

**CONSTRUCTION ADVANCEMENT PROGRAM OF WESTERN PA**

CAPsule Report  
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**CAPsule Report**

Published monthly by the  
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*The Construction Industry*  
*Evening of Excellence*

**JOIN YOUR PEERS OF THE CONSTRUCTION INDUSTRY ON THURSDAY, FEBRUARY 28, 2008 AT THE PNC PARK LEXUS CLUB.**

**LOOK FOR DETAILS IN THE UPCOMING ISSUES OF BREAKINGGROUND.**

Form information visit the construction information website  
[www.mbawpa.org](http://www.mbawpa.org)

# CAPsule Report

Volume 39, No. 6

November 13, 2007

*Important Dates*

November 20, 2007  
**CAP Scholarship Submission Deadline**

November 22 & 23, 2007  
**Thanksgiving & Following Day \***

December 6, 2007  
**YC Holiday Party**

December 25, 2007  
**Christmas Day \***

January 1, 2008  
**New Year's Day \***

January 18, 2008  
**MBA Annual Meeting & Membership Dinner**

February 28, 2008  
**Building Excellence Awards Presentation**

March 10-14, 2008  
**AGC Annual Convention Las Vegas, NV**

**\* MBA Labor Agreements grant denoted days as holidays.**

**Western PA Proud History & Facts About Our Home**

Commissioned in 1921 and completed in 1937, the University of Pittsburgh's Cathedral of Learning is the tallest educational building in the western hemisphere and the second tallest educational building in the world.

## PA State Supreme Court Overturns Ruling Barring Best Value in Awarding Contracts

On October 17, the PA Supreme Court reversed a lower court ruling barring PA Department of General Services from implementing a best value policy, in which construction contracts are awarded based on competitive sealed bids (case of association with some contractor members v. PA DGS).

In a 4-2 decision written by Justice Cappy, the Supreme Court held that the lower court erred in concluding that construction contracts are not covered by terms of Section 513 of the PA Procurement Code. Section 513 provides for an exception to the requirement to award contracts to the lowest responsible bidder using a competitive sealed

bidding process if that process is not practicable or not advantageous to the state.

The Supreme Court based its findings on an analysis of the interplay between the PA Separations Act and the PA Procurement Code, a statute governing the procurement of supplies, services and construction for the public.

DGS' use of Best Value was challenged successfully with the argument that the award of contracts to someone other than the lowest responsible bidder is in violation of state statutes and regulations.

The Supreme Court examined the use of the word "contract" in the two mentioned statutes and found a conflict between them, applying the principals of a state law

that provides instructions for ascertaining legislative intent when statutes include conflicting provisions.

The case was remanded to the Commonwealth Court for further proceedings.

"Pennsylvania will never truly receive *Best Value* for construction services until the day when a contractor can show up for a project with its assembled team, opposed to the current system where multiple primes are forced to work together," said Jack Ramage, MBA Executive Director.

To receive the Supreme Court opinion, contact the MBA at 412-922-3912 or [jobrien@mbawpa.org](mailto:jobrien@mbawpa.org).

## AIA Announces Design Pittsburgh Winners

AIA Pittsburgh recently recognized the 2007 Design Pittsburgh winners. The following award-winning designs were built by MBA contractors:

**HONOR AWARDS Collaborative Innovation Center, CMU**  
Architect—dggp Architecture  
Contractor—P.J. Dick Inc.

**Carnegie Museums of Pgh Service Enclosures**  
Architect—EDGE Studio  
Contractor—Jendoco Construction Corp.

**Carnegie Library of Pgh—Squirrel Hill Branch**  
Architect—Lubetz Architects  
Contractor—A. Martini & Co.

**DETAIL/CRAFTSMANSHIP Visitors Center Security Desk, CMU**  
Architect—Pfaffman + Associates PC  
Contractor—F.J. Busse Co.

For a complete list of 2007 Design Pittsburgh award winners, contact the AIA Pittsburgh at 412-471-9548 or [www.aiapgh.org](http://www.aiapgh.org).

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## MBA Committee Corner: Education Committee Hosts Communications Seminar

On Thursday, October 25, the MBA joined forces with the Constructors Association of Western PA to offer construction professionals an educational seminar presented by FMI Management Consulting. The title of the seminar was: Effective Communications for Employees and Customers.

The idea for this seminar originated from the MBA's Education Committee.

"Training, education and research is essential for all companies, regardless of the industry," said Education Committee Chairman Jack Mascaro. "While most industries devote at least 10% of

their revenue to research, the amount of money devoted to research in the construction industry is negligible. Education is tantamount to success in our industry and this fall, the MBA conducted a seminar on communication. Communication is a critical skill that is required by all industry participants, and this seminar, facilitated by FMI, was one small step in the training and education process of our members".

Seminar attendees assessed their communication abilities and identified gaps for improvements. A portion of the seminar dealt with the four individual communication

styles and how to approach the unique styles. The four communication styles are:

**D—Dominate:** Takes charge and focuses on results.

**I—Influencer:** Social person who can adapt to unconventional business settings.

**S—Steady:** Habitual personality with preference on low risk settings.

**C—Critic:** Has a good memory and constantly requests details.

Along with examining the four styles, how to improve interaction amongst the styles, both socially and work-related, was discussed.



## AGC Begins Development of LEED Course for Contractors

The AGC is developing a full-day course for construction professionals. The course identifies the contractor's role on a project seeking certification under the LEED Green Building Rating System.

The AGC hopes to have the course curriculum completed in time for its 2008 Annual Convention in March of 2008.

The LEED course intends to help construction professionals prepare for the LEED accreditation exam, remain competitive in an increasingly 'green' market, and more fully understand their role on a LEED project.

The course will show how the LEED rating

system impacts: estimating decisions and project costs; scheduling; project administration; contracts; and field operations and subcontractor management.

For more information, please contact AGC's Melinda Tomaino at 703-837-5415 or tomainom@agc.org.

**"AGC Contractors—  
The Owner's  
Advantage"**

## ConsensusDOCS Releases Collaborative Guidebook

ConsensusDOCS recently released the first edition of its guidebook, which provides an overview of the main contracts and forms, as well as individual highlights and possible project-specific considerations for modification.

The guidebook includes contributions by participating associations of ConsensusDOCS and it supplements the

consensus provisions in the 72 ConsensusDOCS contracts and forms, which covers all project delivery methods and helps to facilitate the use of innovative technologies like BIM.

The recent September 28 release of ConsensusDOCS, comprised of diverse construction associations representing owners, contractors, subcontractors, sureties and designers, was the first time

that broad industry representation has had an equal voice in drafting construction contracts. ConsensusDOCS provide fair risk allocation for all parties in the construction process.

For more information on ConsensusDOCS and to receive a free copy of the guidebook, visit [www.consensusdocs.org](http://www.consensusdocs.org).

## MBA News



**New Members**—The MBA Board of Directors has received and approved the following application for membership:

**AFFILIATE:**

**Houston Harbaugh PC**

For information on this firm, or any MBA member, visit the MBA website .

**Construction Career Center:**

Does your company need to fill a position? Contact the MBA to seek professionals to fill your needs. Recently received resumes:

- Project Manager with over twelve years experience
- Entry Level Estimator
- Qualified Mechanical Designer

**Updated Wage Rates**—The following wage rates have been updated:

Glaziers Local No. 751

Laborers DC of Western PA

Sheet Metal Workers Local 12

For information on all local wage rates, visit [www.mbawpa.org](http://www.mbawpa.org). Or call the MBA to have wage rates mailed to you.

**Building Excellence Awards**

**Event** — On Thursday, February 28, 2008, the winners of the Building Excellence Awards will be recognized at the PNC Park Lexus Club. Event details coming in BreakingGround.

**Safety Website**—The MBA Risk Management Committee has created a website for safety professionals in southwestern Pennsylvania. The following information can be found on the website:

- MBA's drug-free program;
- Safety awards;
- Regulatory issues;
- Products & services;
- Online training.

The online training is developed in partnership with 360Training. MBA members receive a discount for training. The new safety website is linked from the MBA homepage: [www.mbawpa.org](http://www.mbawpa.org).

## California Judge Blocks DHS No-Match Rule

In California, the AFL-CIO and the business community have won a major, if less than final, victory in their lawsuit against the 'no-match' rule that the Department of Homeland Security (DHS) announced August 15, 2007. The U.S. District Court for the Northern District of California has issued a preliminary injunction against that rule, blocking its implementation until the court can render a final

decision on the merits of the case.

The judge issued the injunction because the rule—which DHS has entitled "Safe-Harbor for Employers Who Receive a No-Match Letter" - carries a significant risk of irreparable harm to both employers and employees, while further delay in its implementation would carry little if any risk of harm to the government. The Judge also found

that the plaintiffs had raised serious questions about the rationale for the rule, about the scope of DHS' authority and about DHS' efforts to comply with the Regulatory Flexibility Act.

AGC will continue to monitor the situation.

For more information, contact Kelly Knott of the AGC at [knottk@agc.org](mailto:knottk@agc.org) or 202-547-4685.

## Miscellaneous News

**ACE Mentor Program**—The Western PA Chapter of the ACE Mentor Program is now functioning. Created to fill the industry's need for architects, construction managers, and engineers, the mission of this program is to enlighten and increase awareness of high school students to career

opportunities in architecture, construction, and engineering through mentoring. Mentors wanted in the three ACE disciplines. For more information, contact [jobrien@mbawpa.org](mailto:jobrien@mbawpa.org).

**Penn State Resume Books Available** – The CAP office has available a limited supply of the

2007-2008 Penn State Professional Engineers & Contractors Resume Booklet. If interested in receiving a copy, contact CAP at 412-922-4703.

**CAP Scholarship**—Information on CAP's annual scholarship to University of Pittsburgh students is available at [www.mbawpa.org](http://www.mbawpa.org).