



AGC - West Tennessee News

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In This Issue

- Legislative Update
- New Member Focus
- AGC State Convention
- Executive Director's Note
- Safety Update
- Past Events
- Upcoming Events

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John Paul Finerson,
President, AGC of
West Tennessee
Branch

Legislative Update:

On July 20, 2010, the Memphis City Council passed the Small Business Enterprise (SBE) Program as reported in the last Newsletter. There was no opposition put forth by any of the area construction associations to this Program. Also, reported in the last Newsletter was reference to the recently concluded Disparity Study presented to the Memphis City Council in March, 2010. After a thorough review of the Disparity Study, the Memphis City Council has proposed the Repeal of Ordinance # 4388 codified as City Code, Chapter 2, Division 5, Section 2-325 thru Section 2-331 which will be replaced by a new Ordinance referred to as: The "Minority and Women Business Enterprise Procurement Program". This 35 page document outlines the Equal Business Opportunity Program, establishes initial minimum MWBE goals for several construction related entities, establishes the control of the program with the Office of Contract Compliance and provides a list of penalties for Noncompliance with the program. The first reading before the Memphis City Council took place on September 14th and the second reading took place on September 28th. Your Board is in communication with other area construction associations regarding actions that might be appropriate either before or following the 3rd and final reading.

New Member Focus:

Please welcome new Subcontractor member, **GCM, Inc., Mrs. Glenda Mills** to AGC. They have attended some of the events this year and we hope to see more of them. Please be sure to introduce yourself to her and her associates at upcoming AGC events.

State Convention:

The State of Tennessee Chapter of the AGC will hold its annual convention in Nashville, Tennessee beginning on October 28th and concluding with the "Steel Toes & Stilettos" Gala on October 30th. As the economy continues to affect us all, the decision was made to once again keep our \$\$\$ within the State of Tennessee. There are many exciting things to do in the Nashville area, they have recovered from the flood earlier this year, and it is a great place to visit with your friend and make new acquaintances with other branch AGC members from across the State of Tennessee. There is a full range of speakers and activities for everyone to enjoy, highlighted with the Gala on Saturday evening in support of the ACE Mentoring Program – which benefits everyone in the construction industry. If you have not already done so, **MAKE YOUR RESERVATIONS TODAY!!!!** Visit **the AGC in Tennessee Joint State Convention Website** – www.agcintnconvention.com - for information & registration.

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Executive Directors Message:

We are approaching what many of the prognosticators and pundits are suggesting may be the most important mid-term election in the past fifty (50) years. With that thought in mind, we should all be reminded that the right to vote is a very important right that we should exercise at every opportunity. I know we have all, at some point, made the statement – “my vote really does not matter” but nothing could be further from the truth. The fact is: Your vote DOES matter, in local, state and federal election venues. Failure to exercise this right eliminates your being part of the process of electing officials to represent your wishes at all levels of government. Many other countries in the world do not provide this opportunity of choice to their citizens. The only thing that matter is that you do VOTE!!!! Speaking of voting, at the September membership meeting, Ms. Kim Shropshire was elected to the AGC West TN Board of Directors and will join the Board in January as the Secretary/Treasurer. The board for 2011 will consist of Kevin Moyes – President, Don Sloan – Vice-President, Kim Shropshire, John Paul Finerson – Immediate Past President and state director, Jay Madden – state director and Carl McPeak and Roy Rothenberger, membership directors

Safety Director's Message:

Since the passage of the OSHA Act in 1970, we have been inundated with continued additions and changes to the Act as originally designed. Thus, from time to time, it is important to revisit some of the basic terms and definitions that have existed from the beginning to ensure we are reminded of their meanings. Below is a brief review of some of these items:

DUTIES of Individuals in Reference to the OSHA Act of 1970

Appointed Person-A person selected or assigned by the employer or the employer's representative.

Authorized Person-A person approved or assigned by the employer to perform a specific duty or duties or to be at a specific location or locations at the job site.

Competent Person-One who is capable of identifying existing and predictable hazards in the surroundings, or working conditions which are unsanitary, hazardous, or dangerous to employees, **and** who has authorization to take prompt corrective measures to eliminate them.

Designated Person-Means “authorized person” as defined above. (See Authorized Person)

Each Employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to the Williams-Steiger Occupational Safety and Health Act which are applicable to their own actions and conduct.

Each Employer shall furnish to each of their employees employment and a place which are free from recognized hazards that are causing or likely to cause death or serious physical harm to their employees.

Qualified Person-A person who has by possession of a recognized degree, certificate, or professional standing, or who has by extensive knowledge, training, and experience, has successfully demonstrated their ability to solve or resolve problems relating to the subject matter, the work, or the project.

REMEMBER: If you have a safety related issue or are in need of training, please contact our Safety Director – Nick Nanney at (901)481-0126. Nick is very well informed on safety matters that affect our members and is available to assist you with your safety related issues. **(One of the most important functions Nick performs during a Site Inspection is to alert you, the contractor, to deficiencies he observes on your project. His objective is to inform you of those items that may represent a potential danger on the project and not only protect the personnel on the job but to insulate you, the company, from fines or other penalties imposed by OSHA or other outside agencies!!!!!!)**



Meeting Re-Caps:

We have had some very informative and well attended meetings the past three (3) months. Everyone enjoyed the presentation by the Office of Contract Compliance from the MSCAA. There are several continuing issues associated with the bidding paperwork process on airport projects which are being looked into at this time. In August Mr. Joe Polk, Construction Administrator at MSCAA, provided the membership with an update on current construction activity at the airport and a look at what projects are expected to be let over the next several years. It was agreed that the airport has continued to be a bright spot in an otherwise dismal period for construction projects. In September, Mr. Victor Weddle with TDOT presented an overview of projects they expect to post for bid the last quarter of 2010 and for 2011. They are optimistic these projects will actually be posted and not pulled.

Thanks to everyone for attending our meetings. We have had an average of 40+ at the recent meetings.

UPCOMING EVENTS

October

27th - AGC CompTrust Annual Meeting, Nashville TN

28th - 30th - State AGC Convention, Nashville Renaissance Hotel

30th - Builder's Ball, "Steel Toes & Stilettos", Nashville TN
First statewide joint event with ABC, AIA, CET, TSPE, & Home Builders Association. This event will benefit the ACE (Architects, Contractors, and Engineers) Mentoring Program.

November 6

AGC Tailgate - U of M vs. UT

We expect a HUGE crowd for this event, with 180 tickets ordered and at least that number for the "tailgate festivities". Get your order in for the tailgate and parking. The site is directly across the street from the main entrance to the stadium on Hollywood. RSVP is in a separate email/fax.



December 4

AGC West TN Annual Christmas Party, The Butcher Shop
We have extended an invitation to several other construction associations to join us for the party this year.

In December we will provide all the membership with a "projected" calendar of events for 2011, including estimated dates for the events, to assist you in your planning for 2011. **If you have programs or events you would like to see instituted by the West TN Branch of the AGC, PLEASE bring them to our attention.** We are here to benefit you, the members!!!!!!

THE ASSOCIATE GENERAL CONTRACTORS OF AMERICA
The Association of the Construction Industry