights and disability groups to arrive at an acceptable version.

## WHAT WAS THE BASIS FOR THE NEW LAW?

Some opponents of GINA argued that the legislation was “a solution in search of a problem” since there is little evidence of actual employment discrimination on the basis of genetic information. In addition, there have been few, if any, actions brought against employers in the 34 states which currently have laws banning genetic discrimination in the workplace (which are not preempted by GINA), or under the “regarded as disabled” prong of the federal Americans with Disabilities Act.

Proponents of the federal legislation argued that it was needed to eliminate fear of discrimination and reported instances of discrimination where no legal actions were initiated. They cited numerous polls to show that fear of adverse employment actions and denial of access to health insurance are a widespread cause why individuals decline to take genetic tests to determine their propensity (“genetic markers”) for a future genetic-based disease or condition, or to engage in clinical testing which could lead to the diagnosis, treatment, and possible cure for life-threatening, genetically-based conditions such as various forms of cancer. Major elements of the scientific community, led by the National Institutes of Health and the Human Genome Project, backed up the polls and strongly supported the legislation.

## WHAT IS “GENETIC INFORMATION”?

Under the new law, “genetic information” is defined as: (1) an individual's own genetic tests; (2) the genetic tests of family members; and (3) the manifestation of a disease or disorder in family members.

GINA prohibits the collection of genetic information as well as its use in the workplace, with a number of important exceptions. For example, as a result of several carefully crafted exceptions, the law does not prohibit acquisition of genetic information of an individual or family member which is inadvertently disclosed or received by the employer (e.g., during “water cooler” conversations), or where health or genetic services are offered by an employer (i.e., “wellness” programs), or where genetic information and family medical history are “commercially and publicly available” (e.g., obituaries of family members in newspapers, magazines, periodicals and books). Also, an employer may receive such information based on the individual's prior, knowing, voluntary and written authorization, or where it is received in compliance for medical certifications under the federal Family and Medical Leave Act (FMLA) or similar state laws, or in several other specified circumstances.

However, although inadvertently or permissibly received, such information may not be used for purposes of prohibited employment actions based on genetic information.

## WHAT GINA REQUIRES

### *Title II (Employment Discrimination)*

Specifically, for all employers, under Title II (Employment Discrimination) the new law:

- (1) prohibits discrimination on the basis of genetic information, without regard to how the information is derived by the employer, in hiring, termination, compensation, and other personnel actions such as promotions, classifications and assignments;

- (2) broadly prohibits employers from requiring genetic testing and from purchasing or collecting genetic information, except in several limited and clearly-defined exceptions such as where the information is: (a) required to comply with medical certification requirements of state or federal family and medical leave laws, (b) to be used to monitor the adverse effects of hazardous workplace exposures, and (c) the employer conducts DNA analysis for law enforcement purposes as a forensic laboratory;
- (3) prohibits disclosure of genetic information, except: (a) upon the employee's request, (b) to an occupational or other health researcher, (c) pursuant to court order, (d) to a government official investigating compliance with this law, (e) in connection with the employee's compliance with the FMLA or state family and medical leave laws, and (f) to a public health agency; and
- (4) provides for genetic information received by the employer to be maintained confidentially and disclosed to the employee only.

Remedies and enforcement of Title II (Employment Discrimination) under GINA are the same as those under Title VII of the 1964 Civil Rights Act, with the exception of "disparate impact" claims which are not allowed under GINA (see below under "Important Amendments").

#### *Title I (Health Insurance)*

As to health insurers, under Title I (Health Insurance) the new law applies to group health plans, individual plans, and Medicare supplemental plans. Title I:

- (1) prohibits the use of genetic information in enrollment restrictions and premium adjustments;
- (2) prohibits health plans and insurers from requesting or requiring genetic testing; and
- (3) applies to all health insurance plans, including those under federally-regulated ERISA plans, state-regulated plans, and private individual plans.

GINA requires amendments to the privacy regulations under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), providing that "genetic information" must be treated as health information and that use or disclosure of such information will not be considered a "permitted use or disclosure" under those regulations. Especially for self-insured employer plans, Title I provides significant new penalties.

#### **IMPORTANT AMENDMENTS**

In addition to some of the negotiated changes which limited GINA's definitions, several major improvements negotiated in the new law are designed to limit its potential for litigation.

For example, litigation under the new law is limited to acts of intentional discrimination. "Disparate impact" on the basis of genetic information does not establish a cause of action under the new law. Also, GINA includes "firewall" protections between the employer and health insurers to prevent multiple actions and, in effect, "double-jeopardy."

#### **EFFECT OF GINA**

GINA is the result of more than a decade of legislative negotiations and compromise. As with any new federal law, employers should expect efforts to expand it through federal regulations. There may be some litigation under GINA not before seen under state or other federal laws. For example, employment decisions may now be challenged on the basis that an employer came into possession of such information and then made an adverse employment decision. However, well-counseled employers have 18 months before the law goes into effect to adopt policies and practices to prevent liability.

#### **ABOUT THE AUTHOR**



J. Alfred Southerland's practice at Ogletree Deakins focuses on labor and employment-related litigation before state and federal courts and agencies, including claims involving equal employment opportunity laws, unfair labor practices, wage and hour issues, unemployment compensation, wrongful discharge, state law tort and contract claims, occupational safety and health matters, and immigration. Mr. Southerland can be reached at (713)655-5753.

## Trouble?



Don't let construction problems make you cry. For over 20 years, contractors, owners, and attorneys have called on Interface Consulting for help.

If you experience trouble with planning, scheduling, workmanship, contracts, changes, cost increases, or construction management, contact Interface Consulting and let our construction experts provide the best solution for you.

*We've built our reputation by getting into trouble.*

**INTERFACE**  
CONSULTING INTERNATIONAL, INC.

www.interface-consulting.com  
800.626.0054



# Industry Challenges and Innovative Solutions

## How Contractors Overcame Obstacles to Produce Stellar Results

by Meghan Stephens

in the United States. Both offered the same price. As the pressure mounted to find a solution, Zylicz and his team opted for an alternative contracting method that would appeal to both the client and the vendor. Although general contractors and specialty contractors typically come to lump-sum contractual agreements, it was evident that in order to satisfy both parties, an unprecedented form of negotiation would have to be utilized. For the first time, D.E. Harvey entered into a Guaranteed Maximum Price contract with the fabricator. This offered an incentive to both parties through the potential for savings on either end, barring any further increase in material costs. The Harvey team diligently tracked material costs throughout the project, and were able to come in under budget—ultimately realizing savings for the client and using less rebar overall than they had initially expected. Not only did D.E. Harvey's swift thinking allow them to save their client time and money in the face of potentially disastrous economic conditions, they now have a new method by which to work with suppliers.

### BY THE NUMBERS

E.E. Reed Construction, L.P. knew exactly what they were doing when tasked with building the latest Houston high-rise. The process went flawlessly each step of the way, from the owners to the architects; the contractors to their subs. As the project reached the halfway point, Project Manager David Zeebold noticed an anomaly. The color of the brilliantly designed and special-ordered cast stone that was being installed and interlaced with brick masonry didn't appear to match the color chosen by the client. When contacting the vendor concerning the issue, he was reassured that the wet material would conform to the original color upon drying.

Unfortunately, it wasn't that easy. Upon realizing that the fabricator's shop had inverted the color ID numbers when

**G**eneral contractors and specialty contractors encounter various challenges on the jobsite day-in and day-out. However, from time to time they are presented with a unique and unexpected problem that requires a quick response and an equally exceptional solution. These challenges are not uncommon during hectic times, but require a heightened level of attention—leaving nothing to chance. Build Houston sat down with D.E. Harvey Builders, Inc., E.E. Reed Construction, L.P., and S&B Engineers and Constructors to discuss the unique ways they handled some difficult situations. These are their stories.

### A COSTLY COMPLICATION

When D.E. Harvey Builders, Inc. began construction on the 30-story Memorial Hermann Medical Plaza in October 2004, they had no way of predicting the imminent spike in material prices that would hit the market within a matter of months. As rebar costs skyrocketed from \$400 a ton to \$800 a ton, Project Manager Lohn Zylicz and the Harvey team were suddenly faced with a 2.5 million dollar issue: how to manage the outrageous escalation in material costs while maintaining a quality professional relationship with a client who was now dealing with a larger budget—for a project that would generate the same results.

With rebar prices undergoing the largest increase in market value in twenty years, the Harvey team had limited options. Upon seeking a different vendor, it was discovered that there were only two major mills

transcribing the order, the professionals at E.E. Reed wasted no time in developing a plan of action to correct the mistake. The shop guaranteed a week's turnaround time for the replacement stone to be delivered, and exactly seven days later, E.E. Reed's team implemented their plan to reschedule the install and re-sequence the trades in order to ensure that not another moment would be lost. As the initial masonry was dismantled in order to prepare for replacement, the construction crews were quickly reorganized and simultaneous installation began on the opposite side of the building in order to allow for each specialty to be completed in the correct order. The masonry was consistently one step ahead of the glass and glazing teams, and each task was completed on schedule from that point on. By taking a hands-on approach to scheduling in order to prevent delaying the subcontractors, E.E. Reed kept the project moving at an efficient pace despite the initial setbacks. "If ever faced with this issue again", says Zeebold, "We would absolutely use the same method. Our proactive approach allowed us to prevent any further loss of time or convenience to our subcontractors and our client."

#### PER DIEM PREDICAMENT

For S&B Engineers and Constructors, two schedule-driven projects proved to be more than they bargained for upon encountering prominent issues regarding availability and retention of quality

labor within the oil and gas sector. The first project challenge presented itself with consideration to the oil field boom, and the general lack of knowledge and understanding of the industrial construction and maintenance industry. Since both projects were sited in areas that were known to be less than ideal for obtaining readily available labor, S&B immediately began to do their homework in order to evaluate all possible issues and subsequent solutions in order to ensure expedited reaction time to potentially varying requirements in manpower. This brought forth another set of issues: the oil and gas refining market was reportedly experiencing a major increase in work in the "home area"-thus, S&B would be forced to offer a substantial increase in wages to accommodate per diem standards necessary to attract labor.

When deciding on a rate schedule, S&B walked a fine line in order to avoid artificially inflating the market or entering into a bidding competition with other projects. The potential bidders were evaluated from an alliance stance, verifying a positive history with S&B and ensuring that each possessed a desire to preserve a long-term working relationship. Preferred subcontractors were selected in an "open book" environment, created by continual emphasis on a unified mentality that eliminated any potential adversarial approach. In other words, enforcing the approach that the project would not succeed unless each team member succeeded. When

*Continued on Page 10*

# ACME

## ARCHITECTURAL HARDWARE

**Houston's Largest Inventory  
of Commercial Door Hardware**

*Locks/Door Closers  
Exit Devices/Hinges  
Weatherstripping*

ACME stocks inventory from more  
than 40 manufacturers, including:

**SARGENT** **SCHLAGE** **Norton** **Corbin  
Russwin**

**Visit us Online –**

- Shop our entire inventory at your convenience
- Check pricing and availability
- Generate orders for your projects
- View and print past invoices

## ***Door Hardware You Need – When You Need It!***



**Set up your online  
account today!**

**[www.aahdw.com](http://www.aahdw.com)**  
customerservice@aaahdw.com

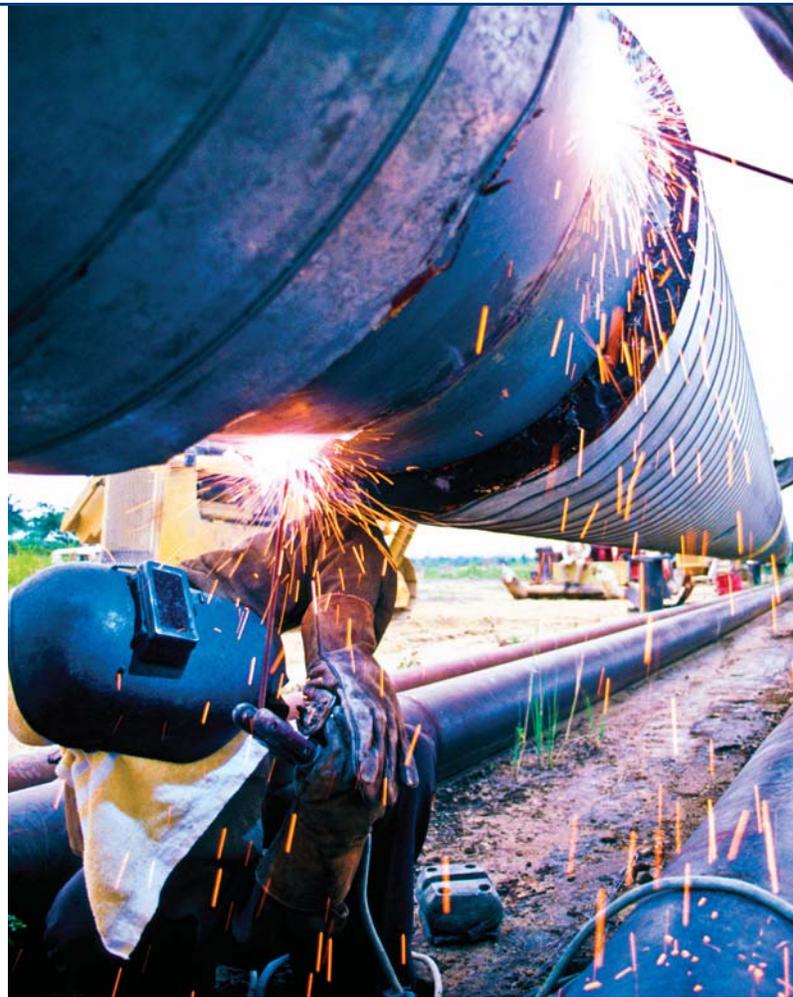
4464 W. 12th St. Houston, TX 77055  
**(713) 263-1010 • (800) 451-6561**

the labor issue was brought to the table, solutions were presented and options discussed with the assumption that everyone would take ownership of the result-whether positive or negative. In addition to raising compensation, issuing incentives, and increasing per diem to attract and maintain labor forces, S&B took it one step further: the “ownership” methodology was applied not just in the discussion forum, but was implemented in the field. They executed this model by hosting safety meetings attended by the entire crew from Project Managers to Craft Workers, establishing training lunches to discuss project conditions, encouraging information- sharing concerning personal and professional issues, and addressing these issues face-to-face. This helped craft personnel to understand that without their input and ownership, success would not be possible. Listening to their employees and tackling concerns head on allowed S&B to develop and retain a satisfied workforce that was eager to pursue and produce remarkable results, and they continue to employ these practices on the jobsite.

***“ The continual escalation in material costs and the volatility of the market itself poses difficulty in scheduling long-term projects with regard to budgets. As a result, clients are beginning to shy away from projects with completion dates extended beyond 2-3 years.”***

#### WHAT'S IN STORE?

Years ago, contractors could still protect an owner and stay within budget regardless of increases in price. Today, there are too many spikes. The continual escalation in material costs and the volatility of the market itself poses difficulty in scheduling long-term projects with regard to budgets. As a result, clients are beginning to shy away from projects with completion dates extended beyond 2-3 years. Therefore, there is no longer any guarantee when anticipating commodity prices. Projections are no longer possible. The uncertainty surrounding the supply of materials as common as concrete, glazing, steel piping, sheet metal, copper, and aluminum is only enhanced by rising fuel costs. At this point, it is impossible to pinpoint when-or if-the prices will come down. “Constant communication with specialty contractors and rapid relaying of information to clients will alleviate budgeting issues to a certain degree”, says Joe Price, Vice President of E.E. Reed.



“Keep each other informed!”

As aging baby-boomers begin retiring, the effects on the overall economy and the construction industry will be substantial, creating a need for younger workers to fill the vacated jobs, many of which require relatively high levels of skill. As the oldest baby-boomers begin retiring in the next several years, the implications for the workforce could be enormous. Additionally, the industry faces labor issues presented by recent reform in immigration law. The labor market is steadily declining as the reigns are tightened on work visas and other permitting, which results in a labor shortage during a time period where workers are needed the most. Associated Builders and Contractors of Greater Houston, the American Subcontractors Association and Texans for Sensible Immigration Reform are just a few of the organizations working to spread the belief that we can secure our borders without criminalizing the employers that fuel our economy. With a united effort, the construction industry can work to overcome the adversities that come with a precarious economy and a waning labor market. - MS



The Principle Focus Of J C GLASS Has Been The Installation, Replacement And Repair Of Commercial Storefront Glass, Framing Systems And Aluminum Or Steel Doors. Look For Us On The Web @ [WWW.JCGLASSTX.COM](http://WWW.JCGLASSTX.COM).

**24 Hour  
Emergency Service**  
Emergency Board Up  
➔ **Available 24/7**  
**Call Us Anytime**  
**713-777-1068**



# AGGREGATE TECHNOLOGIES

## QUALITY SERVICE & DEPENDABILITY

- Slab Sawing • Electric Sawing
- Soff-Cut (Early Entry Sawing)
- Concrete Breaking & Removal
- Wall Sawing • Core Drilling
- Wire Sawing • Total Lift Out
- Robotic Demolition
- Joint Sealing (Any Application)
- Pavement Striping, Signage & Cleaning



**Core Drilling**



**Wall Sawing**



**Robotic Demolition**

Member Affiliates:



Phone: 281.579.7229 Fax: 281.579.8578  
Toll Free: 1.877.SLAB SAW  
[www.aggregatetechnologies.com](http://www.aggregatetechnologies.com)

# Your Source is now Your Solution

We're the **same** people that recruited, screened and referred candidates to fill 50,000 open jobs in 2007.

Through our network of career offices, we're the **same** group that helped more than 200,000 people go to work or get a better job last year.

We're the **same** organization that provided more than \$115 million in financial aid for all of our customers.

All that's different is our name.  
Discover what's still the **same**.

**Find your Solution with  
Workforce Solutions today.**

**1-888-469-JOBS**  
[wrksolutions.com](http://wrksolutions.com)

The WorkSource is now...

**Workforce Solutions**

# Proposed Legislation Has Obama Questioning Your Patriotism

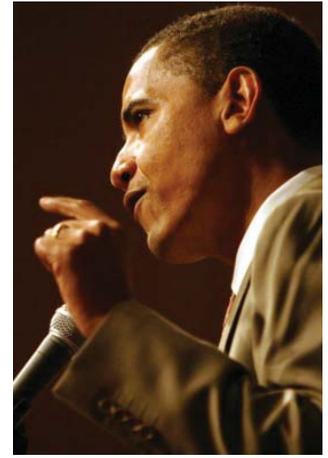
By Meghan Stephens

A Senate meeting in August of 2007 marked Presidential Candidate Barack Obama's introduction of a bill called the Patriot Employer Act. Recently, Senator Obama reiterated his intent to make the enactment of this bill a priority, which will bring an end to tax breaks for companies who outsource American jobs overseas and apply a tax incentive to reward companies who invest in American jobs, provide good benefits, and support their employees when they are called to active duty. The implications of Sen. Obama's proposal entitle certain firms as "patriot employers", which will essentially be favored over other businesses that are presumed to be unpatriotic—a rather harsh implication.

According to the legislation, patriotic companies are cited as those who satisfy six conditions. First, employers must not decrease their ratio of full-time workers in the U.S. to full-time

workers abroad. Second, they must compensate employees with at least \$7.80 per hour, cited as an income sufficient to keep a family of three above the poverty level. Third, they must provide a defined benefit retirement plan or contribution retirement plan that matches at least five percent of each worker's contribution. As a fourth condition, they must pay at least sixty percent of each worker's health care premiums. Fifth, each employer must pay the difference between a worker's regular salary and military salary and continue the health insurance for all National Guard and Reserve employees who are called for active duty. Finally, they must maintain neutrality in employee organizing campaigns.

In other words, in order for an employer to receive the benefits



## Performance You Expect. A Noise Level You Don't.

Ditch Witch® vacuum excavation systems are, simply put, the quietest and most productive in the industry. Designed to perform a wide range of cleanup and soft excavation tasks, the FX30 and FX60 feature powerful but remarkably low-noise, Tier-3-compliant engines that exceed all DOT, CARB, OSHA, and EPA regulations. You can't afford surprises, so give us a call or visit [www.dwhouston.com](http://www.dwhouston.com).

 **Ditch Witch®**  
[ditchwitch.com](http://ditchwitch.com)



Ditch Witch of Houston  
[www.dwhouston.com](http://www.dwhouston.com) | 866-650-5013

©2008 The Charles Machine Works, Inc.

of the Patriot Employer Act, it must fulfill the agenda that is most desirable to “Big Labor”, regardless of the competitive consequences. Sen. Obama’s proposal disregards the marketplace reality that businesses ultimately want to make money, and therefore hire a workforce that will perform at a rate that allows the company to profit. If companies are coerced into providing wages and benefits above rates set by the market, it could cause a rise in unemployment levels and a surplus of laborers who will have to seek employment elsewhere. “We should encourage corporations to be patriot employers that create good jobs with

***“Sen. Obama has failed to recognize that the innate response of firms to higher wages is to employ less labor, and even with a tax credit equal to one percent of taxable income, not every employer in the United States can provide these subsidies and still make enough of a profit to stay in business.”***

good benefits for American workers,” said Senator Obama. “Patriot employers help maintain American competitiveness in the global marketplace, while keeping our workforce and our middle class strong.” Although Sen. Obama is correct, he has left out an important fact: free enterprise does that better than any of the alternatives.

Sen. Obama has failed to recognize that the innate response of firms to higher wages is to employ less labor, and even with a tax credit equal to one percent of taxable income, not every employer in the United States can provide these subsidies and still make enough of a profit to stay in business. Additionally, to finance this tax break, American companies with subsidiaries abroad would have to pay the U.S. corporate tax of the host country where they are earned. Since most of the world has a lower corporate tax rate, this amounts to big tax increase on earnings owned abroad.

Essentially, U.S. companies would have to pay a higher tax rate than their overseas competitors. According to research by Peter Merrill, an international tax expert at PriceWaterhouseCoopers, this change would “raise the cost of capital of U.S. multinationals and cause them to lose market share to foreign rivals.” Apparently, Sen. Obama believes that by making U.S. companies less profitable and less competitive world-wide, they will somehow be able to create more jobs in America. However, more foreign investment by U.S. companies tends to lead to greater domestic investment, and U.S. firms’ hiring of more offshore workers is positively, not negatively, associated with the number of American workers they hire. This is due in part to the fact that often what is produced overseas by subsidiaries are component parts to final, higher-value-added products manufactured here.

If the U.S. didn’t impose the second-highest corporate income tax rate in the world, companies would have less incentive to move jobs overseas. Rather than giving certain companies a 1% tax credit, it makes more sense to reduce the U.S. corporate tax rate for everyone by at least 10 percentage points to the global average. A study by the American Enterprise Institute has shown what economists have long understood: U.S. workers, not the firms, bear the incidence of the corporate income tax in lower wages and salaries. If anything is unpatriotic, it is the 35% U.S. corporate tax rate. - *MS*

#### INDUSTRIAL INSTRUMENTATION AND ELECTRICAL SERVICES



#### **The Value of High Standards**

*Our clients are demanding and their standards are high. So are ours, because high standards attract the best people, and high standards challenge them to learn and grow.*

*That’s why so many of the world’s leading industrial facilities count on ISC, where NCCER-certified men and women set high standards of their own, and constantly challenge themselves to get even better.*

*If that sounds good to you, call ISC -- whether you’re planning a job or looking for one.*



**Industrial Specialty Contractors, L.L.C.**  
420 Dickinson Ave.  
League City, TX 77573  
281-338-2000  
[www.iscgrp.com](http://www.iscgrp.com)



## ABC Goes To Washington

By Meghan Stephens and Kara Haney

**R**epresentatives from Associated Builders and Contractors (ABC) nationwide gathered to meet with Congressmen and women to discuss relevant issues to the construction industry at the ABC National Legislative Convention held June 16-19 in Washington, DC. ABC voiced its legislative priorities for 2008-2009, which include developing a fair and successful immigration reform measure that provides enforcement of our laws, the security of our borders, and the prosperity of our economy by maintaining the ever-growing need for labor, and the elimination or revision of the Davis Bacon Act, an outdated policy that established the requirement for paying prevailing wages on public works projects.

According to the Davis Bacon Act, all federal government construction contracts, and most contracts for federally assisted

construction over \$2,000, must include provisions for paying workers on-site no less than the locally prevailing wages and benefits paid on similar projects. This raises construction costs by an average of 5-15 percent and as much as 38 percent in non-urban areas. As it pertains to craft labor, The Department of Labor's Office of Inspector General (OIG) discussed the substantial inaccuracies which occur in wage determinations and are vulnerable to fraud.

Congressmen Ted Poe and Kevin Brady met with representatives from the multiple ABC Chapters, offering their support for the merit shop cause. Senator Kay Bailey Hutchison and Senator Cornyn also opened their doors, giving the entire Texas membership a presentation of their ambitions for the upcoming term and shared gratitude for ABC support. "I was impressed with the accessibility of Congressional Representatives to our members. Everyone was open for scheduled visits and took the time to discuss the issues of our industry", said Kara Haney, Government Affairs Coordinator of ABC Greater Houston. Throughout the week, it was apparent without a doubt that ABC is a force to be reckoned with in Washington. - *MS/KH*



**Commercial  
Wireless  
Solutions**



**Houston Ship Channel's Premier  
Wireless Solutions Provider**

**\*sales, service and rentals\***

**MOTOMESH Wireless Broadband Reseller**



**(713) 472-9700**

**www.wirelesstx.com**

**Contact us: info@wirelesstx.com**



**MOTOSTAR**  
2007 Excellence Award



**MOTOROLA**  
Authorized Two-Way  
Radio Dealer



Hey Fred! is authored by Fred Ode, CEO/Chairman of Foundation Software, developer of award-winning FOUNDATION For Windows construction job cost accounting software. Mr. Ode has over twenty-five years industry expertise and is a renowned author, speaker and instructor on construction, accounting and technology-related topics. To submit your questions to Hey Fred!, please email [heyfred@foundationsoft.com](mailto:heyfred@foundationsoft.com) and type the term "question" in the subject line. To learn more about Foundation Software, visit [www.foundationsoft.com](http://www.foundationsoft.com).

*Disclaimer: Hey Fred reserves the right to change names and edit questions for privacy, length, and readability issues.*

**Q.** Hey Fred,

*Our contracting company uses Excel spreadsheets to prepare our bids. Lately we've been looking into upgrading to a trade-specific estimating package. Among other things, we want to make sure that it integrates with our new job cost accounting system. What are some of the things we should look for?*

- Alan

standard language that allow for easier data sharing and access.

One way to be sure that your new software purchase will integrate with another is to ask your vendor for names of contractors who are successfully integrating the two products. If they have none, I would be skeptical that "seamless" integration is indeed possible.

- Fred

**A.** Hey Alan,

First, let me congratulate you on two major accomplishments: one, your company's decision to upgrade to construction-specific accounting and estimating tools, (both of which should lead to better financial management) and two, your decision to integrate these two key technologies.

If you want to avoid a lot of unnecessary work down the road, make sure you do your homework now. A lot of contractors purchase software believing that it will integrate with another system only to find that it takes two, three or even four steps to make it happen. You need to ask specific questions, such as "when a bid is passed from our estimating department to accounting, how will the detail be handled?" To be more specific, if the bid contains 16 line item costs for concrete work, does the accounting software contain corresponding items? If not, will the accounting software automatically add the line item costs not already in the system?

An important consideration regarding integration has to do with technology. Software that uses old technology will generally not provide easy integration with other software. On the other hand, new technology programs – such as database-driven systems – use current and



true  
innovation

**MaximClient.com** is an innovative Internet-based program that stores important documentation and vital information. Designed with the busy professional in mind, MaximClient.com allows you to conveniently pull resources, communicate with your insurance agent and file reports from anywhere with Web access.

MaximClient.com contains three specialized services and hundreds of communication, organization and research features. Services include Maxim HRconnection, Maxim RiskManager and Maxim OSHA. **MaximGroup** brings innovation, value and responsiveness to the complex world of insurance, employee benefits, financial services and risk management.

**With MaximClient.com services you can:**

- Create, exchange and store insurance and compliancy information
- Research legislative news updates
- Communicate online with industry peers
- Access OSHA compliancy resources



true blue

maximblue.com  
281.337.2516

INSURANCE | INVESTMENTS

# Moving On Up!

## CMEF Relocates to Better Serve the Industry

By Meghan Stephens

The Construction & Maintenance Education Foundation (CMEF) provides the Greater Houston area with a vehicle through which industry and craft professionals can receive formal training in multiple fields. As an educational affiliate, CMEF ensures that ABC members receive affordable, award-winning craft training offered at several conveniently located campuses throughout the city. CMEF educates over 1,200 students each year, helping individuals propel their skills and careers forward through programs such as Craft Training, Upgrade Training, and the Apprenticeship Program.

***“CMEF understands that a community approach to training is fundamental to developing a skilled and educated craft workforce within the entire industry.”***

CMEF opened the doors to its Deer Park office on Monday, August 4, 2008. The modern facility houses an array of training spaces to accommodate a broad spectrum of services offered by CMEF and its contributors, and features a computer lab with 18 computer workstations used to administer assessments for the NCCER National Craft Assessment and Certification Program as well as to dispense online craft training classes. Additional amenities include a spacious training room with capacity for up to 30 people and a smaller training area that can hold as many as 15. Both rooms are equipped with teaching aids, including projectors with complete audio capabilities and demonstration boards. CMEF’s conference room also suits needs for small meetings or interviews. CMEF will continue to utilize the local area community colleges for its formal craft training classes.

CMEF understands that a community approach to training is fundamental to developing a skilled and educated craft workforce within the entire industry. The new building will give CMEF the ability to spread its wings and sustain goals of recruiting new entrants and retaining existing workers through an increased variety of programs focused on assessment, training, and continued education. CMEF will host an open house in September. ABC members and industry professionals will be invited to drop in at their leisure and tour the new facility located at 2950 East X Street; Deer Park, TX 77536. For more information about CMEF or its program offerings visit [www.abchouston.org](http://www.abchouston.org) or contact Anthony Saucier, Director of Education, at (713)523-6222 or via email at [anthony@abchouston.org](mailto:anthony@abchouston.org). - MS



**The most versatile tool in Texas**

**EQUIPMENT  
DEPOT**

**In stock for rental or purchase!**  
parts • service • training

**SKYTRAK**

<b>Houston</b> (713) 869-6801	<b>Beaumont</b> (409) 842-0575	<b>Brazosport</b> (979) 864-4800
----------------------------------	-----------------------------------	-------------------------------------

[www.eqdepot.com](http://www.eqdepot.com)

# NERVES OF MOBIL STEEL

## *Flexibility in Steel Projects*

As the economy hints at recession, energy prices soar, and raw materials costs rise – such as steel’s 40 percent increase – companies are challenged to deliver value beyond pricing. Mobil Steel International, Inc., the 40-year-old steel fabrication business, meets the challenge by embracing customers and vendors as partners, demonstrating a “can do” assurance and trust.

“The customer is our partner,” explains Leonard A. Bedell, Mobil Steel’s President and CEO. “We pride ourselves on serving their needs. Projects and customers change, however, we remain true to customers and our core values: integrity, reliability, quality and flexibility.”

### **Flexible Operations**

Mobil Steel builds and trains a team of employees with experience and skills to serve customers. General Manager Mark Scott is an example of the multi-skilled personnel who return to Mobil Steel and accelerate its development. Scott worked in the Mobil Steel plant while still in school, developing operational and leadership skills. Now a veteran manager in steel fabrication and erection, his vast knowledge helps operations better serve customers.

Following a failed ownership change ending in 2004, new management and investors directed the company’s recovery with emphasis on commercial building. Mobil Steel fabricated steel for schools, hospitals, and office buildings. As the company rebuilt its management team and skilled staff, they responded to changing energy markets and began fabrication for major projects in petrochemical, oil service and alternative fuels markets, such as ethanol, LNG, and biodiesel plants and related pipelines.



*Mobil Steel fabricates steel to fit customer needs.*

[www.buildhoustononline.com](http://www.buildhoustononline.com)

“We developed great relationships and improved our plant’s skill set for doing commercial and industrial work,” Bedell relayed. “We also reinforced relationships with returning customers in refining and petrochemical markets as they expanded. We now serve commercial, energy sectors, refining and chemical projects.”

### **Reliable Partner**

Mobil Steel has capacity to deliver multiple projects – six bays with 80,000 feet under roof fabrication area sit on 8.5 acres. When other fabricators cannot meet schedules, Mobil Steel utilizes its flexible capacity to meet customers’ requirements.

“Even when not awarded a bid proposal on a new project, we let companies know we are there to back up their fabrication and scheduling needs. We want them to know that we have experience, talent and capacity to deliver on time, and that we are flexible,” advocated Bedell.

“It works to our advantage. Several larger jobs in 2007 developed from jobs we initially were not awarded, generally due to scheduling or performance issues with fabricators selected. We secured future jobs by coming through for the respective projects’ completion success.”

Mobil Steel emphasizes long-term relationships. While others over-promise on delivery and capacity to perform, Mobil Steel strives to exceed expectations. Experienced employees forecast reasonable timetables, give accurate pricing and build a partnership to last.

“We are not going to promise a quick turnaround or cheap price to get business,” mentioned Scott. “Our relationships are built on trust and credibility. We deliver on our promises.”

### **Service & Quality**

“We appreciate the trust that our employees, customers and vendor partners placed in us when we were going through tough times,” states Bedell. “We are loyal to those who



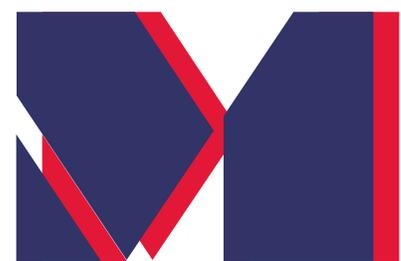
*Mobil Steel’s 8.5 acre site adjacent to Beltway 8 near Highway 288 provides convenient access and abundant capacity. Six bays and 80,000 feet of fabrication area under roof provide flexibility to meet customers’ schedule requirements.*

believed in us and wanted Mobil Steel to succeed. Our vendors, bankers, investors and dedicated employees provided ingredients for a successful transition. We see opportunity to secure more work through loyal relationships and a stronger customer base.”

Mobil Steel repays that trust through community and business service. Employees volunteer with community clubs and little league, contribute to local charities and actively support ABC Greater Houston’s industry development and training. Mobil Steel employees and managers sacrifice additional time and effort to be quality certified by American Institute of Steel Contractors (AISC).

“We owe our customers extra value. We provide quality and reliable service job-after-job,” Bedell stated. “Mobil Steel is proud to be one of few Houston area fabricators that have gone the extra step to meet stringent AISC certification.”

“Just like our logo, the AISC quality logo is a mark of excellence in the steel fabrication business,” Bedell emphasized.



**MOBILSTEEL**

(713)991-0450

[www.mobilsteel.com](http://www.mobilsteel.com)



# Stand-Down to Stand Up for Safety

By Meghan Stephens

a positive way to reinforce a team mentality as a component of risk aversion and “keeping your head in the job”, along with recurring job safety analysis (JSA) discussions in order to eliminate distractions that could lead to falls—the leading cause of death in the construction industry. These concepts are based on the idea that safety is an integral part of every job, not a

Since the start of the 2008 OSHA fiscal year on October 1, 2007, there have been approximately 130 fatality investigations in Region VI. Approximately 39% of these were construction-related. In the Houston area, there have been 20 fatality investigations. Nine of them, or 45%, were in construction.

The 2008 Safety Stand-Down was a week-long event held June 16-20 during which the construction industry, in partnership with OSHA, put forth a unified effort to encourage jobsites to stand-down their projects in order to reinforce the importance of safety on the job. Organized by general contractor and specialty contractor members of the Associated Builders and Contractors of Greater Houston, the week was aimed at taking a proactive approach to refocusing attention on safety in order to heighten employee awareness from Project Managers to Craft Workers. In an industry whose onsite accidents consistently rank among the top statistics in the nation, the value placed on delivering this message is literally a matter of life and death.

This year’s goal for the Safety Stand-Down was to convey a safety proposal that most construction workers have never heard. They were encouraged to ask themselves why they work safe, and to focus on the importance of safety as it relates to day-to-day lives. Long-term career stability was highlighted as a prominent issue, along with the wide-ranging impact of personal health on family and loved ones, and individual potential to enjoy recreation and retirement in good physical condition as a result of safe practices on the job. Each employee’s well-being and financial security is always at risk if someone takes chances or lose focus. Open communication and sharing between co-workers was cited as

separate entity.

“We are committed to a safe worksite and making sure our subcontractors are aware of the dangers we work in each day”, said Tracy Knetsar, Assistant Project Manager at D.E. Harvey Builders, who closed down seven Woodlands-area jobsites in order to gather 478 employees for their Stand-Down presentation. Representatives were aided by Spanish-language translators as they spoke on topics encompassing the vast spectrum of employee motivators and incorporating each possible corollary of an unexpected accident, followed by tips and facts from



*Craft professionals at the D.E. Harvey Builders’ New US Oncology Project in The Woodlands sign a pledge banner stating that they work safe for themselves, their family and their coworkers.*

***“The 2008 Safety Stand-Down was a week-long event held June 16-20 during which the construction industry, in partnership with OSHA, put forth a unified effort to encourage jobsites to stand-down their projects in order to reinforce the importance of safety on the job.”***

project partners Excel Interiors, Dynamic Glass, W.W. Bartlett, Hi-Tech Electric, and Graves Mechanical concerning each aspect of construction safety from scaffolding to electrical.

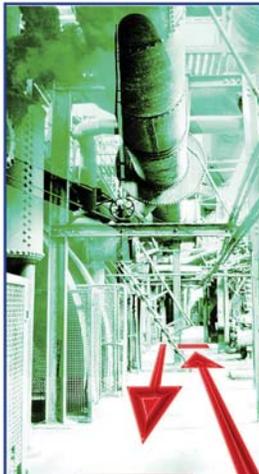
It is a widely-known fact in the construction industry that no matter how much training is provided, taking the necessary steps to preventing injuries ultimately lies with each individual worker. From site to site throughout the week, the message of the Safety-Stand Down was clear: No one gets hurt. Period. - MS

## A Safe Workplace is a Vital Concern

As an employer, you are charged with providing your present employees a safe working environment. So the means to gather facts such as driving records, on-the-job accidents, and criminal records on potential new hires is vital to you.

Membership in the Industrial Foundation of America gives you a source for this data, and we can supply it within hours; accident information within minutes. These histories make your supervisory personnel better able to prevent recurrence of accidents and to guide employees toward improvements in safety and productivity.

Call 1-800-592-1433 or Fax 1-800-628-2397  
For information on joining IFA and providing a safer workplace.



Industrial Foundation of America  
402 East San Antonio Avenue  
Boerne, Texas 78006

Email: [ifasmith@gvtc.com](mailto:ifasmith@gvtc.com)

[www.ifa-america.com](http://www.ifa-america.com)

## Occupational & Health Testing

### Provided Services

- PFT
- Respirator Fit
- On-Site Services
- Drug Screening
- DOT & Non-DOT Physicals
- Occupational Testing & Training
- Counseling Services for Substance Abuse
- Breath Alcohol
- Paternity Testing
- Exposure & Baseline Testing
- DISA, ASAP, Psychomedics & Quest Collections
- And More...

TIME IS MONEY and that is why we offer the best turnaround time on testing services. We will provide you individual customer service, based on your company's testing needs. In office & mobile onsite collections!

Ask about on-site services in Louisiana, Beaumont, Nederland Texas & around the Nation.

- Use a single source for all your occupational testing needs.
- Call us at 281-476-4600 to set up your account. Ask for Donna Coneley.

## 2 Locations To Serve You

*ExperTox  
Lab Services  
1803 Center St.  
Deer Park, TX 77536  
(281)476-4600*

*All American Screening   
1400 Velasco Blvd. Bldg.  
C-101  
Freeport, TX 77541  
(979)239-3000*



## OLDENETTEL & DIES

Attorneys at Law

*Representing Houston Businesses  
and Houstonians for 28 Years*

### Handling complex litigation involving:

- Products
- Construction
- Oil and Gas
- Personal Injury/Wrongful Death
- Commercial and Insurance Disputes

*- A.V. Rating from Martindale-Hubbell -  
- A.M. Best Recommended Attorneys -*

*Rick Oldenettel is Board Certified in Civil Trial Law and Personal Injury Trial Law by the Texas Board of Legal Specialization*

1360 Post Oak Blvd., Suite 2350  
Houston, TX 77056  
T: 713.622.9220 F: 713.622.5161



# When Bad Things Happen to Good Employers

**Y**ou have good programs. You train your employees. You conduct audits in the field to verify performance. When you see trends, you respond. When workers break rules, you discipline them. But workers still break rules when you aren't looking and when OSHA is.

## What's an employer to do?

Enter Stage Left...the Affirmative Defense. A defense, as a matter of law, that asserts mitigating facts (reasons why something happened) rather than denying the facts themselves.

Affirmative Defenses are accepted by the Occupational Safety & Health Review Commission ("OSHRC"), a division of the Department of Labor that considers and rules on any contest of OSHA citations. While the burden of proof that the employer violated the cited regulation is upon OSHA, the burden of proof for an affirmative defense is placed solely upon the employer.

Since OSHRC allows employers to be represented by lay representatives, and because my firm has, in this capacity, been involved in several hundred cases contesting OSHA citations over the last 25 years, we are qualified to share our experience as experts, even though we are not attorneys\*\*.

Affirmative defenses may include, but are not limited to:

1. No employer knowledge;
2. No hazard;
3. Following the regulation would have created a greater hazard;
4. Employer relied upon the advice or direction of an OSHA representative;
5. And many others.

However, the most commonly asserted Affirmative Defense is "Employee Misconduct" because employers often assume that this is easy to prove. "I told him not to and he did it anyway. Isn't that proof enough?" No, it is not.

In order to successfully plead any Affirmative Defense, an employer

must be able to prove, not simply assert, the items outlined in our opening paragraph. Specifically he must prove all of the following [solutions are in brackets]:

- a. He has written policies that have been communicated to the workers, most especially, the offending worker [signed notices]; and
- b. He has trained the workers, and the offending worker, on these policies [signed training records]; and
- c. He has verified that the workers understood the information and are implementing it in the field [documented field safety inspections]; and
- d. When the employer's field verification reveals unsafe trends the employer responds to correct trends [records relating to process improvement that timely correspond to trends]; and
- e. When the employer's field verification reveals unsafe acts by individuals, the employer disciplines those individuals [written disciplinary records]; and
- f. The employer's efforts in a-e above are a stable process, consistently implemented across all operations [records for more than six months demonstrating both supervisors and labor are subject to these rules throughout company jobsites, not just the "owner-conscious" projects].

Documentation is where employers most often fail and disciplinary action documentation is the most common failure. Where there's no record of discipline, there's no employee misconduct.



***“While the burden of proof that the employer violated the cited regulation is upon OSHA, the burden of proof for an affirmative defense is placed solely upon the employer.”***

If you don't discipline offending workers at the time you become aware of their offense, you are not serious about stopping the bad behavior. If you don't discipline supervisors who repeatedly have workers on their crews who violate safety rules, you are not serious about safety. And, if you don't document the disciplinary action you are never going to convince OSHA, or a jury, that you are serious about discipline or safety.

Keep a log of the discipline you mete out. The log should include: date issued, employee name/title, type of offense (fall protection, no hard hat, etc.), discipline type (verbal, time off, termination). This way, when you need to produce these records, you don't have to rely upon your memory or search out the records one personnel file at a time. You can use your log to quickly identify relevant discipline records and then go straight to the relevant employee files.

Good practices properly documented mean that, when you enter Stage Left with an Affirmative Defense, you are very likely to exit Stage Right with a vacated citation.

\*The masculine gender is used for expediency only and, in context, encompasses both the masculine and the feminine.

\*\*TCA is not a law firm and the information shared in this column is not intended to replace legal advice by a licensed attorney. Please consult a licensed attorney for legal advice.

#### ABOUT THE AUTHOR

Tara Hart is the Founder and CEO of TCA/The Compliance Alliance, which ranked #20 on Houston's 2007 Top 50 Fastest Growing Woman Owned Businesses. TCA has provided services to over 1000 companies nationwide and TCA tools, methods and means have been ranked #1 in the world for managing contractor safety. Recently

named one of the Who's Who in Safety by Compliance Magazine, Ms. Hart is a sought after public speaker and has appeared on local and national radio and television programs on the subject of safety. Ms. Hart may be contacted at either [www.tcamembers.com](http://www.tcamembers.com) or 713-263-7661.



**THE HOLES COMPANIES:**  
Your Complete Solution For  
**CONCRETE DEMOLITION  
AND REMOVAL**

**Inc. 5000**

**HOLES INCORPORATED**   **HOLES GOLDEN TRIANGLE**   **HOLES SOUTH TEXAS**   **HOLES TECHNOLOGY, L.P.**

**We Can Cut It.**  
**(281)469-7070**   [www.holesinc.com](http://www.holesinc.com)

## DIGITEX CORP

DOCUMENT TECHNOLOGY EXPERTS

...At Digitex we realize your new office equipment hardware is only as good as the software that drives it, and the people who back it. Change is never easy so we simplified things for you.

**RICOH**  
Aficio MP W2400  
#1 Market Share 3 Years Running!



Print/Scan to Email, 2 Rolls up to 36"

**Canon**  
iPF710 with Colortrac  
Scanner-Full Color 36"



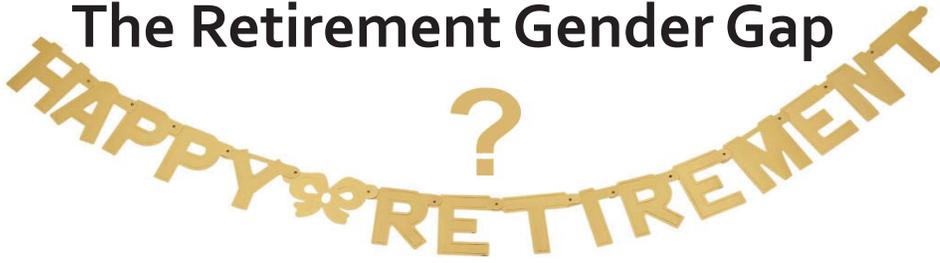
Print/Scan to Email/1 Roll

**DIGITEX CORPORATION**  
**YOUR WIDE FORMAT SPECIALISTS**

**STOP OUTSOURCING!! WE CAN SAVE YOU TIME AND \$\$\$\$\$**

Contact: Tina Reeves   [treeves@digitexcorp.com](mailto:treeves@digitexcorp.com)  
1.888.digitex   [www.Digitexcorp.com](http://www.Digitexcorp.com)

# The Retirement Gender Gap



Consider this: On average, women's salaries equal about three-quarters of men's, according to the Institute for Women's Policy Research. Additionally, if a woman reaches her mid-60s, she can expect to live approximately 17 more years. Plus, women spend an average of 11 years out of the workforce caring for a relative or children, while that total amounts to about 16 months for men.

Add all this together and you could see that in terms of preparing for retirement, men and women are not created equal. Even at a glance, the math above shows that women are at a significant disadvantage when it comes to retirement. Less cash earned means less money saved. Longer lives mean more money is needed to fund a retirement. And fewer years in the workforce means fewer contributions to company-sponsored retirement plans, as well as to Social Security.

The bottom line? Women need to address these significant gender gaps as soon as possible and take steps to ensure that they are well prepared for retirement.

Start early. It is the oldest piece of investing advice. The power of compounding can turn a small amount invested today into a significant amount saved for tomorrow.

For example: Over a 35-year time period, putting away as little as \$25 per month can add up to as much as \$85,000 (based on an average annual return of 10 percent) at retirement time.

Investing in your retirement should take priority over almost every other financial expenditure, including saving for a new house or a child's college education. Remember, there are no scholarships for retirement.

Contribute any "found" money, such as bonuses, tax returns, cash gifts or divorce settlements, to your retirement account. Even small amounts can add up over time, and the value in the long run usually outweighs any short-term splurges.

Before leaving the workforce to care for children or aging relatives, carefully consider the long-term effect that being out of the workforce will have on your retirement savings, as well as your Social Security contributions. Consider whether you alone



***We do it all!***

4235 Richmond Ave.  
713.621.0022  
1000 Main, Ste. T110  
713.579.1213  
3232 Chimney Rock  
713.977.6363  
10606 Hempstead Hwy.  
713.690.5636  
361 Greens Rd.  
281.875.2500

**ReproMAX**  
PARTNER

Let A&E - The Graphics Complex handle all of your printing needs!



**A&E**  
THE GRAPHICS COMPLEX  
A DIVISION OF THOMAS REPROGRAPHICS, INC.

• Construction Documents	• Posters and Banners	• Mounting & Laminating
• Document Management	• Direct Mail	• Presentation Graphics
• 3-D Models/Prototypes	• Plotters/Copiers	• Site Signs
• B&W and Color Digital Prints	• Fleet Graphics	• On-Site Imaging Centers
• Self-Service Centers*	• Pickup & Delivery	• Mailhouse Services

*...and more!*

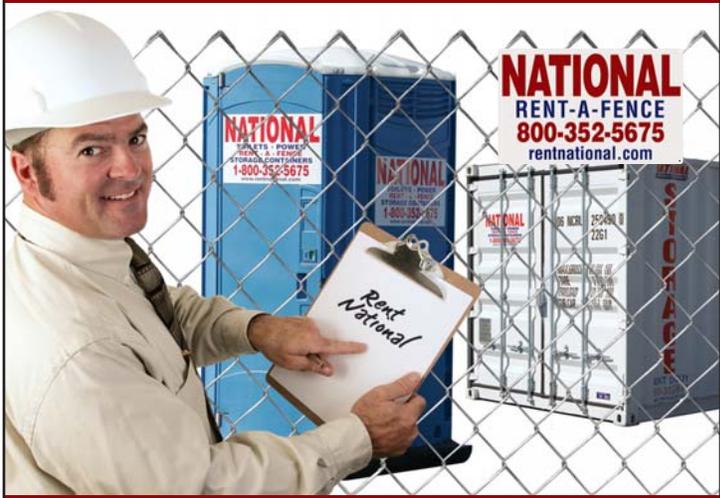


**www.aecomplex.com**

\*Some services may not be available at all locations. Call 713.621.0022 for self-service information.

## Choose NATIONAL

### For Rent-A-Fence, Portable Restrooms and Mobile Storage Containers!



**Serving all of Houston**  
**Call 281-821-8005 today!**  
16207 Aldine Westfield Rd. • Houston, TX 77032



Recipient of the  
**Habitat**  
for Humanity  
Hammer of Hope Award

will be funding your retirement or if you will have help. And if you do need to take time away from the workforce, try to continue to make minimal contributions to an IRA.

While saving for retirement should be a centerpiece of every person's financial plan, women in particular should closely examine the retirement they are going to need based on longer life expectancies and individual life choices. Starting early and including the long-term financial impact when making choices may help ease retirement worries for women in the future.

**ABOUT THE AUTHOR:**

Carmen Cuneo is a financial consultant with RBC Wealth Management in Downtown Houston (713) 651-3368. This article was prepared by or in cooperation with RBC Wealth Management. The information included in this article is not intended to be used as the primary basis for making investment decisions nor should it be construed as a recommendation to buy or sell any specific security.



RBC Wealth Management does not endorse this organization or publication. Consult your investment professional for additional information and guidance. RBC Wealth Management does not provide tax or legal advice.

a TrueBlue company

**Your Project. Our People.  
The Best Match!**

CARPENTERS ELECTRICIANS CONCRETE WELDERS DRYWALL HVAC PAINTERS PLUMBERS

**NOW OPEN!**  
**DEER PARK (281) 478-4107**    **HOUSTON (713) 290-9100**    **SUGARLAND (281) 565-3636**

After all, if you've got the right people there's no limit to what you can do!

As America's most dependable supplier of skilled tradespeople, CLP is proud to work with thousands of contractors nationwide who value hiring the best and brightest people to get the job done. In fact, we've built our reputation on recruiting the most hard-working, fast-thinking, and reliable men and women around.

**CLP**  
SKILLED TRADES SOLUTIONS  
WWW.CLP.COM | 1-800-CALL-CLP

AA020 © 2008 CLP Resources, Inc. | 113-010208

**CREATIVE SOLUTIONS,  
EXCEPTIONAL SERVICE.**

**FOR ALL YOUR CONSTRUCTION LEGAL NEEDS.**

**CB&Y**  
COKINOS, BOSIEN & YOUNG  
Attorneys at Law

FOUR HOUSTON CENTER  
1221 LAMAR ST., 16th Floor  
HOUSTON, TX 77010

713-535-5500 ♦ Fax: 713-535-5533  
www.cbylaw.com

HOUSTON • DALLAS - FT. WORTH • SAN ANTONIO

**KARL'S**  
EVENT RENTAL

**GULF COAST INDUSTRIAL DIVISION**

Specializing in Structures for Industrial Sites

- Turnarounds
- Climate Controlled Structures
- Lunch Tents
- Construction
- Storage

Tents, Power, Climate Control, Tables, Chairs

**(713)466-7222 or (713)824-0774**  
**www.karls.com**

**NEW EQUIPMENT AVAILABLE FOR SALE IN 2008**

14925 S. Main St.  
Houston, Texas 77035  
713-721-7070 fax 713-721-0650

6754 Leopard St.  
Corpus Christi, Texas 78409  
361-289-2782 fax 361-289-2785

2525 Irving Blvd  
Dallas, TX 75207  
214-391-4000 fax 214-391-4001

139 Clendenning  
Houma, Louisiana 70363  
985-851-1118 fax 985-851-1194

6821 Pecue Lane  
Baton Rouge, Louisiana 70817  
225-753-4111 fax 225-753-4998

4140 South 87th East Ave  
Tulsa, Oklahoma 74145  
918-622-1477 fax 918-622-1486

**smequipment.com**



**TEREX**

Multiple units available  
2008

Terex CD225 June  
Terex RT230-1 Immed  
Terex RT335-1 Immed  
Terex RT555-1 Immed  
Terex RT665-1 June  
Terex RT780 June  
Terex RT1120 July



**TEREX AMERICAN**

Multiple units available  
2008

American HC60 July  
American HC80 Immed  
American HC110 June  
American HC165 July



Multiple units available 2008

Broderick IC-35-2D Aug  
Broderick IC-80-3G Jun-Jul-Aug  
Broderick IC-200-3F Jun-Jul-Aug  
Broderick RT300-2C Aug  
Broderick IC-250-3B Aug



**TEREX DEMAG**

Multiple units available  
2008

Demag AC 80-2 November  
Demag AC 140 August  
Demag AC 200-1 November



**MANTIS**  
MANUFACTURED BY  
**SpanDeck**  
INCORPORATED

Multiple units available  
2008

Mantis 3612 June  
Mantis 6010 Aug  
Mantis 9010 Aug  
Mantis 10010Mx Jul  
Mantis 14010 Aug  
Mantis 20010 March

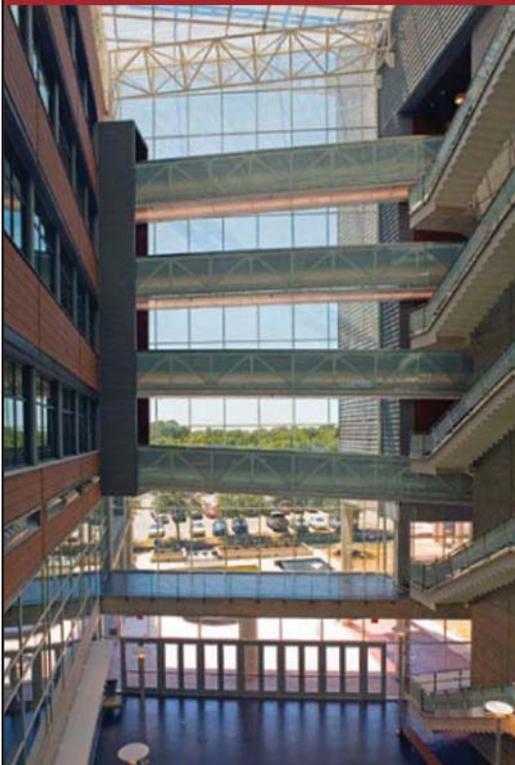
**CALL THE BRANCH NEAREST YOU FOR PARTS AND 24 HOUR SERVICE**

**RENTALS • SALES • PARTS • SERVICE**



**MAREK**

FAMILY OF COMPANIES



**COMMERCIAL  
INTERIOR  
SPECIALISTS**

*Helping General Contractors meet  
today's challenging construction needs  
with ingenuity and integrity.*

Six Locations To Conveniently Serve You!

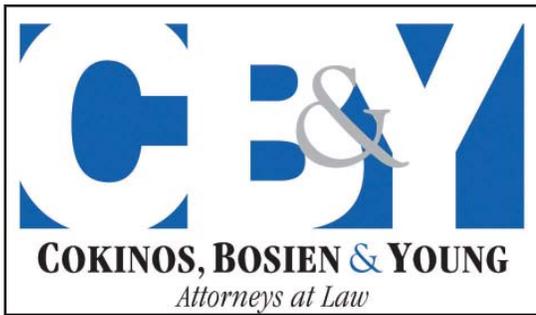
Houston (713) 681-2626	Atlanta (770) 973-2218	Austin (512) 416-0555
Dallas (972) 393-4343	Harlingen (956) 412-9339	San Antonio (210) 657-4437

**www.marekbros.com**

Special Focus Section:  
**CONSTRUCTION  
LAW FIRMS**



*A Build Houston Magazine supplement spotlighting local law firms specializing in construction law and litigation.*



construction lawyers in the country. To date, he is the only attorney from Houston to have been admitted into this select group. Pat Wielinski, a principal in the firm's Dallas/Ft. Worth office is renowned nationally and statewide for his specialization in insurance coverage and risk management in the construction industry. Locally, Liz Debaillon, a

principal in the Houston office, recently completed her term as chairperson of the Houston Bar Construction Law section.

The firm's lawyers routinely receive individual recognition. In 2007, seven of the firm's lawyers were named as "Super Lawyers" by Texas Monthly Magazine and seven of its associates were lauded as "Rising Stars".

The firm has recently opened and expanded its San Antonio office to provide construction law services to clients in Central and South Texas.

Cokinos, Bosien & Young's client list is a

veritable "who's who" in the construction industry. The firm provides all aspects of construction law services to owner/developers, general contractors, project managers, design professionals, subcontractors, material and equipment suppliers, sureties and insurance companies, practicing across all industries, including commercial, industrial, civil, pipeline, offshore, heavy highway and residential. The firm provides counsel to clients in matters involving litigation, transactions, insurance and risk management, alternative dispute resolution, bankruptcy, appellate issues and much more.

"Creative Solutions, Exceptional Service." It's how the firm does business on a daily basis.

Chambers USA, a respected publisher that researches law firms worldwide, ranks Cokinos, Bosien & Young as one of the best construction law firms in the state. Quoting from their 2008 edition, Chambers states: "This 'absolutely first rate' Houston-based law firm remains at the top of the rankings...This gives it broad coverage of the industry, with celebrated expertise in all manner of construction litigation, alternative dispute resolution and construction related insurance matters."

On a national level, Gregory M. Cokinos has recently been inducted into the exclusive American College of Construction Lawyers, a group comprising the top 1% of all

**COKINOS, BOSIEN & YOUNG**  
 1221 Lamar, 16th Floor  
 Houston, TX 77010  
 (713) 535-5500  
[www.cbylaw.com](http://www.cbylaw.com)

ABC  
Works For  
You.

Join The Industry Leader

Political Clout

Business Development Opportunities

Training Programs

Safety Training

Associated Builders and Contractors is a voice for members with state and federal agencies, on Capitol Hill and in state houses across America. Membership provides access to great insurance programs and to other business partnerships that save your firm money while increasing value for your employees.

Joining ABC provides access to top training and safety programs including access to ABC's national safety partnership with the Occupational Safety and Health Administration (OSHA). Through ABC you can build and improve your business by networking with America's top contractors while connecting with top owners.

Isn't it time you joined the most exciting organization in the construction industry?

Greater Houston

Visit [www.abchouston.org](http://www.abchouston.org)

To Join Associated Builders and Contractors of Greater Houston

# PORTER & HEDGES LLP

Business is personal.

## PORTER & HEDGES CONSTRUCTION PRACTICE

If you're a contractor or subcontractor, you want to make sure your interests are protected before you commit your company to construct a new office, apartment project, factory or school building. The future of your business depends on successfully planning, quickly bidding, and constructing the project and resolving any disputes that arise.

Equipped with a broad understanding of the construction process and experience on all sides of the table, Porter & Hedges lawyers can handle the most complex private or public development projects. We have represented the interests of prime contractors, public and private owners and developers, lenders, construction managers, subcontractors, architects and engineers, sureties, vendors and suppliers. Our broad experience allows us to forge consensus among conflicting interests in this high intensity environment. Our lawyers combine a demonstrated track record in project management with extensive industry contacts to ensure that transactions are completed timely and disputes are resolved efficiently.

## INSURANCE MATTERS FOR CONSTRUCTION CLIENTS

Our lawyers assist owners, lenders, general contractors, subcontractors, and suppliers with a wide array of insurance issues ranging from drafting the insurance requirements in construction contracts

on the front end to assisting with claims against insurers and litigating coverage cases should problems arise during or after construction. We have extensive experience in litigating coverage issues under all types of policies including builders risk, commercial property, environmental, commercial general liability and directors and officers.

## CONSTRUCTION TRANSACTIONAL WORK: HELPING CLIENTS GET THE JOB DONE

Our lawyers emphasize careful negotiation and drafting of design agreements, construction contracts, construction management agreements, dispute resolution clauses, and loan documentation right from the start. Whenever necessary, we can draw upon the skills of colleagues in our firm to resolve tax, finance, real estate, insurance and environmental issues essential for project completion.

## CONSTRUCTION LITIGATION: RESOLVING CLIENT DISPUTES EFFECTIVELY

We represent contractors, subcontractors and suppliers, sureties, design professionals, construction managers and owners in resolving complex construction disputes. Our lawyers have extensive federal, state and administrative litigation and arbitration experience and resources to meet the needs of large national and multi-national corporations as well as those of small to mid-sized companies and individuals, from pre-litigation negotiation through appeal.

When the potential for a dispute arises, our lawyers work with senior management, project managers and estimators to analyze the issues involved, assess the paper trail from the pre-construction to completion phases, and map out legal alternatives and projected costs. Whether through litigation, mediation, arbitration or other alternative dispute resolution techniques, we pursue legal solutions that meet business objectives.

## SOME TYPES OF CONSTRUCTION CLAIMS WE HANDLE:

- Delay, acceleration and inefficiency claims
- Defective plans and specifications
- Construction defect claims
- Payment and performance issues
- Wrongful termination
- Cost overrun and extra work claims
- Bond and lien claims
- Mass torts
- Surveying errors
- Insurance coverage
- Jobsite injury
- Professional fee disputes
- Differing site conditions
- Bid disputes
- Industrial and offshore claims
- Change order disputes
- Breach of contract
- Warranty issues
- Deceptive trade practices
- Fraud

**Porter & Hedges LLP**

**1000 Main Street, 36th Floor • Houston, Texas 77002**

**(713)226-6000 phone • (713)228-1331 fax • [www.porterhedges.com](http://www.porterhedges.com)**

# DebraBNorris.com

## Attorney at Law

**D**ebra B. Norris, P.C., Attorney at Law, combines her engineering and legal backgrounds in a technically-oriented law practice. An electrical engineer, Debra spent ten years building plants for the oil, gas, and chemical industries. Debra earned a B.S. in Electrical Engineering, magna cum laude, from Louisiana Tech University and a B.A. in Physics, cum laude, from Centenary College in 1984. She obtained her J.D. from the University of Texas School of Law in 1998, receiving the Dean's Achievement Award in Evidence. Debra now represents individuals and corporations in a variety of legal matters, with special focus on construction law. Ms. Norris represents owners, suppliers, contractors, subcontractors, and design professionals in the construction industry. She also represents small businesses in commercial matters and has litigated

environmental, products liability, intellectual property, and other commercial cases.

Ms. Norris is an adjunct professor of "Contracts and Construction Law" at the University of Houston and is a frequent speaker on legal issues related to the construction industry.

Ms. Norris is licensed by the Supreme Court of Texas and the Southern District of Texas. With a ten-year background as an engineer, Debra is available as an arbitrator in a variety of technical disputes.

Ms. Norris is a member of The College of the State Bar, an honor society chartered in 1981 by the Supreme Court of Texas, and maintains memberships in the State Bar of Texas Construction Law Section, Defense Research Institute Construction Law Committee, Independent Electrical Contractors, and ABC PAC and Legal Issues Committees.



**DEBRA B. NORRIS, P.C.**  
1314 Texas Ave., Suite 515  
Houston, TX 77002  
Phone: 713.858.0359  
24 Hour: 281.820.8709  
Email: [dbn@DebraNorris.com](mailto:dbn@DebraNorris.com)

*A Construction Law Attorney  
with Engineering background  
and experience.*

*Adjunct professor of  
construction law.*



## Let Us Help You BUILD Your Business!

Build Houston Magazine reaches over 12,000 construction readers and decision makers in the commercial and industrial construction industry. Build your business with us! Call Janice Peters to learn about the opportunities available in Build Houston Magazine.

(713)523-6222

[www.buildhoustononline.org](http://www.buildhoustononline.org)



# LEGAL EXPERIENCE THAT SPANS THE CONSTRUCTION INDUSTRY

**Andrews Myers Coulter & Cohen** is ranked among the top construction law firms in Texas by the prestigious legal directory, *Chambers USA, America's Leading Lawyers for Business, 2008*. For over 18 years, we've earned our reputation one client at a time by providing sound legal advice from experienced construction lawyers who know the industry inside and out. What's more, we have attorneys who are highly skilled in commercial real estate and corporate transactions, making us the efficient choice for the legal services that construction and commercial development businesses need. From Fortune 500 companies to private investors, the firm represents clients engaged in all aspects of the commercial development and construction industry, as well as other business sectors.

## Top-Ranked Team

The majority of our firm's construction lawyers have 20+ years of construction law experience. The practice covers the many legal needs of clients engaged in the construction process, from contract preparation and negotiation to dispute resolution through arbitration or litigation. Our attorneys handle legal matters across a wide range of projects in the public and private sector. We are highly experienced in resolving construction disputes and firm attorneys have tried to verdict multi-million dollar cases. Equally strong is our arbitration and mediation expertise. Senior lawyers of the firm currently serve on the American Arbitration Association National Panel of Construction Arbitrators and the Construction Arbitration Master Panel.

## Why Clients Hire Us

**EXPERIENCE:** If there's a construction-related legal matter, chances are very good we've already worked on something similar. **SERVICES:** Because our practices include construction law, commercial real estate and corporate transactions, we have the legal services businesses need, when they need them. **EFFICIENCY:** We speak the construction industry's language fluently, understand the business processes and success factors, and know the legal issues that arise. Clients don't have to spend time "bringing us up to speed." **STRATEGY:** We focus on legal solutions that make sound business sense, giving clients a straight-talk review of their options and the potential business impact. **BENCH STRENGTH:** We're called on to handle major construction transactions and litigation because we have more senior construction lawyers than most firms. Our firm puts experience on our clients's side. **RESPONSIVENESS:** We place a priority on getting clients the information they need and keeping them informed. We have a sense of urgency, work as a team and emphasize good communication as an integral part of good legal service.

Bill Andrews  
Eric Cohen  
Keith Coulter  
Tom Myers  
Jason Walker  
Ben Westcott



ANDREWS  
MYERS  
& COULTER  
& COHEN P.C.

3900 Essex Lane, Suite 800, Houston, TX 77027 713.850.4200 lawamc.com

CONSTRUCTION • COMMERCIAL REAL ESTATE • CORPORATE TRANSACTIONS



ASAUD



DURAN



EPPENBACH



FUTCH



GUTIERREZ



KRAMER

**PEOPLE ON THE MOVE**

**Equipment Collaborative** announces the addition of **Westin W. Wendt** as an Expeditor. Wendt provides support to project teams by investigating products, preparing orders and coordinating the receiving and installation of equipment. His recent project experience includes the Children's Medical Center Ambulatory Care Pavilion in Plano.

**FKP Architects, Inc.** is proud to announce that **Wayne Marchand, AIA, ACHA**, has been appointed to the board of directors of the Rice Design Alliance. As a Senior Principal and member of FKP's Board of Directors, Marchand leads the firm's strategic agenda and corporate operations in addition to his client service as a dedicated Senior Project Designer and Planner. **J. Melodee Futch**, an Associate at **FKP Architects, Inc.**, was named National President-Elect of the Society for Design Administration (SDA) at their recent annual convention in Boston, Massachusetts. A member of SDA since 2001, Futch previously held the titles of Vice President, President-Elect and President of the Houston Chapter of SDA.

**Joel Gutierrez** has been named Chief Financial Officer for **Cherry**. In his new role, Gutierrez oversees the financial operations and cash management of Cherry. Gutierrez, who joined Cherry over four years ago, has more than 17 years of experience in accounting.

**Turner Partners Architecture, LP** proudly announces the following personnel promotions: **Jack A. Duran, AIA**, formerly serving as Project Director, earns the distinction of Executive Vice President and Partner; **Todd M. Eppenbach, AIA, LEED AP**, who has been with the firm 12 years, is named Partner and Vice President; **David B. Morris, AIA**, with over 40 years experience, is named Partner and Vice President; and **Liz P. Scroggins**, with a background in marketing, public relations and sales, joins Turner Partners as Marketing Manager.

Architecture firm **Perkins+Will** has named **David Asaud, AIA**, as director of healthcare architecture for its Houston office. David's 22 years experience in healthcare architecture includes complex medical facilities in Georgia, Maryland and Texas. In his seven years building a new healthcare studio at a major Houston firm, David grew it from two employees to 23 — managing projects in excess of \$100 million annually.

Architecture firm **Perkins+Will** has named **Gregg Moon** as Director of Healthcare Planning for its Houston office. With 26 years of experience in healthcare planning and architecture, Moon has served in planning, design and project management roles for community hospitals, assisted living centers, academic teaching hospitals, large tertiary medical centers, children's hospitals, cancer hospitals and ambulatory surgical centers.

**E. E. Reed Construction** congratulates **Kevin Kramer** and **Brian Owrey** on their recent promotions to Project Manager status. E. E. Reed also welcomes the following new personnel: **Stephen Williams**, Project Manager; **Roger Graham**, Project Engineer; **Chris Landrum**, Project Engineer; **Maxwell Rowland**, Project Engineer; **Wayne Heinemann**, Superintendent; **Charlie McGuire**, Superintendent; **Steven Chovanec**, Assistant Superintendent; **Richard Fuller**, Assistant Superintendent; **Benegio (Benny) Garcia**, Assistant Superintendent.

**ASA-Houston Chapter** is very pleased to announce that **Anna Farris** has joined the organization as their new Executive Director. Anna joins ASA from Associated Builders and Contractors (ABC) and succeeds Brianna Boudreau who is now working with ASA National.

**PROJECT NEWS**

**Turner Partners Architecture, LP** of Houston announces that the construction phase has begun for **The Village High School**. This new learning space will extend the curriculum of one of Houston's most prestigious private schools, The Village School, which serves an international student population. The project is located at 13077 Westella in West Houston.

**Gilbane Building Company** was selected by Clear Creek ISD for their new Education Village — the first of its kind in Texas. As part of Bond 2007, the elementary, intermediate, and high school will be built on the same property and share some common areas including the main kitchen preparation area, mechanical plant, and service yards.

**SPECIAL AWARDS AND RECOGNITION**

**A&E — The Graphics Complex** received the Pinnacle Award at the Houston Better Business Bureau (BBB) Awards for Excellence luncheon held Wednesday, May 7 at the InterContinental Hotel. This was A&E's eighth time to be recognized by the

**DellaMark**  
Web Technologies

*Celebrating 11 Years in Business*

**Designing Custom Websites  
for the Commercial Construction  
and Heavy Equipment Industry**

**Serving Over 250 Clients**

**Members of and Website  
Developers for IEC, TLPCA,  
ABC, ASA, NOCSA, DISCA**

Contact Rebecca Stoian  
rebecca@dellamark.com  
(214)334-0303



MARCHAND



TURNER PARTNERS ARCHITECTURE



OWREY



WENDT



WILLIAMS



GILBANE BUILDING CO.



CAJUN CSST CLASS

BBB for service excellence. A&E was also recognized in 1998, 2000, 2001, 2003, 2004, 2005, and 2006.

**Hoar Construction, LLC** has again been named one of the 50 Best Small & Medium Companies to Work for in America. The company placed 5th on the 2008 list, up from #19 last year. The list was announced on June 23 before an audience of more than 15,000 at the Society for Human Resource Management's (SHRM) 60th Annual Conference & Exposition in Chicago.

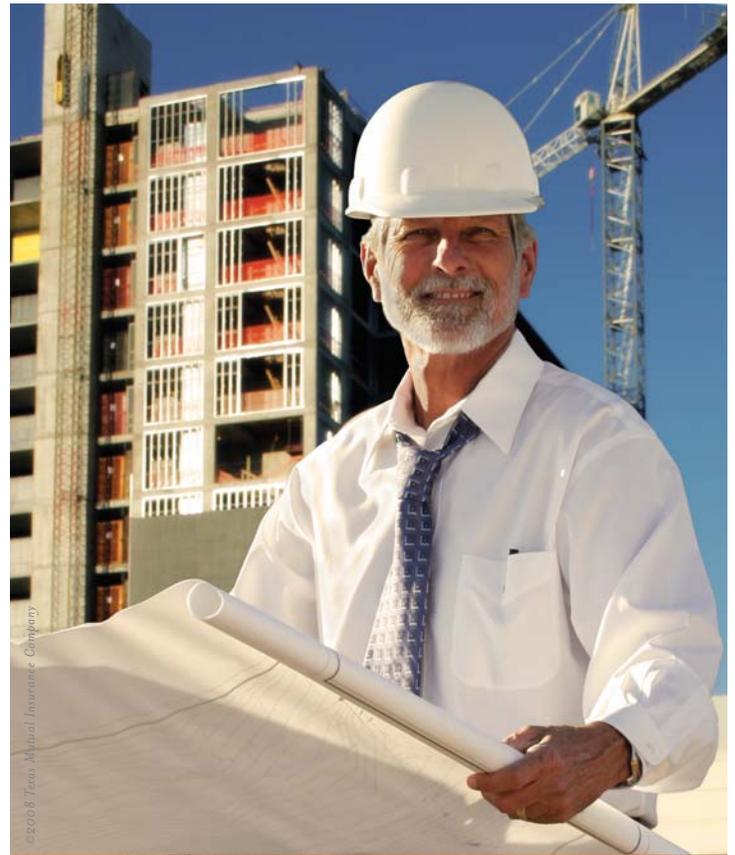
**Leonard Cherry**, owner of **Cherry**, is a finalist for the Ernst & Young Entrepreneur Of The Year® 2008 Award in the Houston & Gulf Coast Area. This awards program recognizes entrepreneurs who demonstrate extraordinary success in the areas of innovation, financial performance and personal commitment to their businesses and communities.

**COMPANY NEWS**

**Cajun Constructors'** Houston location played host to one of three NCCER CSST classes sponsored by the ABC Houston Chapter. Classes began on February 5th and concluded on April 29th. After working a full shift for their respective companies, each participant committed their personal time every Tuesday and Thursday from 6:00pm to 10:00pm to achieve their goal of graduating from the CSST program.

**ExperTox** – All American Screening has opened another location for occupational health services inside the ConocoPhillips plant in Old Ocean, TX.

**Constructors & Associates** is celebrating its 30th year as a Texas-based construction services provider. Constructors was founded in 1977 as a Texas Corporation, opening its first office in Dallas. This year, Constructors was also named one of the top five best places to work for mid-sized firms by the Dallas Business Journal.



A constructive approach to lower premiums.

If your crew cuts, drills, loads, paints, plumbs or pounds, you should know *our* crew. The CompGroup AGC group discount program, through Texas Mutual Insurance Company, lowers your workers' comp premiums and offers potential dividends. Eligible policyholders also reduce their premiums up to an additional 12 percent with the workers' comp health care network. We're building better workers' comp insurance for Texas.

HERE FOR TEXAS. HERE TO STAY.

TexasMutual<sup>®</sup>  
Insurance Company

*Texas' leading provider of workers' compensation insurance*

TO LEARN MORE ABOUT LOWERING YOUR WORKERS' COMP PREMIUMS, ASK YOUR AGENT OR CALL JULIE SCHATZ OR KAREN BEUCHAWAT (800) 406-9614. Texas Mutual Insurance Co. has services for non-English speakers available upon request.



# RSC Equipment Rental Has The Equipment You Need

For Your Home, Commercial and Industrial Projects.

RSC Equipment Rental offers a wide range of tools and equipment to complement your home, commercial and industrial projects. RSC also offers unique programs and services such as 24/7 Customer Care and After Hours Support, RSC Online® and more!

Whether your project calls for large or small equipment, you'll find it at RSC.

Conroe	936.856.2909	LaPorte	281.479.3341	Stafford	281.499.3587
Galveston	409.744.3800	Northwest Houston	281.859.9766	Texas City	409.938.0766
Houston - Inner Loop	713.795.5911	Rosenberg	281.232.3437	Tomball (Pinehurst)	832.934.0553
Humble	281.821.2554	Southeast Houston	713.675.0283	Webster	281.338.1479
Katy	281.646.1231	Southwest Houston	281.530.1888	Manvel	Coming Soon!



2008 © RSC Equipment Rental, Inc. All Rights Reserved.

[RSCrental.com](http://RSCrental.com) • 800.222.7777

## BUILD HOUSTON

Published by Associated Builders & Contractors  
of Greater Houston  
3910 Kirby Drive, Ste. 131  
Houston, Texas 77098  
(713)523-6ABC (877)577-6ABC  
[www.buildhoustononline.com](http://www.buildhoustononline.com)

PRSR STD  
US POSTAGE  
PAID  
HOUSTON TX  
PERMIT 542