

mcao

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Mechanical Contractors Association of Ohio



MCAO

Leading the Industry

Lonnie Coleman of Coleman Spohn Corporation Receives Governor's Proclamation for
National Service as MCAA President

IN THIS ISSUE:

Chairman’s Message	3
Legislative Update	4
OCILB Update	5
Bits and Pieces: Recent Bidding and Prevailing Wage Cases.....	6
A Practical Summary of Giving Guidelines.....	8
Builders Exchange Recognizes MCAO Members.....	9
Ohio Honors Lonnie Coleman for National Service to MCAA	10
SkillsUSA.....	12
Ohio Pipe Trades Contest.....	13
Ohio Construction Reform.....	14


ON THE COVER: MCAA President Elect Robert Armistead stands with outgoing President Lonnie Coleman and MCAO Chairman Howard Krisher who presented Coleman with proclamations from Governor Ted Strickland and Representative Josh Mandel of the Ohio House of Representatives commending his work as 2010 MCAA President.

MCAO MISSION

“...To represent your best interests in the legislative, agency, and judicial process in Ohio. To do this we need your input. Get involved. Keep informed. Please let us know how we can help make your businesses better...”

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DEMONSTRATION PROJECTS: WHAT WILL THEY DEMONSTRATE?

Chairman's Message:
Howard Krisher, MCAO Chairman

As many of you know, the Ohio General Assembly sought a compromise on the issue of construction reform this winter by ordering three “Demonstration Projects” to be constructed at three Ohio universities between now and 2014. Full information on what these projects ultimately will entail are provided in a more detailed article later in this issue, but what I would like to address is what these projects are actually demonstrating to me, a member of the Ohio Construction Reform Panel, a leader of the MCA of Ohio, and as a small business owner performing public work.

As a member of the Ohio Construction Reform Panel, and one of only two contractors who took part in the discussions, I am disappointed that so few of the recommendations that the panel worked hard to craft were included in the Demonstration Projects. The dedicated members of the panel spent a significant amount of time discussing the issues and creating a set of recommendations that are important steps in bringing Ohio's public contracting process in line with current business practices. To my knowledge, none of the recommendations or expectations from the Construction Reform Panel are cited or included in the Demonstration Projects except for the enhanced EDGE participation element. The recommendations of the OCRP included significant reforms such as: training, pre-qualification of Construction Managers, Project Managers and Contractors, increased use of alternative dispute resolution processes, facilitated partnering, prompt payment, consistent contract documents and a more equitable and timely release of retainage.

Many of you have likely seen articles and editorials touting the increased flexibility and cost savings that will be generated by using the Demonstration Project methods and procedures. However as a leader of the MCA of Ohio who has long advocated for strong competitive bidding laws, which protect both our members and the taxpayers alike, I am stunned by the lack of oversight and dangerous disregard for competitive bidding requirements that these projects will be given. These projects have been exempted from those sections of the Ohio Revised Code that were specifically enacted by the legislature to protect the interest of the taxpayers of Ohio and small businesses. It remains unclear how the required reporting by the Ohio Board of Regents will be completed or even what that report will include. The projects are of dramatically different size and scope with no method for comparison. As those of us in the construction industry know; there are no two identical construction projects. Despite the best construction delivery systems our industry is plagued with an unending number of unavoidable, external factors that can affect the schedule and cost outcome of a project. Therefore, how can these demonstration projects provide any quantifiable data? How can the state benefit by these projects, and how can our members better understand what is being proposed as construction reform under these circumstances?

The Demonstration Projects are particularly troubling to me as a small business owner by what they don't demonstrate. I am concerned by the lack of protection for subcontractors in the Demonstration Projects, which is now provided by the current system of multiple prime contracting and competitive bidding, which will ultimately mean lost opportunity for the many small businesses like mine that make up the core of the construction industry. Public bidding statutes and the established statutory duty of public owners have helped small businesses preserve their place in the economic chain that is vital to a healthy economy. No business person wants the government to create more rules and regulations. However, we all can respect the need for concrete guidelines when it comes to how our government spends our tax dollars. The demonstration projects have removed most if not all of the guidelines. The guidelines for the Demonstration Projects allows rules to be created and changed from project to project based on the broad discretion of a construction manager or general contractor in every area from contract award to disputes and payment.

With the Demonstration Projects already underway, you might ask if there is anything that we as an organization and as business owners can do to make sure that this new method of public construction is not mandated for all future public construction projects. I believe that the answer is that together with your help and the power of our collective industry voice, we can. MCAO is helping to form and fund the Demonstration Project Review Committee, a diverse group of interested contractor association partners to monitor and document these projects. We will analyze how this work is really being performed and at what cost to the Ohio taxpayer. We will make sure that this information is available in every corner of the state so that the public can accurately assess the value, or lack thereof in this method of public construction contracting. We plan to make sure that our lawmakers see what I believe the Demonstration Projects will actually demonstrate – that this method of public construction contracting, without concrete guidelines, is not good for Ohio taxpayers or Ohio construction businesses.

The Ohio Construction Reform Panel had four basic principles: Flexibility, Accountability, Transparency, and Efficiency. MCAO continues to stand behind and for each of these and we will work with the Ohio General Assembly to make sure that the Demonstration Projects are fairly and accurately evaluated and reported and will make sure that construction reform legislation that reflects the needs and interests of all parties is ultimately enacted.



Legislative Update

MCAO Legislative ISSUES BEING MONITORED

HOUSE

HB 7: BUILDING SUSTAINABILITY STANDARDS

(Harris, M): To require a building or structure erected or constructed using state capital moneys to adhere to certain sustainability standards.

Current Status 02/09/2010 Senate Finance and Financial Institutions, (First Hearing)

HB 37: COMPETITIVE BIDDING (Dyer, S):

To require the Department of Administrative Services to maintain a web site database including apparent low bidders who failed to be awarded a contract because they were found not to be “responsible,” and to require public entities to conduct investigations when apparent low bidders are suspected of failing or fail to meet the “responsible” prong of the “responsive and responsible” competitive bidding threshold.

Current Status 03/24/2009 House Commerce and Labor, (First Hearing)

HB 224: NONREFUNDABLE TAX CREDIT (Snitchler,

T): To authorize a nonrefundable tax credit for hiring and employing previously unemployed individuals.

Current Status 06/17/2009 Referred to Committee House Ways and Means

HB 286: HOME IMPROVEMENTS-TAX EXEMPTION

(Fende, L): To exempt from real property taxation home improvements greater than \$5,000 for five years.

Current Status 10/28/2009 House Ways and Means, (First Hearing)

HB 360: APPRENTICESHIP PROGRAMS (Snitchler, T):

To grant an income tax credit eliminating tax liability for five years for individuals who obtain journeyman status and who reside in Ohio and to prohibit the Apprenticeship Council from adopting standards for apprenticeship ratios that are stricter than those requirements specified in the federal regulations governing apprenticeship programs and from discriminating against open or merit shops.

Current Status 01/13/2010 House Ways and Means, (First Hearing)

HB 412: PREVAILING WAGE (Blair, T):

To limit the requirement to pay the prevailing rate of wages to new construction, to increase the threshold that triggers the application of the Prevailing Wage Law to one million dollars, and to eliminate the requirement that the Director of Commerce adjust that threshold on a biennial basis.

Current Status 01/20/2010 Referred to Commerce and Labor Committee

HB 434: ADVANCE NOTICE-MASS LAYOFFS (Yuko, K): To require certain employers to give advanced notice of mass layoffs, worksite closings, and transfers of operation.

Current Status 02/08/2010 Referred to Commerce and Labor Committee

HB 501: LEAD-SAFE RENOVATION (Harris, M): Regarding lead abatement and lead-safe renovation.

Current Status 05/05/2010 Introduced

HR 58: PROJECT LABOR AGREEMENTS (Yuko, K): To urge state agencies to use project labor agreements in public improvement projects.

Current Status 11/17/2009 REPORTED OUT

SENATE

SB 14: HOME INSPECTORS (Miller, D): To require the licensure of home inspectors and to create the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors.

Current Status 03/10/2009 Senate Insurance, Commerce and Labor, (First Hearing)

SB 183: ARCHITECTS LAW (Schaffer, T): To eliminate a grandfather exemption from the requirements of the Architects Law granted to certain corporations.

Current Status 03/23/2010 REPORTED OUT of the House Civil and Commercial Law Committee

SB 222: CAMPAIGN COMMITTEES (Husted, J): To require vendors to disclose to campaign committees all expenditures made on their behalf and to require campaign committees to report all expenditures made by third parties on their behalf.

Current Status 02/24/2010 Senate Government Oversight, (Third Hearing)

SCR 2: PRIVATE BALLOT UNION ELECTIONS (Gibbs, B): To request the Ohio Congressional delegation to oppose legislation that disenfranchises Ohio workers by removing their right to a private ballot union election.

Current Status 03/24/2009 Senate Insurance, Commerce and Labor, (Second Hearing)

SR118: WORKERS COMPENSATION TASK FORCE (Grendell, T): To create the Competitive Workers' Compensation Task Force to review the feasibility of allowing employers the option to obtain private insurance to insure their obligations under the workers compensation system of Ohio.

Current Status Report due to Senate in October

The Ohio Construction Licensing Board (OCILB) Update

The Ohio Construction Licensing Board (OCILB) is one of the many state agencies that the MCAO works with closely on behalf of the industry as a whole. Through our members, who give their time to serve on each of the trade section boards and administrative board, we have the ability to work on a coordinated basis to directly affect and improve contractor licensing in Ohio. Our thanks go out to our dedicated members who serve on the following sections:

Administrative Section

James Roddy
Northern Ohio Plumbing
Company, Inc.
Contractors Association

Richard Schneider
Limbach Company, Inc.
MCA Central Ohio

OCILB HVAC/Refrigeration Section

James Jones
Jones Technologies Enterprises, Inc.
MCA of Cleveland

Richard Schneider
Limbach Company, Inc.
MCA of Central Ohio

OCILB Plumbing & Hydronics

Kathy Brown
Feinmen Mechanical
East Central Ohio MCA

James Roddy
Northern Ohio Plumbing Company, Inc.
Contractors Association

OCILB has been receiving calls lately inquiring about a new law that maintenance men cannot perform the five specialty trades, i.e., city buildings, manufacturing plants, apartment complex's, etc. The licensing law passed December, 2000. This is hardly a new law. The licensing law mirrors the building code. If the work being performed requires obtaining a building permit (covered under ORC 3781.06), then it requires a licensed contractor to oversee the work. Maintenance people are just that. They may perform service and maintenance. When an install and permitting are required, a licensed contractor must oversee the project.

OCILB received a formal opinion from the Attorney General's Office stating that contractors paid by a 1099 are classified as independent contractors, and therefore, must be licensed. You can refer to that letters at:
<http://www.ohioattorneygeneral.gov/getattachment/32bc2cb5-df41-4eea-951a-c1c1119a5b63/2009-035.aspx>

- Hearings were recently held for electrical contractors performing work on the Cleveland Metropolitan Housing who were compensated by a 1099 and not on the company payroll.
- Thomas Eichele, owner of the company, Eichco International, agreed to a settlement in lieu of a hearing. Mr. Eichel agreed to pay a fine of \$5,000 for paying contractors by a 1099.
- Jerry Owca held the OCILB electrical contractor license. He claimed he was employed by Eichco International, assigned his license to Eichco, and presented their liability insurance. When, in fact, he was paid by a 1099 and never an employee of Eichco. Mr. Owca was suspended for 1 ½ years for submitting fraudulent paperwork to OCILB.
- More contractors may be disciplined in this case after the Electrical Section meets June 1, 2010.

Bits & Pieces:

Recent Bidding and Prevailing Wage Cases



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1. Franklin County Ballpark Quality Contracting Case Update:

In County Board of Commissioners, Case No. 2008-1478, 2010 Ohio 1199, 2010 WL 1135921 (Ohio Sup. Ct. March 25, 2010) the Ohio Supreme Court addressed the limits of the discretion of public authorities to reject bidders. Ultimately, the Court held that when a public authority adopts a policy establishing criteria for evaluating the eligibility of bidders on public projects, the public authority must apply its evaluation criteria in a manner consistent with sound discretion. Franklin County (the “County”) adopted its Qualitative Contracting Standards to assure to that it awarded contracts to persons who complied with applicable laws, had sufficient financial wherewithal and could perform competently and professionally. Section 8.2.4.15 of the Qualitative Contracting Standards provides that among the factors which may be considered is “[i]nformation that the Bidder has not been debarred from public contracts or found by the state (after all appeals) to have violated prevailing wage laws more than three times in a two-year period in the last ten years.

Fourteen complaints alleging prevailing wage violations had been filed against the low bidder for a construction contract with the County, The Painting Company. Some of the complaints resulted in findings by the State Department of Commerce (“Commerce”) that any prevailing wage violation was not intentional or resulted in no liability. Under Section 4115.13(C), prevailing wage underpayments resulting from mere mistake are excused from prosecution by Commerce as violations. Other complaints resulted in settlement agreements which expressly permitted The Painting Company to disclaim any liability or wrongdoing in connection with prevailing wage laws.

In light of these facts, the Court found that the County had applied Section 8.2.4.15 to mean that “any noncompliance with prevailing-wage laws. . . was the equivalent of a prevailing wage violation.” The Court found this interpretation to be an abuse of discretion. Instead, the Court concluded that “the plain sense of the term [violation]. . . as used in

Section 8.2.4.15, refers to the situation in which the director [of Commerce] makes a formal finding that a contractor or subcontractor intentionally violated the prevailing-wages laws, and all appeals are exhausted.”

Finding no evidence of such “violations” in the record, the Court held that the County had misapplied Section 8.2.4.15. The Court buttressed its holding by noting that the County had further abused its discretion by apparently relying on the misapplication of Section 8.2.4.15 as the sole reason for its rejection of the bid.

This case should remind everyone that while government officials have broad discretion to award contracts, that discretion is not unlimited and that if the officials adopt strained interpretations, those interpretations may be overturned by the courts. Additionally, the Ohio Supreme Court did make clear that government officials do have the authority to adopt “quality contractor” criteria to determine whether a bidder is “responsible” or “best”.

2. Franklin County Animal Shelter Quality Contracting Case

In State, ex rel. Gaylor, Inc v. Goodenow, Case No. 2010-0330, 2010 Ohio 1844, 2010 WL 1727926 (Ohio Sup. Ct. April 29, 2010) the Ohio Supreme Court granted a writ of mandamus ordering Franklin County (the “County”) to consider whether a low bid is the best bid without relying upon the conclusion that the bidder had violated prevailing wage laws. Following its decision in State, ex rel. Associated Builders & Contractors of Central Ohio v. Franklin County Board of Commissioners, No. 2008-1478, 2010 Ohio 1199, 2010 WL 1135921 (Ohio Sup. Ct. March 25, 2010) (discussed above) that the County had misapplied one of its bid criteria, the Court ordered the County to reconsider the Gaylor’s bid which had been rejected based upon the same misapplication of the same criterion. The Court was able to order this because no work had been performed by the other bidder under the contract.

3. Barberton City School Board Prevailing Wage Case

In *State, ex rel. Northern Ohio Chapter of Associated Builders & Contractors, Inc. v. Barberton City School Board of Education*, C.A. No 24898, 2010 Ohio 1826 (Summit Ct. App. April 28, 2010), a non-union contractor, ABC and 2 putative taxpayers filed suit seeking an order that the school district's inclusion of prevailing wage rates in its bid documents was illegal. The case was dismissed on technical grounds, i.e., because the Court found that none of the plaintiffs and "standing" to pursue the litigation.

Essentially, standing is a requirement that a person have a real injury and not merely be engaged in a theoretical dispute. Most importantly, in this case the non-union contractor was the second lowest bidder, and the court decided that the non-union contractor had no standing because it could not show that it was wrongfully rejected. In other words, even if the non-union contractor was right that it was illegal for the school district to have required prevailing wages, the non-union bidder would still not have been the lowest bidder. ABC had no standing because its standing was based upon that of the non-union contractor, and the "taxpayers" had no standing because they had not suffered any specific injury.

4. Prevailing Wage Debarment Case

In *Pruneau v. State of Ohio Department of Commerce*, Case No. 08CVF-10-14663 (Franklin CP March 29, 2010) the Franklin County Common Pleas Court issued a decision in favor of the Ohio Department of Commerce in the first contested debarment case under Ohio's Prevailing Wage Law. At first glance it appears that the contractor was debarred largely because it refused to set forth fringe benefits in its certified payrolls.

5. Prevailing Wage Clarification on Air and Water Balance

A hearing had been scheduled in the Franklin County Court of Common Pleas on the question of whether work involved in air and water balance is construction work covered by prevailing wages. The hearing has been postponed due to a small fire in the Courthouse. MCAO is supporting the position that construction work in the field performed by a tradesperson is generally covered by prevailing wages.



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A Practical Summary of Giving Guidelines

An Updated Summary of How State Rules May Limit Your Ability to Bid State and Local Work



James F. Lang and Maryellen K. Corbett
Calfee, Halter & Griswold LLP
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21 East State Street
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Timing of Contributions

The statute prohibits the awarding of contracts to vendors whose donations exceed the limit during the previous two calendar years. “Calendar year” is a term of art in Ohio’s statutes and has been interpreted by the courts and the Ohio Elections Commission to mean a period of time from January 1 to December 31. In reading this specific statute, the Ohio Elections Commission found that it means the two periods of January 1 through December 31 preceding the year in which the contract would be awarded. If the contract were to be awarded in 2010, the donations made in 2008 and 2009 would be the years that count, meaning records of donations should be kept for at least three years.

The “two previous calendar years” requirement can produce unexpected results. Take as an example two contributions made by a member of ABC LLC: a \$500 contribution to Jones for Governor on September 30, 2009, and a \$600 contribution to the same campaign on January 31, 2010. ABC LLC is ineligible to receive an unbid contract from Governor Jones’ office or many of the cabinet level agencies or divisions that fall under his direct control at any time during 2011. However, ABC LLC is not disqualified from contract awards in 2010, because the “two previous calendar years” in 2010 are 2008 and 2009. Contributions in those two years do not exceed \$1,000. As a result, the January 21, 2010 contribution does not disqualify ABC LLC from obtaining unbid contract awards until January 1, 2011.

Public Official or Campaign Committee

Why does Ohio reference contributions to campaign committees and contributions made to public officials? After all, political contributions are made to campaign committees, not directly to public officials. So under what circumstances is a contribution made to a public official, but not to the official’s campaign committee for state office? The Ohio Elections Commission has provided two examples in its opinions.

The first is a contribution to the federal campaign committee of an Ohio elected official. Examples from today’s headlines are the campaigns of Lee Fisher and Jennifer Brunner for U.S. Senate. The Ohio Elections Commission has determined that contributions to a state or local officeholder’s campaign for a federal office are taken into consideration in determining whether the award of a state or local contract is prohibited. Remarkably, because Ohio law deems the Lieutenant Governor to be part of the Governor’s ticket, it is possible that Ohio law would deem a contribution of more than \$1,000 to Lee Fisher’s campaign for U.S. Senate to disqualify the contributing vendor from being awarded an unbid contract over the next two calendar years not only by Lieutenant Governor Fisher himself but also by Governor Strickland and the public officers appointed by him.

The second example is a “leadership” PAC or similar PAC that is associated with a state or local officeholder. The Ohio Elections Commission has determined that contributions to a federal non-connected political committee are deemed to be contributions to an officeholder when the officeholder is closely identified with the committee, exercises decision-making influence within the committee, and derives a substantial benefit from contributions received by the committee. This opinion also would apply to an Ohio PAC controlled by a local officeholder, even if none of the PAC’s funds were used to promote the officeholder’s election to any public office.

Fines/Penalties

If a contract is awarded in violation of the applicable contribution limits and a person is found guilty of violating the limits, then the contract must be rescinded if its terms have not yet been performed. In addition, the person found guilty shall be fined not more than \$1,000.

On January 2, 2007, then Ohio Governor Taft signed into law Substitute House Bill 694, enacting sweeping changes to Ohio’s pay-to-play laws. The new law increased the restrictions on political contributors who contracted, or hoped to, with the state or local government and extended these prohibitions to cover contracts, public officials, and political action committees not covered under previous versions of the law. But, in April 2009, the Franklin County Court of Appeals found that the provisions of HB 694, and later measures that purported to amend provisions contained in HB 694, were void because they were adopted in violation of the Ohio Constitution.

So where does that leave Ohio’s pay-to-play laws? Right back where they started. Outlined below is a brief review of how the rules stand today.

State agencies and political subdivisions are prohibited from awarding a contract for goods and services to a vendor who has contributed, during the previous two calendar years, in excess of specified limits to the campaign of a public officeholder having “ultimate responsibility” for the award of the contract. Indeed, many state and local agencies require vendors to comply that they are in compliance with applicable contribution limits.

Contracts For Goods And Services

Contribution limits apply to any unbid contract for the purchase of goods or services that cost more than \$500 and is awarded by the State or any political subdivision. The limits do not apply to competitively bid contracts, contracts incidental to competitively bid contracts or contracts made by force account.

Separate Limits for Partnerships and Corporations

No public contract may be awarded to an individual, partnership, association or LLC if, within the previous two calendar years, any individual, partner or member, or spouse of an individual, partner or member, has contributed more than \$1,000 to the officeholder ultimately responsible for the award of the contract. Thus, under the rules, three partners in a partnership and their spouses could contribute \$1,000 each – for a total of \$6,000 – without violating the contribution limits.

If a corporation or business trust is seeking the award of a public contract, Ohio law prohibits the award of the contract if the \$1,000 limit is exceeded by owners of more than 20% of the corporation and their spouses. Thus, while most large and publicly-traded corporations are not affected, closely-held corporations must pay special attention to these contribution limits.

Who Has Ultimate Responsibility?

Contribution limits apply to “the holder of the public office having ultimate responsibility for the award” of a particular contract. If a public officer who is responsible for the award of a state contract has been appointed by the governor, then the governor has the ultimate responsibility for the award of the contract. Similarly, when the public officer awarding the contract has been appointed by a mayor, then the mayor has ultimate responsibility.

Also, the “public officer having ultimate responsibility” refers only to the current holder of the office. Thus, the two year look back period would look only at contributions to that officeholder while in office and as a candidate for that office, but not at contributions to previous officeholders or unsuccessful candidates.

Builders Exchange Recognizes MCAO Members

Shane Allen is responsible for the reconstruction of the primary heating and cooling systems at One Nationwide Plaza. Allen led a crew of 14 to complete the HVAC piping on the 15th floor. The project included switching the cooling plant from a primary only to a primary/secondary system; plus the addition of a heat exchanger that allows the cooling system to be used for internal building heat.

Among the challenges faced by Allen and his team were keeping the system operational around the clock with steady temperatures for the more than 6,000 building employees, and coordinating the delivery of project materials with limited elevator access.

Precise planning and delicate execution were necessary in order to achieve a smooth transition in the tight work space. More than 200 feet of pipe and 200 fittings were layered into the existing mechanical room.

A member of Plumbers and Pipefitters Local 189, Allen has been employed by Bruner Corp. for 14 of his nearly 16 years in the trade.

A first-time Craftsmanship Award winner, Allen attended Columbus State Community College to study HVAC design before completing an apprenticeship program and starting in the trade.

David Vicars led a crew of 12 to replace six critical air handling units at Mount Carmel West Hospital. Vicars was responsible for the sheet metal portion of the installation. A tight timeline, limited work space, the size of the new and existing equipment and keeping the hospital operational throughout construction all presented challenges on the project.

Vicars and his crew had just two weeks to complete the replacement of each unit. The installation included enclosing the existing structural steel within each new unit's housing.

As each unit was replaced, the system downstream had to remain in service by utilizing a separate, temporary unit located outside the building. Vicars developed the layout for the temporary system that included ductwork inside the already tight confines of the mechanical room. Properly staging the new equipment was an instrumental part of ensuring a smooth transition as there was literally no room for error.

A member of Sheet Metal Workers Local 24, Vicars has been employed by Limbach Co. for 22 of his 30 years in the industry.

This is Vicars' second Craftsmanship Award. He was also recognized in 2002 for his work at the Groveport Municipal Building.

Penny McFann of Sauer Group, Inc. received the 2009 Presidents Award. Builders Exchange President Jim Smith of Elford, Inc. (right) congratulates 2009 Presidents Award Winner Penny McFann of Sauer Group, Inc., an MCAO Member from the MCA of Central Ohio, who was honored for her commitment to the construction industry by devoting hundreds of hours of service to the Builders Exchange of Central Ohio and the BX Safety Department.



Shane Allen of Bruner Corp.
Winning Work: Reconstruction of the primary heating and cooling systems at One Nationwide Plaza

Engineer: HAWA, Inc.
General Contractor: Bruner Corp.



David Vicars of Limbach Co., LLC
Winning Work: Replacement of critical air handling units at Mount Carmel West Hospital

Engineer: Heapy Engineering
General Contractor: Messer Construction Co.

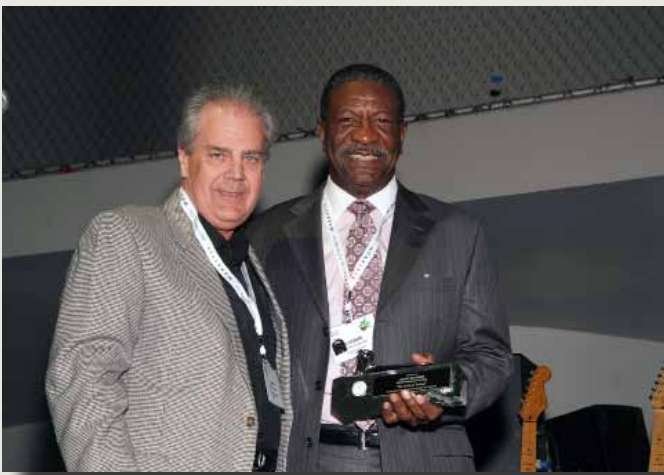


Ohio Honors Lonnie Coleman for National Service to MCAA



The Mechanical Contractors Association of Ohio (MCAO), Mechanical Contractors Association of Cleveland (MCAC), The Cleveland Plumbing Contractors Association (CPCA), and the United Association of Plumbers & Pipefitters Locals 5 & 120 (UA) joined forces at the Mechanical Contractors Association of America's Annual Convention in San Francisco, California to honor our local hero, Lonnie Coleman of the Coleman Spohn Corporation in Cleveland for his service as President of the MCAA. It's a proud occasion to have a national president come out of your state to lead the industry and everyone joined in to celebrate. MCAO congratulates Lonnie again in this issue on his superior leadership and dedicated service to the industry through his service to MCAA, MCAO, MCA Cleveland & CPCA!





David Kause, Vice President of Coleman Spohn Corp., and Chairman of the Mechanical Contracting Industry Fund, presents Lonnie Coleman with an engraved pewter gavel on a marble base, from MCA of Cleveland.



Thomas Wanner, Executive Director of MCA of Cleveland and CPCA (Cleveland Plumbers Contractors' Association) of Cleveland, presents Frances Coleman with an engraved Waterford crystal bowl from MCA of Cleveland and CPCA of Cleveland.



Rob Rybak (on the left), Business Manager of Plumbers' Local 55 of Cleveland, and Terry McCafferty (on the right), Business Manager of Pipe Fitters' Local 120 of Cleveland, present Lonnie and Frances Coleman with an engraved crystal plaque on behalf of their local Unions.



MCAO Chairman Howard Krisher presents the Coleman's with a glass sculpture to commemorate their service.



Executive Director Tom Wanner presents the Coleman's with an oil painting of their MCAA Presidential portrait.



Sheet Metal Associations Participate in SkillsUSA Sheet Metal Contest

On April 28, 2010 the Sheet Metal Workers Ohio Valley Apprenticeship Coordinators Group (SMWIA Local 24 & 33) and the Ohio Chapters of the Sheet Metal & Air Conditioning National Association (SMACNA) hosted the Sheet Metal Contest for the Ohio SkillsUSA Program. SkillsUSA is a Career-Technical Student Organization serving students in High School and College Post-Secondary Industrial Engineering/Health Career Training programs in Ohio. This annual contest is organized by the Ohio Department of Education and held at the Ohio Expo Center in Columbus, Ohio. This is the second year that the SMWIA and SMACNA have hosted the sheet metal contest.

SkillsUSA is a partnership of students, teachers and industry representatives; working together to ensure America has a skilled work force. SkillsUSA Ohio is a part of this nation-wide organization that serves teachers, high school, and college students who are preparing for careers in technical, skilled and service occupations, including health occupations. SkillsUSA was formerly

known as VICA (the Vocational Industrial Clubs of America). The 2010 Sheet Metal Contest included thirteen participants from across Ohio that competed by constructing a specified piece of duct work from flat sheets of metal by determining the proper layout, cutting the necessary pieces with a shear and hand tools, and then forming it up using a hand brake. Participants also completed a written test that covered applicable math skills and tool identification.

All of the hands-on contest materials were donated by Speer Mechanical, an MCAO Member from Columbus, Ohio. Each of the participants received a flashdrive from the participating SMACNA Chapters and the winner received a grand prize of a full tool set compliments of Malco Tools. The SMACNA Chapters also offered a doorprize of an Ipod Touch to attract potential apprentices to the Sheet Metal Industry booth display to learn about the diverse career opportunities available to them through the area sheet metal apprenticeship programs.

WINNERS!

- GOLD:** Eric Mayberry from Upper Valley Joint Vocational School in Piqua
SILVER: Brandon Delph from Miami Valley Career Technology Center in Dayton
BRONZE: Joseph Rewak from Loraine County Joint Vocational School in Oberlin



The State of Ohio Pipe Trades Contest

The State of Ohio Pipe Trades Contest was held in Canton, Ohio at Local #94 Plumbers and Pipefitters Union on April 19th – 23rd 2010. Over 45 contestants participated in their respective division, plumbing, pipefitting, welding, sprinklefittering or HVAC, to determine who was the best in Ohio. Contestants participated in events such as welding, torchcutting, soldering, brazing, rigging, HVAC diagnostics and screw pipe to name a few.

Every year the contest is moved to a different Local Union and the events are changed per that locals discretion. Local #94 was very honored and proud to host this years contest.



Pipefitters:

Contestant	Place	Name	Local
PF 7	1	Tim Bobst	Columbus Local 189
PF 4	2	Tyler Leffel	Cleveland Local 120
PF 3	3	Tim Lucas	Canton Local 94

Plumbers:

Contestant	Place	Name	Local
PL 5	1	Ryan VanKleeck	Dayton Local 162
PL 3	2	Brian Johnson	Cleveland Local 55
PL 9	3	Rick Boyarko	Youngstown Local 396

MES:

Contestant	Place	Name	Local
MES 7	1	David Gindiesperger	Akron Local 219
MES 1	2	Terrance Friar	Toledo Local 50
MES 5	3	John Waspe	Cincinnati Local 392

Sprinklefitters:

Contestant	Place	Name	Local
SP 1	1	Jeff Guller	Cleveland Local 120
SP 2	2	David Edwards	Local 669

Welders:

Contestant	Place	Name	Local
WLD 2	1	Mason Hagemyer	Toledo Local 50
WLD 3	2	Brian Wilson	Canton Local 94
WLD 11	3	Kevin Atkins	Lima Local 776

Ohio Construction Reform Update

The Demonstration Projects

By Valerie Dahlberg

The MCAO has dedicated hundreds of hours and many resources to participate in the Ohio Construction Reform Panel, to comment on the various pieces of “reform” legislation that have purported to enact the Panel’s recommendations, and now to participate in the evaluation of the “Demonstration Projects” that were directed by HB 318 to test alternative construction delivery methods in three universities across Ohio. The Chairman’s Message in this issue discusses MCAO’s concerns over these projects and their prescribed reporting requirements, but below is a summary provided by the Ohio Board of Regents with general information on the three projects for your reference:

Per H.B. 318, the Chancellor is authorized to designate three Construction Reform Demonstration Projects, which must meet the following criteria:

- Each project will make use of one or more of the alternative methods of construction delivery described in the law.
- Each state institution of higher education has a comprehensive, credible funding plan for the project that does not rely on any subsequent state capital money.
- Each state institution of higher education has satisfied all internal requirements of the state institution of higher education that are necessary to allow bidding on the project to begin before the end of fiscal year 2010.
- Each state institution of higher education has a reasonable plan for meeting or exceeding the EDGE Contracting Goal for the project.
- Each project will qualify for LEED certification.

In addition, each project will have an EDGE contracting goal – that is, a dollar value computed by taking the Demonstration EDGE Percentage as determined by the Equal Opportunity Division of the Department of Administrative Services and applying it to the total project cost. Each institution will be expected to use best efforts to achieve their defined EDGE contracting goal.

The following are the three pilot projects that have been designated by Chancellor Fingerhut:

Central State University: Emery Hall Renovations – Phase IV, \$1.75 Million EDGE Contracting Percentage Goal: 15 percent

This project is to preserve and restore Emery Hall on the campus of Central State University. Emery Hall is one of two remaining historical structures on the original campus of Wilberforce University. Constructed as a women’s dormitory in 1913, the building is included in the national historical register to preserve Emery Hall’s significant place in history. The total preservation and restoration project is estimated

to cost \$9.55M and is organized into five phases. Phases I, II, and III were completed with \$2.4M in matching grant funds. \$1.75M will be used to complete Phase IV in the preservation and restoration effort. This portion of the project will utilize the construction delivery method of Construction Manager at Risk. Contracts for mechanical, electrical, and plumbing will be awarded using a competitive bid process based upon complete design documents and opened publicly.

The Ohio State University: ProjectONE Core Phases, \$658.3 Million EDGE Contracting Percentage Goal: 20 percent

ProjectONE is a \$1 billion undertaking that will transform the Medical Center’s campus with a central tower housing a new Arthur G. James Cancer Hospital and Richard J. Solove Research Institute, a new Critical Care Center designated to facilitate superb patient care enhanced by integrated research and education space throughout. This state-of-the-art transformation will make the Medical Center – already recognized as one of the nation’s top hospitals on the U.S. News & World Report Honor Roll – a leader in innovation and a magnet for the best and brightest students, doctors and scientists. Ohio State will seek to attain the EDGE percentage goal over the entire \$1 billion ProjectONE. The project designation being made includes only the Core Phases of ProjectONE.

There are six Core Phases, each of which is a vital part of the total project. Each of the phases will utilize one or more of the alternative methods of construction delivery authorized by H.B. 318 to include Construction Manager at Risk and design assist.

The phases include:

- 1) Constructing the Cancer and Critical Care Tower
- 2) Relocating and Upgrading Infrastructure and Roadways
- 3) Upgrading Current Space in Rhodes Hall, Doan Hall, James Cancer Hospital and Cramblett Hall
- 4) Landscaping and Urban Planning Initiative
- 5) Demolition of Cramblett Hall
- 6) Constructing a South Campus Central Chiller Plant.

The University of Toledo: Center for Biosphere Restoration Research -- Bowman-Oddy Laboratories Building & Wolfe Hall Renovations, \$7.8 Million EDGE Contracting Percentage Goal: 15 percent

The University of Toledo (UT) plans to renovate a 21,291 square foot space in Bowman-Oddy Laboratories Building and Wolfe Hall to create a facility for the Center for Biosphere Restoration Research (CBRR) and related “domino moves.” The CBRR will house the research teams of thirteen faculty from UT’s Department of Environmental Sciences. The CBRR is dedicated to research and education in the science needed to secure an environmentally sustainable future.

Bowman-Oddy Laboratories Building is a 178,727 Gross Square Feet (GSF) science building constructed in 1966.

Although the building has undergone a number of refurbishment and renovation projects in the past 44 years, the south wing – where the CBRR will be located – has had no major renovation thus far.

Wolfe Hall, a science building that was constructed in 1997, will house the required “domino moves.” This involves the permanent relocation of four undergraduate science instructional labs and related support from Bowman-Oddy Laboratories.

The project will utilize the construction delivery method of Construction Manager at Risk. The renovation will include new air and plumbing systems. Architecturally, the project will involve wholesale reconfiguration of non-load-bearing partitions, new finishes, and new laboratory casework and office furniture.

The MCA of Ohio will host an independent review committee that will analyze these projects and will continue to work closely with the Ohio Board of Regents, the Department of Administrative Services and the General Assembly to use the information gained by these projects to enact genuine construction reforms that protect the Ohio taxpayers and Ohio’s small businesses that make up the construction industry while offering the flexibility requested by the public owners at the core of this movement.

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