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Editor
Beth Franks

AGC ARKANSAS
523 E. Capitol Avenue
P.O. Box 846
Little Rock, AR 72203
501.375.4436 Phone
501.375.0110 Fax
www.agcar.net
info@agcar.net

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A silhouette of the Illinois State Capitol dome is centered against a vibrant sunset sky. The sky transitions from a deep orange near the horizon to a pale yellow at the top. The dome's architecture, including its columns and the statue on top, is clearly defined in black. The text "A new" is positioned in the upper right corner in a bold, yellow font.

A new

partnership... and what it means for you

5

*by Allison Rose
ARTBA's Director
of Member Services, Records
& Chapter Relations*

THERE'S A KEY REASON WHY AGC ARKANSAS' HIGHWAY CONTRACTORS SHOULD CARE ABOUT YOUR ASSOCIATION'S NEW NATIONAL PARTNERSHIP WITH THE AMERICAN ROAD & TRANSPORTATION BUILDERS ASSOCIATION (ARTBA). IT BOILS DOWN TO THIS FIGURE: 60 PERCENT.

The federal highway program funds an average of 60 percent of Arkansas DOT's capital outlays for highway and bridges, a substantial amount of money behind many of the projects you work on throughout the year. Therefore, decisions by the president and Congress can make a huge difference in your state's market, the size of your lettings and the numbers of projects for which you can compete.

Established in 1902, ARTBA's ranks now include 8,000 members nationwide, and 37 chapters like yours. Our

contractor members come in all sizes and disciplines, from local, multi-generational family businesses to larger regional, national and international firms. All have an equal voice in ARTBA's activities, and they share a common interest: transportation construction.

Every day, ARTBA aggressively advocates for more federal investment, in order to grow the nation's transportation construction market. We also work to protect that market through fighting burdensome regulations.

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New Partnership

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Here's what to expect and how you can get benefit from your new membership...

Government Affairs & Advocacy

As you know, there is much talk about increasing federal infrastructure investment these days, starting with President Trump. ARTBA is pushing hard to make sure that talk turns into action. We've been doing that for more than 116 years. ARTBA has played a major leadership role in the passage of every federal transportation law from the first Federal Aid Road Act in 1916, to the Interstate Highway Act in 1956, and through the December 2015 enactment of the five-year "Fixing America's Surface Transportation" (FAST) Act. In 2018, ARTBA is leading the industry charge for a new transportation infrastructure investment package and permanent revenue solution for the federal Highway Trust Fund.

The federal transportation infrastructure investment programs ARTBA advocates and defends in the Nation's Capital provide over \$55 billion annually to state and local government projects. Currently, Arkansas receives well over \$500 million in federal highway dollars each year. ARTBA never stops fighting to protect and increase this investment. Besides multi-year surface transportation and aviation legislation, Congress must appropriate these funds each year. This is always a major task given today's

hyper-partisanship on Capitol Hill, avalanche of misinformation and danger of gridlock that comes with it.

Besides these legislative activities, ARTBA is a leading voice for regulatory reform. The Trump Administration has made this a priority, and since the 2016 election ARTBA has provided incoming federal officials extensive information on over 20 regulatory areas that should be improved or eliminated. We are tracking these developments daily, and always appreciate input from ARTBA members who can help explain how federal regulations are working – or not working – in the "real world," as you build projects.

As ARTBA has urged, the Trump Administration has changed course on numerous troubling regulations which the Obama Administration had proposed in recent years. As a few examples, the U.S. Environmental Protection Agency has reversed the "Waters of the U.S." rule, which would have federalized jurisdiction over every ditch in the nation; the U.S. Department of Transportation ended a program allowing state and local DOTs to mandate hiring by residence or income level on federal-aid projects; and the Equal Employment Opportunity Commission withdrew a rule that would have required businesses to report extensive salary data to the federal government. In all these cases, ARTBA

pointed out that these new regulations would have increased costs and reduced efficiency on transportation construction projects, at a time when every dollar counts.

For 25 years, ARTBA has also fought for the industry in the courts, both to counter bad regulations and law suits intended to stop projects. Currently, ARTBA and a number of coalition partners are litigating against the silica rule, which is based on outdated information and does not account for the unique work conditions in highway construction. In fighting nuisance lawsuits, ARTBA's legal efforts have helped enable \$55 billion in projects to move forward, despite the attempts of professional environmentalists and their accomplices.

ARTBA's network of chapters, which now includes AGC Arkansas, provides the grassroots framework for all these activities. You help us by staying in touch with your representatives in Congress, speaking out against regulatory overreach and providing feedback on what is happening around the country. Our oldest chapter relationships go back 80 years, and about half of our chapters maintain affiliations with other national groups as well. Our chapters choose to partner with ARTBA because federal transportation investment is critical to

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New Partnership

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their members and ARTBA is focused full-time on growing those dollars in the tough environment of Washington, D.C.

An Unparalleled Commitment to Safety

The safety of the men and women who build and maintain America's transportation infrastructure, as well as those who travel through our work zones, is a top industry priority. ARTBA's Transportation Construction Safety Center (www.artbasafetycenter.org) features the full suite of comprehensive safety training programs available to ARTBA members.

ARTBA recently launched a new and important program, Safety Certification for Transportation Project Professionals™ (SCTPP), found at www.putting-safetyfirst.org. This is a true game changer, aimed at significantly boosting the hazard awareness and risk management skills of all transportation project professionals who are in positions of influence, from project inception through completion. We want to help decrease safety incidents in this way. Nearly 150 industry professionals from 34 states earned the certification credential by the end of 2017, its first full year, including Mindy King from RK Hall LLC in Texarkana, Arkansas!

For 20 years, ARTBA has also owned and managed the National Work Zone Safety Information Clearinghouse (www.workzonesafety.org). It is the world's most comprehensive interactive library on roadway work zone safety issues, handles 200,000 information requests annually, and provides information in seven languages.

Economic Resources

If you want to learn about the transportation construction market in your part of the country, benchmark your company within the industry, or just find out what trends to expect, ARTBA has all the information for you. The ARTBA economics and research team produces cutting-edge reports covering every angle of the market. While backing up our lobbying efforts with data showing the value of transportation investment, we can also give you the "intelligence" needed to make smart business decisions. Some of the reports are available for free only for

ARTBA members and others can be purchased at a reduced member rate. They include:

- **Annual Industry Forecast:** Published each December, this report provides a national overview of the highway, bridge and transportation construction market for the coming year from ARTBA's top economist. The 2018 forecast can be purchased online at www.artbastore.org.
- **Annual Bridge Needs Report:** In the first quarter of each year, the team analyzes National Bridge Inventory data from the Federal Highway Administration to create an interactive website that includes bridge conditions and more information by state and congressional district. The report is widely anticipated and receives broad national, state and local media coverage. The 2018 report can be viewed at www.artbabridgereport.org.
- **U.S. Transportation Construction Industry Profile:** This report details the economic impacts of transportation investment, including information on jobs supported, freight shipments, conditions and mobility.
- **Custom State Reports:** Our team produces commissioned studies of particular state markets. If you are thinking about working in a new state, talk to us first.
- We also offer a **"Market Intelligence Subscription"** at a reduced rate for ARTBA members. This popular premium subscription service includes four reports with extensive data about the latest trends.

Communications Program

ARTBA is your trusted information source for infrastructure investment, economics, and policy issues. Our flagship website, www.artba.org, is your portal to news and information resources that help make members the most informed people in the industry on federal issues impacting transportation development. Contact me for your member log-in credentials if you need them.

All ARTBA members also have access to the award-winning ARTBA Washington Newline newsletter, emailed weekly or more often as necessary with

stories on the latest industry-impacting developments. Transportation Builder® magazine, published six times per year, contains business, legislative, regulatory and economic news and member services information.

You can also connect with ARTBA through Twitter, Google+, LinkedIn, YouTube, and Facebook, as well as the "Transportation Construction Advocate App," the mobile solution that puts state and local transportation data at your fingertips and speeds communications with your elected officials.

ARTBA also publishes an annual "Leadership Directory & Buyers' Guide" in December. This "who's who" of the transportation design and construction helps members connect with each other easily and more often. The Buyers' Guide section allows companies to provide more information about their products and services through expanded listings.

Events & Webinars

ARTBA's events and educational programs offer a great opportunity to meet industry leaders and share information. Plus, you can often participate right from your desktop.

Upcoming 2018 events include:

- May 14-16: Federal Issues Program (FIP) and Transportation Construction Coalition Fly-in in Washington, D.C.
- June 5-6: Transportation Construction Law & Regulatory Forum in Washington, D.C.
- July 18: National Workshop for State & Local Transportation Advocates in Washington, D.C.
- July 18-20: Public-Private Partnerships (P3s) in Transportation Conference in Washington, D.C.
- Sept. 11-13: National Traffic Management & Work Zone Safety Conference in Herndon, Virginia
- Sept. 30-Oct. 3: National Convention & Dr. J. Don Brock TransOvation® Workshop in New York

Members can attend these programs at reduced rates. ARTBA's major events also include meetings specifically for contractors.

ARTBA also hosts informative and educational webinars covering topics such as:

- Environmental Issues & Regulation
- Safety

- Contract Administration
- Legal & Compliance Issues
- Project Delivery
- Public-Private Partnerships
- Economic Trends
- Policy Developments

Last year, ARTBA hosted 15 of these webinars, all of which are available for you to watch anytime in the on-demand section of the ARTBA Store (www.artba-store.org). Many are available for free.

Awards & Scholarships

ARTBA's Transportation Development Foundation (ARTBA-TDF®) offers several award, scholarship, and contest opportunities throughout the year to help educate the public and policymakers about the transportation construction industry's enormous contributions to the American economy and quality of life, environment stewardship, and improvement of work zone safety.

These include, with 2018 deadlines:

- Lanford Family Highway Worker Memorial Scholarship Program, April 6
- Helping Hand Awards, April 10
- Hall of Fame, April 20
- Women Leaders Awards, Aug. 3
- Student Transportation Construction Industry Video Contest, Aug. 31
- Women Leaders Student Video Contest, Aug. 31
- Contractor Safety Awards

Visit www.artbatdf.org for more information.

Leadership Teams & Task Forces

ARTBA has four Regional Leadership Teams to help you track local developments. While Arkansas is in the Southern Region, you are welcome to participate in any of the four (Northeast, South, Central and West, especially if you are working in other states).

Each region hosts quarterly conference calls and an annual meeting, all of which include presenters from key state DOTs and updates from the states. ARTBA's Southern Region Vice Chair, who leads the team, is Jeff Nelson of Nelson Construction in Florida, a family-owned firm.

Key 2018 dates for the Southern Leadership Team include:

- April 3: Conference call featuring an update from Arkansas DOT, 11 a.m. Eastern.

- July 31: Conference call featuring an update from South Carolina DOT, 11 a.m. Eastern
- Oct. 29-30: Southern Regional Meeting in Atlanta, Georgia
- Dec. 4: Conference call featuring an update from Tennessee DOT, 11 a.m. Eastern

ARTBA also welcomes your involvement in various councils and task forces focused on key industry issues. In many cases, these groups are recommending regulatory reforms. They often meet by phone or webcast for everyone's convenience.

Currently, we have groups looking at the Disadvantaged Business Enterprise (DBE) program, environmental issues, hours of service, drone usage, and safety and insurance issues. We also have councils open to construction lawyers, women leaders and bridge builders.

Professional Development

ARTBA's Transportation Builder Institute™ (TBI) offers continuing education and professional development programs, held both in

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New Partnership

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Washington, D.C., and around the country. These programs include the following:

- **Project Management Academy:** This intensive program is ideal for new or prospective project leaders, and provides both substantive theory and practical application of project management principles for road and bridge building project managers. Among the topics covered are project planning, scheduling and management, effective client relations, job-site teamwork, safety and risk management, team building and ethics.
- **Industry Leader Development Program (ILDP):** Nominate your “rising stars” for an intensive, three-day introduction to the legislative and regulatory processes in the Nation’s Capital. Participants learn how to become industry advocates and leaders, culminating with a trip to Capitol Hill. Nearly 700 people have completed the program since

1995. (2018 nominations deadline is April 2)

- **Industry Leader Development Council (ILDC):** Launched in 2004, the ILDC is the “home” for ILDP graduates. The ILDC participates in policy discussions, helps to develop and market the program for ARTBA’s regional meetings, executes regional grassroots advocacy activities, and promotes membership outreach and development.

Transportation Investment Advocacy Center™

If you want a better understanding of how transportation is funded around the country, visit the Transportation Investment Advocacy Center™ (TIAC), a first-of-its kind, dynamic education program and information resource designed to help members successfully grow transportation infrastructure resources at the state and local levels through the legislative and ballot initiative processes. The TIAC staff produces regular research reports and analyses featuring original research on state and local transporta-

tion investment legislation and ballot measures, transportation funding techniques, economic reports, model statutory language, and political analysis.

The TIAC website (www.transportationinvestment.org) helps transportation investment advocates to mount successful campaigns. It exists to put in one place—and promote the sharing of—strategies, sample political and communications tools, legislative and ballot initiative language, and information on where to obtain professional campaign advice, research and help. The website includes over 40 detailed case studies of both successful and unsuccessful recent state and local transportation funding initiatives.

You can also subscribe to the TIAC blog to receive free, regular email updates from TIAC.

How to Get Involved

With all of these resources at your fingertips, you can easily get involved with ARTBA. Please visit ARTBA’s website at www.artba.org for more information or contact me at arose@artba.org or 202.289.4434 with questions. ■



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Transportation Public-Private Partnerships

The road to P3s in Arkansas

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by Larry Watkins
Attorney
Mitchell, Williams, Selig,
Gates & Woodyard, P.L.L.C.

OVER THE LAST SEVERAL YEARS, THE FEDERAL GOVERNMENT HAS PROMOTED PUBLIC-PRIVATE PARTNERSHIPS (“P3s”) AS ONE WAY TO ADDRESS THE DIRE NEED FOR AMERICAN INFRASTRUCTURE INVESTMENT. STATES AGREE.

For example, last year in Arkansas, the Public Facilities and Infrastructure Act – P3 enabling legislation – was enacted to increase infrastructure development in the Natural State. The engineering and construction industries also agree on this infrastructure investment need. In the American Society of Civil Engineers’ 2017 Infrastructure Report Card, the ASCE stated that the United States needs to spend \$2 trillion more than it currently spends on infrastructure between 2018 and 2025 in order to achieve a B- grade. There is a \$2 trillion gap, and P3s are designed to help fill this gap.

As a construction lawyer and project finance attorney in Arkansas who has worked on a number of P3 projects in other states, I am elated that my state has embraced this project delivery and fi-

nance method. But what is a P3, exactly? How do P3 transportation projects operate? And, can P3 transportation projects work in Arkansas? I endeavor to answer these questions in this article.

What is a P3?

According to the Federal Highway Administration, public-private partnerships are “contractual agreements between a public agency and private entity that allow for greater private participation in the delivery of financing of projects... [including] design-build-finance-operate-maintain.” A P3 is not a private replacement for public infrastructure investment, rather it is a supplement. Because state and local governments have limited financial resources to provide all of the necessary roads, bridges,

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The Road to P3s

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ports, and airports, there is certainly a need for supplemental financing and funding.

To help state and local governments with financing and funding, private companies, which have more access to private financial markets and less debt restrictions, can provide some of these needed infrastructure assets and services to the public. This is not privatization by any means. A city, for example, maintains oversight and control of the infrastructure project's construction and operation – a wastewater treatment plant for example. And, the city typically owns the real property and will own the wastewater treatment plant improvement at the end of the agreement's term. The P3 in this scenario provided public infrastructure that the city may not have otherwise provided.

The P3 Agreement

When a public entity enters a P3 agreement with a private company, the agreement has four important features. First, the agreement must have a term or concession period. For example, if a city wants to use a P3 for our new wastewater treatment plant, including designing, building, financing, operating & maintaining, then the private company will perform these obligations over a long period, such as 30 years (the term). For

...the U.S. needs to spend \$2 trillion on infrastructure between 2018 and 2025....

this term, the company will operate & maintain the plant, receiving, treating, and discharging wastewater. Though the company will exclusively provide the operation & maintenance services upon construction completion, the plant will transfer back to the city at the end of the term or concession.

Second, because all viable P3 projects require a stable and sufficient project revenue stream for the term, P3 agreements have payment mechanisms. If a private company or joint venture invests millions of dollars in providing an infrastructure asset for the public, the company reasonably expects a return on its investment. Thus, there must be a payment mechanism to repay the com-

pany and provide a return. Despite the myth, P3s are not “free money” projects. Further, there really is nothing mysterious about a P3. In terms of structure, a P3 looks a lot like a revenue bond deal, except there is a lender instead of bondholders and a project company instead of a city public facilities board (note, however, that revenue bonds may sometimes be a tranche in a P3 capital structure). In both cases, the project must generate a revenue stream to repay investors.

There are two primary payment mechanisms: revenue risk and availability payments. A revenue risk P3 means the private company typically collects revenue directly from the public in the form of user fees. For example, a private company that finances, builds, and operates a new parking deck for a city airport collects parking fees from drivers. The key point here is that the private company takes the risk of revenues that fall short of its cash flow projection. The availability payment, on the other hand, is a sum of money that a state agency or city pays to the company. Using our city airport parking deck example again, the private company finances, builds, and operates the deck, but the city will make monthly payments to the company. Here, the company collects and submits parking revenues to the city, and the city pays the company from the revenues – and the city takes the risk for parking revenue shortfalls.

Third, another key feature involves project delivery and value for money (“VFM”). In traditional public project procurement, the government entity, such as a city, issues municipal bonds or is appropriated money to finance or fund an infrastructure project. The city then contracts with a private architecture & engineering firm to provide design drawings and specifications. After the public bidding process, award, and project completion, the city operates the project.

With public-private partnerships, however, the process is quite different. The focus is on VFM. VFM, which occurs at the proposal evaluation phase, is an assessment of what type of project delivery provides the best value for public money for the life of the project (e.g. 60 years). VFM not only determines the suitability of a project to be a P3, the outcome of a VFM assessment determines the best project delivery method as well. Different project delivery methods may have different VFM values. Should the P3

If a private company or joint venture invests millions of dollars... there must be a payment mechanism to repay the company and provide a return.

Despite the myth, P3s are not “free money” projects.

In Arkansas alone, there is an annual funding gap of \$450 million for transportation construction and maintenance.

P3s can help Arkansas.

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company design, build, finance, operate & maintain ("DBFOM") the project? Or, is it a better value for the city to finance the project with municipal bonds that are tax exempt, contracting with the private company to provide a DBOM delivery? For example, would it cost a city less money for availability payments to a P3 company to finance, build, and operate a drinking water treatment plant for 30 years than it would cost a city for municipal bond principal & interest payments and operation & maintenance costs for the same period?

Fourth, the last P3 agreement feature is risk allocation. Without going into the minutia, P3 agreements allow the public entity and private company to creatively allocate risks during construction and operations. For example, for a commuter rail line, such as Denver's Eagle P3, does the city or the P3 company bear the risk for easement acquisition cost overruns and delays? Or, to use the city airport parking deck example again, who bears the risk for parking fee revenue shortfalls?

P3 Transportation Projects

Public-private partnership transportation projects are not new in the US as a general matter. Throughout the 1800s, federal and state governments granted land to railroad companies to finance, design, build, and operate railroads. The modern P3 model, however, is relatively new to America. Though widely used in European countries for motorways since the 1990s, American states have only started warming up to transportation P3s over the past decade. A few recent examples of large P3 transportation projects include Denver's \$1.3 billion I-70 expansion and Texas' \$2.9 billion Grand Parkway. Transportation projects are different than other projects, such as parking decks and water treatment plants, but the P3 fundamentals are the same.

For a new expressway project, a

state department of transportation, after conducting the VFM assessment and thoroughly reviewing proposals, would select the best payment mechanism – revenue risk or availability payment. The P3 company providing a DBFOM will begin operating the project upon its completion of the construction phase. Upon reaching commercial operations, the revenue stream begins.

A good example of revenue risk payment (user fee) for the expressway project is a toll. Here, the private company will have toll booths at the entrances and exits of the expressway, and the tolls the company collects constitute the revenue stream. To streamline tolling, the expressway could also use electronic tolling (no toll booths for toll collection). On the other hand, if the DOT uses availability payments, the private company will not collect tolls or be paid per driver. The DOT will make monthly payments to the company for the road to be available, and these monthly payments constitute the revenue stream. Again, in this availability

payment option, the expressway may not even have tolls, and the private company will not be affected as its revenue comes from the state DOT – regardless of the number of drivers on the expressway. Thus, a transportation P3 could be based on a user fee from drivers, a payment from the state DOT, or a combination of the two.

Arkansas Transportation P3 Options

The \$2 trillion investment gap in nationwide infrastructure also affects the Natural State. In Arkansas alone, there is an annual funding gap of \$450 million for transportation construction and maintenance. P3s can also help Arkansas. There are two statutory options for P3 transportation projects in Arkansas. The first is the new Partnership for Public Facilities and Infrastructure Act ("P3 Statute"), and the second is the transportation statute in the Arkansas Code ("Transportation P3 Statute"). Transpor-

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The Road to P3s

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tation projects procured or operated under these statutes do not have to undergo competitive bidding.

Arkansas' P3 Statute is located at A.C.A. 22-10-101 et seq., and it permits an Arkansas state agency to enter a P3 agreement with a private party to provide toll roads, highways, bridges, and the like. However, section 22-10-105 of the P3 Statute excludes "projects of the Arkansas Department of Transportation." In effect, Arkansas' P3 Statute excludes the vast majority of transportation projects that would be suitable for a P3. This enabling legislation applies to transportation projects, but only a few.

The better statutory alternative for a transportation public-private partnership is the Transportation P3 Statute, which is located at A.C.A. 27-67-206(j). This Arkansas Code Transportation Chapter provides that the Arkansas Department of Transportation via the commission can enter design-build, design-build-finance, design-build-operate-maintain,

and concession P3 agreements with a private party. As it sounds, a design-build project means that the P3 company designs and builds the transportation project. In addition to design-build, the Arkansas Department of Transportation ("ArDOT") may also contract with the P3 company to finance or operate & maintain the project.

The Transportation P3 Statute also permits ArDOT concession agreements, and the statute defines concession as a "lease, franchise, easement, permit, or other binding agreement transferring rights for the use or control of a transportation facility by the commission to a private partner under this subsection." The AR concession P3 is arguably as close as it gets to a standard P3 in other states.

Arkansas' First P3 Transportation Project – Maybe

Arkansas' first transportation P3 may be an extension of I-49 from I-40 at Alma to Highway 22 at Barling (near Fort Smith), which includes a bridge over the Arkansas River. This shorter I-49 project,

The Arkansas Department of Transportation via the commission can enter... agreements with a private party.



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with an estimated total cost of \$380 million, is part of a larger effort to extend I-49 from the Fort Smith area to Texarkana. For this longer I-49 project, the estimated cost to extend I-49 from the Fort Smith area to Texarkana is \$2.5 billion or more.

ArDOT contracted with infrastructure consulting firm HNTB in late 2017 to study the shorter I-49 project. HNTB's I-49 Alternative Delivery Study is generally focused on recommendations for viable project delivery methods but will likely specifically focus on whether a revenue risk P3 makes sense, using tolls. At the moment, a P3 appears to be a good option, considering project schedule advantages and ArDOT's annual budget constraints. However, projected cash flows from tolls based on projected traffic will be critical to I-49's suitability as a P3.

In conclusion, regardless of the transportation project or the location – whether I-49 in Arkansas or I-70 in Colorado – public-private partnerships offer another avenue to deliver and finance projects. P3s are not the answer to the Arkansas infrastructure problem, but P3s can certainly help. ■

Larry Watkins is Professor of Construction Law (ADJ) at the University of

Arkansas at Little Rock School of Law and a Construction Law Attorney at the Mitchell Williams law firm, providing counsel for construction contracts & disputes - from industrial & commercial projects to infrastructure & public-private partnerships. Larry has over 20 years of legal, contract, engineering, and construction experience. He has worked for some of the largest construction companies in the US and has provided legal counsel on some of the largest construction projects in the State of Arkansas.

Mitchell, Williams, Selig, Gates & Woodyard, PLLC is a business law firm

headquartered in Little Rock, Arkansas. For more information about the law firm or about construction law, please visit <http://www.mitchellwilliamsllaw.com>. You can also learn more about construction and design law at www.construction-lawresource.com.



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P3s are not the entire solution to the Arkansas infrastructure problem, but P3s can certainly help.

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Top five construction industry trends in 2018

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Technology to Safety

by Ben Halverson
Lorman Education
Services

AS SOMEONE WHO RUNS A CONSTRUCTION COMPANY, IT'S PROBABLY A CHALLENGE TO KEEP ON TOP OF TRENDS, SOME OF WHICH YOU'VE MAYBE OVERLOOKED.

While it's true trends come and go, it's time to take some recent trends more seriously. It's not always about technology that continually improves the construction industry. Other trends fall in line with labor issues, spending, and hiring.

You'll also want to look at what's ahead in the world of construction sales and profits. All of these are going to have some shift as we get closer to a new decade.

Here's a look at what you can expect in the construction field in 2018, and how you can prepare now before they happen.

Improving Technologies

There isn't any doubt that technology advancements have already improved construction significantly. From mobile technologies to the cloud, the ability to

connect with one another and communicate across multiple channels is vastly improved.

Soon, expect more virtual reality and augmented reality use throughout this year. You're already seeing how much this changes the way construction companies visualize projects before they're even built.

More so, it's allowing people to tour construction sites without having to do so in person.

Also look out for technologies like 3D printing, more drone use, self-driving vehicles, and more efficient coatings for specific surfaces.

Increased Spending Growth

If you had some worry over the

continued on page 20

Relationship

from page 19

spending growth dip in construction back in 2016, it's going to pay to stay in the industry. Growth exploded through 2017 with a 6.3% increase over last year, and is trending that direction in 2018.

Despite possible small dips in 2018, construction demands are still projected to go up around the world for both residential and non-residential building. The dip may occur in the commercial sector, though expected to fill in with the institutional sector.

Will Modular Construction Still Be Around?

Undoubtedly, you've heard a lot about modular construction trends in the last year. With speed being a major factor in construction, you're likely to see an increase in modular construction projects.

Things like pop-ups and permanent modular buildings for big-name companies will continue to become the hottest construction ideas. These are also becoming a lot more energy-efficient in the process, which is always attractive to home-buyers and commercial businesses.

Cost-Saving Measures

Two things plaguing the construction industry currently are price increases for supplies and skilled labor shortages.

Both of these are going to mean construction companies like yours possibly having to do more cost-saving measures to stay competitive.

It's not impossible with modular construction above one cheaper alternative. However, other more affordable options like public-private construction helps bring a more cooperative effort to construction. The same goes with turning yourself into a design-build company to reduce middlemen.

To cut down further on expenses, technologies like wearables can better track equipment and how laborers work. More thorough metrics and monitoring

are the key to offsetting costs. So is creating internships to train more skilled laborers to avoid heavier workloads on your other builders.

Increased Safety Measures

Statistics still show construction **as the leader in all industry workplace accidents**. This is starting to slowly improve for 2018 with better technologies and procedures.

Safety mobile apps are a good way to prevent safety issues, especially in better communicating with everyone and providing OSHA compliance. Safety analytics are the key here to get everyone on the same page about your safety protocols. A safety app helps send this information into the field without having to take time to visit each work site in person ■.

Visit www.lorman.com to learn more about what's on the horizon in construction and other industries. Ben Halverson is the General Manager for Lorman Education Services. Contact Ben at 866-352-9539.



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Dean joins AGC Arkansas as Executive VP



Joey Dean
Executive Vice President
jdean@agcar.net

First and foremost, I would like to let you know that I am honored and humbled to have been selected to be a part of this respected organization. AGC Arkansas has a long history of supporting and promoting the construction industry in Arkansas and I am excited to work with all of you to advance this most important mission.

A little about me...I grew up in the small town of England, Arkansas with an incredible support network of friends and family. Being the son of a small businessman, I was taught the benefit of a strong work ethic and commitment to quality and to the customer. I attended the University of Arkansas and earned a Bachelor of Science in Business Administration in May of 1991. I moved to Washington, D.C. a week after graduation to begin a summer internship in the office of Senator Dale Bumpers. This evolved into a permanent position that kept me in D.C. for several years working on a myriad of issues as a Legislative Aide. It also afforded me the opportunity to meet with constituent delegations, learn what was important to them and to find ways to help solve their problems... which was one of my favorite parts of the job.

Upon returning to Arkansas, I began working at the Arkansas Economic Development Commission (AEDC) in January of 1996. In 2001, I was promoted to Director of Business Development for AEDC and served in that capacity for the next five years. This decade at AEDC allowed me to combine my education with my passion for public service to help advance the state's economy.

In July of 2006, I left AEDC to join the Little Rock Regional Chamber of Commerce as Vice-President for Economic Development where I also served as Executive Director for Metro Little Rock Alliance (MLRA). After twenty years in the economic development field, I joined Flake & Kelley Commercial in 2015 with a focus on industrial and commercial real estate as well as being a member of their Government Consulting Division.

Personally, spending time with family and friends is my favorite past time. I have been blessed with two daughters, Caroline and Mary Corinne, both of whom provide me with more joy (and unexpected adventures) than I could have ever imagined...I hope I've done the same for them. My oldest is graduating in May and will soon begin her own college career. My youngest is finishing her freshman year in high school. We all have causes that are important to us, most likely because of personal and/or familial experiences. Those close to me are Autism Awareness, Alzheimer's Research and the American Heart Association.

Thank you again for the faith and confidence you have placed in me. Everyone I have met associated with AGC Arkansas has offered their support and guidance as we move forward together, and it is very much appreciated. I look forward to getting to know all of you and learning what is important to you and your businesses so AGC Arkansas can be your best advocate and continue to meet your needs.

Safety Training Opportunities

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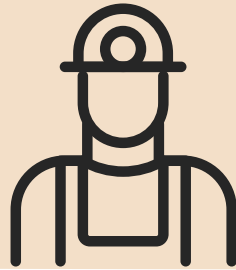
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Kinco Constructors Receives National AGC Safety Award

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Kinco Constructors was a national finalist and awarded second place in the building division 100,000-200,000 work hours category at the 19th annual Associated General Contractors of America Construction (AGC) Safety Excellence Awards. The announcement was made recently at the AGC's 99th Annual Convention in New Orleans.

The purpose of the Willis Towers Watson Construction Safety Excellence Award (CSEA) is to recognize those construction companies who excel at safety performance. Unlike other safety award programs that limit the criteria to frequency rates, the CSEA selection process is considerably more comprehensive. Each application was reviewed for evidence of:

- Company management commitment
- Active employee participation
- Safety training
- Work site hazard identification and control
- Safety program innovation


Participants were required to complete an application form and then members of the AGC Safety & Health Committee reviewed the submittals. The finalists in each divisional category competed through an oral presentation in front of five judges at the AGC National Convention.


AGC of America President Art Daniel and other honorary guests present Kinco Constructor's Jeff Olmsted, Doug Wasson and Clay Gordon with second place in the building division category for Safety Excellence.



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Arkansas Highway Funding Shortfall: The Facts

The Arkansas Department of Transportation recently committed to seeking a highway funding solution in the 2019 Legislative Session. That means NOW is the time for our industry and other stakeholders to come together and educate decision-makers on just how pressing the need has become, and why it is vital for them to act.

FIRST, it is important that we all fully understand the issue. Below are the FACTS that help illustrate the scope of the revenue shortfall and highway funding needs. Over the months ahead, we will be reaching out with ways YOU can help educate others about the need for funding.

This is one of the biggest challenges facing our industry and our state. It will take all of us working together for a solution.

Arkansas has the **12th largest highway system in the country**, with over 16,400 miles of roads. HOWEVER, we rank **43rd nationally in revenue** available to maintain and improve our roads.

Design, construction, and maintenance of transportation infrastructure in Arkansas supports the equivalent of **35,286 full-time jobs** across all sectors of the state's economy. (ARTBA Transporta-

tion Development Foundation 2015)

The gap between the amount of revenue needed to maintain our roads and the amount of revenue available continues to widen. **A recent independent report from Arkansas Legislative Audit finds that Arkansas needs an additional \$478 million annually just to maintain the roads we have.**

Only 18% of Arkansas highways are considered to be in "good" shape. That means **82% of our roads are in "poor," or "fair" condition.**

It costs SUBSTANTIALLY less to maintain and repair highways in fair condition now, than to wait until they are in poor condition and have to be rebuilt. An overlay costs **\$100,000 per lane mile vs. \$1.5 million per lane mile** costs to reconstruct.

To put it in perspective, even as the state's general revenue has grown, **highway funding has remained relatively stagnant.** In 1980, highway funding was 14.4% of the state's overall General Revenue. In 2016, it was only 6% of General Revenue.

If road funding had remained at **14.4% of General Revenue**, highways would be receiving an additional **\$453 million a year now.** (Note: That's close

to the SAME additional \$478 million we now need annually, according to Arkansas Legislative Audit.)

We're moving in the wrong direction. More than 70% of our highway, road and street funding comes from a consumption-based fuel tax, **when the trend is LESS consumption.** Without additional revenue for highways, the funding gap will continue to grow.

To make matters worse, we rely more than ever on federal funding – funding now in jeopardy, with the current administration warning states will soon be responsible for coming up with a greater portion of road funding. **Today, 54% of the state's highway funding is federal, compared to only 36% in 1993.** (The state expects to receive 40% less federal funding after FY2020.)

Arkansas's highway funding need is dire, and now is the time to act. Stakeholders, local leaders, and Arkansas Department of Transportation officials must work together to ensure legislators and other decision-makers fully understand the funding need and are **committed to finding a solution in the 2019 Legislative Session.**

**Better Roads.
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for ALL of Arkansas.

Top Construction Podcasts

by Shane Hedmond
ConstructionJunkie.com



Podcasts are a great way to continue to educate yourself on the latest trends and best practices in the construction industry. Check out the article below from our friends at ConstructionJunkie.com for the best construction podcasts of 2017.

Construction Junkie's 3rd Annual Best Construction Podcast competition was the most voted for and most hotly contested contest yet, which is a clear indication that construction podcasts are becoming more popular.

The Winner of Construction Junkie's Best Construction Podcast of 2017 is...



1. The Lien Zone Podcast

For the third time in three years, a new champion has been crowned in the best podcast competition! The Lien Zone, hosted by Miami construction lawyer, Alex Barthet (@thelienzone), had

an amazing turnout at the voting booth, amassing more votes than any other construction podcast in our contest's history.

Barthet's podcast focuses on his expertise: construction contracts, liens, and bonds. Each episode is quick – usually around 10 minutes in length – but they're packed with interesting information that any construction company would find helpful. Alex also runs a fantastic blog, which has equally interesting legal information for the construction industry, and we encourage you to check that out as well.

Barthet touches on his personal experiences to help contractors stay out of court, as well as what to do when they're faced with a situation that causes them to go to court. I think we can all agree that makes it worth a listen. Be sure to check out their weekly podcast on iTunes, Google Play or Stitcher.



2. ConTechTrio

Although last year's winner, The ConTechTrio racked up nearly twice the amount of votes they did last year, it was not enough for them to repeat as champions. Even though they placed second this year, Rob McKinney (@conappgu-r), James Benham (@JamesMBenham), and Josh Bone (@BIM2theBone), are putting out extremely well produced and interesting content every week. Not only can you listen to the show like any normal podcast, they also put out high quality video of each episode, so you can actually see the technology they're talking about.

Each week, the Trio hosts high level guests from around the industry, including representatives from Bluebeam,



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PlanGrid, Mortenson Construction, and Procore. While their focus is on construction technology, they also highlight many of their favorite construction news stories from throughout the week. Tune in to their podcast on their homepage (www.jbknowledge.com/category/podcasts) or search for ConTechTrio on Spreaker or iTunes.



3. The Contracting Coachcast

This is The Contracting Coachcast's (@anthonybooth) second time in the contest. Hosted by Anthony Booth, the show is now up to a whopping 700+ episodes. The five episodes per week podcast features a large variety of topics to help contractors build their businesses. Recent episodes have covered insurance requirements, safety, communication, and leadership.

Each episode is around 15 minutes and can be found directly on the Contracting Coach's website (www.contractingcoach.com). You can also search iTunes or Stitcher.



4. Predicting Our Future

This year's newcomer to the contest and our only mini-series is Andrew Weinrich's Predicting Our Future (@andrewsroadmaps). In series 1 of his show, Weinrich, a self-described "Serial Entrepreneur," dives deep into the latest innovations of single and multi-family residential construction. Less of a talk show and more of a scripted and edited feature on each topic, each of the six episodes of Predicting Our Future includes audio clips from industry experts on each topic.

Each episode runs for around 30 minutes and can be found on iTunes and directly on the podcast's website. Weinrich was selected as the keynote speaker for the 2017 Professional Builder's Housing Giants Conference. Listen in on iTunes, Google Play or Stitcher.

To link directly to these podcasts or find other great podcasts, visit constructionjunkie.com.

Shane Hedmond is the Editor-in-Chief for ConstructionJunkie.com and a full-time Construction Project Manager. He attend-



ed the University of Cincinnati, where he obtained a Bachelor's Degree in Construction Management."

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What's Next?

- Apr. 19 *Arkansas Construction
Hall of Fame*
- May 4 *Spring Golf*
- May 16 *Membership Luncheon
and Safety Awards*
- June 20 *Membership Luncheon*
- June 28 *Baggo Tournament*
- July 13 *Mid-Year Golf Tournament
& Dinner*
- July 14 *Mid-Year Board Retreat*
- Aug. 22 *Membership Luncheon*
- Sept. 26 *Membership Luncheon*

2018

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Comings & Goings

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Job Changes & Employee News

CDI Contractors has added three superintendents to its on-site project staff. **Chris Boyle** and **David Nichols** will be based out of the company's Little Rock headquarters; **Josh Huskey** is working from the firm's Northwest Arkansas office in Fayetteville. An Air Force veteran, Boyle has 12 years of experience as a construction superintendent on new construction and renovation projects. He will be working on the U.S. Marshals Museum in Fort Smith, which is slated for a September 2019 opening. Nichols has more than three decades of experience as an ironworker and is an AWS Certified Welding Inspector. He will be working on the Bank of the Ozarks corporate headquarters in Little Rock that is scheduled for completion in early 2020. A former U.S. Navy Seabee, Huskey has 13 years of experience as a commercial construction superintendent. He is working on the Phi Mu Sorority House on the U of A campus in Fayetteville, which is expected to be completed in June.



Boyle

Kinco Constructors is pleased to announce that **Adam Tullos** has joined the company as preconstruction/senior project manager and **Brian Byrd** has joined the company as project manager. Adam is based out of the company's Little Rock office and Brian is based out of the company's Springdale office.

Kris Flugler and **Hayden Cunningham** were recently promoted from Project Manager to Senior Project Manager at **Clark Contractors**. Both have been project managers at Clark Contractors since our formation. They have performed their jobs with excellence for many years and exemplify the core company values.

Nabholz Executive Vice President and Corporate Counsel Andrea Woods was recently admitted to the Construction Lawyers Society of America (CLSA). The CLSA is an invitation-only interna-

tional honorary association composed of preeminent lawyers specializing in construction law and related fields. Fellowship is limited and selective, with lawyers being invited into fellowship upon a proven record of high ethical standards, and accomplishment in construction law. The CLSA is dedicated to promoting superior advocacy and ethical standards in construction law. Woods joined the Nabholz team in 2005. She is a licensed attorney in both Oklahoma and Arkansas. She is a Professional in Human Resources (PHR) and a Construction Risk Insurance Specialist (CRIS).

Ryan Hix has joined **Crow Construction** as a new Project Manager and Estimator for the Asphalt Paving Division in Morrilton, AR. **Jon Valeski** has also joined Crow Construction as a new Project Manager for Industrial Construction in Morrilton, AR.

With 48 years leading **ICM** and the previous 5 years spent as a Construction Engineer and Manager for the McNulty's Highway Construction Business of Pine Bluff – all 53 years – **Bruce McFadden** would like to say that AGC and its leaders have been very important in his life: "Thanks AGC for all you do for the Construction Industry in Arkansas!"

Company News

AGC Arkansas, in partnership with **ACEC Arkansas**, **AIA Arkansas** and the **ASPE**, announces the inductees of the Arkansas Construction Hall of Fame. Forty-five individuals have been honored since its inception in 1999. On April 19 at Chenal Country Club, four more individuals will join the rankings of the industry's best:

Tommy Bond, **Bond Consulting Engineers**
Bill Hannah, **Nabholz Construction Services**

Cloud Keyes, **Alessi Keyes Construction**
Reese Rowland, **Polk Stanley Wilcox Architects**

The Arkansas Construction Hall of Fame recognizes, honors and celebrates the accomplishments of Arkansans who have dedicated their lives to the advancement of the built environment through their chosen fields of architecture, construction and engineering. Inductees are selected from a nomination process which measures their professional contributions, personal character and involvement in other organizations or activities that further the well-being of the state of Arkansas and its communities. Inductees are nominated by the members of the previously mentioned associations and are



Byrd



Cunningham



Flugler



Hix



Huskey



McFadden



Nichols



Tullos



Valeski



Woods

selected by past recipients.

Additional awards will be given during the ceremony to recognize those who have contributed to the built environment and those who will shape the future of our industry. **Michael Tramel** of the **University of Arkansas – Little Rock** will receive the **Champion of Construction Award** and **Patty Opitz, AIA**, of **Polk Stanley Wilcox Architects** and **Lance Wright** of **Nabholz Construction Services** will receive the **Emerging Professional Awards**.

Reserve your tickets and sponsorships at dhall@agcar.net.

Congratulations to **Riggs CAT** and **Roberts-McNutt** for being named finalists in the 30th Annual Arkansas Business of the Year Awards.

In 2017, **Daikin** announced its new relationship with **Harrison Energy Partners (HEP)**, the largest commercial and industrial HVAC firm in Arkansas, as the authorized manufacturer's representative in central, northwest and western Arkansas, eastern Oklahoma, and Oklahoma City. Effective immediately, **Daikin Applied** is pleased to extend that relationship, making **HEP** the **Service Alliance Provider** in Oklahoma City and the surrounding region. As a **Service Alliance Provider**, **HEP** is now authorized and responsible for responding to customers' **Daikin Applied** equipment service, operation and maintenance needs.

Congratulations to **AGC Member Garver** for winning five categories and receiving three honor awards at the **ACEC Arkansas 2018 Engineering Excellence Awards**.

AGC Arkansas Student Chapters were well represented at the **Associated Schools of Construction (ASC) Region 5** annual competition in Dallas, sponsored by **TEXO**. **John Brown University** construction management students **Bryan Harmon**, **Peter Choi**, **Emiley Hegel**, **Ethan Bolthouse**, **Brendan Culp** and **Philip Braun** received second place in the commercial building category where university teams were asked to develop a construction project proposal primarily for a public or private building and make a formal team presentation to a panel of construction professionals. **JBU** senior **Emiley Hegel** won **Best Presenter** in the **Commercial** category and freshman **Kyle Beardsley** received a scholarship from the **TEXO** foundation. Six students from the **University of Arkansas – Little Rock's** **Construction Management and Engineering** program, **Casey Baker**, **John Coleman**, **David Greenwood**, **Jonathan Henderson**, **Johnny Picking**, and **Julie Tucker**, competed in the **Heavy Civil** competition and took home third place. **Casey Baker** was awarded **third Best Presenter** in the **Heavy Civil** division.



The **UALR** team took home third place in the **Heavy Civil Division** of this year's **TEXO** competition. **Casey Baker** was awarded third best presenter in the **Heavy Civil Division**.



(From left to right) **JBU** freshman **Kyle Beardsley** received a scholarship from the **TEXO** foundation. **JBU** construction management students **Bryan Harmon**, **Peter Choi**, **Emiley Hegel**, **Ethan Bolthouse**, **Brendan Culp** and **Philip Braun** received second place in the commercial building category at the **Associated Schools of Construction (ASC) Region 5** annual competition.



Members of the **Riggs CAT** team celebrate their top five placement at **Arkansas Business' Business of the Year** awards banquet.

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