

# Breaking Ground

THE MAGAZINE OF THE MASTER BUILDERS' ASSOCIATION OF WESTERN PENNSYLVANIA

SEPTEMBER/OCTOBER 2019

## CONSTRUCTION LAW UPDATE

MBA



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*Eckert Seamans Cherin Mellott offices. Photo by Denmarsh Photography. Used courtesy A. Martini & Company*

# MBA

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*Correction:  
Bea Spolidoro, AIA was incorrectly identified as an associate at Rothschild Doyne Collaborative in the feature article of the July/August edition of BreakingGround. She is an architect at the firm.*

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# PUBLISHER'S NOTE

*"The first thing we do, let's kill all the lawyers." - Henry VI, Part II, Act IV*

*"A guy calls his lawyer. He says, 'Can I ask you two questions?'*

*Lawyer says, 'What's the second question?'" - Henny Youngman*

From Shakespeare's time, and probably before, lawyers have been a good literary foil. Everyone seems to have a lawyer joke. None of them are particularly flattering to lawyers. There's some basis for that, of course. Most people are only hiring lawyers when they are in a bit of trouble. And once engaged, lawyers get paid for their time, whether you ultimately prevail or not. Of course, if it's the latter, then somebody else's rotten lawyer beat you.

Kristin Bogaard, the designer for the Porter Wright Pittsburgh office (the Project Profile for this edition of BreakingGround), echoed this point when explaining the rationale behind the more informal design for her client's law office. Saying, "No one really wants to hire a lawyer," Bogaard told of how the more open layout and informal style of the Porter Wright office was intended to help reduce the stress of Porter Wright's clients, putting them more at ease.

Construction is like most industries in having its share of attorneys. Most companies don't have the need for counsel on staff, but the construction practices of Pittsburgh law firms have plenty of attorneys for hire. It seems predictable for Pittsburgh that there are more than enough construction lawyers in town, at least according to the attorneys who practice here. As with virtually all other aspects of the Pittsburgh construction industry, construction law is hyper-competitive too.

I interviewed quite a few lawyers for this edition of the magazine. I was interested in hearing, in their words, what Pittsburgh's construction lawyers envisioned were the most impactful trends in construction law and in the future of practicing law generally. It seems logical that lawyers would be looking to the future in the same way all other businesses do. Perhaps it's the nature of attorneys that this sort of forecasting tends not to be shared with the public. In a profession chock full of disclaimers, lawyers would seem to be among the least likely to want to document their predictions. The responses I got were, therefore, fresher than forecasts I get from construction professionals.

The practice of law is one of those that is predicted to be highly impacted by artificial intelligence, or predictive analytics. Law is built upon precedent and AI is built upon the ability to review massive amounts of information to deduce future behavior. That would include dispassionately reviewing the facts of a dispute to decide the likelihood of a client's success in pressing a claim, or to review complicated contracts to red flag potential problems. And it's presumed that this analysis would be done at a cost that is less than \$300 per hour.

Technology advancement like AI is but one of the future trends that the attorneys saw changing how construction law will be practiced. The forward-thinking attorneys also noted

that changes in how construction law is practiced will also change how construction is done, or at least documented.

There was, as you might imagine, a certain amount of anxiety about what the practice of law might be like in 25 years. Older attorneys were less anxious, of course, but most of the lawyers expressed some concern that there would be a time when the current supply of lawyers would exceed the demand. I think there is a real possibility that we will need fewer lawyers in 25 years, but the upside of that forecast is that those practicing are more likely to be doing the things that lawyers might rather do, like counseling their clients about potential problems before they occur.

Proponents of automation and AI call this moving up the value chain. Much like the industrial revolution moved humans up the value chain by multiplying the labor that mostly produced subsistence living, the next revolution in productivity will allow humans to do work that has higher value than a machine can provide. For construction attorneys, that would be counseling their clients about the potential risks of their activities, reducing the need for legal services after the problems arose. Of course, that may be the most value construction attorneys can provide today too, without AI. I've never heard a contractor complain that his attorney's fee was too low. Maybe the best remedy is to make use of the attorney's time when it has the most value. You'll be billed either way.



Jeff Burd

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# REGIONAL MARKET UPDATE



**T**wo-thirds of 2019 are now in the books and the trajectory of the year in construction is mostly set. The quick take on the year is that construction activity is on track to match the volume in 2018, which is something of a surprise. The deferral of some of the largest projects in the pipeline in Western PA has had a significant impact on a number of firms. The region's largest ongoing construction project, Shell's Franklin project in Monaca, has hit peak employment, which means 5,000 workers will be active on site throughout 2020.

From these highlights come a few prevailing themes. One is that labor utilization is as close to 100 percent as possible. Another is that the construction boom has not lifted all boats, meaning that most bid lists still include companies hungry for work. Some firms with record backlogs still find that there are holes in their work in progress. Still another observation is that the commercial real estate market, which has been unusually strong for several years, still has some room to run.

The latter is a byproduct of the strong Pittsburgh economy. While the first signs of a potential slowdown are being

noticed at the national level, Pittsburgh's economic drivers are keeping unemployment low and steady. Commercial real estate demand comes from jobs, and employment is one of Pittsburgh's strong suits.

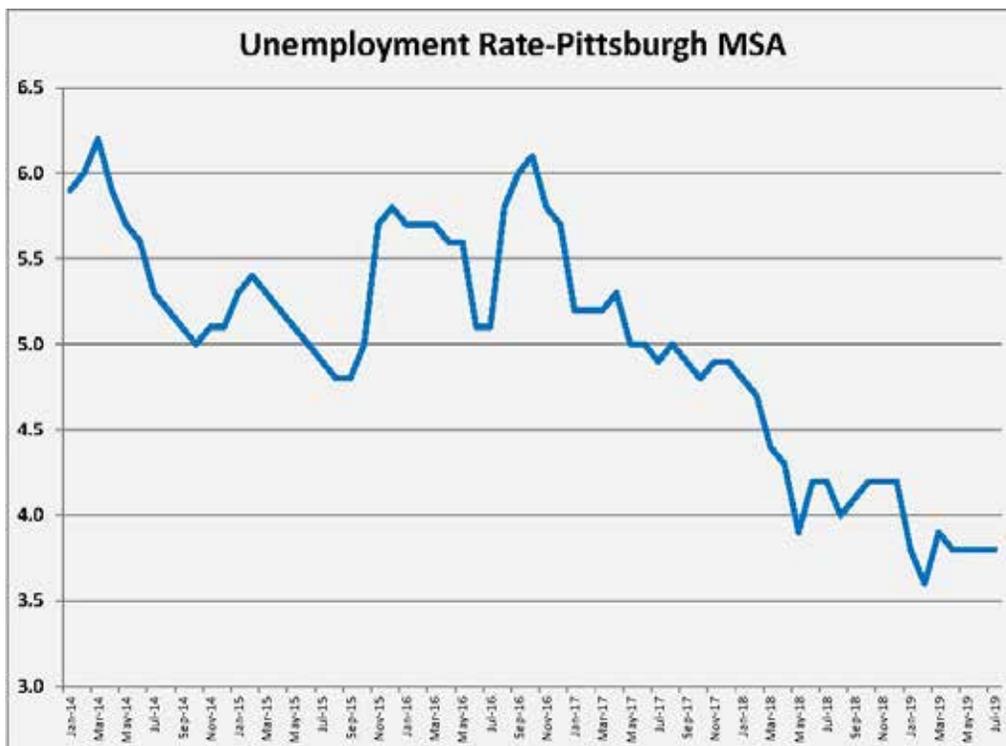
The latest metropolitan level reports on unemployment show Pittsburgh faring well. Unemployment in the seven-county Metropolitan Statistical Area remained at 3.8 percent, down from 4.2 percent in July 2018. Unemployment was lowest in Butler County, at 3.4 percent, with Allegheny County coming in at 3.9 percent. The labor market was weakest in Fayette and Armstrong counties, at 5.6 percent and 4.7 percent respectively.

Most important of the July data announced by the Pennsylvania Department of Labor was the increase in workforce of 9,400. Demographic pressures – specifically an unusually large cohort of retiring Baby Boomers – have pushed Pittsburgh's workforce lower throughout the 2010s. This trend is a regional negative for attracting new businesses, most of which list an available workforce as the top concern. July's increase continues the trend begun in 2018 of additions

to the labor force. This suggests that job creation is growing faster than the wave of retirements.

July's hiring data was also consistent with the current trend. According to the Bureau of Labor Statistics, there were only 800 more employed workers in July 2019 than one year before. That's less than .1 percent growth, which can be reasonably described as anemic. Against the rising tide of retirements, however, July's growth means that more than 800 jobs were created. The slight increase in July was also the 36th consecutive month in which employment grew, and the 1.185 million people employed was 55,000 more than in July 2010.

In terms of employment



Pennsylvania Department of Labor, Pittsburgh Today.

BENCHMARK	Jan-Aug 2019	Jan-Aug 2018
Total Single-family units	1,866	1,991
Total Multi-unit	1,390	465
Total residential \$\$	\$690.2 million	\$664.7 million
Total non-residential \$\$	\$3.34 billion	\$3.57 billion
K-12 additions/renovations	\$182.5 million	\$225.4 million
Higher Ed construction	\$263.7 million	\$107.6 million
Hospital construction	\$653.8 million	\$707.8 million
Hotel construction	\$74.5 million	\$29.4 million
Industrial construction	\$1.039 billion	\$1.328 billion
Office construction	\$313.1 million	\$374.3 million

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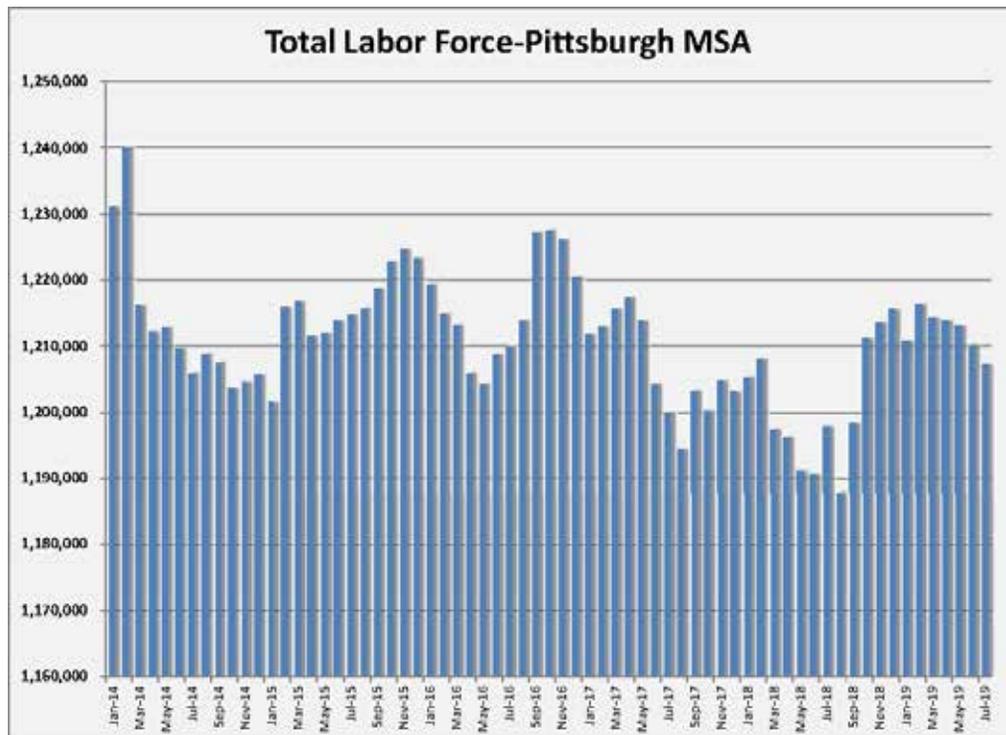
growth, 2019 will be an interesting year to watch for a change in trend. The current trend tracks back to 2016. Since mid-2016, increases in employment have been unusually steady at around one percent year-over-year. During the previous three-plus years, losses in the energy sector following the collapse of the oil price offset any gains in other sectors of the Pittsburgh economy. Prior to oil's drop from \$100 per barrel in mid-2014, job gains in Pittsburgh had outpaced most other regions beginning in 2010. Of course, the Marcellus play had been the driver of that period of expansion. Emerging technologies and a maturing energy sector – built around the shale plays – are responsible for most of the job gains today. It will be a test of the strength of the emerging sectors to see if job gains can remain ahead of the jobs drained by retirement.

Employment in the

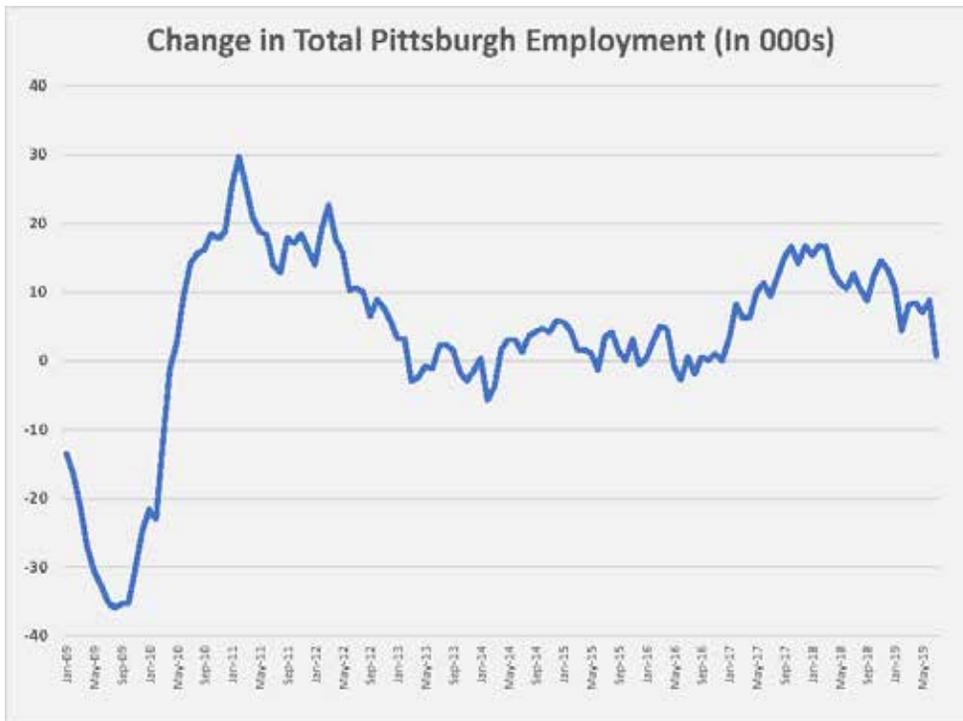
mining, logging and construction category reflects the strength of the construction market for hiring. July's total employment in that category was 77,300, up 1,200 from June and 3,200 from July 2018. Employment was up 27.6 percent compared to a decade before, again in spite of the challenging demographics of the sector.

Residential construction through August is significantly higher year-over-year, due to resurgence in multi-family construction. Through August 31, more units of apartments (1,390) have been started than for the full year of 2018 (1,165). It's forecasted that the full 2019 multi-family volume will approach 2,000 units, which should push new housing construction in total for metropolitan Pittsburgh above 5,000 units again.

Construction volume for nonresidential/commercial construction is off slightly compared to the first eight months of 2018. Through August, nonresidential/commercial starts were at \$3.34 billion, down \$230 million from the same period in 2018.



Pennsylvania Department of Labor, Pittsburgh Today.



Bureau of Labor Statistics, Pittsburgh Today

A closer look at the nonresidential/commercial construction activity for the first eight months of 2019 finds that the volume is similar to the same period in 2018, even at the sector-by-sector level. In any given year there is volatility between sectors of the market but, thus far in 2019, no major sector is more than 15 percent off of the volume last year, with the exception of hotel construction and higher education. The rather small hotel sector has been boosted this year by the recent start of the Landings at Rivers Casino. Higher education spending is on a cyclical growth cycle that will continue through the early 2020s. The major difference between 2018 and 2019 is that the pipeline of construction for the final four months is smaller than expected, primarily because of delays in several major projects. The final volume for 2019 is likely to still reach \$5 billion, but firms are finding that backlogs are stretching out beyond what was anticipated.

Aside from the major projects being delayed, construction has been slowed by institutional owners taking longer to release projects than anticipated. The two major sectors this has affected have been higher education and healthcare, both of which face uncertainty. Healthcare construction is the larger of the two, and has seen the announcement of multi-billion capital spending plans by the region's major healthcare systems, primarily UPMC and Allegheny Health Network (AHN). Much of AHN's capital

spending has already gone to construction and was related to its competitive response to the end of the insurance agreement with UPMC. The capital plans of the region's largest hospital system were tied to new specialty care and the replacement of its flagship Presbyterian University Hospital. In an environment in which the future of healthcare reimbursement could change rapidly following the 2020 election, there has been caution about investment in structures in 2019, particularly in a tight labor market.

This caution has been equally applied to small projects. Contractors report numerous projects, some as small as \$500,000, being

put on hold after bidding or having scopes reduced dramatically.

Corporate and small business owners have taken the opposite approach, which has helped boost volume while institutional construction deferred. Cash reserves are at high levels for businesses and borrowing costs have fallen to all-time lows. With emerging technology companies expanding rapidly in Western PA, these favorable conditions have boosted real estate developers to increase spec development. In light of the results of the past few years, developers share the optimism felt by regional businesses, even as optimism about the larger economy falls. The pipeline for commercial real estate suggests that construction of offices and warehouses will be strong through 2020.

If the commercial pipeline goes to construction next year, it should help Pittsburgh push through what is normally a slower presidential election year. The generally upbeat news and attitude about the Pittsburgh economy will have to hold off what is likely to be a tidal wave of negative campaigning. There is plenty of evidence that the economic drivers of Western PA will continue to foment growth, regardless of the state of the national or global economy. It's likely that 2020 will test the strength of those drivers. **BG**

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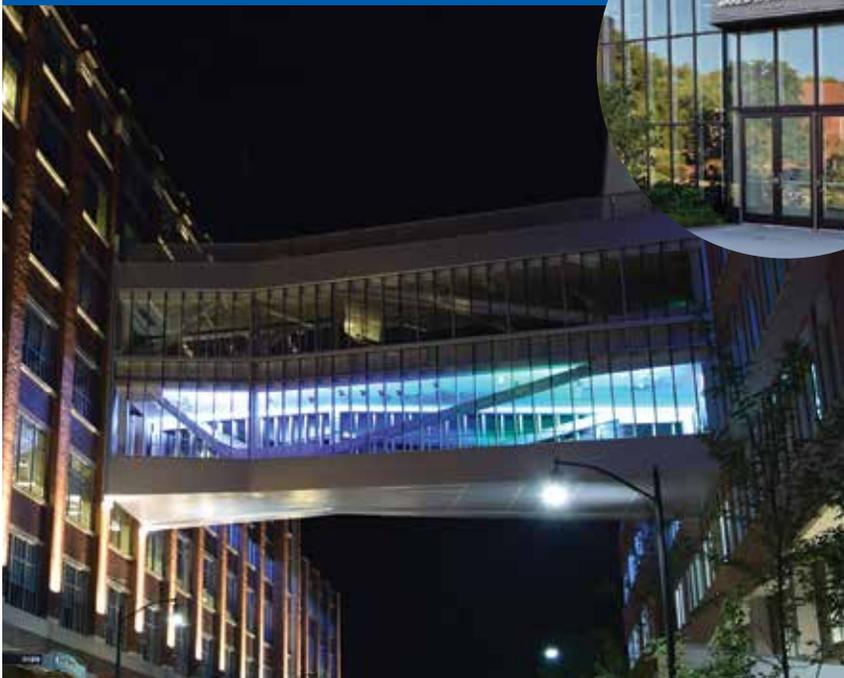


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# NATIONAL MARKET UPDATE

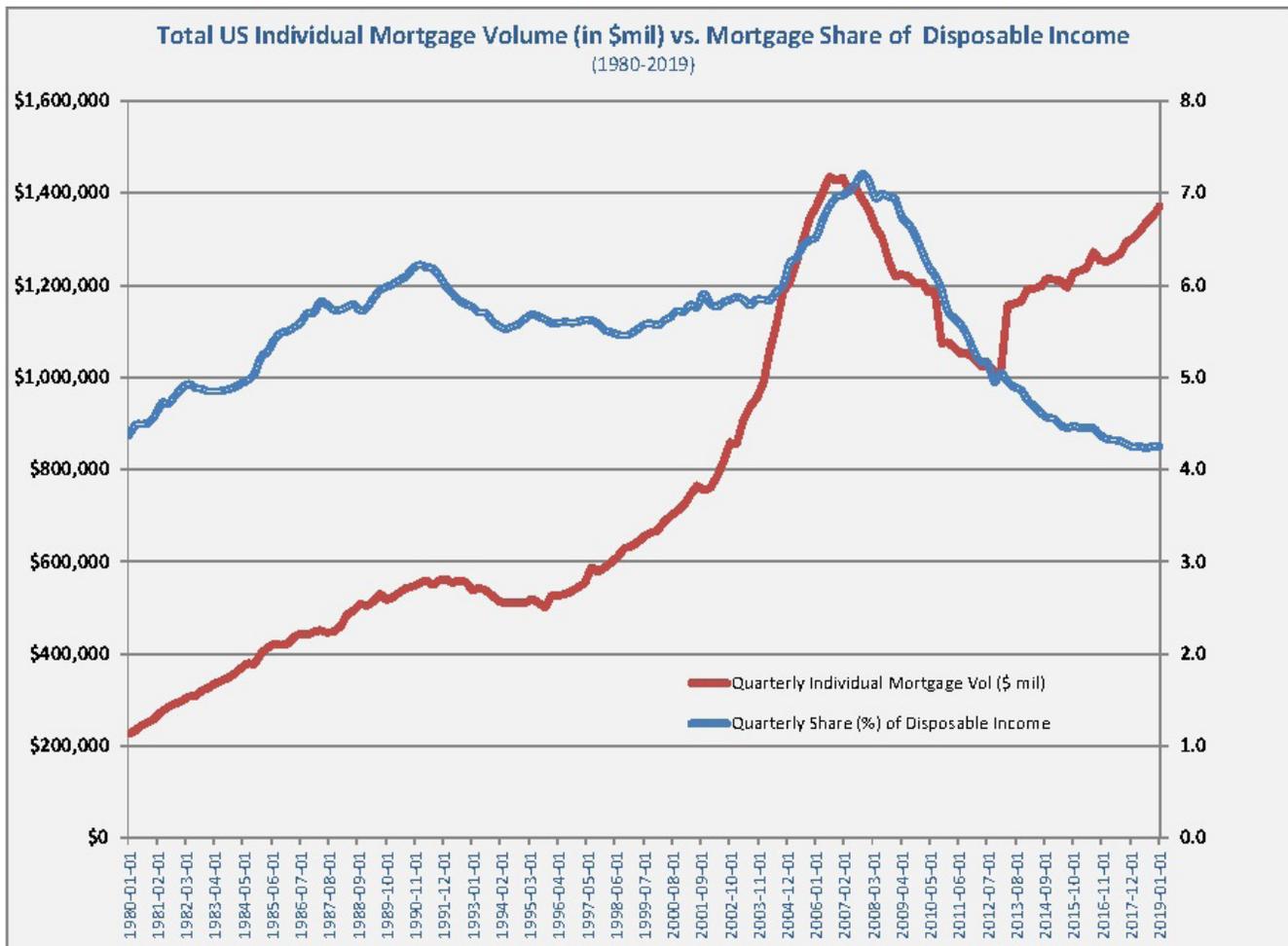
**G**lobal stock markets responded to news that German gross domestic product (GDP) had fallen 0.11 percent in the second quarter with a sell-off on August 14. The shrinking German economy, combined with an inversion of the 2-year and 10-year Treasury bond yield curve, elevated worries that a recession is imminent. That news coincided with reports of Eurozone GDP falling to 0.2 percent growth during the second quarter and reports that unemployment was higher, and output was lower, in China.

Underlying this ripple of bad news, which quickly faded from the collective investors' consciousness, was the reality that economic growth has become increasingly difficult to sustain after a decade, a fact made more difficult by the impact of growing tariffs on some of the world's largest economies.

The U.S. economy is certainly threatened by the decline in growth overseas, particularly that which is associated

with the trade actions taken by the Trump administration. The disputes with China are having a significant impact on consumer prices – a fact the administration acknowledged when it froze tariffs on certain popular consumer items August 13 – and the looming impact of Brexit on the UK and European Union heighten concerns about how much damage will be done to the U.S. economy by global problems. The first reading on second quarter growth in the U.S. was in line with expectations, coming in at 2.1 percent. That followed a first quarter GDP expansion of 3.1 percent.

Market reactions to this decline in long-term rates – which had been anticipated for months – was as much a confirmation of the inevitability of recession as it was a recognition of a recessionary signal. Inverted yield curves have been a fairly reliable indicator of a coming downturn (see BreakingGround July/August 2019) but rising short-term rates had inverted yields on Treasury bonds of several mid-to-long-term maturities since January 2019. While it's unlikely





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that the inverted yield curve indication will be wrong about a downturn, the underlying fundamentals suggest that the U.S. economy may experience a slowdown that falls short of a technical recession.

One of the few positive byproducts of the mortgage crisis a decade ago was the de-leveraging of the consumer's balance sheet. At the same time the yield curve inverted, a report from the Federal Reserve Bank showed that outstanding mortgage volume had reached near record levels. While consumer mortgage debt is approaching the all-time high levels of 2008, the share of disposable income that is used for mortgage debt service has fallen. As of the first quarter of 2019, mortgage debt service consumed 4.25 percent of homeowners' disposable debt. That's lower than in the first quarter of 1980.

Nearly 70 percent of U.S. GDP is tied to consumer spending. With long-term debt shrinking as a share of income, consumers have more room to weather a slowdown or recession. Moreover, the reduced leverage would allow consumers to respond more quickly to any fiscal stimulus that may be used to recover from a slowdown. And with a savings rate above eight percent – the highest level since 1993 – consumers seem to be prepared for a "rainy day" to come.

Businesses are likewise better prepared for a slowdown, especially those with significant business overseas. The legitimate concern of most economists is that U.S. businesses may be baking a recession into their 2020 plans, a scenario that could make a recession self-fulfilling if business investment falls significantly over the coming quarters. Business spending had been improving after the December 2018/January 2019 market scare. Whether the mid-August spate of bad news will chill spending over the last half of the year remains to be seen. It appears that if a recession were to occur in 2020, it will be caused by depressed levels of business investment.

One further note of caution as it relates to business investment. No surveys of business owners and executives show that cost of capital is bearing on investment decision-making. Further rate cuts are unlikely to have a stimulating effect on investment, therefore, especially since the Fed has only 200 basis points of room to maneuver.

U.S. total construction volume reflects the caution of businesses. Construction spending fell 1.3 percent from May to \$1.287 trillion at a seasonally adjusted annual rate in June. That volume was 2.1 percent lower than June 2018, according to the U.S. Census Bureau's August 2 report. For the first six months of 2019, spending slipped by 0.5 percent from the same period in 2018. The rate of growth has been declining into the low single digits for two years, after five years of growth that approached ten percent. Slowing growth is always a concern for an economic sector, but the high overall spending volume is still supportive of construction, especially in an industry struggling to find workers.

Private nonresidential spending slipped slightly in June, falling 0.3 percent from May. Commercial construction

posted the largest decline, at 9.9 percent; however, two of the structure types within commercial construction – manufacturing and office buildings – saw gains of 11.6 and 8.6 percent respectively. Public construction fell 3.7 percent in June but spending for public construction is up 10.1 percent year-over-year through the first six months of 2019. Residential spending has seen the largest drop in spending, with single-family construction spending down 13.8 percent year-over-year.

July's residential construction activity was consistent with this decline in spending, as well as the overall trend in home construction. The August 16 Department of Commerce report showed housing starts dipping for the third consecutive month, with total housing units of 1.191 million started. Like in June, the decline was due to a drop in multi-family starts of more than 16 percent. Permits for apartments jumped in July to 498,000 units, suggesting that developers still saw demand for new construction. Single-family construction was up 1.3 percent in July, on the heels of a 6.3 percent increase in June.

The residential construction market remains difficult to forecast. New home construction should be increasing at a higher rate, if the data on existing homes sales is an indication. According to the National Association of Realtors (NAR), sales of existing homes fell 1.7 percent in June, the 16th consecutive month of year-over-year decline. The inventory of existing homes for sale also declined further in June. This inventory shortage makes analysis of the residential market difficult, since the short supply masks the trend in demand for homes. Real estate agents in virtually every U.S. market continue to report multiple offers on homes for sale, which suggests that demand from home buyers is high. With declining inventories and slow new construction growth, however, it is possible that demand is also falling, but at a slower rate than the inventory for sale. This phenomenon would disguise the slowdown in home sales due to decreasing affordability.

The government's report on home ownership and vacancy rates for the second quarter also offers conflicting or confusing metrics about the housing market. Despite predictions of a slowdown in the multi-family market, asking rents continued to rise and vacant rental units declined during the second quarter. The Census Bureau report found rental vacancy had fallen nationwide to 6.8 percent, the lowest rate since second quarter 2016. Home ownership was at 64.1 percent, slightly lower than where it stood one year ago. But the long-term trend for home ownership continued to be lower. After peaking at 69.2 percent in 2004, home ownership has declined. The rate fell slightly after the housing bubble popped in 2007-2008 and declined more steeply over the past decade as demographics became the driving factor. Yet, while the total share of homes owned has declined, so has the share of vacant homes for sale, which dropped to 0.7 percent in the second quarter. That's the lowest home vacancy rate since before the peak of the dot.com bubble.

Labor markets remained strong in the face of the

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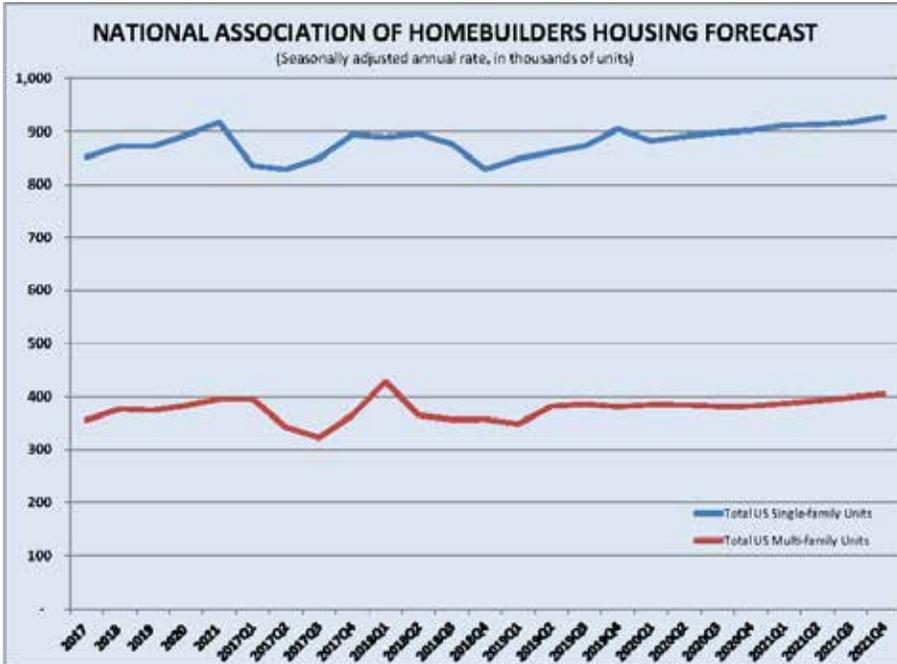
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Bureau of Census, Moody's Economy.com, National Association of Home Builders (NAHB)

economic worries. Employers added 164,000 jobs to payrolls in July, following June's addition of 193,000 jobs. Although

employment gains have fallen from the pace in 2018, the monthly gain in employment through seven months of 2019 averages 165,000. That's still comfortably above the pace needed to accommodate growth in workforce. The unemployment rate remained at 3.7 percent. Moreover, the U6 unemployment rate – which measures marginally attached and involuntarily part-time workers – fell to 7.0 percent, the lowest since December 2000.

Tight labor is not sending wages skyrocketing but wage growth is outpacing inflation significantly. Wages grew at a 3.2 percent pace in July. By comparison the Consumer Price Index was 1.6 percent higher than July 2018.

Several national associations issued forecasts for the remainder of 2019 in July.

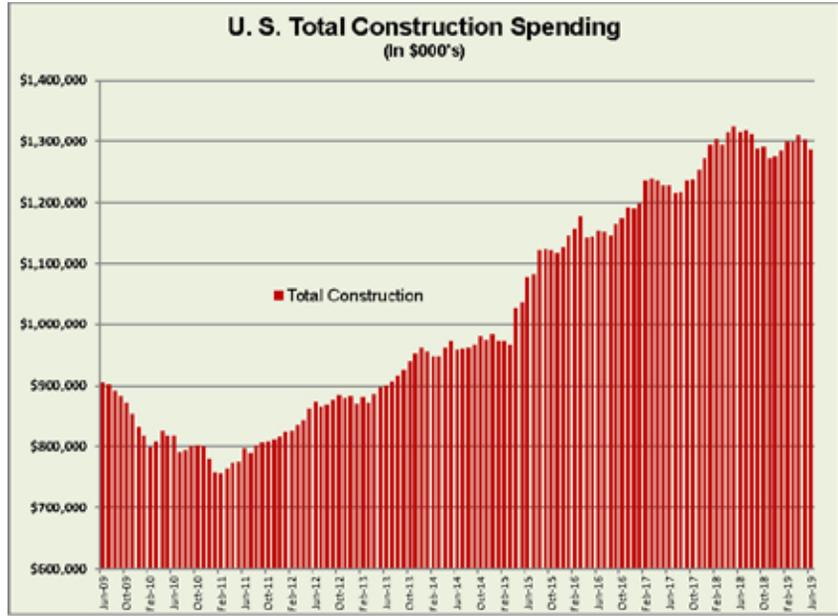
The American Institute of Architects (AIA) released its semi-annual consensus forecast, showing predictions from eight economic and industry associations. According to the AIA's report, the



median forecast for nonresidential building construction spending growth are 3.8 percent in 2019 and 2.4 percent in 2020. The consensus was largely unchanged from those at the start of 2019.

Residential construction is expected to remain flat at cyclically-high levels through 2020, according to the mid-year forecast by National Association of Homebuilders (NAHB). Rather than anticipating a downturn in new construction as GDP slows, NAHB predicts that total housing starts in 2020 will remain within 2,000 units of the total for 2019, before increasing by 3.7 percent in 2021 to 1.33 million units.

The National Association for Business Economics (NABE) reported in its latest quarterly survey that only 48 percent of 115 corporate and association economists expect real GDP growth (adjusted for inflation) to exceed two percent from the second quarter of 2019 to second quarter of 2020. In the first quarter of 2019, 53 percent of the same group of economists responded that GDP growth would exceed two percent. However, 29 percent of NABE respondents reported that their firms expected to increase capital spending on structures, while



Source: U.S. Census Bureau

only 13 percent reported decreased spending plans. The positive 16 point spread between those two responses is the largest since January 2015. **BG**



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# WHAT'S IT COST?

The latest report on inflation from the Bureau of Labor Statistics (BLS) continued the trend of moderating or falling prices, including the prices related to construction. The overall price indexes for consumer and producer prices (PPI) were both below two percent higher than one year earlier, at 1.6 and 1.7 percent respectively. The PPI for new nonresidential construction - a measure of the price that contractors say they would charge to build a fixed set of buildings - rose 5.6 percent. That reading was slightly higher than the 5.4 percent year-over-year increase from May.

Contractors' bid prices increased 0.6 percent from June to July, while materials and services input costs rose 0.2 percent for the month. That's an acceleration of the monthly increase from May to June, when bid prices increased 0.2 percent, while materials and services input costs declined 0.6 percent.

Inflation for new nonresidential buildings is being driven by growing labor costs and labor shortages, which reduce productivity for contractors. This measure of inflation has remained steadily in the five percent range for most of the past 12 months, following mid-2018 spikes of nearly ten percent. The July BLS report showed other significant changes for several materials or inputs that had spiked earlier in the year. Price decreases for these ranged from 7.3 percent for gypsum products to 16 percent for lumber and plywood. Other steep declines were registered for diesel fuel (14 percent) and steel mill products (7.5 percent). PPI for architectural coatings rose 7.8 percent, the only significant increase.

The good news for construction owners is that the prevailing trend for materials is lower. The significant decreases in major inputs to construction suggest that the PPI for construction should be lower in 2020, despite upward pressures from the labor inputs. Two independent reports on first quarter data confirmed the BLS trends.

Construction consultancy Rider Levett Bucknall reported on July 18 that its U.S. National Construction Cost Index increased by 1.1 percent from January 1 to April 1 and 5.7 percent from April 2018. Rider Levett Bucknall's index tracks costs in 12 major cities. Year-over-year increases ranged from 2.5 percent in Los Angeles to 8.8 percent in Chicago. The index "tracks the 'true' bid cost of construction, which includes, in addition to costs of labor and materials, general contractor and subcontractor overhead costs and fees (profit). The index also includes applicable sales/use taxes that 'standard' construction contracts attract."

The Federal Highway Administration has posted the National Highway Construction Cost Index (NHCCI), which showed highway construction costs increasing at a much faster pace than the overall construction market. First quarter NHCCI jumped ten percent from the previous year. That increase was the second steepest since 2008; however, it was smaller than the 12.7 percent year-over-year increase in December 2018, and the March NHCCI value was lower than that of December 2018. That's the first quarter-over-quarter decline since December 2017, an indication that highway costs have begun to pull back. Given the steep decline in diesel prices in 2019, it's likely that highway costs will fall throughout the remainder of the year. **BG**

PERCENTAGE CHANGES IN COSTS	July 2019 compared to		
	1 mo.	3 mo.	1 yr.
<b>Consumer, Producer &amp; Construction Prices</b>			
Consumer price index (CPI-U)	0.0	0.8	1.6
Producer price index (PPI) for final demand	0.2	0.5	1.7
PPI for final demand construction	0.6	0.8	5.5
<b>Costs by Construction Types/Subcontractors</b>			
New warehouse construction	0.6	0.7	5.4
New school construction	0.4	1.3	7.1
New office construction	0.9	0.6	4.5
New industrial building construction	0.7	0.6	6.6
New health care building construction	0.5	0.4	4.5
Concrete contractors, nonresidential	0.5	0.7	6.9
Roofing contractors, nonresidential	0.5	0.4	2.3
Electrical contractors, nonresidential	0.8	1.3	5.6
Plumbing contractors, nonresidential	0.4	1.2	6.1
Construction wages and benefits	N/A	1.0	2.7
Architectural services	(1.2)	(1.7)	(1.0)
<b>Costs for Specific Construction Inputs</b>			
#2 diesel fuel	8.1	(8.6)	(14.0)
Asphalt paving mixtures and blocks	0.2	1.1	3.4
Cement	(0.3)	0.2	2.8
Concrete products	0.3	1.2	3.6
Brick and structural clay tile	1.1	0.6	2.0
Plastic construction products	0.3	0.1	1.9
Flat glass	0.4	0.1	0.7
Gypsum products	2.2	(3.1)	(7.3)
Lumber and plywood	(0.3)	(3.5)	(15.9)
Architectural coatings	(0.1)	2.4	7.8
Steel mill products	(2.6)	(5.1)	(7.5)
Copper and brass mill shapes	0.4	(3.7)	(1.6)
Aluminum mill shapes	(0.1)	(2.0)	(4.9)
Fabricated structural metal	0.0	(0.7)	(3.0)
Iron and steel scrap	(3.2)	(19.1)	(27.8)

Source: Bureau of Labor Statistics, Updated August 9, 2019  
Compiled by Ken Simonson, AGC Chief Economist



# CONSTRUCTION

## LAW UPD A T E

*Attorneys work from cubicles (left) opposite space for informal meetings, collaboration, and recreation. Photo by Candidly Yours Photography. Use courtesy NEXT Architecture.*





Photo by Candidly Yours Photography.

**Y**ou only need to look as far the real estate to get a sense of how much the legal profession has changed over the past decade. Stately, mahogany paneled offices and massive law libraries have given way to clean modern finishes and more open floor plans. Workplace amenities that had previously been viewed as the frivolous domain of tech companies now dot law offices all over America. Yet, for all that has changed in recent years, more disruption is sure to follow as new technologies and attitudes work their way into all aspects of business.

Technology has been the most obvious driver of the changes in the practice of law. Digital libraries and services that allow for case precedent researching – once known as “Shepardizing” – have reduced the utility of the law library to that of a decoration. Likewise, office software greatly increased the productivity of administrative and support staff. Law firms have been able to dramatically reduce their footprint at the same time they grow billings and staff.

Construction, as an industry, has also been going through disruptive changes over the past decade. The increasing role of technology has changed how projects are documented, delivered, and maintained. An increasing gap between the number of workers retiring and the number of those entering the industry has created a potential crisis for construction, inspiring the need for even more change to keep up.

The space where these two professions intersect, construction law, has been less disrupted than you might think, given the changes in the respective industries. There is some logic in that inertia. Both construction and law are industries with significant liability. Both industries are understandably reluctant to change methods that are effective and safe, even if those methods are not efficient.

Looking forward to 2030, it is obvious that the next generation of construction and legal professionals

will practice in a more dynamic environment. Some of Pittsburgh’s construction lawyers, including those who will still be practicing in 2030, were asked about what they thought the state of construction law would look like ten years hence. Most saw a significant change in some aspect of the two industries. None saw things remaining unchanged from 2019. Perhaps because of the more conservative nature of construction and law, no one expressed a radically different vision of construction law in 2030. That may be the clearest indication that radical change is coming.

#### Technology: The Obvious Change Agent

A decade ago, digital technology was on the verge of making big changes in practicing law. Software applications for office functions gave attorneys the ability to streamline the administrative resources to support their core function of representing clients. Services like LexisNexis had become reliable digital resources for case citation, greatly reducing the time and space needed for researching precedent in volumes of legal resources like the venerable Shepard’s Citations.

Advancing technology changed how law was practiced. New norms were accepted for discovery of digital information. Evidence came in broader forms. Wider use of technology by clients meant that attorneys had to adapt to advances in other industries that had not been accepted in the practice of law. The changes had a big impact on staffing. Partners needed fewer associates. Lawyers needed fewer administrative staff.

Technology also had a leveling effect on law firms. The competitive advantage that resources gave to a large firm was eroded when computers could do the work of many people. Like with other industries, technology increased competition. Clients pushed back on fees. Differentiating law firms became more difficult.

Beginning in the 2000s, the cumulative effect of these

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changes made their way into the physical plant of law firms. As legacy leases expired, the footprint of law offices changed dramatically. Between 2005 and 2018, the size of the average law firm was reduced by between 20 and 25 percent. The average space occupied per lawyer fell by more than 30 percent, according to Cushman & Wakefield. In an October 2016 report by JLL, the office of an attorney declined to 760 square feet on average, down from 976 square feet prior to the Great Recession. The same report forecasted that law firms were trending towards an average of 625 square feet.

The technology changes yet to come are likely to be much more disruptive to the legal profession. In particular, the application of artificial intelligence (AI) has the potential to turn the practice of law on its ear.

Construction lawyers spend significant amounts of time on repetitive tasks like contract preparation and review, or claims documentation, which could be performed by devices that would recognize the repetitive situations under review. Contract forms are already standardized, and the number of provisions that are customized are relatively few. Proponents of AI believe that machines will learn those variables at a higher rate than humans and predict when non-standard provisions should be included in agreements. Moreover, the promise of AI is that the machines will begin to understand what provisions are most effective – or ineffective – at mitigating risk and will therefore know better when to include them in the

contract negotiations.

Studies have already been done that showed current machine learning technology is capable of more accurately detecting errors or red flags in legal documents at a fraction of the time. Futurists have seized upon these kinds of theoretical showdowns to predict the demise of the legal profession. That scenario sees legal services of the future as a commodity. Attorneys see advances in AI as an opportunity for the profession.

“The buzz in the legal world has been the coming commoditization of the practice of law, meaning that clients are able to choose between multiple lawyers and law firms without sacrificing quality of services,” says Scott Cessar, member and attorney at Eckert Seamans Cherin & Mellott LLC. “Except for some limited areas of litigation, I do not see that as likely in terms of construction industry legal work. In my view, construction law is more specialized than say a lease or a buy sell agreement or a financing deal and, as such, less susceptible to commoditization. I also think that construction industry clients will still want individualized counseling particular to their situation and built on knowledge and experience which are a function of long-term relationships.”

“Technology will make our job more efficient. There’s been a lot of talk about the use of intelligence when reviewing documents or preparing documents. I think that’s going to continue to be explored,” says Lori Wisniewski Azzara,

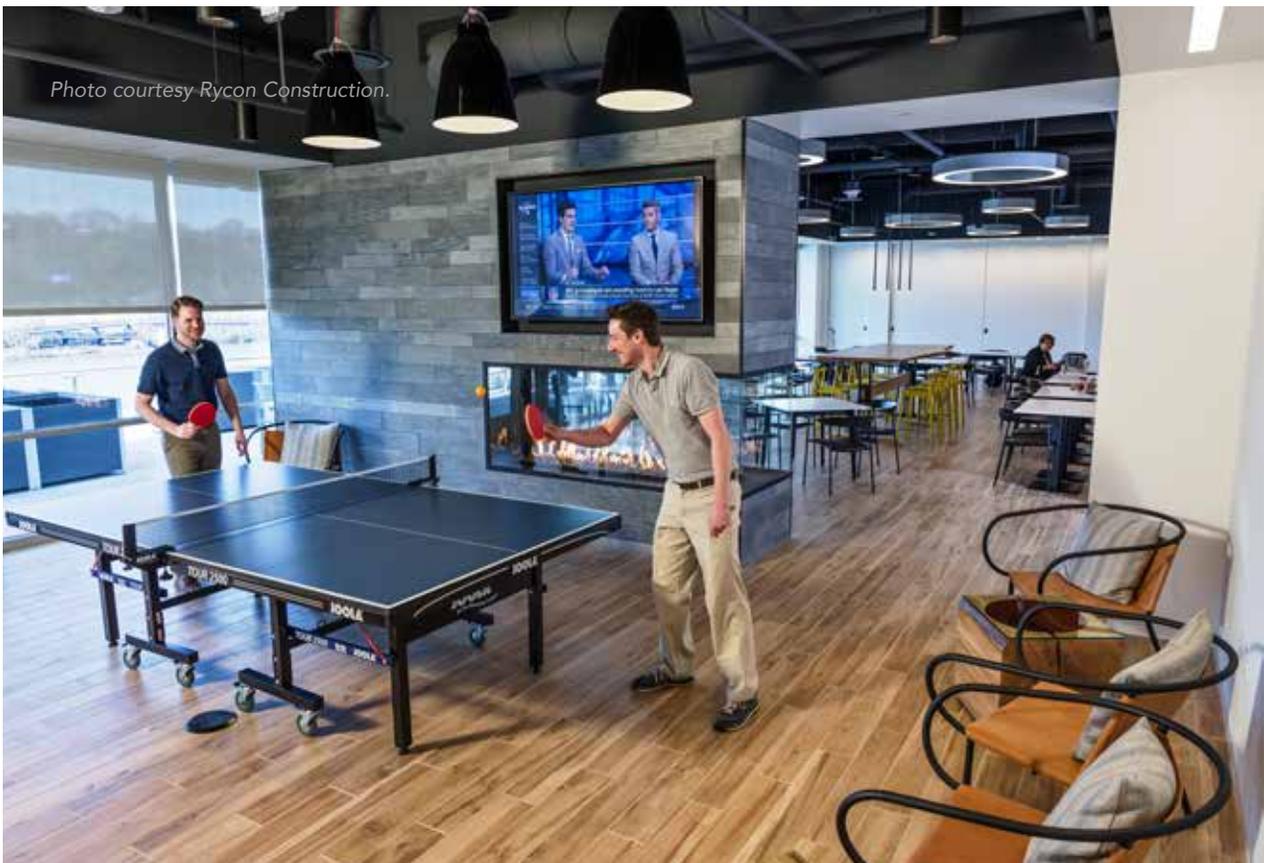


Photo courtesy Rycon Construction.

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Law firms have reallocated space historically used for law libraries. Photo courtesy Reed Smith.

partner at Cohen Seglias Pallas Greenhall & Furman in Pittsburgh. "I also think there will be some automation of services, more forms that people are using instead of reinventing the wheel. I think because firms will be able to provide the same kind of services, the practice will be more about the relationships you build."

Azzara is part of the Millennial generation of construction attorneys. She notes that when she started practicing, she had a Dictaphone for composing letters. Today she uses Siri to instruct word processing apps to revise a client's document from her phone. Her administrative assistant can add Azzara's digital signature and reply within minutes of receipt of the instructions. And Azzara need never touch the document. She has experienced a full arc of technology's impact in a decade but shares the same belief about technology elevating the value of construction law with attorneys who have practiced for decades longer.

"Technological advancements will continue, and we will see automated processes in the legal world that will replace what was previously done by humans. Attorneys will need to be nimble and adapt in order to stay ahead," says Joseph J. Bosick, partner at Pietragallo Gordon Alfano Bosick & Raspanti LLP. "Legal counsel who are knowledgeable about the industries that they represent,

who are well-versed in the operations of their clients, and who keep pace with technological advances will have success in not only the 2025 to 2030 time frame but also in the long-term future."

"It is amazing to me the degree to which the practice of law has become much more electronically-driven. Voluminous boxes of documents are replaced now by thumb drives with PDF's," says Matt Jameson, shareholder and head of the Construction Law practice at Babst Calland. "Our ability to search for relevant documents has become so much quicker because of our use of technology. That will only continue to evolve and expand, especially in construction law as that industry becomes more digital.

"My sense is that our region is behind other areas of the country in terms of our use of BIM. That will certainly grow as more and more projects utilize BIM. By BIM's very nature everything will be digital. If you aren't prepared to understand that technology, you will not be well positioned to serve that industry."

The benefit to human endeavor from AI is opportunity to focus human potential on higher-value work. Attorneys spend an additional three years and thousands of dollars after earning an undergraduate degree. The time invested



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might be better returned using the expertise gained from the education and experience.

“I think for construction the big change will be with contracts. It will be more streamlined to review contracts and draft contracts because of the technology that I think will be available,” says Azzara. “We will have more time to differentiate ourselves from other lawyers.”

“There’s a technology already that can review leases that the landlord has already done and can identify where the landlord has given concessions or made revisions on a specific paragraph or item,” explains Dusty Elias Kirk, partner at Reed Smith. “It notes how the lease has been altered previously and asks if the landlord wants to revise that paragraph. I think we can use technology to elevate discussions. Attorneys have to be able to think about [their clients] more as a trusted advisor. We have to use the artificial intelligence in a way that elevates the discussion.”

Construction has experienced its own technological disruptions. Many of those have also been administrative improvements that have reduced the number of people it takes to document and deliver construction projects; however, recent technology changes have much more promise. Building information modeling (BIM) holds the promise of solving one of construction’s biggest unseen problems: waste. BIM allows all participants in a project

to share information and retain that information – and the decisions related to it – as part of the construction documents as the project progresses.

BIM offers many improvements to the design and documentation process alone, but the ubiquitous use of BIM – something which is far from occurring – also holds the potential to unlock the value of other emerging technologies.

Robots could play a key role in construction. The use of a machine to prefabricate or install components, particularly in dangerous or high-volume situations, could greatly improve the productivity and safety of a construction jobsite. For an industry struggling with human resource shortages, using machines to supplement humans is a potential long-term solution. Considering that construction sites are among the more dangerous workplaces, machines can also limit that exposure humans have to tiring or unsafe conditions.

An even greater advancement in construction might occur on the soft side of the industry, if BIM and AI are integrated more fully. AI is highly effective at identifying trends in large amounts of data that humans would struggle to analyze, and then predicting what that data indicates will happen. Construction is ripe with information that is highly decentralized between various parties. All parties to a construction project have a manager of some sort for



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the job. Each keeps their own record of what is occurring during the project. That data, collected on millions of projects, is a treasure trove for predictive analytics. It's also the source that attorneys must mine to press or defend a claim on a project. How much more efficient would construction become if the data assembled on any project were available to all stakeholders?

"The big issue I see is the impact of big data on construction. The construction industry is way behind on that," says Chad Michaelson, member at Meyer Unkovic & Scott LP. "Think about all the big owners that do a lot of projects and get a lot of cost-plus contracts. They get a lot of information, like resource-loaded schedules. At some point, if you are a smart owner, bids are no longer like a black box. They will have enough data to know how much time the work should take and how many people should be doing it. And they will begin to dictate some of the terms."

"Now people are starting to realize the importance of, and struggling with, digital data at the contracting stage. There will need to be protocols in place for how we are going to manage this data we're collecting on construction projects," Michaelson continues. "It's not like having a bunch of drawings out to bid. There are beginning to be issues about relying on the BIM model compared to hard copies. Companies are starting to ask how they are going to protect themselves for what they

contribute to the model."

Michael Klein, partner in Blumling & Gusky's Construction and Surety Industry Practice Group, sees technology pushing delivery systems forward. He predicts that smart firms will take advantage of that to mitigate their risks.

"I think construction law will be more about project risk control and establishing the appropriate delivery systems for bringing jobs in on time and on budget at the front end," Klein says. "I think the days of fighting are long gone. Clients are much better off spending time on the front end of a project understanding the risk. I always say, give me three things: focus on scope, time, and price and you never have to worry about the contract. If people focus on the front end, there are fewer issues on the back end."

#### Construction Law: Changes in Resources and Attitude

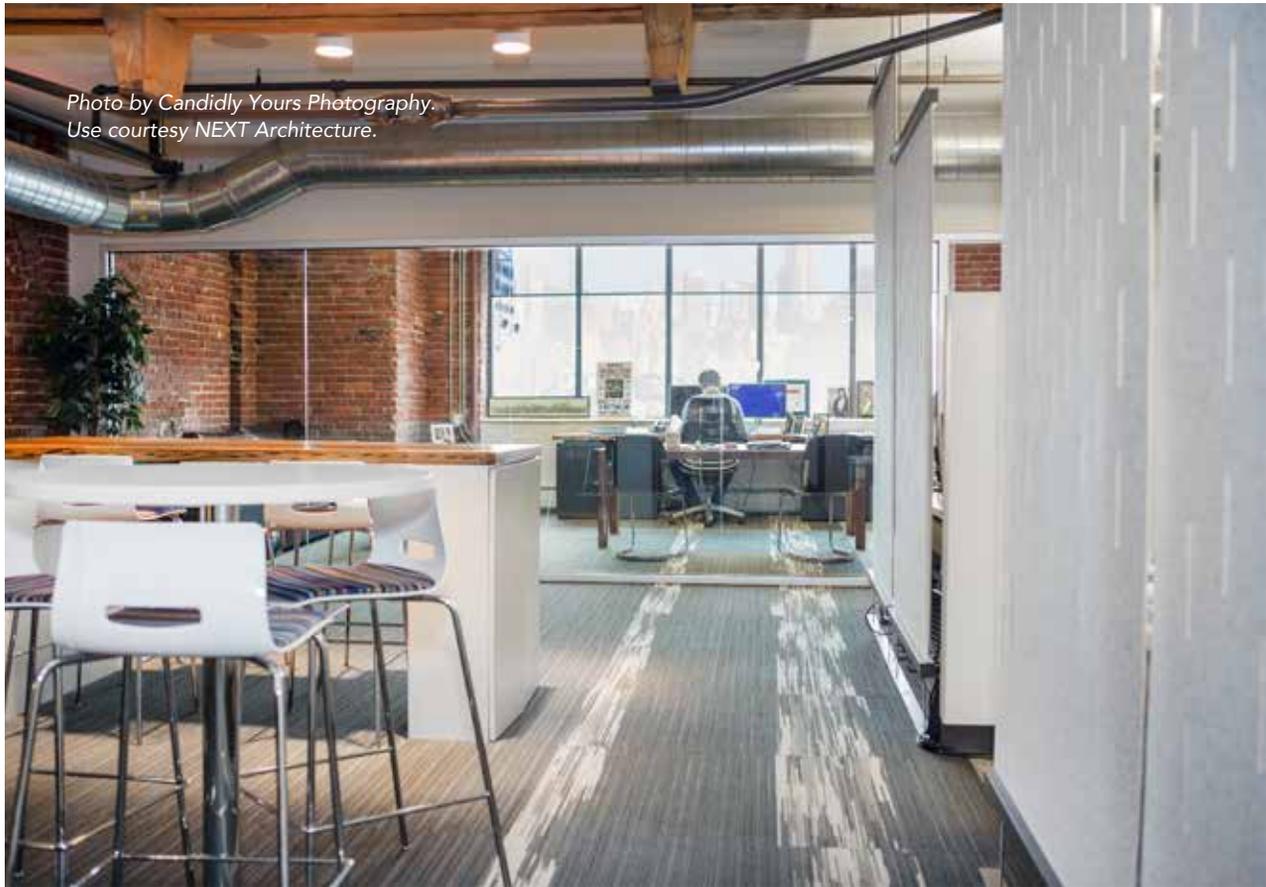
For students of math, it may have seemed odd that the floor area of the average lawyer was "only" 760 square feet. That's enough space for five workers in an average office (or 50 in a tech startup). While the average space per attorney was once somewhat representative of the grand offices in which they worked individually, today's ratio reflects the increasing real estate devoted to the kinds of amenities that might be expected in an office for Google or Uber. There are no slides or volleyball nets, but you can walk into law offices in Pittsburgh in 2019 and see lounge

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areas with pool tables or Ping Pong tables. The reason that is true is the same reason you'll find recreational amenities at tech companies: talent attraction.

For individual attorneys, there is a real trend in downsizing office space. The managing partners of some of the nation's largest law firms began this trend as part of real estate programs after the last recession. In firms like New York's Paul Hastings and Pittsburgh's Burns White, partners and associates have the same sized offices. On average today, that's 140 square feet, about the size of the office of a corporate entry-level manager in 1985.

Part of the motive for the downsizing is economics. Shared conference rooms and amenity-filled common areas have mitigated the need for partners to have space for meeting with or entertaining clients in their private offices. The shift has also been influenced by a change in attitude about human resources. Law firms believe that attorneys under the age of 40 expect to work remotely more often and to have more space to collaborate outside a private office. Smaller private offices also mean being able to offer more amenities while keeping the firm's footprint reasonable. Like with the general office inventory, it's an article of faith that legal real estate needs to be modern, transparent, and fun to attract the best talent. The best talent usually wins.

Talent attraction is an equally urgent problem for the construction industry. In fact, when asked about their vision of construction law, about the biggest risk they felt their clients faced to flourish in 2025, the answer was almost unanimous.

"Perhaps the most serious concern for our contractor clients is the attraction and retention of employees, both craft labor and supervisory and management. This will increase in the coming years as the percentage of the labor force entering the construction industry declines," says Cessar. "As a result, more and more of our clients are contacting us to discuss employee retention programs like Phantom Stock plans, bonus plans and ESOPs as a means to compensate and to retain employees and to develop succession plans for the next generation. This is a recognition that, notwithstanding the advance of technology, human capital remains paramount to success."

"I think the volume of construction and the availability of skilled labor is one of the most significant risks to the construction industry, especially in this part of the world. That is both from the standpoint of labor on site and for project management," agrees Klein. "I think our priority in the industry needs to be educating young people that a career in construction is a good choice. I think the number one job is educating people on a career in the

construction industry whether it is architecture engineering or the trades. Frankly, there are more high paying jobs in the construction industry than in professional services and we need to get that message out.”

Changing attitudes was a common theme among the lawyers looking to the future. The way construction clients look at their attorneys has changed since the downturn, influencing how law firms operate.

Chad Michaelson says that his firm’s clients expect them to be collaborative using the same technological tools. Dusty Elias Kirk notes that Reed Smith has a Client Value Team that is tasked with justifying its costs compared to the tasks budgeted for the client. She even suggested students considering the law learn how to budget time and tasks.

“I think for younger lawyers, being a project manager is going to be extremely important. We are asked all the time to look at budgets and to budget time for tasks internally,” Kirk says. “We have to be able to estimate the number of public planning meetings we’ll attend or drafts that we will produce. And we are expected to track that. If I were a young lawyer, I would be learning how to manage projects. That is not something they teach at law school.”

The next ten years should also see the courts have an opportunity to provide some clarity to changes in the law to which construction companies have not fully reacted. The Pennsylvania legislature has responded to changes in the business environment by passing laws that are meant to make it easier for companies to get paid. Amendments to the Mechanics’ Lien and the Contractors and Subcontractors Payment Act (CASPA) were made in 2017 and 2018 respectively. Those laws have seen little litigation.

“The major revisions in the Mechanics’ Lien law happened but there is still not a lot of case law out there,” says Danny Cerrone, partner with Clark Hill. “One of the issues that contractors always bring up to me is if they get a bond on a project, will it cover them in the case that the prime contractor does not pay them. The answer is not 100 percent clear there. I hope that case law clarifies that in the next five years.”

Cerrone also sees the potential for changes in two major public construction areas. He can foresee the provisions for prompt payment in the private sector in the CASPA



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amendments putting pressure on the public procurement code. Cerrone also sees public fiscal pressures creating the political cover for Pennsylvania to amend its procurement policy with regard to the Separations Act.

“There has been a move to repeal the Separations Act since before I started practicing law 15 years ago. And it has always gone nowhere,” Cerrone notes. “It seems there is more of a groundswell support at this point to move it forward. I think a lot of public entities are questioning whether the Separations Act or the public bidding process is best for their project. For design-build to get going you will need the Separations Act to be repealed or you will need legislation that says that public entities can do design-build. Public entities are going to have to stay competitive and not spend money that they don’t have anymore.”

Publicly owned design-build projects would represent a sea change in methodology. Such a dramatic change is probably, therefore, less likely to pass through a political body in Pennsylvania. As fiscal pressures build – as pension funding reaches a crisis level for example – municipal government bodies are more likely to press the legislature to give them the flexibility to try alternative delivery methods as they see fit. In the private sector of the construction industry, the use of alternative delivery methods is already growing. Construction companies that want to flourish will be able to deliver a variety of services with more flexibility.

“As time moves on, the lines between design, construction management, and construction will continue to blur with the more sophisticated players providing more services under one roof, not fewer,” says Joe Bosick. “Companies that navigate the broader service offerings – providing more of a full-service menu – will be able to grab a larger market share.”

Construction companies that want to fit that description will have to embrace alternative methods, changing work attitudes, flexibility, and constantly adapt to the influence of new technology. Much of what is being contemplated for 2025 or 2030 seems as foreign to the construction industry and construction law today as paying for lunch with our phone must have seemed in 2000. Better to imagine what might be in 2030 than to hold close to what will not change.

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“Electronic contract preparation and the use of AI in putting together contracts, that’s going to happen,” predicts Michaelson. “I’ve seen hundreds of construction contracts and there are a lot of redundant provisions. I think you’ll have contract milestones and the payment process as part of the BIM model. Think about your resource-loaded schedule. When you hit a milestone and update that schedule, it can generate the pay application and the payment can be done. That might be 2030, but you have to question why we are doing all this manually. I don’t know why it won’t happen. There are cost savings in it for the architect, the owner, the contractor, for everyone.”

Michael Klein sees the preciousness of resources changing the attitudes of clients, shifting their focus from pursuing disputes to avoiding risk. He acknowledges that emerging technology will be an important tool to accomplishing that, but he expects that his responsibility as an attorney is to point his clients in the right direction.

“For construction lawyers I think the days of fighting are over. Frankly it’s become too expensive to fight, so you’re better off convincing your client to spend time on understanding the risks of a project,” Klein says. “Project risk control is far more important in today’s world. The cost of fighting, both in the investment in their time as well as the cost of construction litigation, is just unproductive. I can stay busy working with my clients on the front end keeping them out of trouble instead of trying to win lawsuits.”

“I think we will see in another ten years that construction law will be more collaborative. I would think that our role as a construction lawyer will be that of resolving disputes in a non-litigious manner,” agrees Jameson. “I think that the model of everybody hunkering down, looking for changes and trying to assign blame is becoming outdated. There seems to be more recognition from all parties that changes are going to occur on jobs and the question is how we most equitably manage them. The next client that I get that enjoys spending money on litigation will be the first.” 

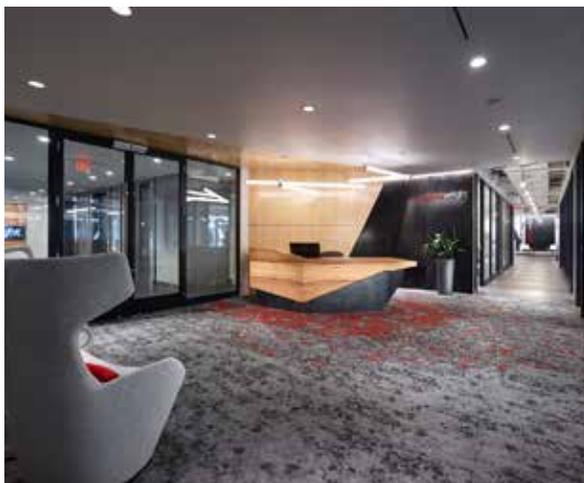
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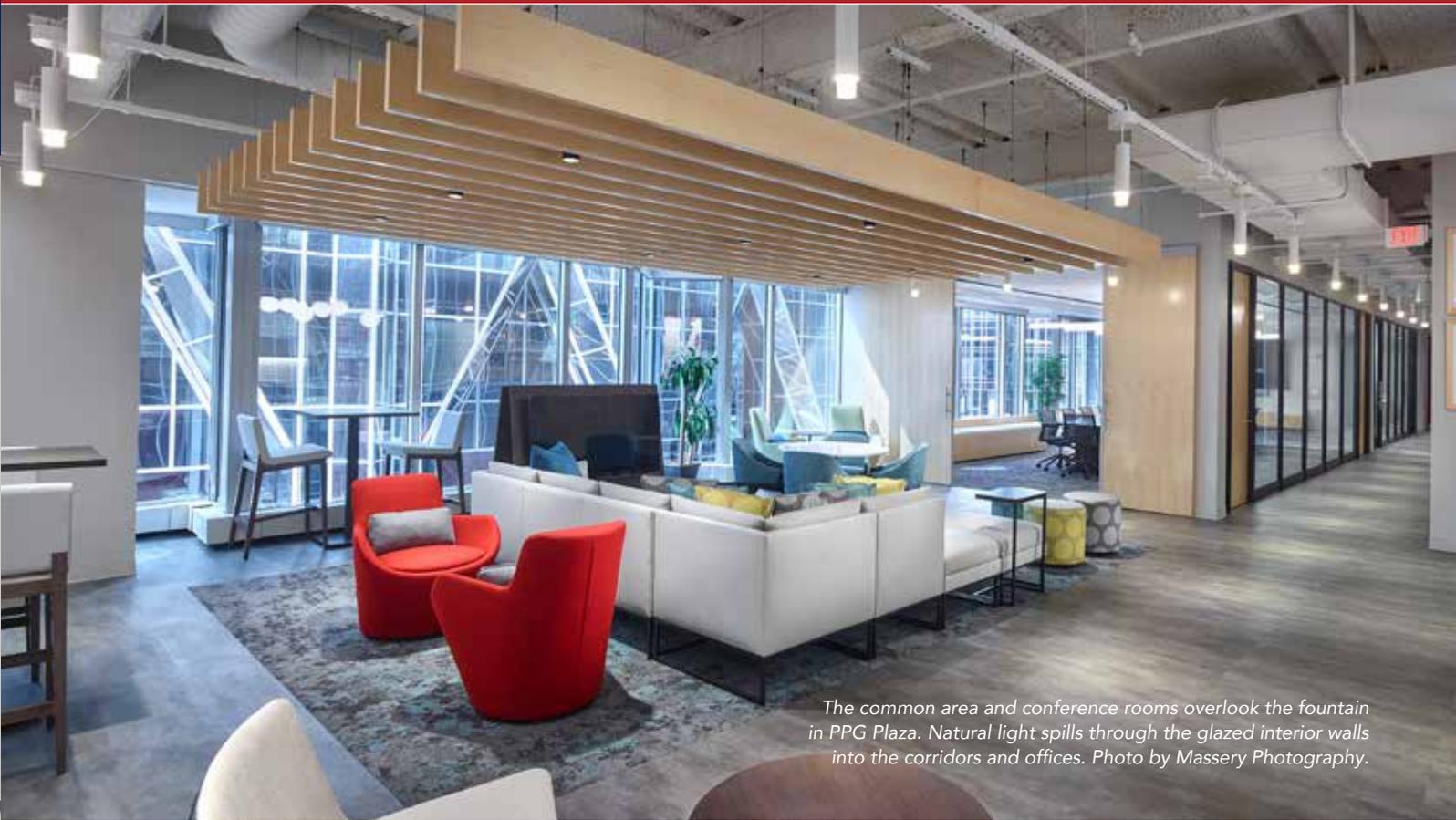
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*The common area and conference rooms overlook the fountain in PPG Plaza. Natural light spills through the glazed interior walls into the corridors and offices. Photo by Massery Photography.*

## PROJECT PROFILE

### PORTER WRIGHT MORRIS & ARTHUR OFFICE TENANT IMPROVEMENTS

In August 2017, the law firm of Porter Wright Morris & Arthur LP opened an office in Pittsburgh, taking a small space in 6 PPG Place. Six months later, the firm's successful expansion created the need for much more space in a hurry. According to Doug Coalter, director of facilities and services for Porter Wright, the new space provided an opportunity for Porter Wright to reflect its new city. And the hurry became a significant driver in how the project was delivered.

"We are not a cookie cutter law firm. We have this sense of wanting to do something different," Coalter says. "We really try to build something that fits the environment of the city we are in. We wanted to use local talent and pay homage to the Steel City. This was going to have more of an urban and industrial feel to it than most law firms ever had."

During the winter of 2017-2018, the law firm was adding lawyers to its Pittsburgh offices. By spring, when the planning for the permanent offices began, it was clear that Porter Wright's needs were going to create an accelerated schedule. Bostwick Design Partnership had worked with Porter Wright on several of its office designs. During the pre-programming phase of the Pittsburgh project, Bostwick suggested that Porter Wright bring a construction manager on board at the early stages, rather than putting the project out to bid as it had in the past. Bostwick also suggested using Turner Construction, which had managed

several of the earlier Porter Wright fit-outs. Coalter agreed.

"We had a great relationship with Turner," says Coalter. "They were very involved in our Columbus office going back to 1984 and our Cleveland office construction just a few years ago. We've worked with them a great deal over the years and working with them in Pittsburgh was just an extension of that relationship."

"We were introduced to the project through Bostwick Design. They made a recommendation to Porter Wright to engage Turner," recalls Shawn Bell, manager of special projects and interiors for Turner Construction Co. and project manager for the Porter Wright build-out. "Porter Wright had worked with Turner on projects in Cleveland, Columbus and Cincinnati."

Porter Wright and Bostwick arranged for a meet-and-greet with principals from Turner Construction to discuss the goals of the project and how to approach it successfully. From there, the team began to meet to work on programming and Bell put together rough estimates based upon the market. The framework of the Pittsburgh fit-out began to come together, even though design had yet to begin.

"Those conversations were in May or June of 2018 and they were looking to move in by the end of October," recalls Bell. "They were at the infancy stage of programming because they didn't even know how many seats they were targeting for the

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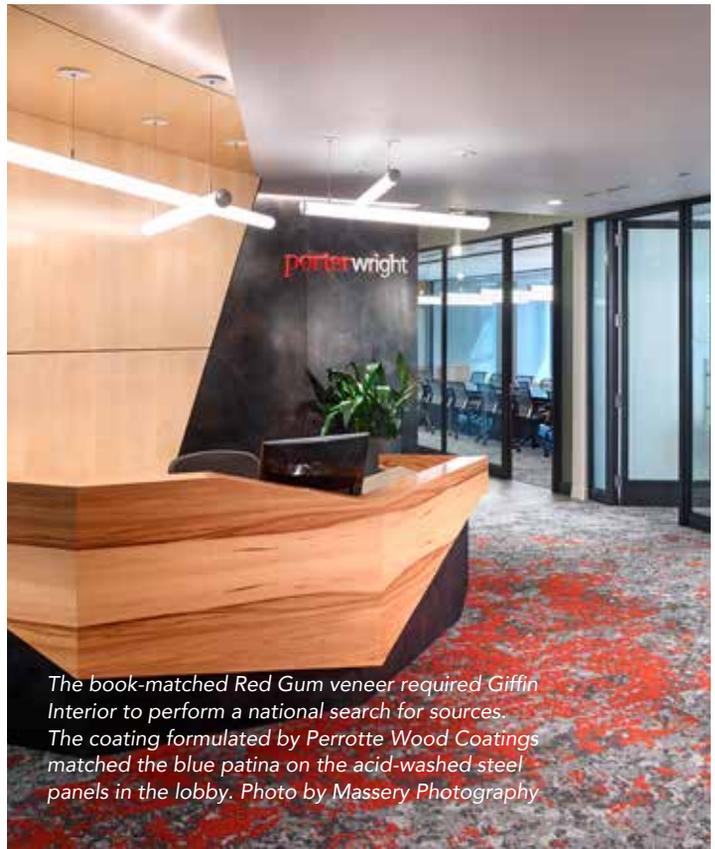


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The book-matched Red Gum veneer required Giffin Interior to perform a national search for sources. The coating formulated by Perrotte Wood Coatings matched the blue patina on the acid-washed steel panels in the lobby. Photo by Massery Photography

opening. We trended both local and regional law firm fit-out work that we had done to give them a general idea of what a cost per square foot range was. That started to become the target budget.”

With a ballpark budget in hand, Bostwick Design met with Porter Wright’s stakeholders to refine the program and begin designing.

“We sat down with the principals here at Porter Wright and asked what their vision was for the space. I think Bostwick did a great job of listening to what we said,” Coalter says. “One thing we couldn’t do was come out of Cleveland and take a cookie-cutter design from Cleveland and put it in Pittsburgh. Neither of those cities was going to tolerate that!”

“I think a lot of the design was driven from the fact that they wanted to stand out. Most law firms are very traditional, and we designed the Cleveland office which had a very traditional look with a lot of wood finishes. We wanted to create spaces where there could be more comfortable encounters between clients and attorneys,” says Kristin Bogaard, designer and project architect for Bostwick Design Partnership. “There is a cafe lounge area where clients can get a cup of coffee and feel comfortable and welcomed. We wanted to break away from that traditional feel of a law office.”

The result of the information exchange was a design that was going to be intentionally industrial and modern. The office’s location in 6 PPG Place provided a perfect view of the plaza below, with an exterior envelope of glass. The building’s lower height meant that it was in the shadows of the taller surrounding structures. Bostwick Design developed a design that used glass walls for many of the interior offices and corridors, allowing the daylight to flood

through outer offices into the corridor and interior offices. To communicate the industrial intent, the ceilings were left exposed, creating the need to compensate with other materials to absorb the sound. Bostwick chose to accent with metals, specifying an acid-etching for steel panels and storefront systems that created a gun-metal blue patina throughout. But some of the choices – and the aggressive timetable – meant that the delivery method needed to be even more creative.

“Based upon the schedule demands, it was immediately understood that some form of design-assist or design build would help achieve the schedule goals. It helped that Bostwick is certainly an advocate of design-assist,” Bell says.

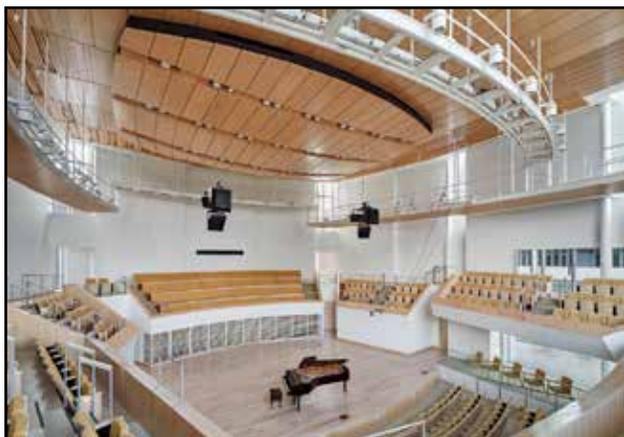
While much of the design build scope of work is commonly done, mechanical/electrical and fire protection for example, there were elements of the scope of work that went the design-assist route that were not commonly delivered in that method. Among these were the coatings, millwork, flooring, signage, glazing, and the door/hardware package.

“It was a complete customized storefront system, but one of the challenges was that it was a unique system that had not been tested frequently. Because it is a law firm, there were strict sound and acoustical requirements,” says Bell. “We partnered with Gurtner Construction to utilize a standard storefront system that has the gasket and insulated glass panels to make sure that the systems performed well acoustically.”

“Bostwick chose an EzyJamb™ design, which is kind of a frameless opening to each of the offices. It wasn’t your



A lounge in the common area allows clients to relax before meeting with an attorney. Photo by Massery Photography.



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Photo by Massery Photography.

traditional aluminum or hollow metal frame. That was new to us, so we engaged Davis Fetch to determine what the best solution was for that, along with the rest of the hardware,” Bell continues. “We had a similar experience with the millwork and Giffin Interior & Fixture.”

Perhaps the most complicated of the design-assist specialties was the coating for the interior metals. The acid-etched finish that was used on the steel panels in the lobbies proved to be too expensive and difficult for the storefront systems. The blue patina of the metal finish was a critical element of the design, one that had to be replicated somehow.

“We engaged a local coating company, Perrotte Wood Coatings from the Strip District, to apply different finishes to an aluminum storefront system to replicate the blue patina,” says Bell. “Frank Perrotte came up with different formulations and made up some mockups that we compared with the architects against the original samples that had been prepared. The acid-etched finish is very organic. It has variations in it that were by design.

“It was stressful at the time because we were already in the construction and we needed to finalize this detail, but Perrotte came up with a ceramic coating solution that was successful.”

The change in method was significant. Perrotte’s solution resulted in important cost savings, which was necessary for a project that was changing frequently. It also meant the architects had to accept changes to their design. Bell notes that every specialty contractor worked to maintain the design intent but acknowledged that there were substantive changes to Bostwick’s choices. Kristin Bogaard says that the project’s goals were more important than individual design choices, and the storefront system was a good example of that attitude.

“There was some initial resistance from the design team, but we wanted to keep our client’s happiness in mind,” notes Bogaard. “With the time constraints in mind we wanted to make sure that we didn’t delay them. There was also a budget consideration with the steel. Porter Wright was happy with the finished product. When we visited the shop, Perrotte really did match the control sample for the steel.”

Turner Construction was able to get a permit for start of construction in mid-July 2018. During the summer, as work was getting underway, Porter Wright’s pace of growth created the need for even more space. It was decided to perform the project in two phases, with the original 10,000 square feet under construction and roughly 8,000 square feet added to the scope. The additional leasehold gave the landlord, Highwoods Properties, more flexibility and allowed Porter Wright to have more time at their temporary space in One PPG Place. Even with the temporary lease expansion, the schedule for turning over the finished space was only delayed until mid-December. And that included adding renovations to the building’s lobby, which was part of Highwood’s responsibility, to the scope of work at the eleventh hour.

With at least nine of the specialty trades being done design-build or design-assist, the construction administration had to be as efficient as possible. Bell gives Kristin Bogaard and the Bostwick team credit for recognizing that. He notes that there were extraordinary measures taken to streamline the process.

“The submittal process was quick, and Kristen did a really good job of streamlining it,” Bell says. “That was especially true for the millwork samples because there was nothing available locally. The architect created renderings and Giffin searched the national market to secure enough of the Red Gum to be able to book match and provide what they were trying to communicate

through the rendering. That led to doing an on-board submittal review process where we reviewed the different shop drawings and all the samples at Bostwick's office. We invested half of a day to ensure that everything was in line with the design intent."

Even with the addition of a second phase and the building lobby renovation, Turner Construction turned the space over to Porter Wright within one week of the original schedule. Porter Wright used the timing to its advantage, throwing a New Year's Eve party in the new space on the final day of 2018.

"The entire project took less than nine months from start to finish. It was a little inconvenient moving in between Christmas and New Years but we got the job done," says Coalter. "We started designing before we even knew how much space we would have. It was very fluid. It was all possible because of the relationships. There's a lot of trust there."

Coalter says the finished product also delivered on the design intent.

"Most people who walk through that space will probably not have a sense that this is a law firm," he notes. "The way people work is changing every day. There's a lot of common space and collaboration space in that office. It's what our younger lawyers are looking for. They don't want to be confined to an office. You have to build that kind of environment if you're going to recruit young people."

The non-traditional design doesn't end with exposed ceilings, glass walls, and blue patina storefronts. Bogaard explains that there were many elements that called out the dichotomy of Pittsburgh's industrial heritage and omnipresent natural surroundings. Exposed hardware and connectors mimic the rivets and bolts that are used on the bridges in Pittsburgh. The carpet is an Interface product with a mica pattern that is meant to bring the look of nature into the office. The millwork has veneers from three different wood species. And the glazed interior walls bring the outside in for the occupants.

"The main materials we use to sort of celebrate Pittsburgh was the look of steel in the storefronts and the choices that tied nature into that space," she explains.

For Porter Wright's clients, the common spaces are especially eye-catching. The conference rooms are arranged to take the highest advantage of the views and daylight. The main conference room opens onto the café/lounge, which is an area meant to best communicate the non-traditional vibe. The attorney managing Porter Wright's Pittsburgh office says the design

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is having the desired impact.

"It's working out great. The lounge is being used regularly," says Tim Gallagher, partner-in-charge in Porter Wright's PPG Place office.

"We do meet with clients there, although we don't have any confidential conversations [in the lounge]. We do greet them there to get a cup of coffee and have a casual conversation. It's also working very well for intra-office meetings among the attorneys in the office. Visitors will sit there and wait for their meetings and, when we have visitors in for lunch, that's where we serve them."

Coalter's emphasis on the trust and collaboration of the project team is echoed by the architect and construction manager.

"We worked together from the very beginning of the process. It was a very collaborative effort and a lot of its success came from that collaboration," says Bogaard. "Both Turner and Porter Wright were fantastic to work with and I look forward to working with them again. It helps with the whole design process when you have clients who are supportive and a construction manager that is on board with their choices. It helps throughout the whole process, not just construction. I think that's apparent in the finished product."

"It was a fun project," agrees Bell. "I've had the opportunity to touch various size projects with Turner and this was probably one of the most rewarding projects I have done. It was a good team and it was not your day-to-day fit-out. It was very rewarding to see the end product, to see the design come to fruition." **EG**

## PROJECT TEAM

Porter Wright Morris & Arthur.....	Client
Turner Construction Co.....	Construction Manager
Bostwick Design Partnership.....	Architect
McKamish Inc.....	Electrical
Gurtner Construction .....	Glazing
JLJI Enterprises LLC .....	Interiors
Preferred Fire Protection Inc. ....	Fire Protection
Davis-Fetch Corp.....	Doors/Frames/Hardware
Giffin Interior & Fixture Inc. ....	Millwork
Saints Painting .....	Painting
Butler Floor Co. ....	Flooring
Preferred Signage.....	Custom Signage
Perrotte Wood Coatings.....	Custom Coatings
Caldwell's Windoware Inc.....	Window Treatments





## FIRM PROFILE

### MCCROSSIN FOUNDATIONS LLC



Paul Martin, president of McCrossin Foundations LLC, likes where his company is positioned in the market. After nearly a decade providing structural foundations and marine construction services, McCrossin Foundations finds itself being more selective about

the kinds of projects it is pursuing. Like almost every other contractor, McCrossin Foundations had its share of scraped knees in its early years. Martin believes all those experiences, even the uncomfortable ones, put McCrossin Foundations in a great position heading into its second decade in business.

“We have been narrowing down what we pursue, really focusing on what complements our resources, both equipment and personnel. Like any contractor, we have paid our tuition,” Martin chuckles. “We learned our lessons. Over the last ten years we’ve grown our fleet and our personnel. We have learned what we’re good at and that’s where we’ve been focusing.”

McCrossin Foundations is a specialty contractor providing services in a relatively narrow and technical discipline in the construction industry. McCrossin Foundations is primarily in the pile driving and drilling specialty, providing structural foundations when the soils or subsurface strata are inadequate to allow for standard foundations, like spread footers. The company has built a team

that is flexible on the jobsite and has the experience to handle the full scope of subsurface structural needs, including micropiles, tiebacks, caissons, excavation support, driven piles and sheeting.

Western Pennsylvania construction sites create plenty of demand for drilling and pile driving. Some of the hottest areas for construction – Oakland, riverfronts, Washington County, or brownfields, for example – are rife with legacy poor fill, soils, or mines. Challenging site conditions exist throughout the tri-state area. Building on these sites requires specialty foundations and the services that support them. McCrossin Foundations does pile driving, grouting, excavation support, small and large diameter drilling, drilled shafts, and marine construction. Providing these services requires expertise and an investment in heavy equipment. Martin acknowledges the risks inherent in McCrossin Foundations’s core business. He says those risks influence business development.

“Safety is the underlying driving force of our company,” Martin says. “We target projects that are in our geographic range where we can use our resources and capabilities for both equipment and labor force to deliver a quality product. But at the end of the day our focus, before a project starts, is safety.”

The origin of McCrossin Foundations is a working relationship between Paul Martin and G. M. McCrossin Inc., a Bellefonte, PA general contractor. Martin began working in the construction

industry as an engineering co-operative student while earning his B.S. in Civil and Environmental Engineering. He worked for Nicholson Construction as a field engineer, where he worked on the river wall at PNC Park. Martin gained experience working all over the U.S. on projects and, as he was given management responsibilities, he earned his master's in business administration from the Joseph M. Katz Graduate School of Business. While working for Brayman Construction, Martin managed several projects on which Brayman was a subcontractor for G.M. McCrossin. During that period, Martin developed a working relationship with Bob Leahy, president of G.M. McCrossin Inc.

In conversations with Leahy, Martin talked about his goal of operating his own business. Leahy was interested in expanding McCrossin's business and hired Martin to start a foundation division for G.M. McCrossin in April 2010. Over the next five-plus years, Martin grew the division, working for an expanding group of general contractors and owners. McCrossin Foundations was spun off and became independent in 2016. The company now operates in multiple states, working on projects in New Jersey, New York, DC, Maryland, Ohio, Kentucky, Virginia, and West Virginia.

Among the higher profile projects on which McCrossin Foundations has worked are several of the major sections of the Southern Beltway, the I-70 and I-79 interchange in Washington, PA, the Tepper Quadrangle at Carnegie Mellon University, the Charleroi Locks and Dams, Schenley Place, University of Pittsburgh's Salk Hall, and the high-rise Empire Apartments in Oakland.

McCrossin Foundations employs 15 in its office and runs between 50 and 80 employees – including field crews – depending on the level of activity. Roughly 65 percent of its projects are in the public sector and 35 percent are private projects. In 2018, the company did \$27 million in revenue and expects that total to grow by ten percent in 2019. Russell Kohler is vice president. Matt Pavlinch is senior project manager. Laura Sesack is marketing and business development manager and Greg Anderson is safety manager.

Martin says that McCrossin Foundations has gone through a reorganization since the time the company spun off. During the past few years, he says the management team has worked to realign the company to match its customers' needs with McCrossin Foundation's resources for bidding, planning, and building projects. At the same time, he says that McCrossin Foundations has worked at matching its core competencies to those of its customers.

"We are looking for good partners. The attitude of 'bid everything, hope to win something' is an old school construction philosophy that doesn't work in today's market," Martin explains. "We are looking to work with the companies we know we can partner with to be successful. We have learned over the last ten years who those companies are, and we gravitate to them as the work comes out. It is also exciting to move into new markets and geographic regions to find new partners to develop relationships with. When you perform for a company, word spreads quickly and that helps us gain more traction in new markets."

"Our motto is 'Where good people take us,' and we attribute our growth to finding the right people and capitalizing on opportunities in regional markets," Martin continues. "We build

trust and from there we build relationships. We have worked for general contractors, developers, owners, and construction managers. Each project is unique, even though the hole size is sometimes the same."

Part of the process of identifying partners and customers whose way of doing business matches that of McCrossin Foundations is recognizing that every opportunity is not a good fit. Martin says that realization has been part of the maturation process for their team.

"There are certain foundation projects that we are not equipped to handle, whether it's because of a specialized technique, or size, or even because of geography," he says. "We're getting smarter. We've learned what we're good at and we want to stick with that."

With the number of large projects in the pipeline, the opportunity for growth is strong over the next five years. Martin sees the potential and is optimistic about continuing McCrossin Foundation's organic development.

"We have strived to make McCrossin Foundations different from a typical 'corporate' mentality. Every employee contributes to the success of the company, not only from an internal standpoint but also with external relationships," he says. "We feel our success going forward will be based upon being people with whom clients can have a personal and professional relationship. That balance is key. We're a family of families. We are looking to grow our family as we have during the last ten years." **EG**



Russ Kohler



Paul Martin

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# LEGAL PERSPECTIVE

## BUCKLE UP: BEST PRACTICES FOR CONTRACTORS RIDING THE ROLLER COASTER OF CONSTRUCTION MATERIAL TARIFFS

BY LISA M. WAMPLER AND SYDNEY PIERCE

On March 8, 2018, President Trump signed a pair of executive orders putting a 25 percent tariff on imported steel and a ten percent tariff on imported aluminum. In the eighteen months since the tariffs went into effect, the impacts of these and subsequent international trade decisions on the American construction industry have been something like a roller coaster.

Since these initial steel and aluminum tariffs, additional tariffs have been imposed and withdrawn against a variety of countries and applied to a variety of materials. The steel and aluminum tariffs did not originally apply to certain neighboring or ally countries but were extended to the European Union, Canada, and Mexico in June 2018. In May of this year, however, tariff negotiations resulted in the United States lifting the steel and aluminum tariffs from Canada and Mexico. China has been the most frequent target of tariffs, with the Trump Administration rolling out new lists of subjected products what seems like every few months, including anything from steel rods to plastics and other raw materials used in manufacturing to, just in August 2019, imports of wood cabinetry.

How can a contractor protect itself when the price and availability of construction materials can vary so widely within such a short period of time? There are a number of solutions at both the front and back end of a construction project that contractors can utilize to avoid the risks of unpredictable pricing and availability. On the front-end, contractors can negotiate for contractual provisions that will limit the negative effects of tariffs. On the back-end, certain contractors and suppliers who import products and materials from overseas can seek exclusions from tariffs.

### Effective Contract Provisions

Construction contracts should contain provisions that squarely address which parties bear the risk of tariffs. It is in everyone's best interest to plan for the potential delay and cost impacts caused by tariffs. For contractors and suppliers, this means trying to negotiate for provisions that allow for recovery of time and/or money for materials shortages. Contractors should ensure these provisions flow down so that each tier has the same requirements.

### Material Price Escalation Clause

The best way for a contractor to protect itself from price increases resulting from tariffs levied on construction materials is to include a price escalation clause in the contract. This clause allows for a price adjustment to be made in the event of a change based on an agreed-upon metric. One such metric might be the difference between

the quoted material price at bid time and the price of the material as delivered. Another metric might be based on a particular material price index. This clause can change the amount to which a contractor is entitled when prices increase post-bid, but can also be drafted to be effective in the opposite instance, when a contractor is entitled to less when a price decreases post-bid.

Risk can be allocated by this clause in any number of ways, including placing all the risk of changing prices on one party, sharing the risk between owner and contractor based on a certain percentage of the material price, or including caps on the risk incurred by one party. Creative risk-sharing solutions can help avoid a situation where the contractor is forced to bear the risk for any material price increase.

### Force Majeure Clause

Contractors seeking to recoup losses occasioned by an increase in the cost of materials can also rely upon force majeure provisions. Traditionally, a force majeure clause covers catastrophic or otherwise unanticipated events considered as so-called "Acts of God," such as extreme weather, wars, strikes, and even changes in law that would make contractual performance impossible. Where a force majeure clause includes "catch-all" language, a contractor can argue that a tariff falls under its umbrella. The Trump tariffs may be particularly good candidates for coverage under a force majeure clause because many were imposed as a matter of national security. However, contractors would be better served by adding language to the clause that expressly covers governmental acts such as the imposition of tariffs.

### Taxes Clause

Another potential avenue of recovery is through a contract's tax provisions. A properly drafted contract should limit a contractor's price to include only taxes for the work being performed under laws currently in place when the bid is accepted or the contract is entered into. The AIA A201 (2017) General Conditions of the Contract for Construction contains such a clause, which gives a contractor the ammunition to argue that it is not obligated to pay for any taxes, like the Trump Administration's tariffs, that go into effect after the fact. Likewise, any contractor working on a federal government project that incorporates the Federal Acquisition Regulation (FAR) can take advantage of specific provisions that allow for an increase in the contract price for any after-imposed federal taxes.



### Equitable Adjustments or Change Orders

A contractor may also attempt to seek an equitable adjustment or change order on the basis of commercial impracticability. Some courts have found that unforeseen price increases can be significant enough to merit an adjustment or reformation of a contract. However, other courts are not so sympathetic towards market-driven price changes and require increases of over 100% to consider performance sufficiently “impracticable.” Because of differences in law across the states and the uncertainty of success, these arguments should be pursued as a last resort.

### Seeking Exclusions

If an owner insists on the use of a particular product subject to tariffs that cannot be found elsewhere and will not budge on compensation for any price increase, there is an exclusion process available for certain eligible parties. “Interested parties,” such as small businesses that import goods subject to tariffs, or even trade associations, can file an exclusion request with the Office of the United States Trade Representative (USTR). The USTR publishes detailed procedures that pertain to particular tariffs as applied to particular groups of products. These procedures are complex and subject to change just as unpredictably as the tariffs themselves.

Typically, the request for an exclusion must contain detailed information about the requesting party, the product for which the exclusion is sought, the requester’s relationship to that product, and the rationale for the request. The rationale must explain:

- Whether the particular product is only available from the foreign country (often China), or whether it can be obtained from the United States or another country
- Whether the requester has attempted to source the product in the United States or other countries

- Whether the imposition of the tariff will cause severe economic harm to the requester or other United States interests
- Whether the product is strategically important to certain Chinese industrial programs

After a request is filed, other interested persons have 14 days to respond in support or opposition. The requester can then reply to any responses within seven days after the close of the response period. If the request is granted, the product requested will be immune from applicable tariffs for one year from the date of the notice granting the request.

The deadline to file exclusion requests for certain Chinese products imposed in September 2018 is September 30, 2019.

Seeking an exclusion is not an option for all businesses, and Law360 has reported that the rates of success for steel and aluminum imports have been between 35% and 44%. However, even contractors that cannot seek an exclusion themselves can publicly comment on other exclusion requests or encourage their trade organizations to seek exclusions on their behalf.

Eighteen months into the Trump Tariff era, only one thing is certain: contractors must arm themselves with favorable contractual provisions that will see them through the roller coaster of changes in pricing and availability of construction materials. Where possible, contractors must also be prepared to advocate for themselves and others through the exclusion and public comment process. A savvy contractor can ride the waves of volatile markets instead of waiting for calmer waters. **BG**

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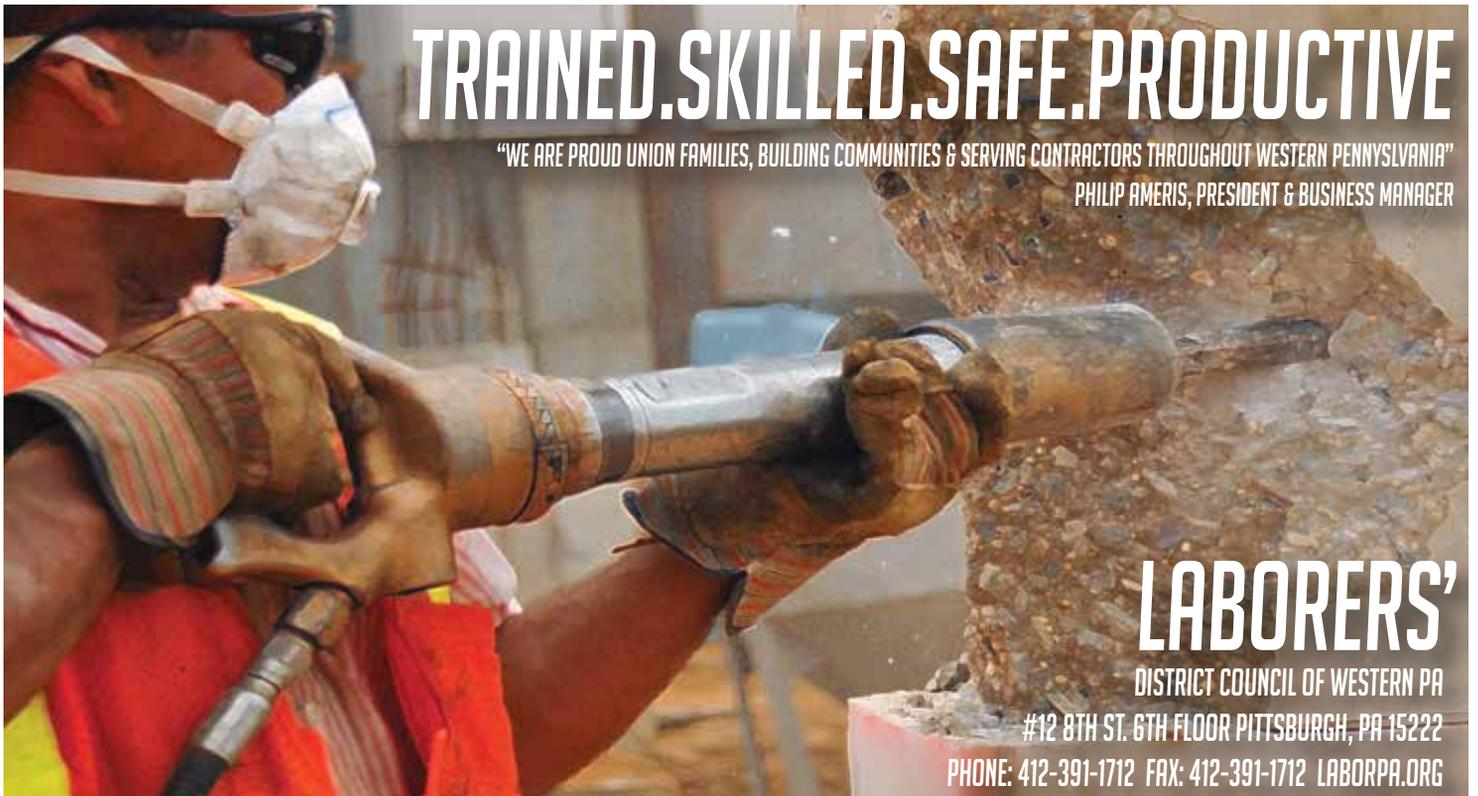


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# FINANCIAL PERSPECTIVE

## GIVE YOUR WORKFORCE THE FINANCIAL TOOLS TO MANAGE A SUCCESSFUL PROJECT

BY MICHAEL KAPICS, CPA CCIFP

Companies know that well-trained team members are more productive when the results of their work are more closely aligned with their companies' goals and standards. They invest a large amount of capital in training—and they're upping their ante. According to the Association for Talent Development's 2018 State of the Industry report, businesses spent \$1,296 per employee on learning in 2017, a 1.7 percent increase from 2016.

Construction companies concentrate their training on such areas as safety, technical skills and human resource policies. Yet too few of them spend training dollars on programs that directly impact their bottom lines.

Management wouldn't send a team to a project without essential equipment. Yet, every day, successful companies send out team members—most notably, estimators and project managers—without the information they need to run efficient, profitable jobs. It is critical that this group understands the basics of the company's operations and cost structure. More importantly, they need to know how their decision making impacts the profitability of the company, so they can focus on doing things in a way that will keep the company a leader in its field.

The first step in designing effective training is identifying company weaknesses by benchmarking your company against like companies. Comparing performance to the competitors' can provide you with improvement goals, determine where training is needed and allow you to tailor training to address specific issues.

Once problem areas are identified, the company must decide how to address them. What targeted programs will be developed? What key team members should be included in the training? The team leaders that generally have the most influence on company profitability, and therefore should be included on the team, are estimators, project managers and office staff—and most importantly, only those who are willing to be trained, that is, willing to change. That will ensure positive attitudes in the room and keep negative attitudes out.

The resulting training team and ownership team will work together on developing the program using the benchmarking report as their guide. Ownership is critical in developing the program as there will be many decisions to be made about training activities and exercises. Once the ownership group identifies the goals of the program, specific exercises and activities can be designed to provide the group of leaders the tools they need to impact the company's bottom line.

In order to set specific goals of improvement, it's vitally important that ownership share some key financial metrics

that are going to be targeted for improvement. Sharing specific financial information with the training team can be uncomfortable for ownership, but group leaders need to know where improvement is needed to properly target the training—and generate real results. Ownership can begin by reviewing with the team leaders how the company's financial ratios compare to industry averages and explaining how the financial ratios are calculated. The key to the training is not sharing the results but is showing the team how they can impact and improve the results.

Training programs are company-specific. For example, cash flow is often a problem. Project managers might not be billing in a timely manner or aggressively enough. Estimators might be able to design their bids more effectively to frontload jobs. Often teams confuse being busy with being successful, and not understanding the nuances of cash flow. Helping the team understand the small, impactful changes that can be made to their procedures that will improve cash flow is an excellent training opportunity.

Scope creep can negatively impact profitability. Management teams that want to maintain good relationships with customers often take care of "extras" at no cost. They see this as great customer service, and many times they are correct. But it also can create scope creep and profit erosion. Little extras can add up to big dollars when they occur on multiple jobs with multiple project managers. Because net profit margins in construction are generally thin, scope creep can present a particularly impactful training opportunity. Open discussion and examples can help the management and ownership teams identify these issues and work together to capture this revenue going forward.

An effectively structured training program includes monitoring results and documenting the impact on the company. Manager reviews or ongoing meetings help to reinforce the training and assure the desired changes are being implemented. Monitoring the goals of the program gives everyone a chance to see the impact they are having on the company's finances and can even be used to identify compensation and bonus packages designed around achieving the goals set for the training programs.

Training is vital to the success of a construction company. Training team members need to be empowered, including with financial information, and given the tools to produce the kind of efficient and profitable projects that ensure their company's long-term success. **BG**

*Mike Kapics is a partner and leads the construction practice at Hill Barth King CPAs and Consultants. He can be reached at [mkapics@hbkcpc.com](mailto:mkapics@hbkcpc.com).*



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# MANAGEMENT PERSPECTIVE

## FROM COMPLIANCE TO COMMITMENT: ADDRESSING THE CONSTRUCTION INDUSTRY'S SUICIDE EPIDEMIC

BY JOE KOPKO

For many, workplace safety brings to mind thoughts of OSHA compliance, required safety trainings, and for the most part addressing the many physical hazards that accompany construction activities. Yet despite the incredible efforts we have made in reducing occupational fatalities and the dangers our workers face, a silent killer is claiming more and more lives every year.

The construction industry, well known for its “suck it up and get it done” culture, experiences the most suicides of any business sector. According to a report from the Centers for Disease Control (CDC), the construction and extraction industries claim the highest number of suicides each year, primarily white males. It's an epidemic that few people recognize is raging, and even fewer really understand how to help. To further compound the issue in 2016 suicide was the second leading cause of death to ages 15-34, prime employment age for those entering the construction industry. When you factor in the growing shortage of skilled trades entering the industry, a perfect storm of economic impact is brewing and there is much, much more that each of us can be doing to reverse the trend.

Suicide rates have been on the rise in nearly every state in the U.S. according to the CDC. In Pennsylvania, there was a 34 percent increase in suicide rates from 1999 to 2016 compared to a national increase of 25 percent during that time period. In Allegheny County, the suicide rate is higher than both the state and national averages according to figures provided by the Allegheny County Department of Human Services.

The underlying issue is related to the mental health of our employees, including whether they are effectively coping – or not – with the relentless pressure of their lives. This is not a new issue, however in today's world, these issues are further aggravated by social media influence and paychecks that just don't stretch far enough. Additionally, the construction environment itself fosters the problem. Construction tends to be seasonal work with varying shifts, job security is among the constant stressors for workers and the pace can also be quick when work is in abundance. The nature of construction work regularly presents situations where high-risk activities and expectations to do the job right, and fast, add to the pressure. Further, the heavy labor can lead to injuries or chronic conditions and the drugs prescribed only add to construction's abuse problem. All of this can further complicate an individual's mental well-being.

This growing trend has captured the attention of many professionals and industry organizations, and ultimately

led to the formation of the Construction Industry Alliance for Suicide Prevention. This alliance was developed in conjunction with the Construction Financial Management Association (CFMA) and is systematically providing resources and support services for employers to better understand how they can do more to help their employees. While knowledge alone is not enough to change behavior, it's a solid starting point. Approximately 18 percent of Americans have a mental health condition, translating to over 43 million Americans. 56 percent of adult Americans with mental illness did not receive treatment, and to further complicate matters half of those adults with a mental health condition also have a co-occurring substance abuse disorder, according to the report “The state of mental health in America 2018.”

Most workplaces do very little in the way of suicide prevention. It is typically reactive in nature to help their employees through their grief when a co-worker commits suicide, and usually grief counselors are made available for a short period of time. However, in many cases, people are still processing an incredibly profound life event and the impact has not set in during this brief time. The availability of these resources must become a 24/7/365 type of approach as we cannot forecast when the tipping point may come for one of our own. The reality is that in many work environments, not just construction, the social dynamic does not always present an opportunity to share what is going on in your life and make sense of it, let alone be greeted with empathy by co-workers, unless you have developed a culture that will support that.

Educating your workers starts by sharing information in an authentic, meaningful way. Think smaller group sessions and evaluate the composition of each group. The CFMA's Alliance for Suicide Prevention has done much of the heavy lifting on preparing information, training materials, and assessment tools. This is not the type of training session that should happen when you are rapidly covering other topics, or on a noisy jobsite. This discussion is often best handled by a third party due to the sensitive nature of the topic. This is simply not a conversation that should be covered by someone who lacks empathy or tends to make contradictory statements that further confuse or irritate. For example, an operations-focused individual, despite best intentions, may say something to the effect of: “Hey everyone, we want you to get help and we are here for you, but remember this is our busiest season and you should be scheduling these appointments for afterhours so we can stay on schedule”.

One of the best ways to tackle a problem is to have many eyes and ears monitoring the issue. Considering that many regional contractors will eventually share employees at different project lifecycles, not addressing the issue of a troubled employee and laying them off further perpetuates the problem. Much like “see something, say something” applies to suspicious activities, we need to apply a “see or hear something, do something” approach and not just kick the can down the road hoping the individual will eventually get the help they need. The growing statistics show us this simply is not happening. A proactive employer should develop their own internal steering committee and identify any barriers to accessing mental health that may

exist within their organization. An extremely common disconnect with union employers is that they often pay into the local’s benefit program but have no control over the selection or administration of these health insurance programs. If one of your employees requested the number for their Employee Assistance Plan (EAP) and they were a union plumber or sheet metal worker, would you be able to support the request, or would you deflect to someone else and further delay access to treatment? Breaking down the stigma around mental health is one of the major barriers to accessing care, so when someone does reach out for help, we must do everything in our control to facilitate this process and shepherd them along the path to help.



Consider working with your insurance broker to facilitate health insurance carriers and/or EAP providers to support your efforts. For multi-trade contractors, leverage your broker’s resources and compile all the phone numbers, websites, and information in a single place to support a culture of awareness and solutions. Taking the steps to identify mental health providers with hours that suit your employee’s schedules or a virtual mental health therapist service can bridge tremendous gaps in otherwise perceived barriers to accessing help. An excellent place to start is by providing and encouraging everyone to enter their EAP number in their phones. This activity alone could be a catalyst for change in your organization and act as a grounding rod around the topic.

In addition to sharing the resources available to help, provide information on signs of stress, observable symptoms of depression, and suicide awareness. Approximately 70 percent of those who die by suicide make direct or indirect statements related to their suicidality. It is crucial to affirm and reinforce that this is not about diagnosing, but simply identifying a concern and reaching out to your coworker or notifying human resources for guidance. Just as a proud tradesman understands the quality workmanship that you can expect from a professional, mental health issues are best left to the professionals as well. If you consider the efforts to save someone’s life is much like a relay

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race, and the person who has the baton first may not be the one who will ultimately cross the finish line with it. We must foster an environment where your employees know they only need to pass the baton off to the next person to run with and do their part not to drop it.

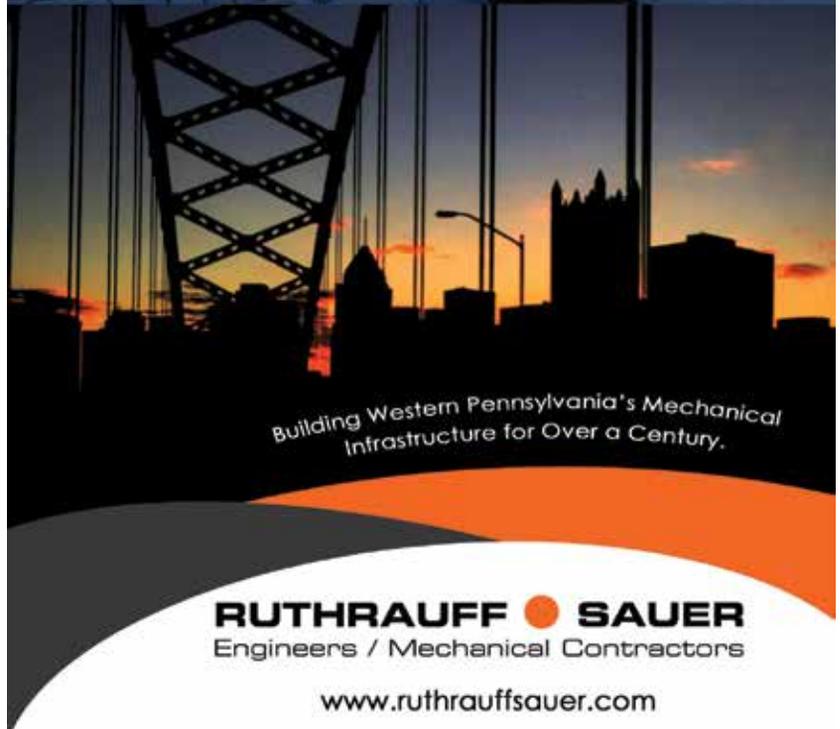
The risk factors and warning signs that should be openly discussed are:

**Risk factors:**

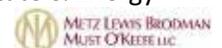
- A family history of suicide or a history of trauma
- Suffering from a serious physical illness
- Having attempted suicide
- Financial or relationship pressures
- Lack of support networks
- Cultural stigma over mental health.

**Indicators of mental stress:**

- Appearing sad or depressed most of the time
- Increased tardiness and absenteeism
- Talking about feeling trapped or wanting to die
- Decreased productivity
- Increased conflict among co-workers
- Extreme mood swings
- Increased use of alcohol or drugs
- Decreased self-confidence
- Feeling hopeless and helpless
- Sleeping too much or too little
- Acting anxious, agitated, or reckless
- Near hits, incidents, and injuries
- Withdrawing from family and friends
- Talking about being a burden to others
- Decreased problem-solving ability



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Consider these questions as you reflect on your own company and its current culture:

1. Most construction workers have the number to the payroll person, and how to call off, but would they know how to easily reach their Employee Assistance Program? Do you administer their EAP or is it provided by the local union? What disconnects exist within your own organization if you were asked for the number to a union member's EAP, would your employees respond by managing this request to the necessary level and securing the number, or just deflect?
2. Would your trade supervisors be able to handle a conversation with an employee presenting the need for help, specifically how to respond in a supportive, confidential way? If you have not trained them to do so, this is a dangerous assumption to make.
3. Would your field level managers appreciate the sensitivity of the need to talk about an employee's mental health, and demonstrate the respect and sense of urgency necessary, despite whatever stage the current project is in?

The key to reversing this alarming trend is to create a supportive, open environment at the employer level,

emphasizing that bad things may happen in life to you, or your coworkers, and that "coping" really isn't just a matter of "sucking it up." Break down the barriers to professional help, highlight the great network of mental health professionals that are already supporting many others, and most importantly don't assume that it won't happen in your organization. When productivity, quality, and safety are affected by this issue, it is very much an employer problem to help solve. We must do more as employers than just talk about the issue a few times, we must own it and make it our business to help our employees help themselves. If you choose to do anything, start by sharing the following websites and accompanying numbers with your employees. The suicide prevention lifeline and crisis text line are free resources staffed with professionals all focused on supporting those in need. If you are reading this and lack the authority to make change in your organization, do your part and carry the baton a few feet, and pass along to someone who can. **EG**

*Joe Kopko is executive vice president, client services and business development for HUB International, a North American insurance broker. He can be reached at joe.kopko@hubinternational.com.*

<https://suicidepreventionlifeline.org/>

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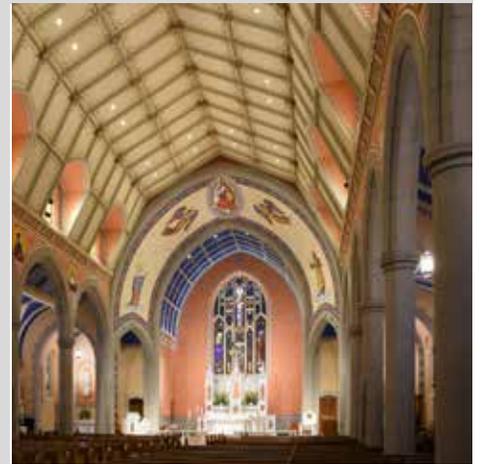


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# BEST PRACTICE

## ENVIRONMENTAL CONSIDERATIONS IN THE CLAIMS PROCESS

BY MATT ALLEN AND TRACEY DODD

### Overview

Following notification of impact to a property through the claims notification process, restorers are regularly called upon to make necessary initial decisions regarding water extraction and drying and impacted material removal. Prevailing documentation, including the Institute of Inspection, Cleaning and Restoration Certification (IICRC's) S500 Standard and Reference Guide for Professional Water Damage Restoration, guides restorers to perform procedures to "safely restore" impacted property. Specifically, S500 indicates that specialized experts should be used to perform damage assessments where "Regulated, Hazardous Materials and Mold" are present. This conforms to prevailing U.S. Environmental Protection Agency (EPA) regulations that indicate that where specific regulated materials may exist and will be disturbed, sampling must be performed.

As a result, a building materials assessment for environmental hazards should be conducted where materials to be restored/ repaired or removed are located and should be performed by accredited/ licensed environmental professionals. This is the best way to ensure that damages are properly accounted for and to make certain that the restoration specification/ protocol captures those environmental hazards that may not be readily apparent to the building consultant or restoration contractor. Assessing these potential environmental hazards through sampling protects against the inadvertent disturbance of these environmental hazards that could result in increased costs for restoration efforts or expose building occupants to materials in their working environment.

Knowledge of the presence and location of these materials drives restoration efforts and may result in selecting options to not disturb materials or utilization of drying in place methods, in lieu of removal of substrates. Some of the most commonly encountered hazardous building materials include asbestos, lead-based paint, polycarbonate biphenyls, and mercury.

### Asbestos

Asbestos is commonly found in building materials including floor tile and mastics, sheet vinyl flooring, pipe insulation, spray-on fireproofing, drywall joint compound, spray-on acoustic ceiling, plaster, ceiling tiles, roofing, cement boards and pipes, mortars, seam sealants, caulking, and glazing compounds to name just a few. In accordance with 40 CFR Part 61, Subpart M, known as the Asbestos National Emissions Standard for Hazardous Air Pollutants (Asbestos NESHAP), "prior to the commencement of the demolition or renovation, thoroughly inspect the impacted facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos..." This should be performed by an appropriately accredited/licensed Asbestos Inspector, prior

to disturbing these materials. Licensing regulations differ by state, and it is critical to know the provisions of each state's requirements for asbestos inspection and abatement design.

Many facilities have historical asbestos sampling data and this may be utilized in lieu of performing additional sampling. In the absence of this information being available, sampling of materials to be disturbed for the purpose of water and fire restoration efforts should occur, regardless of the date of construction. Special handling procedures associated with disturbing these materials should be incorporated into the restoration protocols and associated cost of repair estimates. Even with building demolition, the abatement of asbestos containing materials must occur prior to demolition activities. Further clearance testing prior to re-occupancy, even for demolition activities following abatement, must be performed by licensed personnel. Many states require negative declarations regarding the presence of Asbestos Containing Materials (ACM) prior to building demolition being permitted.

Where building materials exist that contain detectable amounts of asbestos, but below the regulatory threshold of asbestos concentration of more than one percent, other regulations are still applicable to restoration workers.

Regulations applicable to asbestos work practices include 29 CFR 1910.1001 Occupational Safety and Health Administration's (OSHA) General Industry Standard, 29 CFR 1926.1101 OSHA's Construction Standard, and 40 CFR Part 763 Subpart E – Asbestos Hazard Emergency Response Act (AHERA), as well as other applicable federal, state, and local regulations.

### Lead and Lead-Based Paint

Lead-based paints are commonly found in buildings built prior to 1978. Lead-based paints are still applied to bridges and other steel structures for their rust inhibiting properties and ability to resist weathering and are found in both public and private housing.

The assessment of paint condition and potential resultant lead hazards is required in child-occupied facilities and target housing by the Department of Housing and Urban Development (HUD) where materials to be disturbed may contain lead. Specifically, the Lead-based Paint Renovation, Repair, and Painting (RRP) Rule in 40 CFR 745 Subpart E requires that a determination be made by licensed personnel "...that the components affected by the renovation are free of paint or other surface coating that contains lead." Again, licensing regulations differ by state and it is critical to know the provisions of each state's requirements for lead inspection and abatement design.

Many facilities have historical lead sampling data and this may be utilized in lieu of performing additional sampling. In the absence of this information being available, sampling of materials that will be disturbed for the purpose of water and fire restoration efforts should also occur. Special handling procedures associated with disturbing these materials should be incorporated into the restoration protocols and associated cost of repair estimates. Clearance testing or cleaning verification following abatement or renovation is required to be performed by licensed personnel.

**“Educating your workers starts by sharing information in an authentic, meaningful way. Think smaller group sessions and evaluate the composition of each group.”**

Prevailing regulatory requirements regarding sampling materials to be disturbed include OSHA Lead in Construction Rule (29 CFR 1926.62), the Environmental Protection Agency’s (EPA’s) Lead-Based Paint Renovation, Repair, and Painting (RRP) Rule (40 CFR 745, Subpart E), as well as other applicable federal, state, and local regulations. Samples of the demolition waste stream also should be analyzed by the Toxicity Characteristic Leachate Procedure (TCLP) in order to determine if the waste stream is hazardous (greater than 5 milligrams of lead per liter of leachate). This impacts restoration and repair costs, when waste handling and disposal measures differ from normal construction and demolition debris.

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### Polychlorinated Biphenyls (PCBs)

PCBs are commonly found in building components including caulking, paints, elastic coatings, lighting ballasts, transformers, capacitors, hydraulic oils, cable insulation, and many others. PCBs can become a significant contributor to indoor air pollution, if not properly handled during restoration efforts.

Identification of the presence of these materials and quantities that may be disturbed during restoration efforts should occur prior to these restoration or demolition efforts, and this should be performed by experienced environmental consultants. Disposal of PCB bulk product waste (those containing greater than or equal to 50 parts per million (ppm) is regulated by the Toxic Substances Control Act (TSCA) at 40 CFR 761.62. Disposal of PCB remediation waste (materials contaminated by bulk sources) is regulated by TSCA at 40 CFR 761.61. These handling and disposal procedures can impact restoration and repair costs associated with the claims process.

### Mercury

Mercury is commonly found in building components including fluorescent, compact fluorescent, and HID light bulbs, thermostats and thermometers, mercury switches in a variety of appliances, gas pressure regulators, boilers (heat regulators), pilot light sensors, certain flooring systems (flexible gym flooring), and mercuric oxide battery systems to name a few. Regulation of the assessment and disposal of mercury containing equipment is covered by the EPA's Universal Waste Rule at 40 CFR Part 273. The identification of the presence of these materials and quantities should be performed by experienced environmental consultants. These handling and disposal procedures can impact restoration and repair costs associated with the claims process. If materials containing mercury are released during restoration or demolition efforts and contact other materials, they also will be considered mercury- impacted for the purpose of handling and disposal, which can absolutely impact restoration and repair costs associated with the claims process.



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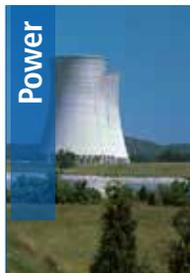
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## What to Know and Do:

- Where materials to be restored/ repaired or removed are located, comply with prevailing standards and regulations by utilizing a specialized expert to check for the presence of environmental hazards.
- Where sample data does not exist regarding the potential presence of environmental hazards in a property, utilize licensed/accredited personnel to sample for these materials.
- Follow federal, state, and local laws regarding licensing and inspection requirements and sample suspect materials before disturbing them.
- Where environmental hazards exist, incorporate their presence, location and quantities into restoration and repair protocols using licensed/accredited personnel to complete this work.
- Incorporate these restoration and repair protocols and associated costs into the claims process.

BG

*If you have questions or would like further information, please contact Matt Allen, CIH, project manager at [mallen@jsheld.com](mailto:mallen@jsheld.com) or Tracey Dodd, executive vice president, at [tdodd@jsheld.com](mailto:tdodd@jsheld.com)*

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# INDUSTRY & COMMUNITY NEWS



The MBA's Jack Ramage was presented the 2019 Executive Meritorious Service Award by the Associated General Contractors of America (AGC) at the ELC's annual conference at Coeur d' Alene, ID. Ramage (left) was presented the award by ELC Chair John W. Butts, the executive director of AGC of Connecticut.



Mascaro's Mike Sivak and John Mascaro (right) at the March of Dimes Annual Transportation, Building and Construction Awards luncheon.



(From left) Dan Vater from A. J. Vater, PBX's Del Walker, Eugene Brown from Alliance Drywall, and Steve Janocha.



Kalkreuth Roofing and Sheet Metal's charity organization, Kalkreuth Roofing Charities, held its annual Kalkreuth Amateur Golf Championship at Oglebay Resort's Speidel Golf Club in Wheeling, WV on July 27 and 28. In addition to the weekend tournament, Kalkreuth hosted its 5th Annual Kalkreuth Vendor Invitation on Friday, July 26. Proceeds from these golf events contribute to the annual donation to the Easter Seal Rehabilitation Center in Wheeling. Kalkreuth Roofing Charities was able to donate a total of \$31,720 for 2019. Kalkreuth Roofing Charities has donated over \$120,000 to Easter Seals over the last eight years.

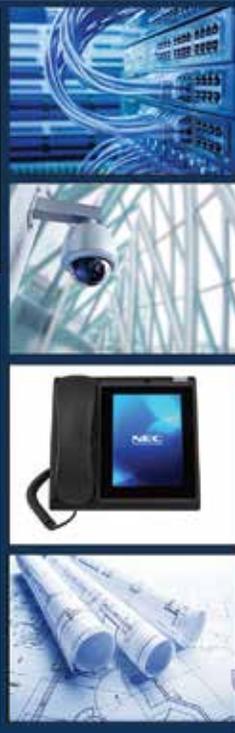
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At the ASA's August 19 golf outing were (from left) Babst Calland's Matt Jameson, Jim Bly from Alliant Insurance, Mike Bronder from Bronder & Co., and Jim Miller from Babst Calland.

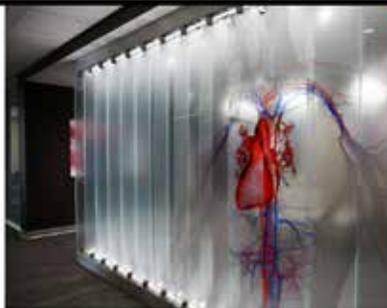


(From left) McKamish's Naley McKamish and Bob Ward, Massaro's John Leuch and Jim Frauen.



(From left) A.M. Higley's Jason Scheible and Skylar Van Soest with Russ Heyz, Brian Merdian, and Dave Tilves from Rocky Bleier Construction Group.

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(From left) Ruthrauff Sauer's Ray Gajski, the MBA's Jack Ramage, and Mark Ritchie from Providence Engineering.



(From left) Rich Yohe and Brooke Waterkotte from Easley & Rivers with PJ Dick's Eric Pascucci and Justin Hough.



The Constructors Association of Western PA (CAWP) held its annual golf outing at Fox Chapel Golf Club and Pittsburgh Field Club on August 26. From left are Frank Piedimonte from Brayman Construction, Seubert's Jay Black, Brett Dadig from Traveler's, and Joe Bosick from Pietragallo Gordon Alfano Bosick & Raspanti.



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Representing Independence Excavating at the CAWP golf outing were (from left) Ryan Shumaker, Aaron DesCamp, Matt Allanson, and Joe Neubert.



(From left) Ryan Deatrick, Joe Bruce, Ted Pettko and Eugene DeFrank from Schneider Downs.



CAWP Executive Director Rich Barcaskey and Trumbull's John Maffeo.

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DGI Menard's Dave Sandstrom (left) and Tim Miller.



(From left) BDO's Cory Swarmer, Wes Corich from Chubb, BDO's Heath Winsheimer, and Chubb's Marc Pennell.



(From left) Trumbull's Kevin Duris, Fay's Debbie Latronica, Sean Donoghue from Cleveland Brothers and Jim Wilkinson.



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# AWARDS & CONTRACTS

**A. M. Higley Co.** was awarded a \$37 million contract to build the new indoor sports facility for the City of Bridgeport, WV. The 155,000 square foot complex will include six basketball courts, six volleyball courts, a natatorium, a competition-sized swimming pool, an indoor walking track, an indoor turf field and a fitness center. Omni Associates is the architect.

**Jendoco Construction Corp.** started construction on the renovation of the Fifth/Neville residences for Carnegie Mellon University. The architect is Desmone Architects.

**Jendoco Construction** broke ground on the \$5.7 million Plaza at Hazelwood Green for Almono LLC. Gustafson Guthrie Nichol is the architect.

Brentwood School District awarded multiple general construction contracts to **Yarborough Development Inc.** for improvements to Moore Elementary School and the Brentwood Middle School/High School. The architect is HHS DR Architects & Engineers.

**PJ Dick Inc.** was selected as construction manager for the \$25 million Erie Hall Replacement Building at Penn State University Behrend College. The new 60,000 square foot athletic center will be designed by Sasaki Associates Inc.

**PJ Dick** is providing CM at Risk services for an office fitout for Children's Hospital of Pittsburgh Foundation at Techmill 41.

**Landau Building Company** was awarded the Western Psychiatric Hospital 8th Floor Gym Renovation project. The gym, including basketball courts, and adjacent spaces will be renovated, adding a staff locker room, modifying the restrooms, and adding new plumbing fixtures to two single restrooms. Renovations are expected to be finished by November 2019. Stantec is the architect.

**Landau Building Company** will soon start a Linear Accelerator replacement at UPMC Passavant Hospital in McCandless Township. A completion date of January 2020 is anticipated. The architect on this project is Stantec.

**Landau Building Company** has begun the second and third phases of renovations to WVU Medicine's Perioperative Department. The project covers 13,200 square feet and includes demolition of existing spaces, floor infill of two future elevator shafts that will create waiting areas, interior renovation work in the elevator lobby, perioperative patient bays, and associated support spaces. An anticipated completion date for Phase 2 is November 2019 and December 2020 for Phase 3. IKM is the architect.

Giant Eagle Stores **FMS Construction** as general contractor for its \$6 million renovation of the Giant Eagle at Hempfield Square in Hempfield Township. The architect is Pieper O'Brien & Herr Architects.

**FMS Construction** was also awarded a contract to build the new GetGo station and convenience store on Warrendale Road at Route 228 in Mars, Adams Township. DLA+ Architecture & Interior Design is the architect.

**FMS Construction** is the general contractor for the \$1.9 million renovation of the Lohr Building in Wilkesburg. NBT Holdings LLC and Wilkesburg Community Development Corp. are converting the 14,000 square foot building into apartments. The project also includes a 1,200 square foot commercial addition. The architect is Wildman Chalmers Design.

**FMS Construction** was awarded a \$2.5 million contract to do the exterior renovations to the Banksville Plaza. FMS is currently completing renovations of the Kuhn's Grocery Store in the Plaza. Wildman Chalmers Design is the architect.

Baierl Automotive selected **Uhl Construction Co.** as general contractor for the renovation of two of its dealership locations, marking 15 years of a continuous relationship between Baierl, Uhl and architect RSSC Architecture. The current projects are a \$1.6 million upgrade to the former Kia showroom for Baierl Acura in Wexford, Pine Township and a \$2.7 million expansion of the Baierl Toyota in Mars, Cranberry Township.

**Massaro Corporation** is renovating the Sewickley Tavern in the village of Sewickley. Studio St. Germain is the architect for the \$1.4 million conversion of the former Bruneaux restaurant on Beaver Street.

**Massaro Corporation** has started construction on the \$7 million restroom renovation program at the University of Pittsburgh-Johnstown campus. The architect is RSH Architects.

Catholic Diocese of Pittsburgh awarded **Volpatt Construction** a contract for renovations to Holy Trinity Catholic Church in Robinson Township. The architect is LGA Partners.

**Mascaro Construction** was the successful contractor on the \$9 million WeWork tenant improvements at 600 Grant Street. The 105,000 square foot buildout was designed by Vocon.

**Mascaro's** client services unit will renovate the second floor at United Hospital in Bridgeport, WV to convert storage rooms into a pain suite with two procedure rooms and construct a new operating room.

**Mascaro's** client services unit received a contract from UPMC for renovation of a building at 23rd and Jane streets. The fitout will accommodate groups that will be relocated from the South Side Hospital building.

**AIMS Construction** was awarded the \$4 million UPMC Children's Hospital Pharmacy Renovation. The architect is Stantec.

La Roche University selected **AIMS Construction** to provide design/build services for its Nurse Simulation Lab in McCandless Township. PWWG Architects is the project architect.

Work is in progress by **Rycon's** Building Group on the Riverfront West Argo Office at 3 Crossings for owner Oxford Development. The first floor 8,000 square foot tenant fit-out is anticipated for completion September 2019.

KML Carpenters selected **Rycon's** Building Group for their \$9.5 million office renovation and addition. MacLachlan, Cornelius, & Filoni is the architect.

**Rycon's** Building Group is the construction manager responsible for the Matrix PDM Engineering 47,000 square foot tenant fit-out. The \$2.7 million renovation project is set for completion November 2019.

**Rycon's** Special Projects Group recently began work on the renovation of the Philips RIMR Production Floor. The \$1.1 million project is anticipated to be completed within a 4-week expedited schedule.

In the Burns White Center at 3 Crossings, construction is underway by **Rycon's** Special Projects Group on the office fit-out for Voci Technologies. Completion of the \$1.3 million project is slated for September 2019.

**Rycon's** Special Projects Group will soon begin the first phase of renovations for Jones Lang LaSalle on a high-tech luxury office located on River Avenue in Pittsburgh, PA. The \$4 million, 19,000 square foot project is set for completion December 2019.

The Dimension Group selected **Rycon's** Special Projects Group to renovate two 7-Elevens in Bethesda and Annapolis, MD. Construction will consist of interior upgrades, such as new finishes and fixtures as well as selective demolition. **Rycon** recently completed a 7-Eleven location within the Pittsburgh International Airport.

Over the summer recess, **Rycon's** Special Projects Group renovated four Panera Bread dining facilities totaling \$1.2 million at Penn State University. The projects were on fast-track schedules.

**Rycon** is the construction manager responsible for the 60,300 square foot University Club of Akron center addition. The two phased \$10.4 million project will begin in November 2019.

In Manchester, NH, **Rycon** will soon begin renovating a former Sears location into a 35,000 square foot Dave & Buster's at the Mall of New Hampshire. The \$2.7 million project is set to wrap up late February 2020.

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**Rycon** began renovations to a Chase Bank in South Euclid, OH. The scope includes upgrades to conference rooms, comfort zones, teller rooms, and perimeter offices.

Octapharma Plasma selected **Rycon** again for the 13,000 square foot, \$1.3 million renovation in Spartanburg, SC. Work is anticipated for completion October 2019.

In Tucson, AZ work is in progress by **Rycon** to a new 41,000 square foot AutoNation automotive center. Completion is set for December 2019 for the \$2.4 million project.

Christian Brothers Automotive selected **Rycon** for the construction of a new \$1.2 million facility in Canton, GA.

Construction of a new National Tire & Battery in Winston-Salem, NC is underway by **Rycon**. The \$1.1 million project is slated for completion November 2019.

**Rycon** will soon begin an \$8.7 million redevelopment to Miami Gardens in Hialeah, FL. The 53,000 square foot project includes four new outparcels, sitework, and shell modifications to a former Kmart.

In Plantation, FL, **Rycon** is the construction manager responsible for the \$23.6 million renovation of Heritage Place at Broward Mall. Work will involve the demolition of a former Sears and construction of the mall concourse.

**Rycon** was selected for the renovation of the Plymouth Performing Arts Center in Plymouth Meeting, PA. The 5,700 square foot project is set to begin September 2019.

**A. Martini & Co.** is the general contractor for Chase Bank's construction of their retail location in Homestead at the Waterfront. This 3,700 square foot project is expected to be completed in December 2019. The architect on this project is David Allen Youse Architects.

**A. Martini & Co.** is the general contractor for the construction of Bank of America's new retail location in Cranberry. This 4,000 square foot bank branch was designed by Gensler.

Construction is beginning on the renovation of Ernst & Young's Pittsburgh offices in PPG Place, by **A. Martini & Co.** This 20,000 square foot build out of the 21st floor was designed by Gensler and is projected to be complete in February 2020.

CoStar Group selected **A. Martini & Co.** as the general contractor for the build-out of the firm's new offices on the 24th floor at One PPG Place. This 5,000 square foot project is slated to begin in October 2019 and Gensler is the architect.



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# FACES & NEW PLACES

In conjunction with its 28th anniversary, **Burchick Construction Company, Inc.** announced that **David P. Meuschke**, P.E. has been promoted to executive vice president; **Joseph W. Scaramuzzo** has been promoted to vice president-preconstruction services; **Joseph J. Wardman**, P.E. has been promoted to vice president-construction operations; and **Brian P. Chlop** has been promoted to chief estimator.

**Turner Construction** announced that it had added the following to its Pittsburgh office staff: **Dan Mahoney** was hired as assistant accountant. **Will Henry III** and **Mara Shank** were hired as project safety engineer. **Jake Kleindl** was hired as engineering assistant. **Matt Mantese** was hired as MEP superintendent. **Doug Templeton** was hired as MEP estimator. **Jessica Emory** was hired as human resources manager. **Jeff Zorn** was hired as assistant estimating engineer. **Laura Dodd** was hired as project engineer. **Steve Mezzacappa** was hired as business development engineer.

The Board of Directors of the **Master Builders' Association** announced the appointment to the board of **Jodi Rennie**, vice president and general manager of **Turner Construction Company**.

**RBVetCo, LLC** announced that it is conducting business as **Rocky Bleier Construction Group**. The firm remains a Rocky-Disabled Veteran-Owned Small Business and is rebranding in recognition of its broader client base.

**Ryan Anthony** has joined **PJ Dick** as a superintendent. Ryan has 11 years of experience working as a project superintendent. He has a Bachelor Degree in History from York College of Pennsylvania.

**Coby Green** has joined **PJ Dick** as a Project Engineer. Coby had two internship rotations with **PJ Dick** as well as one with SSM Industries. He has a Bachelor of Science degree in Mechanical Engineering and a Master of Science degree in Mechanical Engineering from Robert Morris University. Coby is currently working on the University of Pittsburgh Scaife Hall project.

**Rachel Brunt** has joined **PJ Dick** as a project engineer. Rachel has interned with French Engineering and with the West Virginia Department of Highways. She has a Bachelor of Science in Civil Engineering from West Virginia University.

**PJ Dick** has hired **Alex Moxie** as a project engineer. Alex previously interned with **PJ Dick** for two summers. He has a bachelor's degree in Construction Management from Kent State University.

**Carly Cappelli** has joined **PJ Dick** as a site safety manager. Carly has six years of experience working with manufacturing, contracting, and demolition. She has a Bachelor of Science in Safety Management from Slippery Rock University. Carly also has a Graduate Safety Practitioner (GSP) credential as well as an Associate Safety and Health Manager (ASHM) credential.

**Gary Napoli** has joined **PJ Dick** as a project manager. Gary

has 20 years of experience in various construction specialties such as concrete, asphalt, and storm and sanitary. He has an associate degree in Business Management from the Community College of Allegheny County.

**PJ Dick** has hired **Kenneth Tibbens** as an estimator. Kenneth has three years of experience as an estimator as Thomas & Williamson. He has a Bachelor of Science in Construction Management and a minor in Business.

**Rodney Gurosko** has joined **PJ Dick** as a MEP coordinator. Rodney has 20 years of experience in the construction industry. He was previously employed by JKECO, Inc. as a senior electrical estimator /project engineer.

**Daniel Barnett** has joined **PJ Dick** as a project engineer. Daniel completed an internship with **PJ Dick**. He graduated with a Bachelor of Science degree from Penn State University.

**PJ Dick** has hired **Daniel P. Bell**, a project manager with 20 years of experience. Dan attended the United States Coast Guard Engineering Program.

**Daniel J. Elder** has joined **PJ Dick** as a MEP coordinator. Dan was previously employed by Jacobs Engineering Group and Wayne Crouse, Inc. He has a Bachelor of Science in mechanical engineering from the University of Pittsburgh.

**PJ Dick** has hired **Nathan J. Totino** as a project cost accountant. Nathan was previously employed by Messer Construction and attended Duquesne University.

**Charles Bowman** has been hired as a project engineer by **PJ Dick**. He has a Bachelor of Science in Engineering Sciences from Wheeling Jesuit University.

**Civil & Environmental Consultants (CEC)** Export welcomes **John Frydrych**, P.E., as principal in the Civil Engineering practice. John is a member of the American Society of Civil Engineers, the International Council of Shopping Centers, and the NAIOP Commercial Real Estate Development Association.

**Rycon's** Building Group hired **J.R. Bittner** as senior estimator. He brings over 17 years' experience.

Preconstruction manager **Jeffery Redman** was added to **Rycon's** Building Group. He brings over 8 years' experience and is a graduate of Geneva College.

**Jesse Chrzanowski** joined **Rycon's** Philadelphia office as a project manager. He brings over 10 years' experience to the company.

**Rudy DeStefano** was added to **Rycon's** Special Projects Group as a project manager. He earned a degree in managerial economics from Allegheny College.

New to **Rycon's** Cleveland office are experienced administrative assistants **Danelle Gallagher**, **Mary Ann Hartman**, and **Susan Williams**.

Rycon's marketing department added **Amy Konieczka** as proposal manager. She brings over 30 years' experience. Matt Hacke has been hired at Rycon as a marketing and proposal coordinator. He brings two years' marketing experience to the company.

Rycon's Philadelphia office welcomes project coordinator **Krista Kirshner**.

**Jeremy Morrison** was added to Rycon's Atlanta office as a senior estimator. He brings 24 years' experience to the company

Rycon's Building Group welcomes back **Andrew Renckly** as an assistant project manager.

**Jonathan Rollins** joins Rycon's Ft. Lauderdale office as an estimator.

**Cono Passione** and **Armand Tortorice** have been promoted to senior project manager within Rycon's Special Projects Group.

There's been multiple promotions within Rycon's Building Group; **Kris Brice** is now a senior project manager, **Alec Hanley**, **Matt Highlands**, **Chris Rombold**, and **Tim Smith** are project managers, and Kim Cleckley is a project engineer.

In Rycon's Casework & Millwork Division, **Mike Bellotti** has been promoted to senior project manager.

**AIMS Construction** announced that **Steve Turner** has been promoted to assistant project manager.

**Luke Douglas** joined **AIMS Construction** as assistant project manager. Kelsey Swantek was hired as project engineer.

**AIMS Construction** doubled the size of its office and changed locations to 200 Cedar Ridge Drive, Suite 209, Pittsburgh PA 15205.

**Bryan Jenks** joined **Mascaro** on June 24 as a project manager on the Mercy Vision project. He has a civil engineering degree from the University of Pittsburgh, and brings 17 years of diverse construction experience to the team.

**Nicole Bell** became a member of the **Mascaro** team on June 25 as a project engineer with client services. She is a recent graduate from the University of Pittsburgh's "3/2 Program" with a bachelor's degree in engineering, as well as a bachelor's degree in mathematics and physics from Duquesne University.

**Mike Klana**, a recent graduate from the University of Pittsburgh with a bachelor's degree in civil engineering, started on July 1 as a project engineer in Mascaro's buildings division to work with the estimating team. He previously worked as an intern on the Schenley Quad renovation at Pitt.

**Mascaro** welcomed **Tim Hesch** on July 24 as a systems administrator. Tim has several IT certifications and received a Bachelor of Science in business administration in paralegal studies from Clarion University.

**Landau Building Company** welcomed **Brad Knapik** as project manager. Knapik previously worked for Landau Building Company for ten years then worked for an engineering firm near his home in Grove City. He has a B.S. in Civil Engineering and a B.A. in Pre-Engineering Physics

**Landau Building Company** hired **Brian Kessler** as project engineer. Kessler has worked as a site manager/project manager for over 20 years. He served five years in the United States Marine Corps and is a Desert Storm veteran.

**A. Martini & Co.** welcomed **Judy Poklemba**, as a controller, to its team in August. Judy brings over 30 years of accounting experience as it relates to the construction industry.

**Mosites** announced the addition of **Joshua Brice** to its accounting team. Brice has been a property accountant for a local property management firm for the past 3 years and comes to Mosites with over 23 years of business development and accounting experience.

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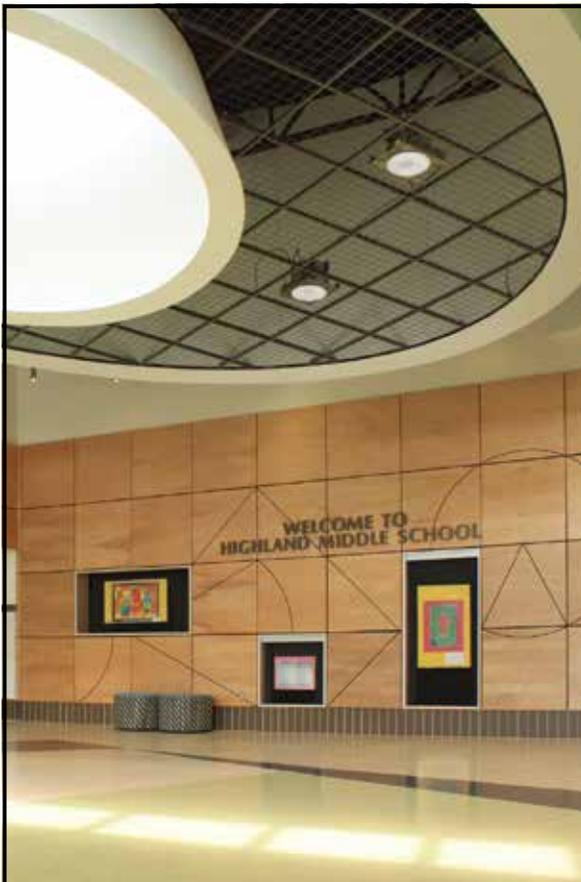
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PWWG offers architecture and planning with a focus on work in urban, campus, and historic contexts. Our portfolio includes significant work in multi-family housing, education, and cultural buildings, as well as the preservation of adaptive re-use of existing buildings. Our award-winning design work also includes hotels, parking structures, theaters, offices, and technical training facilities. For over 40 years, from our studios in downtown Pittsburgh, we have assisted owners with detail-oriented service. From early conceptual studies through completion of construction, PWWG is adept at coordinating multi-disciplinary teams of engineers, consultants, contractors, and artists. PWWG brings expertise in code compliance, feasibility and space programming, historic tax credits, community outreach, visualization, and architectural design.



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## Renaissance 3 Architects, LLC

48 South 14th St., Pittsburgh, PA 15203  
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www.r3a.com  
Deepak Wadhvani – dw@r3a.com

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470 Washington Road, Pittsburgh, PA 15228  
T: 412-561-7117  
www.vebh.com  
Daniel Skrabski – info@vebh.com

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Pennoni is a multidisciplinary consulting engineering firm founded more than five decades ago. Our firm helps communities and private sector clients alike navigate the ever-changing technological advancements available and learn how best to integrate "smart" solutions into the current landscape and make them a part of resilient and sustainable planning. Pennoni has 35 offices throughout the Mid-Atlantic, Ohio, North Carolina, Florida and New England. Locally, Pennoni has offices in Pittsburgh, State College and Uniontown that service the developer, industrial, transportation, education and the Marcellus Shale industry in Western Pennsylvania, Ohio and West Virginia. We put all our passion, our knowledge and our skill into doing whatever it takes, every day, every time, for every project.



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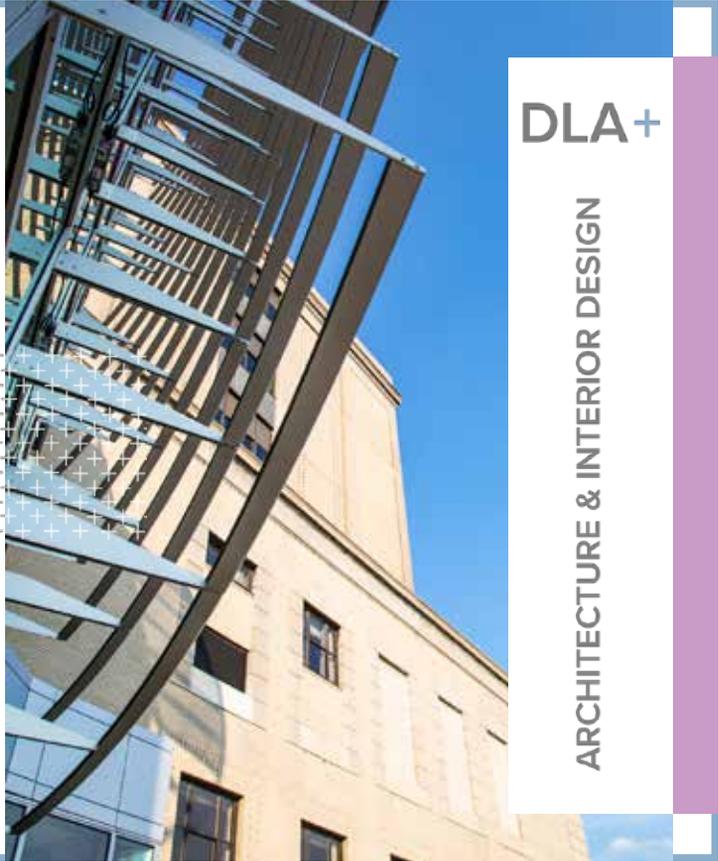
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Joseph E. Burchick – [joeburchick@burchick.com](mailto:joeburchick@burchick.com)

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

Domenic Dozzi – [dpdozzi@jendoco.com](mailto:dpdozzi@jendoco.com)

JENDOCO Construction, founded in 1957, is located in Pittsburgh's East End and provides building construction services to the Western Pennsylvania region. Jendoco believes that the built environment should have a Net-Positive impact on people, nature, and communities and that designing and constructing the places in which we live, work, worship, learn, heal and play should be collaborative, creative, and fun. Through proactive solution development, sustainable building practices, community engagement, and charitable support, Jendoco continues to demonstrate our commitment to the Greater Pittsburgh Region.



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Jeffrey Landau, President – [jlandau@landau-bldg.com](mailto:jlandau@landau-bldg.com)

Established over 100 years ago, Landau Building Company (LBC) has become one of the premier family-owned and operated general contracting firms in Western Pennsylvania. In 2006, Landau Building Company expanded its construction services to include the northern West Virginia region when it created the subsidiary Marks-Landau Construction. Now in its 5th generation, LBC continues to build strong RELATIONSHIPS with its clients by focusing on their need to build a safe, high-quality project on time and within budget. Our commitment to integrity, honesty, and excellent client service has built the solid REPUTATION we exhibit every day and on every project. We deliver exceptional RESULTS that exceed our client's expectations for quality and service and make Landau Building Company their builder of choice. We welcome the opportunity to be your builder of choice.



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Mascaro is one of the region's largest construction firms specializing in design-build, construction management, and general contracting. Founded in 1988 on the simple premise to deliver excellence in construction services, we bring to your project the 'Mascaro Advantage.' We are humble, hungry, and smart – not shying away from hard work and complex projects, but tackling each one proactively. We do what we say we are going to do, right, the first time. We will provide a family atmosphere, concentrating on the health and welfare of not only our employees, but also that of our clients and community. Our success is based on our market diversity, superior planning, building relationships, and, most importantly, delivering great experiences.



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Todd Dominick – [info@ryconinc.com](mailto:info@ryconinc.com)

Rycon Construction, Inc. is a premier preconstruction, general contracting and construction management firm with offices in Pittsburgh, Atlanta, Cleveland, Ft. Lauderdale, and Philadelphia. An ENR Top 400 Contractor, Rycon specializes in new construction, renovations and design build projects for owners of commercial, industrial, institutional, multi-unit residential and governmental buildings. Rycon's stellar reputation for quality service is built on a solid history of successful projects completed on time and on budget and an unwavering business philosophy that puts customer satisfaction first. The results are return customers and impressive company growth. The company has executed more than \$4 billion of work and currently Rycon's revenue is around \$550 million.

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### Armstrong County Industrial Development Council

Northpointe Technology Center II  
187 Northpointe Boulevard, Freeport, PA 16229  
T: 724-548-1500  
www.armstrongidc.org  
Michael P. Coonley, Executive Director  
economicdevelopment@co.armstrong.pa.us

The Armstrong County Industrial Development Council (ACIDC), established in 1968 is a private 501(c)(3) industrial development corporation. Identified as the lead economic development group within the County, the ACIDC, along with its sister organization the Armstrong County Industrial Development Authority, provides single-point-of-contact service for emerging or expanding business and industry. Owners and operators of four industrial parks, single use and multi-tenant facilities, the ACIDC works closely with existing or prospective businesses to identify the right location. They also provide financing assistance to companies through government loan/grant programs and private sector financial institutions.



### Community Development Corporation of Butler County

112 Hollywood Drive, Suite 101, Butler, PA 16001  
T: 800-283-0021 | F: 724-283-3599  
www.butlercountycdc.com  
Joe Saeler, Executive Director  
jsaeler@butlercountycdc.com

The Community Development Corporation of Butler County (CDC) is the lead economic development organization in Butler County. The CDC is your first contact for economic development in Butler County. The CDC works closely with you to identify the right location for your business. Available land includes 30 acres at the Pullman Center Business Park Expansion. Initial lots at the Pullman site are priced as low as \$50,000 per acre. All utilities are at both sites. The CDC also has financing available for real estate, equipment, working capital and lines of credit.



### Indiana County Center for Economic Operations

801 Water St., Indiana, PA 15701-1705  
T: 724-465-2662 | F: 724-465-3150  
www.indianacountyceo.com  
Byron G. Stauffer, Jr., Executive Director  
byronjr@ceo.co.indiana.pa.us

The Indiana County Center for Economic Operations (the "CEO") was established in 1994 as a county-wide public-private initiative. The CEO Affiliates include the Indiana County Commissioners, the Indiana County Chamber of Commerce, the Indiana County Development Corporation, the Indiana County Tourist Bureau, and Indiana University of Pennsylvania, whom jointly seek to support the continuous improvement and vitality of Indiana County through increased business, economic growth, tourism, education, and the quality of life in Indiana County. The CEO facilitates access to information, resources, and the delivery of integrated programs and services to assist businesses in their efforts to grow and expand.



### Washington County Chamber of Commerce

375 Southpointe Blvd. #240, Canonsburg, PA 15317  
T: 724-225-3010 | F: 724-228-7337  
www.washcochamber.com  
Will Thomeier, Director Economic & Tourism Development – will@washcochamber.com

The Washington County Chamber of Commerce is the largest business organization in Washington County and the second largest chamber of commerce in Southwestern Pennsylvania. The Chamber focuses on economic and business development initiatives to expand the economy of Washington County and was one of the first organizations to publically support the economic benefits and job creation potential of the natural gas industry. Learn more at [www.washcochamber.com](http://www.washcochamber.com).

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## Westmoreland County Industrial Development Corporation

5th Floor, Suite 520,  
40 North Pennsylvania Ave., Greensburg, PA 15601  
T: 724-830-3061 | F: 724-830-3611  
[www.westmorelandcountyidc.org](http://www.westmorelandcountyidc.org)  
Jason W. Rigone, Executive Director  
[wcidc@wpa.net](mailto:wcidc@wpa.net)

Founded in 1983 by the Westmoreland County Board of Commissioners, the Westmoreland County Industrial Development Corporation (WCIDC) implements a comprehensive economic development strategy to promote growth in terms of job creation, economic output and a stable tax base for Westmoreland County. Through the development of a county-wide industrial park system, a responsive Business Calling Program and involvement in public/private partnerships, WCIDC strives to foster business growth, resulting in job opportunities for the citizens of Westmoreland County.

## ENGINEERS



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[www.cecinc.com](http://www.cecinc.com)  
Gregory P. Quatchak, P.E. – [gquatchak@cecinc.com](mailto:gquatchak@cecinc.com)

Civil & Environmental Consultants, Inc. (CEC) is a company of professionals who provide integrated design and consulting services at all points in a property's life cycle. CEC's industry experts offer a full complement of evaluation, technical and regulatory insight. Our value lies in the practical knowledge senior leaders contribute along with our broad skill-sets and desire to advance our clients' strategic objectives. We're building trust and our reputation on a local level through personal business relationships while continually assessing our environmental and economic sustainability in the communities where we practice.



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KU Resources, Inc. provides a full range of environmental management and site development engineering services to industrial, commercial, and community based clients. The firm specializes in brownfield redevelopment, environmental site assessment, economic revitalization assistance, regulatory permitting and compliance, remediation design and implementation, and environmental risk management strategies. The firm's engineering and environmental consulting capabilities also include the areas of civil and geotechnical engineering, site development engineering, water resources engineering, mining and quarry services, water quality monitoring, and air quality compliance and permitting.

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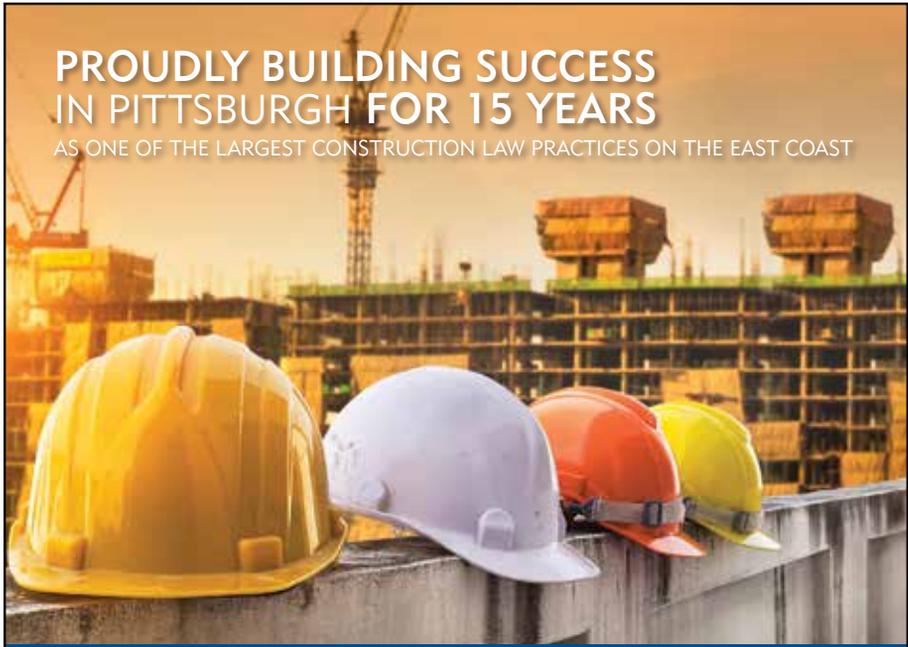
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 Russ Gentner, SVP – russ\_gentner@keybank.com  
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jkrause@mtb.com

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Autumn Harris, Owner  
aharris@rosefinancellc.com

Rose Finance is a commercial real estate mortgage brokerage committed to assuring that its clients maximize capital for their projects and properties. Founder Autumn Harris is a seasoned commercial real estate finance veteran with an extensive institutional banking background combined with placing loans for a commercial real estate owner/developer giving her a very deep network. Rose Finance arranges capital for acquisition, construction, permanent and bridge financing for multi-family, assisted living, retail, office, hospitality and industrial warehouse/flex space. Harris has structured deals ranging from \$5MM-\$150MM with complicated, multi-layer capital stacks, including tax credits for both private developers and REITS.

## INDUSTRY / TRADE GROUP



## American Subcontractors Assn. of WPA

565 Callery Rd., Cranberry Twp., PA 16066  
T: 724-538-8227 | F: 724-538-8227  
www.asawpa.org  
Angie Wentz, Executive Director  
asawpa@zoominternet.net

ASA Western PA, the American Subcontractors Association of Western PA, is a non-profit organization dedicated to the representation and advocacy for the subcontractor, specialty trade contractor, supplier and service provider business community; promoting an equitable business environment through providing professional education, networking opportunities, government advocacy and influence throughout the construction industry. ASA was founded in 1966, our chapter was established in 1989. ASA of Western PA has been around for 26 years. Learn more about what ASA Western PA can do for your company by visiting our website or contacting the office.



Labor & Management • Building Our Region's Success

## Builders Guild of Western PA, Inc.

631 Iron City Drive, Pittsburgh, PA 15205  
T: 412-921-9000  
Jeff Nobers, Executive Director  
jnobers@buildersguild.org

A unique, non-profit labor/management initiative, representing 16 building trade unions and nine affiliated contractor associations. The Builders Guild is a positive forum for labor, management, and community relationships, and fosters a cooperative and productive climate for regional commercial construction development. Through the Builders Guild, unions and management have forged fair and equitable working partnerships which promote economic and professional growth.

Guild initiatives include:

- Promoting the professionalism, skill, and pride inherent with union construction;
- Training for long-term careers in the construction trades;
- Providing a reliable, skilled and diversified workforce; Facilitating diverse partnerships with like-minded organizations throughout Western Pennsylvania.



## CREW Pittsburgh

PO Box 97753  
Pittsburgh, PA 15227  
www.crewpittsburgh.org  
Admin@crewpittsburgh.org

Membership in the Commercial Real Estate for Women (CREW) Network offers unparalleled business development, leadership opportunities, and networking opportunities both in your local market and across 75+ offices in the US, Canada, and Great Britain with 12,000+ members. The Pittsburgh chapter has 20+ years of providing networking opportunities and educational programs to its members and the community. Having a global commercial real estate network at your fingertips and having your contact info in that global network have never been more important in the greater Pittsburgh region than it is now.



## Ironworker Employers Association of Western Pennsylvania

Foster Plaza 9  
750 Holiday Dr., Suite 615, Pittsburgh, PA 15220  
T: 412-922-6855  
www.iwea.org  
Danielle Harshman, Executive Director  
dharshman@iwea.org

The IWEA is a Trade Association of Union Contractors who work in all aspects of the Ironworking Trade within the Construction Industry. We are a resource for all owners, developers and contractors who are looking for a qualified contractor with a well-trained workforce. Visit our website or call our office for additional information.



Master Builders' Association  
Of Western Pennsylvania, Inc.

## Master Builders' Association

631 Iron City Dr., Pittsburgh, PA 15205  
T: 412-922-3912  
www.mbawpa.org

Leading the Industry, Building the Region! The Master Builders' Association is the voice for the construction industry in Western Pennsylvania and provides valuable member services, promotes best practices, and helps to grow a highly skilled workforce. MBA will continue to be the premier construction association by setting exceptional standards of quality, safety, and labor relations, providing the best construction experience. Our members will build the Pennsylvania of tomorrow.

**NAIOP Pittsburgh**

Rosslyn Commons  
 333 Baldwin Rd., Pittsburgh, PA 15205  
[www.naioppittsburgh.org](http://www.naioppittsburgh.org)  
 Brandon Mendoza, Executive Director  
[info@naioppittsburgh.org](mailto:info@naioppittsburgh.org)

NAIOP Pittsburgh is the regional association of developers, owners, investors, and professionals in commercial real estate. We are the leading industry resource to foster business relationships, promote responsible development and support growth of the region through education, leadership, and advocacy. Visit [naioppittsburgh.org](http://naioppittsburgh.org) for additional information or contact [info@naioppittsburgh.org](mailto:info@naioppittsburgh.org).

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RIG Consulting, Inc. was established in May of 2005 and certified as a Woman-Owned Business Enterprise (WBE). We offer: Surveying and Right of Way of Services, Construction Management and Construction Inspection Services, and Design Support Services. RIG has an extensive workload partnering with Prime Consultants across Delaware, Maryland, New Jersey, New York, Ohio and Pennsylvania. In addition, RIG provides a broad range of survey and right-of-way services to public agencies, utility agencies, developers, and private entities.

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# CLOSING OUT

## CLOSING OUT BY DAVID DAQUELENTE

It's always a challenge to take the leadership role of a well-run organization following the long tenure of a successful executive director. I'm excited to be attacking that challenge now with the Master Builders' Association of Western Pennsylvania (MBA) as Jack Ramage retires at the end of 2019 after over 28 years at the helm. During that time, much has been accomplished by both our members and by the association.

For those of you that may not be aware, a few years ago, I was hired to lead the Ironworker Employers Association of Western Pennsylvania, Inc. (IWEA) when Bill Ligetti retired after over 24 years on the job. It is impossible to "replace" a living legend in the industry. I never worked to replace Bill but strived to represent the members and partners of the IWEA to the best of my ability. That mindset is equally relevant for me today as I will not work to replace Jack, but to succeed him and work diligently for our members and partners of the MBA.

Right now, we are in an exciting era within our industry and our region: a period that holds many new opportunities and challenges. We are in an industry that has been built on hard work, determination and delivering on expectations and in a region that has thrived on innovation, growth and productivity – all of which are also critical to our future.

I am proud to be a part of the MBA's future not only for what has been accomplished to this point – but principally for what we will be able to accomplish together moving forward. As Nobel Prize winner George Bernard Shaw noted, "We are made wise not by the recollection of our past, but by the responsibility for our future."

While I believe there is tremendous value in learning from and building on the strong foundations of our past, I think the concept of accountability for what we create in the future is paramount to our daily work and our strategic vision.

I believe the MBA lives its mission each day to provide valuable services, promote best practices and help to grow a highly skilled workforce. This is something that I am equally passionate about in my own personal and professional life. I am a lifelong learner and I believe with conviction that growth (individually and organizationally) comes from continued learning, skill development and service. Integrity, respect, and building relationships have been fundamental to my journey as well as the success of the MBA and our members.

There are always new issues in the construction industry that require our attention. Workforce development is a necessary, albeit hot, topic today. I believe the focus should not only be on the high demand for skilled professionals from our labor partners, but also for all roles and skill sets needed in construction supervision and management. As

we have more generations simultaneously in the workplace it will create more opportunities for us to learn, share and create better mechanisms to transfer knowledge so that the future generations of our industry are more capable than the last.

Another interesting and important area of focus for our industry is the intersection of innovative and penetrating technology with construction techniques that in some cases have not changed in decades. Exposure to new technology is not enough for adoption, there must be real understanding at the fundamental business level to demonstrate how and why this technology and the potential increased cost will improve the health, safety and or productivity of our people and our operations.

Payment terms are also an issue that needs to be part of a larger conversation. This is an industry that relies on significant financial decisions, commitments and contracts. Those facts will not and should not change. As an industry if we want to grow or even just maintain current market share, we must have quality, competitive, and solvent businesses at every level. For the owners who want successful project deliveries – we need quality, competitive, and solvent businesses at every level. I'll refer you to the Publisher's Note in the March/April 2019 Breaking Ground issue for a longer primer to this topic.

I look forward to working with our board, our staff, our members and our industry partners to demonstrate real value in the inclusion of meaningful diversity, education and training efforts throughout the industry and innovative technology awareness to benefit our industry's future. I am excited to work together to build on the shoulders of the MBA's 133-year tradition and continue our path forward as the premier construction association and the voice of the construction industry in Western Pennsylvania.



In closing, I want to express my sincere gratitude and appreciation of the MBA Executive Search Committee and the entire board of directors for their time and efforts during the interview process for the executive director role. I am honored to have been selected and I am eager to join the MBA in September.

*David Daquente  
Executive Director, Master  
Builders' Association of  
Western Pennsylvania*

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