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The West Virginia Conservation Agency is tasked with the maintenance and repair of 170 flood control dams throughout the state, 22 flood control channels and stream restoration following natural disasters. This network of flood control infrastructure, which reliably protects people and property from the impacts of flooding, is aging rapidly. Pictured on the cover is the Elkwater Fork flood control dam completed by Heeter Construction Company, Spencer, in June 2009. For full details, see page 6...

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CONTENTS

Cover Story:
Silent sentinels: West Virginia’s dams protect and preserve ........................................6

Features:
Feeling gravity’s pull: The effect of flow-down clauses in subcontract agreements.................................................................16
Members join together to help Hospice of The Panhandle “Build the Dream”....22
CAVW Annual Report .........................................................................................................................26

Members in the news....................................................................................................................31
Construction briefs.........................................................................................................................35
New members ................................................................................................................................39

On the cover
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Silent Sentinels
West Virginia’s Dams Protect and Preserve

Dams in West Virginia protect property and life, and provide recreation for the state’s residents. They are aging and in need of maintenance and repair. The West Virginia Conservation Agency is tasked with caring for 170 of these flood control structures. Pictured is the Lunice Creek Flood Control Dam’s pool.

Californians have to cope with earthquakes, Floridians have to withstand hurricanes, tornados and wild fires riddle the midwest and those in the northern states have to withstand immense snowfall. West Virginia is subject to floods. According to the Federal Emergency Management Agency (FEMA), there have been 50 Presidential disaster declarations in West Virginia since 1954, the year the West Virginia Conservation Agency began building dams in the state. Of those 50 disasters, 44 have been flood related.

The West Virginia Conservation Agency (WVCA) was formed and exists to protect soil and water resources by working to reduce erosion. They are in charge of flood control and working in the aftermath of flood events to clear debris and eliminate blockages. To fulfill their mission, the agency is responsible for

The West Virginia Conservation Agency is in charge of flood control and working in the aftermath of flood events. There are 170 dams and 22 flood control channels within their program. Included is the Elkwater Fork dam, built by Heeter Construction Company, Spencer. Dam construction began in May 2006 and was completed in June 2009. It took from June 16, 2011 to November 23, 2011 to fill the reservoir. Roller-compacted concrete (RCC) was used to construct the dam.
170 aging flood control and water supply dams, and 22 flood channels that keep people and property safe throughout the state.

“We refer to these dams as silent sentinels,” explained Brian Farkas, executive director of the WVCA. “The dams under our authority guard against heavy rainfall that would cause flooding events. Originally, these dams were designed to contain a 100-year storm event, which is more than four inches of rain in a six-hour period,” he explained. “The dams provide more than $75 million a year worth of flood control, water supply and recreational benefits to businesses, communities and residents statewide.”

Unfortunately, time has not been kind. Many of the dams have exceeded their lifespan and maintenance and repair costs are increasing quickly. Like most neglected infrastructure, the longer maintenance is deferred, the higher the cost of repairs.

“The U.S. Natural Resources Conservation Service (NRCS) has advised us that no federal funds are available to address dam rehabilitation in West Virginia,” Farkas said. “Of the 170 dams under our purview, 169 are classified as being high-hazard by the West Virginia Department of Environmental Protection – Dam Safety. A high hazard classification means that if a dam should fail, there is potential for loss of life.”

Over the years, development and growth within flood plains has occurred as a result of these flood control structures.

“Conditions have changed over time,” said Mike Worley, assistant division director of Operations, Maintenance and Repairs. “These dams have allowed for development to occur in areas that were previously in danger or floods. This is good for the economy, but the presence of downstream development increases the risks associated with dam failure. In Grant County, a middle school is currently being built in the area protected by the New Creek Dam.”

Heeter Construction Company, Inc., Spencer, is currently working to repair and rehabilitate the structure, known as New Creek 14. The project cost over $10 million and was made possible by the American Recovery and Reinvestment Act (ARRA).

Typically, the Conservation Agency receives contributions from local sponsors (county commissions, city governments, etc.) that total about $200,000 annually. They match that dollar-for-dollar. These funds not only cover operation, maintenance and repair activities for the dams, but also for the 22 flood control channels in the program. The amount allocated to the flood control channels is about $70,000 annually, leaving a balance of $330,000 for the dams. This equates to less than $2,000 per dam for routine maintenance.

“Recently completed annual and quarterly inspections have determined a need for $873,000 for routine maintenance,” Farkas said. “This does not include much needed repairs and rehabilitation work that would cost millions. Sixty-three of the 170 dams suffer serious deficiencies such as

“People have no conception of the work these dams do to guard them against heavy rainfall that would cause flooding events. Year-in and year-out the dams do their job without issue. They are showing signs of age.”

Brian Farkas, Executive Director
West Virginia Conservation Agency

The WV Conservation Agency is led by Executive Director Brian Farkas. He is working to increase funding for dam maintenance and repair by educating the public on the condition of the flood control structures located throughout the state.
seeps, erosion, deteriorated metals, encroachments on easements, broken gates, plugged drains and damaged risers,” Farkas explained.

The Conservation Agency is working to develop a holistic approach to repair and rehabilitate these dams. Currently, all the dam deficiencies are being cataloged and rankings are being developed based on seriousness to prioritize expenditures. They currently estimate that an additional $2 million annually would allow them to begin addressing highest priority needs.

“Most dams have the potential for failure due to an inadequate size emergency spillway that cannot contain a 100-year storm,” Farkas said. “During a storm event, the reservoir or lake will fill up to the point of water flowing over the top of the dam. Once water begins flowing over the top, there is a very high potential for the dam to fail and cause loss-of-life and property destruction.”

Encroachments on flood control structures are a major issue that threatens life and development. Pictured is New Creek Site 1 outlet channel. Houses sit at the base of the dam and have developed around the structures. The outlet channel sits directly between two houses. New Creek Site 1 is located in Mineral County in the Potomac Valley Conservation District.
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The 170 dams under the WV CA's jurisdiction were built in a federal-state-local partnership. The first was built in 1954 and the last was completed in 2012. Engineering design criteria and safety factors have changed significantly in that time based on recent natural disaster and updated hydrologic data. All but one of the ten deadliest floods in West Virginia occurred prior to the West Virginia Conservation Agency's dam construction program.

"Many of the dams cannot provide the designed protection for a 100-year storm," Farkas said. "A recent assessment of 104 of the 170 dams completed by the NRCS estimated it would cost between $101 million and $502 million for the federal government to rehabilitate and bring those 104 dams up to current day engineering standards. The NRCS has a dam rehabilitation program to bring dams up to current standards, but there is no funding for it in the current budget. In the past, NRCS provided engineering technical support and bi-annual certification on the safety of each dam, but that funding is also gone."

WVCA works with 14 local partners. The districts include Capitol, Eastern Panhandle, Elk, Greenbrier Valley, Guyan, Little Kanawha, Monongahela, Northern Panhandle, Potomac Valley, Southern, Tygarts Valley, Upper Ohio, West Fork and Western. The agency provides contracting and quality control, but outsources all design and construction.

"The West Virginia Conservation Agency is different than many other state agencies that bid work because we do not have any design or production staff," said Worley. "All of our work is contracted out through the districts. In house we provide mostly administrative and quality control oversight."

The agency provides technical advice to the district and ensures all bidding is properly handled. They issue two types of contracts: hourly and lump sum. In addition to dam maintenance, in addition to dams, the WVCA also operates a stream restoration program. They are responsible for cleaning up and clearing debris following flood events. Work for this program is bid through public channels and appears in the CAWV Newsletter.

Emergency restoration following natural disasters typically includes bank stabilization, debris removal, hauling, excavation, stream bank design and engineering services. Pictured is a crew placing rock along Kitchen Creek in Monroe County.
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rehabilitation and repair, the Conservation Agency handles stream restoration and emergency work caused by natural disasters.

"Contracts are advertised in local newspapers, on the West Virginia Conservation Agency website, and in the CAWV Newsletter," Worley said. "We are trying to expand and improve our bidding process."

"The Conservation Agency recognized that we could benefit from opening our program up to as many contractors as possible," Farkas explained. "Sometimes competition is a very good thing to have because you end up with the best price. The program has been around for a long time."

In 2012, the agency expended over half-a-million dollars for work through the Emergency Watershed Program (EWP), the agency’s section that handles emergency work throughout the various districts. This type of work typically takes place 30 to 60 days after a storm event and can include FEMA money.

"EWP work includes stream bank stabilization, debris removal, hauling, excavation, stream bank design, engineering to reduce sediment loads and improve habitat." Farkas explained. "Conservation Agency work requires a West Virginia contractor's license with at least one of the following classifications: B-General Building, C-General Engineering or 002-Excavation. Some of the projects also require special training in natural stream restoration, natural channel design or fluvial geomorphology."

The dam program contracts out their design needs, geotechnical engineering services, drilling, soil testing, etc.

"These dams are old," Worley said. "Most of them were built in the 1950s. In the next five years at least half of them will be over 50 years old. Because of their age and normal wear they have cracked and broken pipes, erosion issues, seepages, aging concrete and steel, and risers that let water pass. The current list of needed flood control dams require no human interference to perform their purpose. Most create a flood pool with a spillway leading to an outlet channel in order to control water during a flood event. Pictured is an earth and rock fill dam creating Mt. Storm lake along Route 93 near Mt. Storm. The most dangerous, and largest issue facing the state’s flood control dams is an inadequately sized emergency spillway that cannot contain a 100-year storm. This causes a lake to fill up to the point of water flowing over the top of the dam. Once water begins flowing over the dam crest, there is a very high potential for it to fail and cause loss of life and property destruction.
repairs totals into the millions and grows daily.”

Despite the apparent unmet financial needs, the state’s dams suffer from a much vaguer deterrent to proper maintenance and repair.

“People have no conception of the work these dams do to guard them against heavy rainfall that would cause flooding events,” Farkas said. “Year-in and year-out the dams do their job without issue. They are showing signs of age.”

Starting at the top with the West Virginia Legislature, the Conservation Agency is working to educate people on the state’s dam infrastructure, its maintenance needs and the lack of funding.

“When you talk about dams, people think of the large ones, like Bluestone,” Worley said. “These dams are different. They have no gates and do not have to be opened or closed. They operate without any human interference. The only interaction with people that they have is monitoring during a rain event.”

Farkas equated the overall dam’s conditions to a car with a check engine light on.

“When the check engine light comes on, you have a choice. You can either ignore it and hope nothing serious is wrong, or take it in and get it fixed,” he said. “That is where we stand right now. There is not an imminent danger to human life, but the check engine light is on and we need to deal with it.”

by Lindsay Stephens

Conservation Agency
Fast Facts

- Responsible for 170 flood control dams and 22 flood channels
- Annual budget of $330,000 to perform all maintenance, rehabilitation and repair. This equates to roughly $2,000 per dam for all upkeep needs.
- By 2017, 83 of the 170 dams will be over 50 years old.
- 169 of the 170 dams are classified as high hazard, meaning loss of life is likely if failure would occur.
- No federal funds are available
- Needs are mounting. At least 63 structures suffer deficiencies that could, if neglected, post a threat to life and property.
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Feeling Gravity’s Pull: The Effect of Flow-Down Clauses in Subcontract Agreements

by Robert H. Sweeney, Jr., Esq., Jenkins Fenstermaker, PLLC and Mary K. Prim, Esq., Mary K. Prim, PLLC

A common element in construction subcontracts is what is known as a “flow-down” provision. A flow-down provision is important to both the prime contractor and the subcontractor. The purpose of this article is to inform the Prime Contractor and the Subcontractor of the benefits and the detriments of this type of contractual condition.

The provision may come in various forms, but usually is similar to the language below, which comes from AIA A401-2007:

The Contractor shall have the benefit of all rights, remedies and redress against the Subcontractor, which the Owner, under such documents, has against the Contractor and the Subcontractor shall have all rights, remedies and redress against Contractor which the Contractor, under such documents, has against the Owner, insofar as applicable to this Subcontract.

While the stated example is not the model of clarity, flow-down clauses are designed to incorporate into the subcontract those provisions of the prime contract relevant to the subcontractor’s performance, and can be a means of transferring risk to subcontractors by the prime contractor.

The parties to the subcontract assume the same positions as the parties to the prime contract with regard to the scope of the flow-down clause. The example above is limited to “rights, remedies and redress,” which narrows the scope of the obligations the subcontractor assumes through the operation of the flow-down provision.

However, the language of flow-down provisions is not universal, and the scope may be significantly broader, encompassing actual elements of the work and specifications which the owner has imposed on the prime contractor.

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“When reviewing the contract prior to execution, these provisions may be overlooked, due to their ubiquitous nature and confusing language. In fact, unless a contractor or subcontractor has been in a dispute where this language has had an impact, these provisions may be a part of the contractual language that exists on paper but never has an actual role in the project.”

execution, these provisions may be overlooked, due to their ubiquitous nature and confusing language. In fact, unless a contractor or subcontractor has been in a dispute where this language has had an impact, these provisions may be a part of the contractual language that exists on paper but never has an actual role in the project.

However, both prime and subcontractors need to be aware of the existence and the operation of these flow-down provisions as they relate to their contractual performance, particularly with regard to the rights and remedies in their respective contracts. Specifically, a flow-down provision may vitiate important provisions of the subcontract and substitute in provisions unanticipated from the subcontractor’s perspective.

At a minimum, it may create conflict between the stated provisions of the subcontract and the requirements of the prime contract which are superimposed on the subcontractor through the flow-down provision.

**FOR THE PRIME CONTRACTOR**

While this article focuses on the issues that can arise from the inclusion of a flow-down provision in a subcontract, it is not meant to suggest that flow-down provisions be eliminated. As noted above, flow-down provisions can be a means of transferring risk by the prime contractor. However, the inclusion of a flow-down provision should not cause more harm than good.

In a perfect world, all parties to a project would use the same standard form contracts, which were integrated, and there would be no need for attorneys. However, and thankfully for those of us in the legal profession, the world tends to be less than perfect. Construction projects cannot be produced with cookie-cutters, and variations in owners and projects leads to variation in contract forms.

However, the responsibility for the seamless completion of the project falls on the prime contractor, and the prime contractor needs to make certain that the contract and subcontracts achieve that result. The best way to do that is to make certain that the language of the prime contract and the subcontract are consistent to avoid conflicts created by the inclusion of a flow-down provision.

Further, under West Virginia law, the “drafter” of a contract (even a party filling in blanks on a form is a “drafter”) is charged with any ambiguity, and ambiguous terms are interpreted against the drafter.

As a result, it is essential for the prime contractor to avoid digging a ditch for itself with less than careful subcontract drafting.

If the subcontract contains flow-down language, prime contractors need to examine the requirements of their own contracts with the owner and compare those with the requirements of the subcontract, and make certain that there are no inconsistencies.

For instance, if the prime contract requires that the disputes between the owner and the general contractor be resolved in a specific forum, i.e. through litigation in a certain jurisdiction or venue, the prime contractor needs to make sure that the subcontract states the same language, rather than rely solely on the language of the flow down provision.

Conflicts in dispute resolution mechanisms, coupled with a flow-down clause, simply cause a conflict between the two contracts, which is self-defeating.

Dispute resolution provisions in contracts are designed to eliminate the procedural obstacles to the
resolution of claims under the contract. A conflict in the language between the prime and subcontracts will cause the opposite, which may benefit the parties’ counsel but not the parties to the contract.

FOR THE SUBCONTRACTOR

Subcontractors must be equally concerned with avoiding conflicting contractual obligations in the same contract. However, the subcontractor’s first concern must be to understand the scope of the obligations that are flowing down.

The purpose of the flow-down provision is to have the subcontractor assume the same obligations to the prime contractor that the prime contractor has assumed to the owner, but it is critical that the scope of the obligations be limited to the scope of the subcontractor’s work.

If a prime contractor includes flow-down language that states that “the Subcontractor grants to the Owner the same rights and benefits as to the Subcontractor that the Owner enjoys under its agreement with the Prime Contractor,” then the intent of the prime contractor through the flow-down provision is to make the subcontractor a co-prime contractor without the benefit of the prime contract.

Language limiting the scope of the flow-down provision to the subcontractor’s work is crucial to limit the scope of the subcontractor’s responsibility.

Further, the subcontractor must be aware of all the provisions in the prime contract, but particularly the dispute resolution provisions in the owner’s contract to be cognizant of where it may be bound to resolve disputes arising under the contract.

A recent example arose from a matter in the Circuit Court of Raleigh County wherein the Circuit Court upheld the requirements of a flow-down provision of a contract in a prime contract to require that all parties, including subcontractors, were required to litigate their disputes in US District Court in North Carolina for a contract dispute over a project in Beckley.

Specifically, the Raleigh County Circuit Court held that based on a forum selection clause and the flow-down provisions of the contract between the owner and the general contractor, the Plaintiffs (the prime and a subcontractor) were both bound by the forum selection clause of the prime contract, notwithstanding the conflicting dispute resolution provisions in the subcontract and language in the subcontract which specifically disavowed any contractual relationship between the subcontractor and the owner.

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That matter was taken up on appeal before the West Virginia Supreme Court of Appeals over the propriety of the Circuit Court’s ruling.

**CONCLUSION**

No successful prime or subcontractor wants to be known for contributing to West Virginia’s jurisprudence through appeals such as the one referenced above. As long as there are construction projects, there will be disputes, but no reason exists that the contract itself, through conflicting language and requirements, should add to the dispute.

If the subcontract contains flow-down language, a careful review of the contract language for inconsistencies before execution will avoid a host of problems which will allow the parties to focus on the merits of the dispute, and not procedural hurdles.

Robert H. Sweeney Jr. focuses his practice on general civil litigation, with a concentration in the defense of mesothelioma and asbestos claims, construction disputes and defending employers in deliberate intent suits. He serves as National Coordinating Counsel for a West Virginia based asbestos defendant, and represents numerous local and national companies in asbestos claims. Sweeney also represents owners and contractors in construction litigation, and has experience in both jury trials and arbitration of construction claims and claims against sureties. He also defends employers in deliberate intent claims brought pursuant to W. Va. Code §23-4-2. He has also handled matters involving MSHA, SMCRA, ERISA, Truth in Lending and class action litigation, and has tried over 20 cases to verdict.

Mary K. Prim focuses her practice on construction contract claims, and contract claims in general, collections and commercial litigation, corporate and business law, legal planning, as well as construction law in general. She has presented seminars on numerous occasions on construction law, mechanics liens, and collections. She is a member of the Kanawha County, West Virginia and American Bar Associations, the West Virginia State Bar, The American Association for Justice, and the West Virginia Association for Justice and is active in numerous construction organizations including the Contractors Association of West Virginia (CAWV), Constructors’ Labor Council of West Virginia, Inc. (CLC) and The West Virginia Disadvantage Business Enterprise Council, Inc. (WV DBE Council).

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CAWV MEMBERS JOIN TOGETHER TO help Hospice of The Panhandle “Build the Dream”

They all have a hospice story. For Mike and John Thomas, it’s the story of their late father, John J. Thomas, founder of Jefferson Asphalt, along with his father, Porter. John J. Thomas was cared for by Hospice of the Panhandle in early 2011.

For Jim and Diane Dailey, it’s the story of their late uncle, Bernie Hutzler, cared for at an inpatient hospice house in North Carolina and Jim’s late father, Jim Sr., and mother, Betty, who both were hospice patients at the end of their lives.

For Lee Snyder, it’s the story of many friends in the community who benefited from hospice care.

Each of them have been touched by hospice, and now all of them now are intrinsically linked to hospice through “Building the Dream,” the $11.6 million project to construct a 14-bed inpatient hospice house and office complex on the Berkeley-Jefferson County line. The hospice house will provide short-term pain and symptom management for patients and respite care for families. The office building will combine four current offices on one site.

They are also all members of the Contractors Association of West Virginia. Snyder is the 2012-2013 association president.

Jefferson Asphalt, now run by the next generation of the Thomas family, was awarded the contract for excavation and road building at the 19-acre site. W. Harley Miller Contractors, run by Jim and Diane Dailey, was awarded the contract to build the office...
complex. Snyder Environmental, led by Lee Snyder, was named the subcontractor for the plumbing for both buildings.

All together they have pledged $125,000 to make the project a reality.

“Our father only had (hospice) care briefly, but it was very helpful,” said Mike Thomas, president of Jefferson Asphalt. “Being able to give back to the agency was very important to us, and to our mother.”

Jefferson Asphalt’s crews worked diligently to keep the project on schedule after ground was broken in June 2012. Weather, as always, played a role in the site development. Their excavation, road work and paving were completed in late January.

“You rarely hear of paving being done in December and January. But one weekend (January 12, 2013), there were more than 20 trucks out on the site,” said Hospice’s project representative Bill Cornett. “They (Jefferson Asphalt) have just been fantastic to work with. They are real friends of Hospice.”

The Thomas family is naming a covered porch at the inpatient facility in memory of their late father.

Jim and Diane Dailey have been hospice supporters for many years, but saw the importance of building the inpatient facility when their uncle spent his final days in such a facility in North Carolina.

“I can’t say enough about the care that Uncle Bee received there,” Diane Dailey said. “His whole outlook changed. The hospice house was warm, inviting and soothing. We all felt that.”

The Daileys, who are parents of two and grandparents of six, chose to name a children’s play room, and remember Jim’s father, Jim Sr., and mother, Betty.

“The care our family members received was wonderful,” Diane said.
The need is constant. The gratification is instant. Give blood.

The CAWV is sponsoring a blood drive in memory of Cynthia Snyder on March 20 and 21, 2013 at the Charleston Civic Center in conjunction with Expo. Cynthia was the wife of CAWV President Lee Snyder, Snyder Environmental Services. She was a courageous and kind individual who suffered with anemia throughout her life, and was dependent upon transfusions for the last eight years of her life. It was through the availability of blood for her transfusions that she was able to live.

Cynthia passed in 2011, succumbing to anemia just days before Lee was to take the reins and lead the CAWV. Lee’s post was deferred by one year, with him becoming president at the 2012 Annual Meeting. As a way to honor her memory, we are hosting this blood drive. The goal is to replace the units of blood that Cynthia used, and to give life to others who depend on donor blood to live.

Walk-ins are welcome, but appointments are preferred.
To schedule your appointment, contact Cheryl Clark at (304) 342-1166 or planroom@cawv.org.
“We are such supporters of this organization.”

For Lee Snyder and his late wife, Cynthia, donating to Hospice had been part of their ‘giving’ culture for the last decade. They’ve supported a variety of fundraisers, and have remembered loved ones and friends through memorials and the organization’s annual Light Up a Life program during the holidays.

“We have had friends and family members who have experienced hospice care,” Lee Snyder said. “No one has anything but wonderful things to say about the service.”

When Lee and Cynthia were approached to join the Jefferson campaign team in early 2008, they gladly accepted. Cynthia continued up until shortly before her death. Cynthia, a former educator and long-time florist in Jefferson County, loved flowers. Lee has named a large outdoor garden at the new Hospice facility in her memory.

“The involvement of these contractors has been a blessing to us on so many fronts,” said Hospice CEO Margaret Cogswell. “We are so grateful for their support and hard work. They truly have been instrumental in helping us build the dream.”

Other members of the Contractors Association of West Virginia that have made substantial donations to the campaign include the lawfirm of Bowles Rice LLP; U.S. Silica, a sand-producing company with former headquarters in Berkeley Springs; the lawfirm of Jackson Kelly; BB&T; and Continental Brick, a brick producer in Martinsburg.

Hospice, which has raised $3.53 million to date for “Building the Dream,” intends to move into the new buildings – and offer the new level of inpatient service – during the first quarter of 2014.

By Maria Lorensen
There is no more frustrating feeling than knowing an issue exists that limits your ability to compete in business and being powerless to affect change. The Contractors Association of West Virginia confronts these issues by joining members with their peers and contracting officials, addressing problems in a forum that positively impacts the entire industry.

President Theodore Roosevelt best embodied the need for belonging to an association when he said, "Every man owes a part of his time and money to the business or industry in which he is engaged. No man has the moral right to withhold his support from an organization that is striving to improve conditions within his sphere."

The CAWV’s strength lies in not only its numbers, but in the relationships formed and fostered in our meetings. I have been a member of the CAWV for a long time and have had the opportunity to participate in many meetings. Often issues arise that impact one or more of the CAWV’s three divisions – Building, Utility and Highway – but the solution is typically found in one or two task force meetings, or a visit to a contracting official’s office.

Our association has cultivated strong working relationships with most, if not all, state and federal contracting agency leaders, architects, engineers and legislators. Beginning a meeting with a group of peers who have the same goal of improving the industry and ensuring a healthy bidding environment creates a positive problem solving mentality grounded in mutual respect.

The CAWV provides value to the construction industry by bringing together the best of the best to address the issues and challenges we face. Task forces were formed this year to target specific areas, including the consumers sales tax exemption for Construction Management (CM) services, and bidding procedures and contractor requirements on West Virginia Conservation Agency projects. In addition, efforts targeted legislative initiatives aimed at creating a Buy American provision for public works construction contracts, studying highway funding and bid submission requirements.

As we reflect on our many accomplishments throughout the past year, we must maintain a focus on the future. Despite having different specialties within the industry, all of the CAWV’s efforts share the same ultimate goal: Building a better West Virginia.

I encourage every member to become involved in the association. Participating on a committee, serving on a task force or attending an association outing will give you an opportunity to meet and network with your peers. More importantly, it will give the CAWV the benefit of your insight and knowledge so that we can better address the issues facing the construction industry now and in the future.

Sincerely,

Lee Snyder

CAWV ADVOCACY EFFORTS

PROTECT INDUSTRY’S INTERESTS

The CAWV is respected by all branches of state, local and federal government and agencies. By professionally and effectively representing the concerns of contractors, subcontractors, suppliers and construction-related interests, we work to ensure that elected and government officials understand the interests of the entire construction industry.

This year’s legislative session began on a transportation theme as 200 CAWV members and West Virginians for Better Transportation coalition members flooded the state Capitol and both the House of Delegates and Senate chambers on January 12 to promote the need for a long-term funding plan for West Virginia’s roads and bridges. House and Senate leadership spoke to the group and pledged to develop a comprehensive transportation plan.

Governor Earl Ray Tomblin, later in the year, created the Blue Ribbon Commission on Highways which is comprised of legislators, associations, unions and state and local leaders in transportation and travel industries. The group is tasked with studying the condition and needs of the state’s transportation system and developing a long-term strategic plan of action. The plan will include funding options for the maintenance, construction and expansion of the state’s roadway system.

The CAWV successfully addressed a number of legislative issues during the session including bills dealing with International Energy Codes, subcontractor bid submission requirements, Buy American provisions on public construction contracts, a bond issue for state parks, and a requirement for separate prime bids on public contracts.

CAW MAKES TAKING LEGISLATIVE ACTION EASY

Through AGC of America’s partnership with BIPAC, CAWV members and their employees can now easily and quickly communicate with their elected officials through the Legislative Action Center located on the CAWV website. The CAWV’s legislative successes are possible because of members’ willingness to communicate with their legislators on issues affecting the industry. BIPAC provides CAWV members an efficient communication tool during legislative sessions.

Members can explore issues, quickly fill out their contact information and easily send a letter, email or fax to select state and federal elected officials. The system mirrors the AGC Legislative Action Center and incorporates their Action Alerts in addition to those created by the CAWV.

HUB/PAC SETS AMBITIOUS GOAL

HUB/PAC, the association’s political action committee, saw new leadership this year. David Alvarez, CAWV Past President, and Dan Cooper, current association Treasurer, are the new co-chairs. Together, the two developed an ambitious fundraising goal for this election cycle. Candidates endorsed by HUB/PAC were mostly successful in their bids to the West Virginia Senate and House of Delegates during the 2012 Primary and General elections. The CAWV seeks out and selects candidates with business and construction philosophy to support.

PROGRESS MADE ON NATIONAL LEGISLATIVE ISSUES

CAWV members traveled to Washington, D.C. to discuss concerns and issues with West Virginia’s congressional delegation. Association members talked about the need for a federal highway bill, the negative impact of expanding the EPA’s jurisdiction over the Clean Water Act, the benefit of fully funding Safe Drinking Water and Clean Water State Revolving Funds, and the potential for expanding water and sewer construction by removing the volume cap on Private Activity Bonds.

Shortly after the Fly-In, Congress worked to pass a two-year highway reauthorization bill, Moving Ahead for Progress in the 21st Century, or MAP-21.
The bill consolidates many programs and keeps funding at the same level. The state’s congressional delegation was highly involved in conference negotiations. A little known measure included in the final hours of negotiation prior to passage of the federal highway bill had the potential to cut spending for the Abandoned Mine Land program. The issue was quickly resolved with bipartisan support, maintaining funding to West Virginia for the clean up of AML sites.

**JOINT ARCHITECTS COMMITTEE TASK FORCES TACKLE INDUSTRY ISSUES**

The CAWV’s Joint Architects Committee's task forces continue to work closely with the School Building Authority of West Virginia (SBA), Purchasing Division, National Guard and the Tax Department to develop solutions for issues that are beneficial for all parties involved. Due to the work of the CAWV/SBA Task Force, the authority now clears bid dates through the CAWV Bid Clearinghouse, has worked to limit the number of alternate bid items and has developed a better procedure to estimate cost per square foot on projects.

The committee has also worked with the Tax Department to clarify services provided by a Construction Manager (CM) as a tax exempt activity, and worked to identify the issues that cause bid disqualification on West Virginia Purchasing Division projects. The committee developed a “Construction Bid Submission Form,” which is now included in all Purchasing Division construction contacts. The form clarifies the errors that lead to immediate disqualification and those that can be cured prior to award of contract.

**WV CONSTRUCTION NEWS CELEBRATES 75TH ANNIVERSARY**

*West Virginia Construction News,* the “Voice of Construction in the Mountain State,” celebrated its 75th year in print in 2012. The CAWV's bi-monthly publication reaches more than 3,000 building, heavy, highway and utility contractors; engineers and architects; legislators; federal, state and local government officials; suppliers of goods and services to the construction industry; and others directly or indirectly associated with the construction industry. Each issue contains current local and state construction issues and features on CAWV members. Magazine archives are available on the CAWV's website at www.cawv.org.

**PR COMMITTEE DEVELOPS CAWV LICENSE PLATE TO PROMOTE CONSTRUCTION**

The CAWV Public Relations Committee is currently promoting an official Division of Motor Vehicles issued “Hard at Work” license plate. The plate is available for all Class A vehicles, personal vehicles, fleet vehicles and trucks under 10,000 pounds. Members can show their support for the construction industry and elevate the reputation of construction as a career by getting a “Hard at Work” license plate. The entire plate fee, and subsequent renewal fees, go directly into the State Road Fund. Full details are available at www.cawv.org.

**NATIONAL ASSOCIATIONS COMPLETE BUSY, PRODUCTIVE YEAR**

The CAWV is a chapter of the Associated General Contractors (AGC) of America and the American Road and Transportation Builders Association (ARTBA). Both groups work to promote industry issues on a national level. AGC and ARTBA co-chaired a Transportation Construction Coalition fly-in to Washington, helping to build support for passage of the federal highway bill.

AGC launched a campaign, “Transportation is Job #1,” to continue the momentum for passage of a highway bill. The association’s efforts were applauded as it was chosen as one of the top lobbying groups in Washington for 2012. At AGC’s Annual Convention, Richard Smailes, president of FAMCO, Inc., was elected as an AGC National Director.

ARTBA has been a major player in the passage of every piece of federal transportation legislation from the first Federal-Aid Road Act (1916) to MAP-21 (2012). Leo Vecellio, Jr., chairman and CEO of the Vecellio Group / Vecellio & Grogan, Inc., Beckley, received the Nello L. Teer, Jr. award from ARTBA. The award annually honors a member who has made outstanding contributions to the association’s Contractors Division and the transportation construction industry.

**CAWV EMBRACES TECHNOLOGY TO GIVE MEMBERS COMPETITIVE EDGE**

The CAWV has a commitment to use technology to improve tried-and-true bidding processes. The CAWV, AGC of America and ARTBA are conducting numerous webinars to help contractors and subcontractors work smarter and faster. This is the eighth year of the CAWV’s internet planroom partnership with iSqFt, which provides 24-hour access to full sets of plans and specifications, bidders lists and addenda for projects in West Virginia and select areas of bordering states.

**CAWV PROMOTES MEMBERS TO OIL AND GAS INDUSTRY**

CAWV staff joined businesses working in the oil and gas industry to promote the services association members provide. In addition, new this year, the West Virginia Construction and Design Exposition (EXPO) featured a Marcellus to Manufacturing (M2M) conference. Members were put in touch with companies who are exploring natural gas, building manufacturing facilities and pipelines.

**CAWV, AGC AND BRICKSTREET ARE HELPING MEMBERS WORK SAFER**

The CAWV's partnership with BrickStreet Insurance affords members with safety education and provides significant savings on qualifying contractor's workers' compensation insurance costs. To qualify, contractor members must have a three-year loss ratio of 65% or less. In 2012, the program provided jobsite safety education on topics such as general construction safety and the top ten most cited violations by OSHA. The seminars were all co-sponsored by the CAWV Safety Committee and BrickStreet.

In addition to the BrickStreet program, the Safety Committee works to recognize outstanding safety efforts in the industry. The group has revised the Safety Awards program, making it is easier to participate by shortening the questionnaire and adding more award choices. Several online tools are also offered for safety education through an AGC of America and ClickSafety Online Training. ClickSafety has an extensive list of safety training videos and seminars, including OSHA 10 and 30 hour courses that members can purchase at a 10% discount.

**RELATIONSHIPS AT CORE OF CAWV EFFORTS**

In a society dominated by technology, the CAWV makes it possible for contractors throughout the state to build old-fashioned relationships. Members and their employees are provided with opportunities to learn, network and build relationships in conjunction with educational and
year. The Annual Meeting, held at The Greenbrier, and the Midyear Meeting held during the Winter months, provide an opportunity for members to build relationships in the industry and expand their knowledge of construction.

In addition to the formal networking events, CAWV members have enjoyed a Marshall Tailgate, Spring Meeting at the Tri-State Racetrack and Casino and an Open House at CAWV Headquarters.

CHERYL CLARK JOINS CAVW
Cheryl Clark joined the CAVW in 2012 as staff assistant and plannroom administrator. Clark is responsible for helping with the CAVW Newsletter, gathering project and bid information and maintaining the CAVW Physical Plan Room and Internet Plan Room. In addition, she answers the telephones and greets members and guests to the association. Clark has an extensive background in medical management and is excited to become a part of the construction industry.

NEW ASSOCIATION BENEFIT PROGRAMS SAVE MEMBERS MONEY
The CAVW is always looking for ways to save members money and increase their competitive edge. The addition of three new money saving programs from Lands’ End Business Outfitters, Avis Car Rental and Budget Car Rental have added more ways to save money and take advantage of CAVW membership. CAVW offers programs through Brickstreet Insurance, Verizon, Maxum Petroleum, Enterprise Fleet Management, Staples and others. Full details on all of the programs are available at www.cawv.org.

UTILITY COMMITTEE WORKS TO ADVANCE THE INDUSTRY
The Joint Utility Committee joins contractors, subcontractors and suppliers with agency representatives from the Rural Utility Services, the WV Infrastructure and Jobs Development Council, WV Division of Environmental Protection, Public Service Commission and the Water Development Authority. The committee addressed issues with the WV Division of Highways to make sure all parties know what to expect on projects that involve a WVDOH right-of-ways. The committee will continue to meet regularly to discuss industry issues, monitor material pricing and availability, and keep abreast of upcoming changes.

SCHOLARSHIP AND EDUCATION PROGRAM GROWS AGAIN
The CAVW’s annual scholarship program continued its mission in 2012 by contributing a record of $12,000 to seven students pursuing careers in construction. This year’s top winner, Chris Robertson, a student at West Virginia University, was joined by six other recipients from Marshall University, WVU Institute of Technology, Fairmont State and Bluefield State College. The CAVW Scholarship Foundation also supports several career and technical schools each year. The Asphalt Pavement Association of West Virginia also presented scholarships, totaling $5,500, to two civil engineering students at West Virginia University interested in asphalt technology. The CAVW / AGC “Build Up” program, which exposes 5th and 6th grade students to careers in construction, has grown to become a part of the curriculum in 34 West Virginia counties.

JOINT COOPERATIVE COMMITTEE ANALYZES HIGHWAY ISSUES
The Joint Cooperative Committee, which joins members of the CAVW with the WV Division of Highways and Federal Highway Administration, worked through many issues that will benefit highway and bridge contractors. CAVW members participated in meetings and submitted comments regarding DBE goal setting. Significant revisions to the Value Engineering (VE) program that increase transparency and efficiency were introduced and evaluated. A joint density pilot program, with a focus on improving longitudinal joint durability, was continued and extended. In addition, the committee worked to have a proposal to add retainage to mobilization put on hold while exploring alternatives to expedite project finalization. The committee addressed dozens of document changes that will be, or have been, incorporated into Special Provisions, the 2013 Supplemental Specifications, Standard Details, Design Directives and other documents.

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MEMBERS IN THE NEWS

Antonio Selario, Bob Weikle and John Rocca each received an award for their sales achievements during Rish Equipment Company’s annual company meeting. The event, which was held February 8, 2013, also recognized the manufacturers and local businesses that contribute to Rish’s success.

Rish Equipment recognizes sales achievements at company's annual meeting
BLUEFIELD, WEST VIRGINIA - Rish Equipment Company recognized the achievements of its sales representatives on February 8, 2013 at the company’s annual awards banquet. The event, held at Glade Springs Resort, is also an opportunity to acknowledge the manufacturers and other local businesses that contribute to Rish’s achievements.

Among the top award winners were Antonio Selario, John Rocca and Bob Weikle, each of whom received a Market Share award. In addition, Selario received the Highest Sales Volume award, Rocca took home the Highest Market Share in Virginia honor and Weikle earned the Highest Market Share in West Virginia award. Other Market Share award winners were Rock Mullenax, Todd Kyle and Paul Clower. Sales Quota awards went to Ian MacFarlane, Paul Calvert, Chip Bohlen and Todd Kyle.

Jarrett Construction Services adds to staff
CHARLESTON, WEST VIRGINIA – Jarrett Construction Services has added 5 new employees to its staff. Bill Long and Chris Brumfield have joined the firm as project managers; Billy Crede and Lori Rucker are now project manager assistants; and Tim Wilson has joined the team as a LEED-accredited project manager. Long has more than 13 years’ experience in residential and commercial estimating, purchasing and construction administration. Brumfield brings five years of commercial, industrial and highway construction experience to Jarrett. Crede, a Kanawha County native, began working for Jarrett as a part-time laborer last year and became a manager trainee with an emphasis in accounting and estimating. Rucker, an Amma resident, brings more than 18 years’ experience in contract administration to Jarrett. Wilson has spent more than 24 years in the consulting, design and construction industry.

Jarrett Construction was formed in 1999 and provides a wide range of building construction services.

Bailey, Arnold join Hendrickson & Long
CHARLESTON, WEST VIRGINIA – Attorneys Gene Bailey II and Christopher Arnold have joined the firm of Hendrickson & Long. Arnold joined the firm’s litigation practice. His practice focuses on the areas of general insurance defense litigation, personal injury, premises liability, products liability, and environmental law and toxic torts.

Bailey practices in construction law, fidelity and surety law, business and commercial litigation as well as safety and health law. Bailey is a member of the American Bar Association and its Construction Industry Forum and Fidelity and Surety Committee, the West Virginia State Bar, where he is chairman of the Veterans and Military Affairs Committee, DRI—The Voice of the Defense Bar and Defense Trial Counsel of West Virginia.

Gibbons & Kawash announce promotions
CHARLESTON, WEST VIRGINIA - Gibbons & Kawash Certified Public Accountants has promoted Anthony Carpenter, a member of the firm since 2007. The firm also promoted Emily Facemyer, a member of the firm since 2008 and graduate of West Virginia Wesleyan College, to manager in the assurance department. Jessica Simmons, a member of the firm since 2010 and graduate of Marshall University, has been promoted to senior associate in assurance.
Six lawyers become partners at Bowles Rice

CHARLESTON, WEST VIRGINIA - Lenna Chambers, Carl Fletcher Jr., Jill Hall, James Kelsh, Evan Kime and Benjamin R. Thomas became partners in the lawfirm Bowles Rice beginning January 1.

Chambers represents governmental pension plan administrators in administrative and judicial tribunals, and provides counsel on matters related to governmental plans’ federal and state law compliance and day-to-day operations. She also advises employers about employee health care plan compliance with state and federal law and represents clients in commercial litigation matters.

Fletcher, who joined Bowles Rice in 2010, represents contractors and subcontractors in state and federal courts, before the West Virginia Court of Claims, in matters before the West Virginia Contractors Licensing Board, and in arbitration proceedings involving claims. He also represents municipalities in litigation and disputes over sewer and water line projects. Hall provides human resources advice and counsel to employers in the public and private sectors and defends employers in Employee Retirement Income Security Act, or ERISA, litigation and employment cases. She also advises employers with regard to employee welfare benefit plans, including health, life and disability plans.

Kelsh joined Bowles Rice in 2012 and is a member of the firm’s environmental and regulatory group. He assists clients with water and sewer project development, utility rate cases and telecommunications matters. He served as a staff attorney for the West Virginia Public Service Commission from 1996 to 2000.

Kime is a member of the firm’s litigation department, where he defends clients in a range of civil litigation matters, including products’ liability, workplace safety, insurance bad faith and contractual disputes.

Thomas, a native of West Virginia, joined Bowles Rice in 2010 after several years of private practice in North Carolina. He specializes in acquisitions, entity formation and general corporate governance matters.

Adler succeeds Guffey at AIA-WV

CHARLESTON, WEST VIRGINIA - AIA WV, the West Virginia Chapter of the American Institute of Architects, has selected Jonathan Adler as their new executive director. Adler comes to AIA WV after recently serving as assistant vice president for Institutional Advancement at West Virginia State University. Prior to this he was Director of State Legislative Affairs for CONSOL Energy in WV in 2008 and 2009 and was Manager of Government Affairs with Columbia Gas Transmission.

Adler succeeds long time Executive Director Roberta Guffey, Honorary AIA, who retired at the end of 2012. Guffey leaves after guiding AIA WV as its only executive director for the past 35 years. During her tenure, the chapter has grown and expanded its outreach to include partnering with the Contractors Association of WV as a sponsor for EXPO, establishment of the WV Foundation for Architecture and administered AIA WV Scholarships.

MEMBERS IN THE NEWS

Tech firms HGO Technology, Terradon Communications merging

POCA, WEST VIRGINIA - West Virginia information technology firms HGO Technology and Terradon Communications Group announced their merger. Terradon is a website and systems development division of the larger engineering and land surveying firm Terradon Corporation. It will now operate as a unit within HGO. Wheeling-based HGO Technology is a provider of information technology services and infrastructure consulting. HGO Technology president Steve Agnoli said the merger would bring new opportunities for HGO and Terradon clients.

"This combination enhances the firm’s strategic IT capabilities and available technology offerings, and positions HGO to be a premier provider of the full life cycle of information consulting services," Agnoli said. Terradon Communications founder Tom Kittredge said the merger with HGO Technology "fulfills my vision of being able to offer TCG’s clients a full array of IT services and strategic planning."

Greenhorne & O’Mara joins Stantec

FAIRMONT, WEST VIRGINIA – Greenhorne & O’Mara is now part of Stantec. The acquisition expands Stantec’s presence and services, particularly in the transportation sector. Greenhorne & O’Mara has 16 office throughout the Mid-Atlantic and Southeast regions. The company specializes in the design of transportation facilities.

“Having Greenhorne & O’Mara join Stantec bolsters our already growing
MEMBERS IN THE NEWS

presence along the US Atlantic coast,” said Stantec president and chief executive officer Bob Gomes. Greenhorne & O’Mara will become the third firm to join Stantec in the last quarter of 2012. Stantec provides professional consulting services in planning, engineering, architecture, interior design, landscape architecture, surveying, environmental sciences, project management, and project economics for infrastructure and facilities projects.

Coberly joining E.L. Robinson
CHARLESTON, WEST VIRGINIA - Eric Coberly has stepped down from his post as director of the WV Department of Environmental Protection’s Abandoned Mine Land Division. He has accepted a position with E.L. Robinson Engineering Company. Coberly is credited with turning around the AML program by getting projects designed and put on the street to bid. E.L. Robinson Engineering provides a diverse range of civil engineering and planning services to customers in West Virginia, Ohio and Kentucky.

Jackson Kelly updates management
CHARLESTON, WEST VIRGINIA - Jackson Kelly PLLC attorneys Michael D. Foster and Brian R. Swiger have been re-elected as managing member and assistant managing member of the firm. In addition, Louis S. Southworth, II was re-elected as chairman of the firm’s Executive Committee with Samme L. Gee being elected as vice-chair. William A. Hoskins III and James W. Thomas were also each elected to serve three-year terms on the Executive Committee - Hoskins being re-elected to his current seat and Thomas beginning a new term. Jackson Kelly PLLC is a national law firm representing clients in areas of law such as environmental, business, labor and employment, federal and state workers’ compensation, civil litigation and occupational safety and health. The firm has offices in Colorado, Indiana, Kentucky, Ohio, Pennsylvania, West Virginia and the District of Columbia.

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Call us today to learn more about the Bowles Rice Construction Law Team and how we can make a powerful difference for your business.
**CONSTRUCTION BRIEFS**

- **The state Division of Highways is planning a $35 million overhaul** of its Region 1 campus along Smith Street in Charleston. Some buildings will be renovated, while others will be demolished entirely and replaced with new construction and additional parking. In the first phase, starting in Spring 2013, the DOH will build a new regional headquarters and renovate the old State Road Commission building, said Travis Knighton, project manager for the DOH building and grounds division. Later phases call for construction of a new shop building, renovation of the existing shop/lab building and the Ruffner Building, which is used for parts storage and a laboratory. The DOH also plans to tear down two warehouse-type buildings it acquired last year beside its existing Region 1 headquarters building - the former Natures Furniture building and the Summers warehouse building - to provide more parking. The project is part of a statewide effort to upgrade and modernize regional campuses, DOH spokesman Brent Walker said...

- **South Charleston officials are in the beginning stages of a $20 million sewer service extension** into Lincoln County, a move that is expected to spur economic development along Corridor G. The city has been working with the Lincoln County Commission and Lincoln County PSD to extend sewer service to about 500 customers in the Alum Creek area. Once sewer lines cross county lines, another 500 customers can be picked up. Extending sewer service, city officials believe, could cause an economic boom for both Kanawha and Lincoln counties. South Charleston city officials have met with Lincoln County Public Service Commission officials, as well as representatives from S&S Engineering, Mayor Frank Mullens said. The latter does engineering work for Lincoln County. The plan has support from the Lincoln PSC, as well as the Lincoln and Kanawha county commissions...

- **The federal government is making $56 million available** to West Virginia to eliminate environmental hazards caused by past coal mining operations. The funding was announced by the U.S. Department of the Interior’s Office of Surface Mining Reclamation and Enforcement. The federal dollars are intended to improve water quality by treating acid mine drainage and restoring water supplies damaged by mining, among other things. Officials say the total funding approved for 28 coal-producing states has been slashed by 10 percent in anticipation of the automatic budget cuts kicking in March 1. The mining reclamation grants are awarded annually. They are funded in part by a per-ton reclamation fee levied on all coal produced in the United States...

- **Amtrak is currently undertaking a passenger station rehabilitation** program to improve their stations and related facilities throughout the United States to provide access to all passengers. Jacobs Program Management Company (JPM) is serving as the Program Manager and Design/Builder of the Accessible Station Development Program (ASDP). JPM is soliciting bids for Contract Package 209 – Virginia and West Virginia (East) stations. The work will generally consist of civil construction involving renovation of station facilities, platforms, parking lots and other state of good repair work at Amtrak Passenger Stations located in Lorton, VA, Staunton, VA, Prince, WV and White Sulphur Springs, WV...

- **The Putnam County Commission is applying for a $1.5 million federal grant** to extend water lines in the county. This is the third time the county has applied for the grant, and part of an ongoing effort to bring water lines to rural areas. Terry Martin, project coordinator at the Regional Intergovernmental Council, said he believes there is a “very good chance” the grant will be funded this time around. If he is right, the county will be able to extend water lines to Manila Ridge, on the northern edge of the county, bringing city water to about 47 homes. The commission has been examining funding sources since WV American Water decided to stop funding expansion projects in 2011...
Construction Briefs

- Construction is expected to resume soon on the Coalfields Expressway in McDowell County through a new partnership with local coal companies. Richard Browning, who serves as executive director of the Coalfields Expressway Authority, said the highway project has partnered with the McDowell County Economic Development Authority and coal interests in the area which are expected to further the highway project. “In McDowell County, we are working with the McDowell County Economic Development Authority to do a two-mile section of highway using coal interests,” Sen. Browning said. “That is still in the developmental stages. We are looking at how to do it and especially to get a design for the highway. Once we have the design in hand we will know if the mining interests will match up with the highway. We will also have to get the permitting process out of the way.”

Browning said the partnership with local coal companies could help finance the cost of the McDowell County section of the highway. “We know it will be cheaper for the state to build it this way than to just build the highway,” he said. “The EDA owns the property and are ready to mine in the area. If you have to put it back, might as well put a highway back with it. We have a very willing coal operator from McDowell County who wants to do a good job and provide something for the future. Our coal in the ground is a blessing because that provides a natural partner for us in our infrastructure development.”

The Coalfields Expressway also received funds from the Transportation Investment Generating Economic Recovery (TIGER) IV grant program in June to begin work on the section of the highway in the Mullens area. “We are currently working on two projects,” he said. “One is a project in the Mullens area of the highway. We received a $5 million TIGER grant for that last spring, and we have joined that money with money left over from some other coalfields projects for a total of $25 million. We are putting that together with more money to bring the highway down to Route 54 in Mullens. We have been included in the highway plan, and we are hoping to announce another project in the near future.”

- Bids were accepted on January 24 for two large sewer improvement projects in Charleston. A project to improve and replace 25,000-linear-feet of sewer line and 103 customer service replacements for the Loudon Heights area of Kanawha County received two bids. Pipe Plus, Inc., Nitro, submitted the low bid of $4,463,442, followed by Mike Enyart & Sons, Inc., South Point, Ohio, at $4,987,711. A second project serving 160 customers and containing over 11,000-linear-feet of sewer replacement for the Lick Branch / South Ruffner area also bid the same day. Pipe Plus, Inc. bid the project at $3,696,889 followed by Mike Enyart & Sons at $4,086,863...

- Despite highly publicized and longtime reports of prison crowding, the Division of Corrections trimmed its budget 7.5 percent, as Gov. Earl Ray Tomblin asked most agencies to do in August. Corrections Commissioner Jim Rubenstein presented the DMAPS budget to lawmakers February 21. He said the budget cuts came out of the Central Office account, but the division has priorities for Fiscal Year 2014 that include addressing the rising number of inmates by adding 350 beds to existing facilities throughout the state. Rubenstein said other priorities include completing renovations to the new corrections center in Charleston by mid-2015. The new facility will include a residential substance abuse treatment unit and house about 130 inmates, Rubenstein said...

- West Virginia Gov. Earl Ray Tomblin recently announced that Romney was awarded a $1 million Small Cities Block Grant to help upgrade its sanitary sewer system as part of the U.S. Environmental Protection Agency’s Chesapeake Bay restoration program. The total cost of the project is about $16.2 million and will benefit about 1,027 households, according to a news release from the governor’s office. Under its Chesapeake Bay “pollution diet,” the EPA has mandated drastic reductions in the amount of nutrients - nitrogen and phosphorus - that can get into the bay via its tributaries. Nutrients are produced by waste. Sewer treatment plants remove nutrients from the wastewaster before it is discharged. Romney, as well as all of the greater eight-county Eastern Panhandle, is in the Potomac River watershed and the Potomac is one of the bay’s major tributaries. In addition to Romney’s sewer system improvements, there are plans to upgrade about seven other sewer systems throughout Panhandle. The total estimated cost to make improvements to all the systems in the Panhandle is close to $200 million, which includes improvements to sewer plants in Martinsburg, Berkeley County, Charles Town, Shepherdstown and Morgan County...

- Highways damaged by two big storms last year will be repaired thanks to U.S. Department of Transportation emergency relief funds. Sens. Jay Rockefeller and Joe Manchin and Rep. Nick Rahall, all D-W.Va., announced February 12 that the state has been awarded $1.4 million in emergency funds for repair or reconstruction of federally aided highways that were damaged as a result of the summer derecho or Superstorm Sandy. Both storms caused severe damage statewide, with Sandy mostly damaging the eastern part of the state. Rep. Rahall,
CONSTRUCTION BRIEFS

the top Democrat on the House Transportation and Infrastructure Committee, said the storms caused significant damage to roads statewide. Eligible repair work includes emergency repairs needed to restore essential traffic, minimize the extent of damage or protect remaining facilities as well as permanent repairs needed to restore the highway to pre-disaster condition...

■ The Cardinal Athletic Club, a group that supports Wheeling Jesuit’s athletic programs, recently announced its intentions to help fund the university’s Community Athletic Fields Project -- a three-phase plan to upgrade WJU’s outdoor athletic facilities. Wheeling Jesuit’s Cardinal Athletic Club passed a formal resolution to donate $250,000 towards the university’s Community Turf Field Project. The resolution stipulated that WJU name the main field in honor of the late Bernard Schmitt, seventh bishop of the Diocese of Wheeling-Charleston. ...

■ A timeline for the North Point Pleasant Drainage Project (NPPDP) has been presented to city council by project engineers from Burgess & Niple, Parkersburg. The project crossed major milestones in February when 80 percent of the required right-of-ways were obtained and filed, as well as the Public Service Commission of West Virginia giving the project the green light. The timeline for major events associated with the NPPDP was developed to give council, and city officials, an idea of when, as well as what, to expect. In February, the West Virginia Department of Environmental Protection authorized the bidding process. Awards are expected in April. The WVDEP has mandated the city, along with many other small towns, separate their sanitary sewer from storm water. The NPPDP is also expected to alleviate drainage problems in the northern end of Point Pleasant...

■ The City of Buckhannon wants to borrow $765,000 from the US Department of Agriculture to help build a new conference center. The conference center will be located next
to a new National Guard Armory and Readiness Center off Brushy Fork Road. The entire complex is being located on 44 acres, will be about 57,000 square feet and will replace the old armory located on Route 20. The city wants to contribute half of the loan to assist in construction and to pay for materials and equipment to run a new 12-inch waterline to the facility.

“This will provide a nice state of the art facility that can be utilized by the guard for their training exercises and meetings as well as a conference center for our portion which will be a nice economic drive for the city of Buckhannon and Upshur County,” said Michael Doss, of the city of Buckhannon.

The entire project will cost about $35 million and will allow Upshur County to retain 85 jobs with the armory’s relocation. The Upshur County Convention and Visitors Bureau made financial contribution of $100,000 to also pay for equipment and furnishing within the proposed conference center...

- Bids were accepted on January 29 for reroofing 15 buildings at the Mount Olive Correctional Complex in Fayette County. The low bid was submitted by Kalkreuth Roofing & Sheet Metal, Inc., Wheeling at $2,478,865. Tri-State Roofing & Sheet Metal Company, Charleston, submitted a bid of $2,841,956 followed by Boggs Roofing, Inc., Huntington, at $2,907,045.

- A project to widen I-64 to six lanes in the Huntington area is set to begin. The Division of Highways announced in February that the widening project will take place between Exit 11, Hal Greer, and Exit 15, 29th Street. The work will consist of adding an additional lane in both directions on the median side of the road, installing a median concrete barrier, and replacing the Cedar Crest Bridge with a new six-lane structure. The project was bid using the Design-Build method of procurement. West Virginia Paving, Inc., Dunbar, submitted the low bid of $18,046,275, followed by Kokosing Construction Company, South Charleston, at $21,696,500, Trumbull Corporation, Pittsburgh, PA, at $22,905,300, and Mountaineer Contractors, Inc., Kingwood, at $25,388,736.
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CLARIFICATION: The West Virginia Parkway Authority’s construction program for 2013, as noted in the November/December 2012 issue of WVCON, will focus on addressing a backlog of improvements and deferred maintenance, not a new construction or widening program.
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