

BLUE TOP



THE VIRGINIA TRANSPORTATION CONSTRUCTION ALLIANCE

February 2016

Spring Transportation Construction Conference & Trade Show April 6-8, Hampton Roads Convention Center

Focused solely on Virginia's dynamic transportation program and the impact it has on the construction, engineering and aggregate industries, the VTCA Spring Conference will center on the challenges of delivering one of the largest transportation programs in the country. VDOT, Virginia's localities and the transportation construction industry are in the spotlight to deliver the Commonwealth's expanded transportation program without hesitation or delays. With emphasis on the future of transportation and the delivery of the program, the conference will include multiple technical and business development sessions led by the industry's most experienced leaders. The Trade Show will showcase the latest tools, materials and services available to facilitate your success.

Spring Conference Trade Show

VTCA members have priority choice for exhibit space until February 28. After that date, remaining exhibit space will be offered to non-members. Non-members are encouraged to send in Exhibitor Registration forms and will be placed on a waiting list until February 29 when booth assignments will be made in the order of receipt and on a space available basis.

To reserve your exhibit space, visit www.vtca.org and click on the Spring Transportation Construction Conference link from the Event Calendar. Fax or mail-in registration forms are also available for download. For any questions concerning the trade show or VTCA membership, please contact Stephanie Rusnak at stephanie@vtca.org.

Conference Sponsorships

Sponsorship opportunities are available. All sponsors will be recognized for their commitment by having their company name listed in conference materials and prominently displayed throughout the event. Sponsors will also be recognized on VTCA's web site and in the May *Blue Top*. For sponsorship details, please see the Sponsor Form available at www.vtca.org. Sponsorship requests must be received by VTCA no later than March 18. For any questions concerning sponsorship, please contact Stephanie Rusnak at stephanie@vtca.org.

Special Thanks to our 2016 Premier Conference Sponsors

<i>Allan Myers</i>	<i>JMT</i>	<i>James River Equipment</i>	<i>AI Engineers, Inc.</i>	<i>HNTB</i>
<i>RS&H</i>	<i>AECOM</i>	<i>HDR</i>	<i>3B Consulting</i>	<i>Transurban</i>



Dedicated to Advancing the Interests of the Transportation Construction Industries

Spring Conference

(Continued)

Spring Conference Golf Tournament

Start off your visit to Hampton with a round of golf at the Kiln Creek Golf Club and Resort. The tournament will begin on Wednesday, April 6 at 10:30 a.m. Much improved since last spring, Golf Digest reports that Kiln Creek is "one of the five best golf courses in the state of Virginia."

Tournament fees include cart and greens fees, a boxed lunch, range balls and tournament prizes. The format will be Captain's Choice and pairings will be done by VTCA. Pre-arranged teams are welcome. A portion of the proceeds will benefit the VTCA Scholarship Fund. For any questions concerning the golf tournament, please contact Dana Morris at dana@vtca.org.

Register Early and Save

Register by March 9 and save on your registration fee. Online registration and payment is available at www.vtca.org. Click on the Spring Transportation Construction Conference link from the Event Calendar. Forms are also available for registration by mail or fax.

Conference Lodging Information

VTCA has secured a block of rooms at the Embassy Suites Hampton Roads (host hotel) and Courtyard Marriott (located less than a mile from the Convention Center). Hotel reservations will be taken on a first come, first served basis.

FHWA Changes Policy And Broadens Application Of Buy America Act To Manufactured Steel Or Iron Items And Miscellaneous Steel Or Iron Products

Due to a recent Court decision, the FHWA has rescinded a 2012 policy exempting manufactured items that were at least 90 percent steel or iron, and other miscellaneous steel and iron products, from the Buy America requirements. This action broadens the range of steel and iron products that are subject to Buy America Act (BAA) requirements for Federal Aid Highway projects.

In an Order dated December 22, 2015, the U.S. District Court for the District of Columbia vacated an FHWA 2012 Policy Memorandum creating exceptions to the "Buy America" requirements for use of domestic steel and iron on federally funded highway programs. The 2012 Memorandum exempted manufactured items that were at least 90 percent steel or iron, and other miscellaneous steel and iron products, from the BAA requirements.

The Buy America preference requirement is grounded in several evolutions of the Federal Surface Transportation Assistance Act. One aspect of the related acts was the preference for domestic unmanufactured and manufactured products purchased with federal highway funds. Those preferences included domestic steel and iron products, both manufactured and unmanufactured.

However, the acts allowed the Secretary of the U.S. Department of Transportation to exempt materials and products from the Buy America requirements when the Secretary deemed Buy America compliance would be inconsistent with the public interest. Using his exemption authority, in the 2012 Memorandum, the Secretary exempted from Buy America policy application two categories of products: 1) manufactured products made up of less than 90 percent steel or iron; and 2) miscellaneous or "off-the-shelf" steel or iron products. The case before the District Court involved a legal challenge to those policy exemptions.

The court agreed with the challenging plaintiffs and held the 2012 Memorandum violated the federal Administrative Procedures Act (APA) because: a) the 90 percent threshold had not been subjected to required notice and comment rulemaking processes, and was itself arbitrary and capricious; and b) the miscellaneous products exceptions likewise were not subjected to required notice and comment rulemaking processes under the APA and also for BAA waivers.

Thus far, the FHWA has not issued any additional clarification regarding Buy America implementation, nor has it initiated any related rulemaking processes. The overall impacts remain to be seen, but pending any overturning of the decision on appeal, or such rulemaking processes, all steel and iron products for federally funded highway projects must be reviewed for compliance with the Buy America requirements, and potential exemptions.

This article was provided by Neil Lowenstein and Mike Sterling of **Vandeventer Black LLP**. For more information about this topic, or other government or construction contracting matters, please contact Neil, Mike or other members of Vandeventer Black's Construction and Government Contracts Team. Contact information is available at www.vanblacklaw.com.

General Assembly Considers Over 2,000 Bills

The 2016 session of the Virginia General Assembly is in full swing. Over the next six weeks lawmakers will consider over 2,000 pieces of legislation. VTCA is actively engaged in lobbying on more than 50 bills that impact our members. Below is a highlight of several of the key bills in which we are engaged. Watch for VTCA's electronic General Assembly Updates to get a full listing of bills and updates on bills as they move through the legislative process.

HB 501 Request for Proposal; design-build transportation projects

Allows for the submission and consideration of alternative technical concepts, defined in the bill, during the Request for Proposal process of a design-build transportation project.

HB 578 Virginia Public Procurement Act; architects and engineers services, etc.

Provides that for architectural or engineering services, the public body shall not request or require offerors to list any exceptions to proposed contractual terms and conditions until after the qualified offerors are ranked.

HB 796 Practical design standards; VDOT to employ standards for any highway system project

Requires the Department of Transportation to employ practical design standards for any highway system project, including all projects costing more than \$5 million. "Practical design standards" are defined in the bill as standards that incorporate maximum flexibility in application of standards that reduce the cost of project delivery while preserving and enhancing safety and mobility.

HB 1069 Tolling civil penalties; period of nonpayment; limitations on tolling; notification of violations

The bill prohibits tolling any highway, bridge, or tunnel without approval of the General Assembly except in limited circumstances. The bill requires the Department of Transportation to allow E-ZPass account holders to provide an email or phone number and to electronically notify account holders of a toll violation and further requires toll operators to notify the Department of such toll violations. The bill amends the definition of high-occupancy toll (HOT) lanes to ensure that mass transit vehicles and commuter buses meet the high-occupancy requirement. The bill lengthens from 30 to 60 days the period following notification of an unpaid toll on HOT lanes after which, if the toll is still unpaid, the owner or operator of the vehicle is in violation. The bill decreases the civil penalties for an unpaid toll violation on the HOT lanes, making them equal to civil penalties for other toll violations, and allows the HOT lanes operator to offer reduced civil penalties if the owner of the vehicle pays within 14 days prior to the hearing date, which is also permitted for other toll operators. For violations on any toll road, the bill provides that for a first court appearance there are reduced civil penalties and places a cap of \$2,200 on civil penalties and administrative fees. Finally, the bill provides for a 10-day grace period for unpaid tolls and requires toll operators to attempt to process and collect unpaid tolls twice during such period.

HB 1108 Virginia Public Procurement Act (VPPA) and contracting generally; use of experience modification

Prohibits the use of any experience modification factor as a condition of any bidder's or offeror's eligibility to participate in a solicitation for construction services. The bill includes the above provision for any contract or offer to contract not covered by the VPPA. The bill also provides that it applies to any offer to contract as defined in the bill, Invitation to Bid, or Request for Proposal for construction services issued on or after July 1, 2016. The bill defines "experience modification factor."

Continued on Page 4

General Assembly Considers Over 2,000 Bills (Continued)

HB 1169 Mineral mining; bonding program; reclamation

Grants the Commonwealth a lien on land reclaimed by the Director of the Division of Mines, Minerals and Energy (the Director) for the amount of the increase in the value of former mining land that results from the reclamation of the land. The bill increases the amount of the reclamation bond that a mine operator must pay from a range of between \$200 and \$1,000 per acre to \$3,000 per acre and provides procedures related to the operation of the lien, including procedures for perfection, waiver, recordation, priority, amount determination, and satisfaction. The bill also modifies the existing Minerals Reclamation Fund (the Fund), establishing it as a non-lapsing revolving fund with a minimum size of \$2 million. Current law sets the Fund's floor at \$250,000 and does not prevent moneys in the Fund from reverting to the general fund at the end of each biennium.

SB 311 Virginia Public Procurement Act; use of best value contracting, construction & professional service

Authorizes any public body to procure construction on a best value procurement basis. Under the bill, if proceeding on a best value procurement basis, the Request for Proposal must contain a notice to potential offerors that the procurement decision will be made on a best value procurement basis and describe (i) the criteria that will be considered in evaluating the proposals and (ii) the rating or weighting system that will be used in evaluating the proposals, including a disclosure that price will be weighted at least 51 percent as a factor.

SB 470 Motor vehicle fuels sales tax in certain transportation districts

Motor vehicle fuels sales tax in certain transportation districts. Increases the tax on the sales price charged by a distributor for fuels sold to a retail dealer in Hampton Roads from 2.1% to 5.1%.

VTCA Contractor Safety Awards Program

The Virginia Transportation Construction Alliance strongly encourages each and every member to implement and maintain programs that provide a safe work environment for their employees as well as for the general welfare of all who travel through work zones. Through the annual VTCA Transportation Contractor Safety Award Program, the Alliance is proud to recognize its Contractor Members who successfully demonstrate their commitment to a safe and healthy working environment.

Contractor Safety Award submissions are due by February 29. Winners will be announced and awards presented at VTCA's Spring Transportation Construction Conference on April 7.

To apply for an Award, a company must be a member of VTCA, complete the Safety Award Application and submit it to VTCA by February 29. The application can be downloaded from VTCA's web site at bit.ly/ContrSafetyAwards16.

District Dialogues Announced For Richmond, Culpeper and Fredericksburg

District Dialogues give you the opportunity to meet with senior VDOT professionals and hear about the important issues that affect you as you do business in the various Districts. Mark your calendar for these Dialogues. Details coming soon.

<u>Date</u>	<u>District</u>	<u>Location</u>
March 16, 2016	Richmond	Four Points by Sheraton 9901 Midlothian Turnpike Richmond, VA 23235
May 26, 2016	Culpeper/ Fredericksburg	Doubletree by Hilton 990 Hilton Heights Road Charlottesville, VA 22901

Additional ESCCC Class Added This Year!

VTCA announced the 2016 schedule for the Erosion and Sediment Control Contractor Certification class in the January *Blue Top*. We are pleased to announce that we have added an additional class in Hampton Roads. Here is the complete schedule. Visit www.vtca.org for more details and to register.

<u>Date</u>	<u>Location</u>
February 26	Richmond - VTCA Office
March 4	Front Royal - Holiday Inn and Suites
March 25	Roanoke - Higher Education Center
April 22	Newport News - Marriott at City Center NEW!!
May 6	Richmond - VTCA Office
June 3	Abingdon - Southwest Virginia Higher Education Center
November 4	Roanoke - Higher Education Center
December 19	Richmond - VTCA Office

February 10 Deadline For One Of The Nation's Best Project Management Schools – TCMI

The Transportation Construction Management Institute, held on campus at Virginia Tech in Blacksburg, is one of the nation's very best programs for transportation construction project managers. Right here in your own backyard, TCMI will be held February 16-26.

With only 30 participants – 15 from VDOT and 15 from industry - the program will focus on the latest procurement and contracting trends in Virginia with an emphasis on the management of design-build contracts and building and maintaining a safe working culture. The rigorous and rewarding Institute will improve participants' ability to:

- Establish effective teams and maintain strong relationships and high trust levels with and within VDOT and the road building industry;
- Administer contracts, make decisions, resolve disputes on-site, and complete projects in a more cost-effective and competitive manner;
- Apply newly acquired leadership, management and interpersonal skills to areas of increased responsibility and authority.

The registration deadline is February 10. Secure your seat and register now at www.cpe.vt.edu/tcmi.

VTCA member employees are eligible for a TCMI scholarship! An exclusive member benefit is a \$500 tuition rebate for attending the 2016 TCMI program. Contact VTCA's Tom Witt for details.

VTCA Spring Conference And Trade Show Coming - Focused Breakouts For Producers

The VTCA Spring Transportation Construction Conference is set for April 6-8 at the Hampton Roads Convention Center. VTCA's Aggregate Producer Operations Committee works extremely hard to provide top-notch speakers addressing current industry issues for the Aggregate Producer breakout sessions. The conference is a great opportunity for managers to reward key employees with an opportunity to interact with other professionals in a learning environment that includes dozens of exhibitors whose products and services are geared to mining operations.

Of particular importance this year will be a presentation by Sarah Huddle of **Albright Group**, who assisted VTCA in developing the new Aggregate Community Outreach Toolkit. Our goal is to enable everyone working in the aggregates industry to share clear and easy to convey messages about our industry and the contributions we make to our communities. Don't miss this golden opportunity to get engaged and start using the Toolkit in your community.

VTCA Aggregate Producers Meet With VDOT

One of the issues identified at the last VTCA/VDOT Co-Op meeting was the growing imbalance of fines within the aggregate market. The meeting, attended by VDOT's Deputy Chief Engineer Mohammad Mirshahi, focused on a number of areas suitable for additional research which could benefit both VTCA and VDOT, including:

- Fines in Shoulder Stone
- Manufactured Sand specification revisions to allow more fines
- Additional quarry by-products utilizing fines
- Increasing fines in CTA

As a result of the Co-Op meeting, several small working groups were created. These include VDOT and industry personnel. Several have already met, with promising results.

Spring Smoke Schools Coming In March

VTCA's Visible Emissions Certification Classes ("Smoke Schools") are scheduled for March 18 in Roanoke, March 19 in Abingdon and March 21 in Richmond.

Anyone involved in taking visible emissions readings is required by the Environmental Protection Agency to receive certification every six months.

You may receive a reminder from Compliance Assurance Associates (CAA) regarding your registration for these classes. These reminders are automatically generated 90, 30 and 15 days out from the classes to everyone in their database holding a certification, whether you are already registered with VTCA or not.

This is only meant as a reminder from CAA which conducts the schools. Registration must be completed through VTCA.

Registration information will be mailed soon and will also be available on the VTCA web site at **www.vtca.org**.

2016 NSSGA National Convention

The 2016 National Stone, Sand and Gravel Association's National Convention is coming soon. The convention will be held in Nashville March 22-24. The agenda promises to be packed with timely and pertinent information. Many NSSGA committees will be meeting during this time including the safety and health, environmental and government relations committees. The AGG 1 Academy and Expo is also being held.

This year's opening night will kick off with entertainment by country music stars Phil Vassar and Maggie Rose! Keynote speakers are Nicholas Epley from the University of Chicago Booth School of Business, and Jason Hanson, former CIA officer and security expert. Details can be found at **www.nssga.org**.

Associate Members Elect New Leadership Committee Representatives

VTCA's Associate Leadership Committee (ALC) represents the unique interests of the Associate Membership of the Alliance. The ALC represents and advances the interests of all Associate members through its own meetings and liaison with the Board of Directors.

Newly elected to serve on the ALC are the following professionals.

Danny Moran of **Associated Asphalt**

Daniel Grygo of **Hampton Roads Bonding** (Rutherford, a Marsh & McLennan Agency)

Scott Crumpler of **Concrete Pipe and Precast**

Frank Payne of **P. D. Brooks Company**

Congratulations To Randy Weingart On His Retirement

After a twenty-seven year run with **Luck Stone**, Randy Weingart is retiring as the company's Director of Materials and Research. In that role Randy provided leadership to Technical Sales Associates, Laboratory Services and the Process Groups at Luck Stone. Randy has played a vital role in the VTCA / VDOT aggregate technical issues conversations, serving on the Aggregate Technical Committee ultimately serving as its Chairman. We wish Randy the very best!

"Introduce A Girl To Engineering Day" Set For February 25 – Will You Help?

Calling all Richmond-area engineering firms – WTS Central Virginia is recruiting female engineers and scientists to open up their doors on Thursday, February 25 to show area girls what they actually do on a day-to-day basis. We want to encourage young women to see our work environments, learn about what we do, and ultimately stimulate their interest in engineering and the sciences. We are looking for diversity in both location and type of engineering.

We are looking for firms to open their doors and allow girls, that have signed up in advance, to come in and get a demonstration or a presentation about the work you do. It is anticipated that girls will be brought to the site by parents or chaperones, or if old enough, will drive on their own. Employers will have the freedom to conduct the session in whichever way they choose. Flyers about WTS and Transportation YOU will be provided as handouts.

We anticipate that the visits will be held right after school, for a period of an hour or two. This is not intended as a full day event. Can you help us make "Introduce a Girl to Engineering" great for the Richmond area girls? Contact Robyn Hartz for more information. Robyn.hartz@mbakerintl.com or 804-287-3192. This event is being organized and sponsored by the WTS Central Virginia Chapter.

Piece Your Business Plan Together – Advertise In The Online Buyers' Guide

The missing piece in your business plan might be online advertising. VTCA's new Online Buyers' Guide enables industry professionals to find your company quickly. A digital companion to our printed *Directory of Members*, the new Online Buyers' Guide lists all VTCA members at no cost. A wide variety of customized listings with enhanced content are available at very reasonable rates.



Reach decision-makers in Virginia's thriving transportation construction industry. Contact our partner Naylor Association Solutions today. Reach out to Adam Lingenfelter, our project manager, at adaml@naylor.com. His phone number is 352-333-3451.

BLUE TOP



A monthly publication of the Virginia Transportation Construction Alliance

Jeffrey C. Southard, Esq.
Executive Vice President

Dara Jan Morehead, CAE
Director of Administration and Membership Services (Editor)

Thomas M. Witt
Engineer Director

Samuel L. Hollins
Aggregates Program Manager

Lisha G. Reynolds
Professional Development Manager

Dana C. Morris
Communications Technology Manager

Stephanie L. Rusnak
Administrative Operations Manager

Sandy E. Farmer
Accountant

Welcome To Our New Members

RDM International specializes in pavement engineering, technology, testing, and research. We provide consulting services and perform research in pavement design, evaluation, construction, and management for airports, highways, and port facilities. RDM owns and operates two Heavy Falling Weight Deflectometer (HWD) machines that provide non-destructive testing (NDT) for pavement evaluation. RDM also owns and operates hand-held GPS data collectors to map pavement distresses and locate on base maps for precise distress positioning.

14310 Sullyfield Circle, Suite 600
Chantilly, VA 20151
703-709-2540
Fax: 703-709-2535
www.rdmintlinc.com

VTCA Contact: Jenny Bowers, Business & Marketing
jbowers@rdmintlinc.com
President: Peter Yip, PE
Vice President: Christopher Decker, PE

National Quarry Services, Inc. is a rock-drilling and blasting company. We have the equipment and experienced labor force necessary to fulfill any rock-removal challenge throughout the Southeast United States.

Our company goal is to meet every contractor's deadline with safety, precision, and perfection. Our equipment and workforce along with the maintenance and continuous training provided to them make National Quarry Service the top choice of many of the area's top contractors and major quarries.

4570 Frye Bridge Road
Clemmons, NC 27012
336-766-9528
Fax: 336-778-9109
www.nationalquarryservice.com

VTCA Contact: Chris Gifford, President
cgifford@nationalquarryservice.com
Vice President: James Schultz
CFO: John Blanton

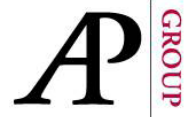
VTCA Office Closed

The VTCA office will be closed February 15 in observance of Presidents' Day.

Health Care Corner

The 2016 Health Savings Account "HSA" contribution limits have been established by the IRS. The individual contribution limit remains the same as 2015 at \$3,350. The family contribution limit increased by \$100 to \$6,750. There is a \$1,000 catch up provision for people age fifty-five and older. If you have a qualified High Deductible Health Plan "HDHP" it is very important to open and fund an HSA. Please contact me with any questions.

W. Montgomery Dize
President
14021 Charter Park Drive
Midlothian, VA 23114
804-423-7700 ext. 309 (office)
804-423-7701 (fax)
www.apgroupinc.com



ASSET PROTECTION GROUP, INC.
INSURING YOUR FUTURE