



The Alaska Contractor

Publication of the Associated General Contractors of Alaska
Summer 2003

The Knik Arm Crossing



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The Alaska Contractor

The Official Publication of the Associated General Contractors of Alaska

C O N T E N T S

SUMMER 2003



departments

On the Cover: The cover art is an aerial view and rendering of a proposed crossing route for the Knik Arm bridge and causeway developed by the State of Alaska Department of Transportation and Public Facilities. It was part of the Knik Arm Crossing Engineering Feasibility and Cost Estimate Update completed in January, 2003.

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General Contractors of Alaska

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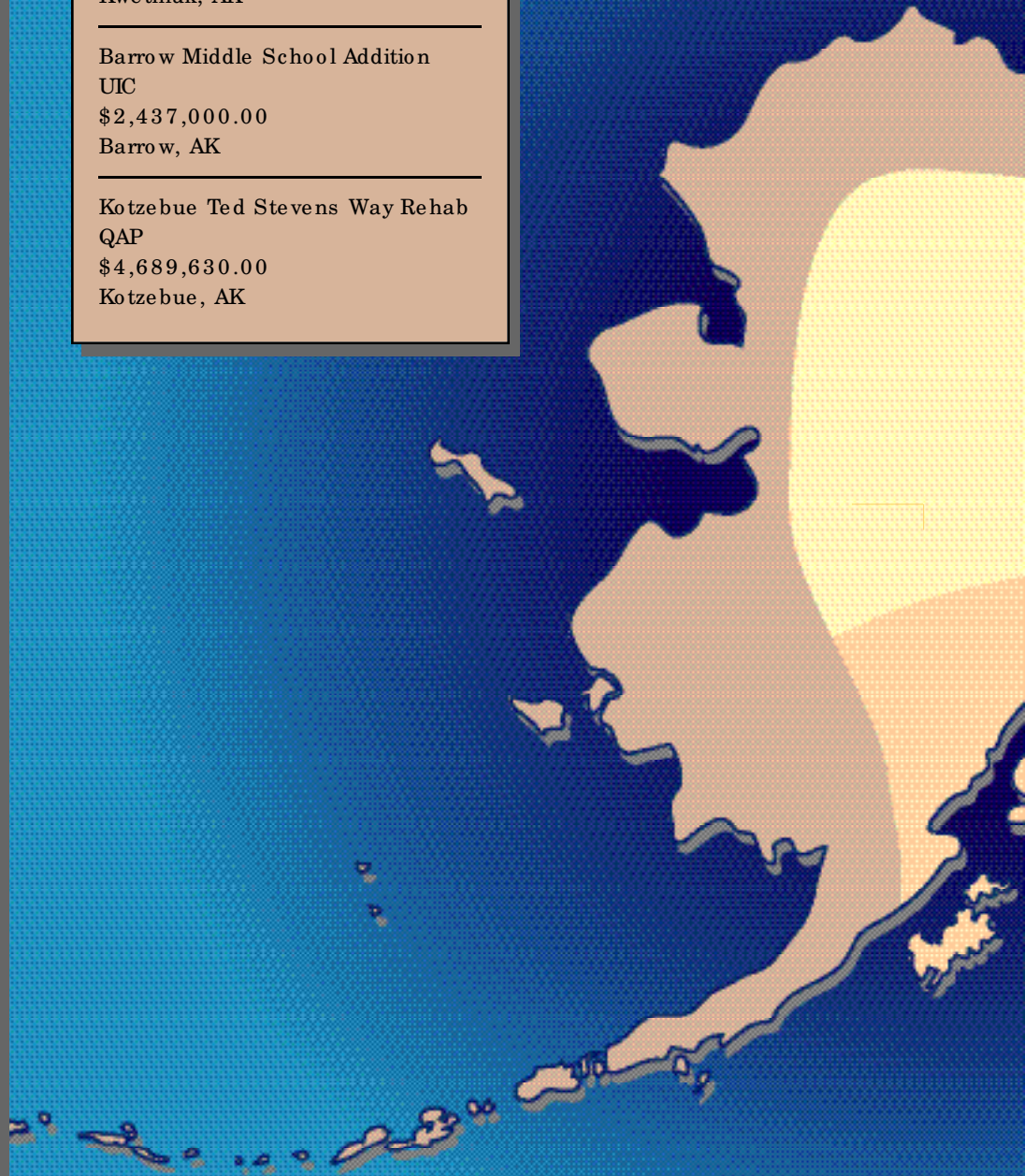
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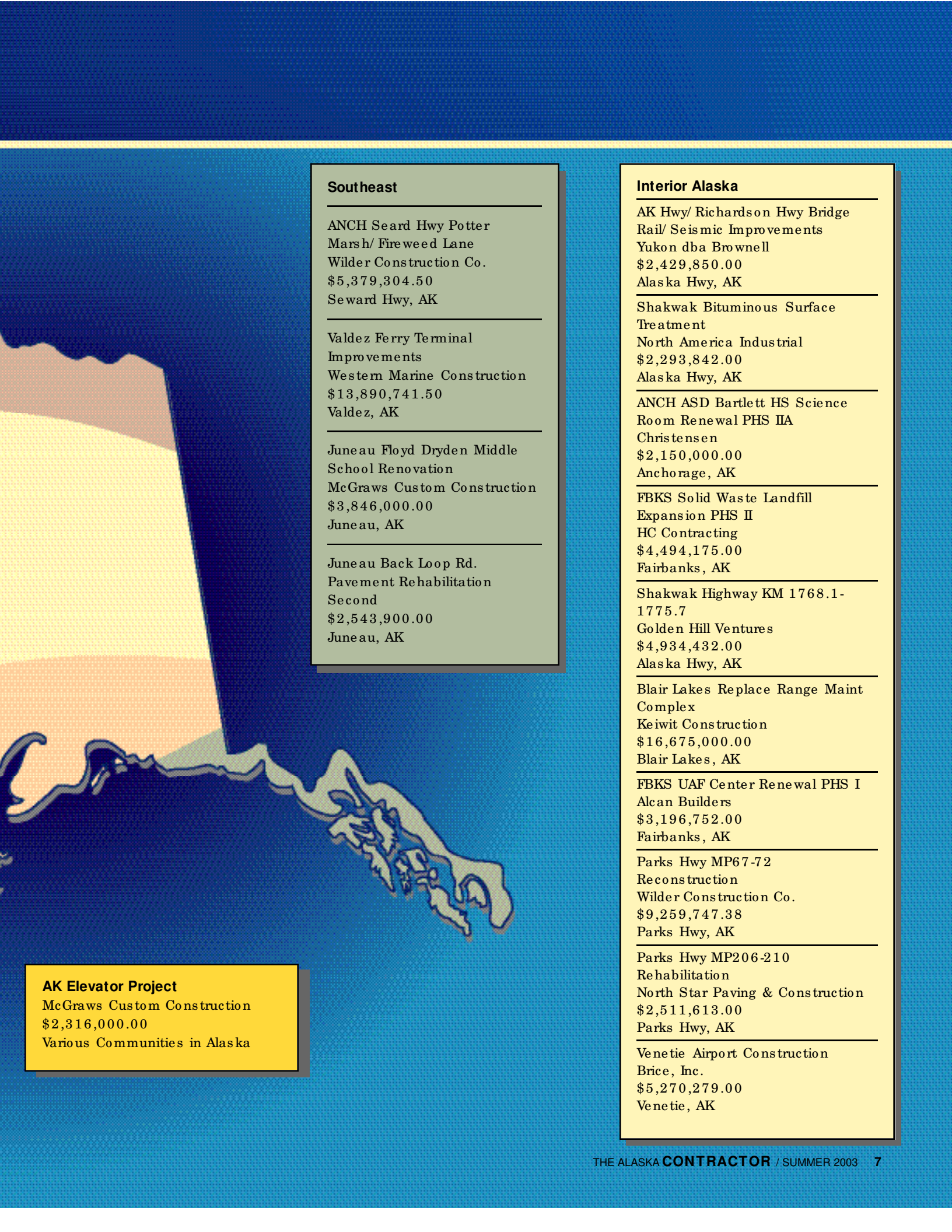
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Collins Construction
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Barrow Middle School Addition
UIC
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QAP
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McGraws Custom Construction
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Juneau Back Loop Rd.
Pavement Rehabilitation
Second
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Shakwak Highway KM 1768.1-
1775.7
Golden Hill Ventures
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Alaska Hwy, AK

Blair Lakes Replace Range Maint
Complex
Keiwit Construction
\$16,675,000.00
Blair Lakes, AK

FBKS UAF Center Renewal PHS I
Alcan Builders
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Parks Hwy, AK

Parks Hwy MP206-210
Rehabilitation
North Star Paving & Construction
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Various Communities in Alaska

The Alaskan Construction Workforce

Alaska has been blessed with a heavy construction workload this year, but finding the labor force to perform the work is the downside of this volume. I questioned a few electrical and mechanical contractors on how they are securing labor, and the standard answer was, "We are hiring people with traveling cards." In other words, we are looking south for our labor force. We need to be looking north.

Millions of dollars have been spent in the past few years developing a skilled workforce in rural Alaska. Why are we not utilizing this workforce? Is it because we exhibit bias against the skills of rural Alaskans? Is it because rural Alaskan citizens do not want to leave their communities to work? Or is the rationale, as I believe, that both parties are uninformed about the opportunities that exist in Alaska today?

In 1925 my grandfather moved his family from the mining community of Candle to Selawik—approximately 150 miles east of Kotzebue—to teach for the Bureau of Indian Affairs. He taught in the community for more than ten years, and when asked why he did so he would respond, "For the love of the people." He often spoke of the resourcefulness and productivity that the locals possessed. According to him, it was one of his responsibilities to integrate the locals into the new society in Alaska.

Between 1980 and 1988 I worked in many rural communities up and down the Yukon River and Western Alaska. I found that my grandfather was correct in his assessment. Utilizing the local workforce has been key to the success of many pro-



By Phil Anderson,
President



jects. Workers were skilled, dedicated, and productive; even today several workers in our company come from the rural communities.

Many Alaskan labor unions have seen the value in what may be considered the untapped Alaskan workforce. In unison with Alaska Works Partnership some unions have been training both in the rural community and at union training centers. Many of the trainees have been accepted into apprentice programs and some directly into the union as journeymen. One recent success story occurred in Arctic Village, where an AGC contractor was awarded a runway reconstruction project in the community. Alaska Works trained twelve local people to work on the project, and ten of those successfully worked on the project to completion. The same contractor was recently low bidder on the Venetie airport. I know this contractor will look to the local community for the majority of its workforce on this project, because of the success their com-

pany has had working with the rural Alaskan communities for more than 25 years.

AGC has been involved with the rural communities for several years now. Our build-up kits have been utilized by many rural school districts for years, and high school curriculums have been utilized as well. AGC recently received a grant from the Denali Commission to develop a pilot program for the assessment of the undocumented construction skills of rural Alaskans. AGC will be evaluating the trade skills of workers in a multitude of crafts. Our evaluation will concentrate not on course work, but on the actual skill level of their chosen trade, and certificates will be issued indicating the individual's ability. AGC's goal is to continue this program of skill development and integrate all residents into the Alaskan workforce.

Our national congressional delegation and our governor are committed to developing rural Alaskan infrastructure. We expect huge sums of money to be spent over the next several years to develop road and other transportation systems to connect rural communities. Hopefully this will create a new construction market for our members.

However, in order to effectively play in this market it will be essential that the local community workforce be utilized. We need to make a commitment to tap this workforce, not solely for the anticipation of profiting by work opportunities, but also for a commitment of developing a long-term skilled Alaskan workforce. Ultimately, this will help all Alaskans to profit well into the future of this great state. 🐻

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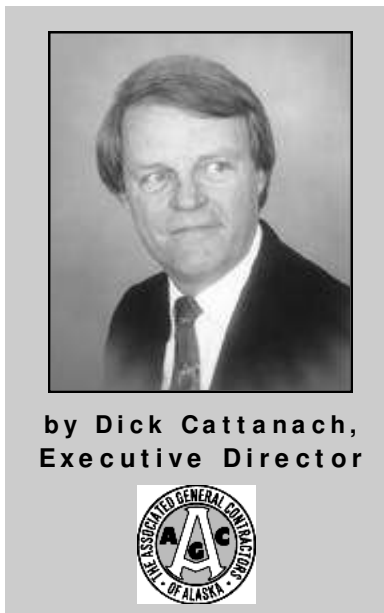


Alaska Construction 2003

Maybe it's time to reflect, pause and take stock in where we are and where we're going.

According to the best economic numbers available, statewide construction volume is expected to decline about 8 percent in 2003. Put into perspective, the anticipated decline is from an all-time high in 2002, and represents only a slight drop from the construction activity of 2001. In 2002 construction volume for the state was approximately \$4.7 billion, while 2003 is projected to be \$4.3 billion.

Most of the decline can be attributed to reductions in the petroleum industry; British Petroleum and Conoco Philips reduced their capital budgets by almost \$380 million. By almost any measure, construction activity in Alaska



by Dick Cattanach,
Executive Director



will continue at a high level, unless you happen to be involved with the petroleum industry.

Different segments of the construction market have distinctly different outlooks. Highway and airport con-

struction should continue at record levels. Volume this year should match 2002, and 2004 should experience another increase, as the bond issues passed in 2002 go to bid. The only uncertainty in this market segment concerns the reauthorization of the highway and airport bills by Congress. Since Congressman Don Young is chairman of the committee responsible for drafting these bills, it seems reasonable to expect that Alaska should be well protected.

With the exception of the missile defense program, military spending is likely to slightly decline this year. Identifying the amount of spending associated with the missile defense program is difficult because it is tied to national security and volume statistics are not readily available. Spending for this program is scheduled to end in 2004. Other military spending will benefit from the transfer of the Stryker Division to Alaska and the emphasis on military spending by the current administration. Alaska and the military also benefit from the seniority of Senator Ted Stevens.

State and local capital spending will most likely decline slightly this year but will pick up next year as 2002 bond issue projects move through the design phase to construction. Schools will become an important component of the construction market, as the design of the schools approved by voters in



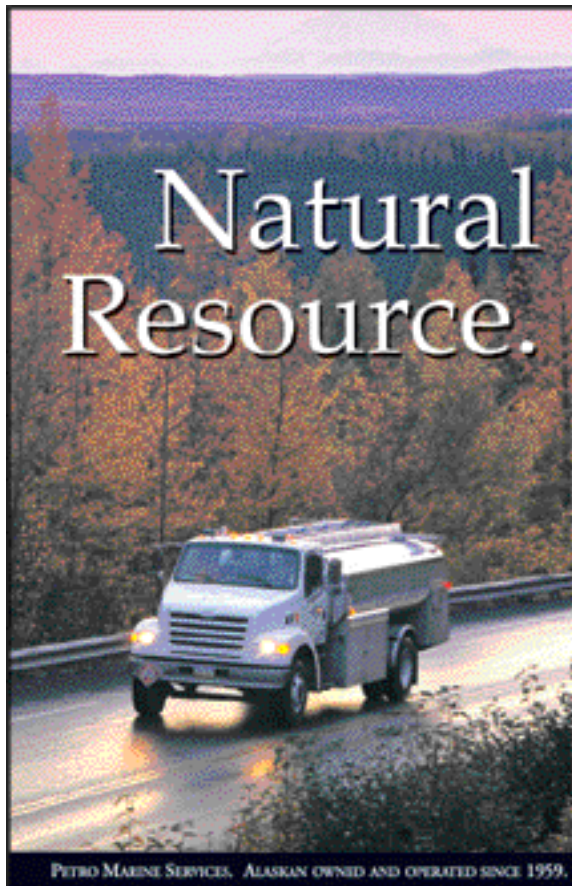
For successful contractors, flexibility will be the key; not only in reacting to changes in the mix of the market, but also to changes in the size of the market.

2002 goes to bid. The 2004 and 2005 construction seasons should benefit significantly from this new construction.

Lost in the numbers, however, is the fact that private sector capital spending is not keeping pace with public spending. Perhaps the national economy has put a damper on development in Alaska, but only the mining industry plans to make substantial investments in Alaska.


Private sector construction is important because in recent years construction spending was evenly split between the public and private sectors. The public sector continues to grow, but private sector development has declined. For contractors, the consequences of this trend could be devastating—adapt and grow, or maintain and stagnate.

For successful contractors, flexibility will be the key; not only in reacting to changes in the mix of the market, but also to changes in the size of the market. In the near future, Alaska will experience a decline in the construction market. The companies that prepare the best for the change will fare the best from the change.



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Fall Protection in Construction

By Chris Ross, CSP

General Manager, AGC-NANA Training Systems

Before getting into the subject of this article, I would like to introduce our staff to you. As many of you know, AGC of Alaska and NANA Training Systems (NTS) have formed a partnership to deliver high quality safety training and consulting services to AGC members, and to the construction and general industries.

When you call AGC-NTS (Anchorage 561-3449, toll-free

877-561-3449) the first person likely to answer the phone is Fawn Garrett, our Administrative Assistant. You might also reach Diane Bregoli, our office manager, or you might talk to Ira Doty, our operations manager. As a training and consulting company, NTS offers safety and health solutions, supervisory and leadership skills training, management consulting, and much more. We have a core staff that is enhanced with

more than 30 contract trainers, safety professionals, human resources professionals, industrial hygienists and much more.

Impact of falls in construction

Fatalities due to construction related falls continue to rise (see graph below). This unfortunate trend is also mirrored by Federal OSHA citations for fall-related standards. In fact, nationwide eight out of the top twenty OSHA citations are fall-related. Very similar trends are occurring in Alaska; falls continue to be the cause of most construction related fatalities.

Recent investigations by the National Institute for Occupational Safety and Health (NIOSH) suggest that fatal falls occur as a result of defective scaffold equipment, improper installation or operation of equipment, improper training of workers, or a failure to use appropriate personal fall protection equipment.


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Construction takes place throughout the year in Alaska, and the Alaska environment can be challenging, introducing factors that can interfere with worker safety. The following recommendations can prevent falls:

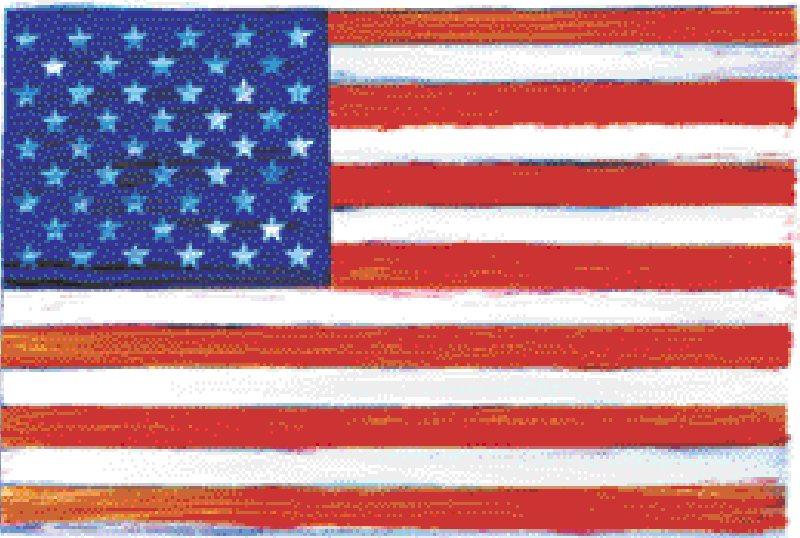
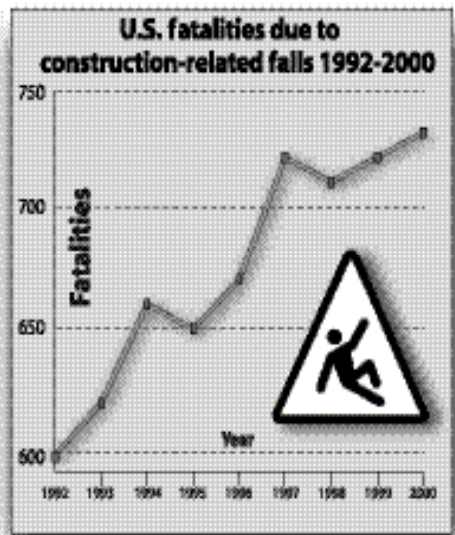
— Employers should provide a fall-prevention system for their workers whenever walking or working on a surface with an unprotected side or edge that is 6 feet or more above a lower level.

— Employers should ensure that workers stay within guardrails or a fall protection system. When workers must work outside of such protective devices, they should use a personal fall arrest system.



— Employees in work environments where there is a potential for a fall injury should receive specific and adequate training in fall prevention.

— Employees are responsible for following the practices outlined in their employer's safety program and should be aware of their work environment.

For more information about fall prevention, contact AGC-NANA Training Systems in Anchorage at 561-3449, or toll-free 877-561-3449. 🐾



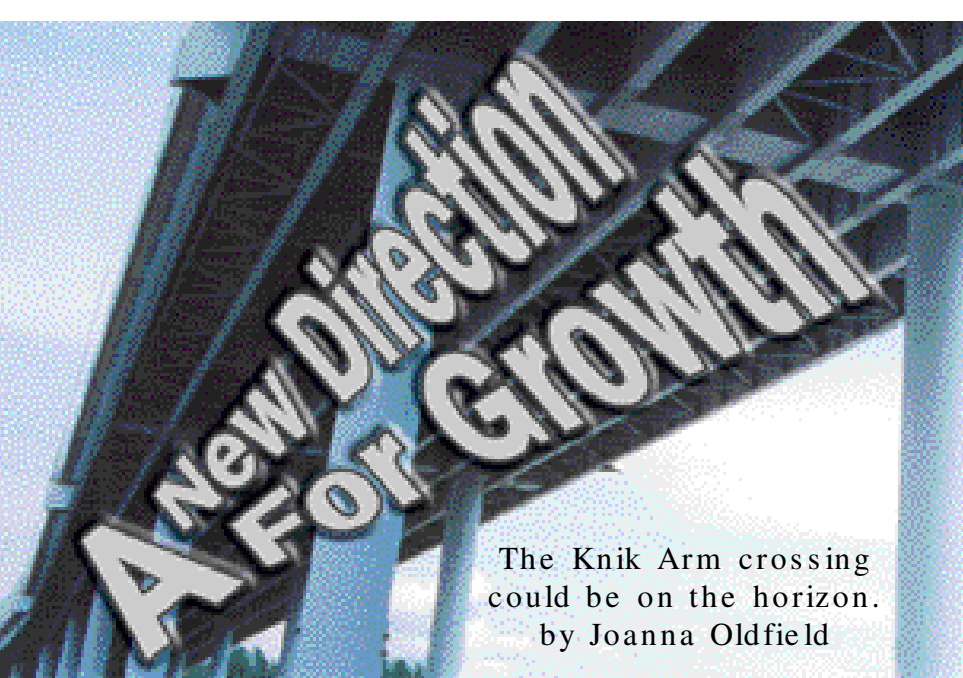
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The Knik Arm crossing could be on the horizon.
by Joanna Oldfield

probably won't be ready until July, he will put a yet-undecided amount of money aside to fund preliminary studies, design and construction of the bridge. But Alaska will have to do its share, too.

"[Young] is hoping to provide as much funding as possible through the highway transit bill," said Steve Hansen, director of communications for Young. "But the entire project cannot be paid entirely through the bill. Rep. Young has always perceived this will take a combination of federal funding, state funding and bonding to complete it."

Enter Murkowski and the bridge and toll authority bill, one of the first concrete steps taken toward the construction of the bridge. The bill goes into effect in October, and it is hoped that it will provide a base of support from Anchorage and the Mat-Su Borough for Young in Congress.

The authority will be established within the Department of Transportation as an independent entity, similar to the Alaska Housing Finance Corporation, Commissioner of Transportation Mike Barton says.

"It can issue bonds in its own

It's so close it almost hurts. Thousands of acres of undeveloped land are just a few miles from Anchorage, separated only by water, politics and money.

The water poses a challenge to cross, but it's nothing engineers haven't done before. And with the political stage set, the money for a Knik Arm crossing could very well be on the horizon.

The facts of the issue are well known—Anchorage will soon run out of land to develop and is hemmed in by parks, mountains, sea and military bases. Point MacKenzie is a viable option for continued growth. Although the idea for a bridge to Point MacKenzie has been tossed around for decades, it is put aside year after year by people daunted by the cost of such a project.

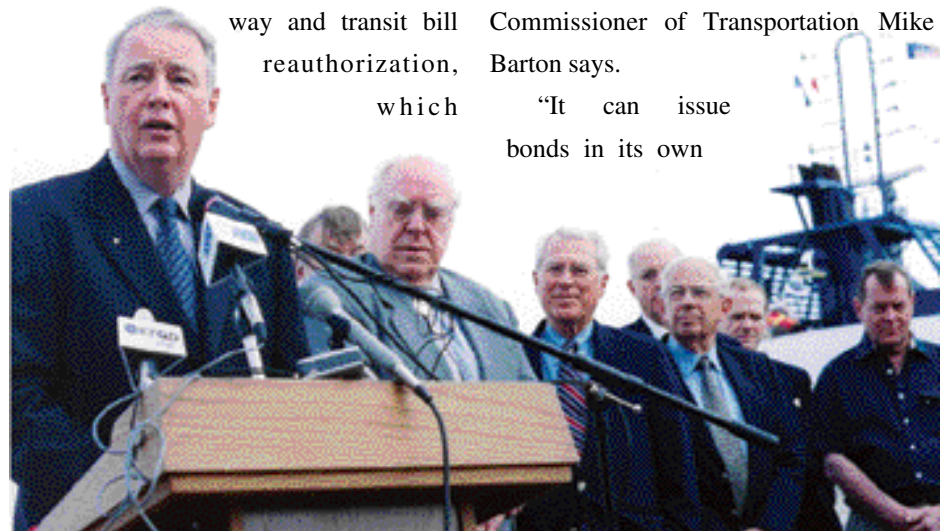
But this year it looks as though things could finally fall into place.

A political powerhouse With Rep. Don Young chairing the House Transportation and Infrastructure Committee and pushing for a highway and transit reauthorization worth billions, and Sen. Ted Stevens heading up the appropriations committee, a lot of money could soon come Alaska's way. Combine that

with Gov. Frank Murkowski's Knik Arm Bridge and Toll Authority Bill, and the crossing is a distinct possibility for the near future.

The issue just keeps coming back to the money. If the reauthorization does not go through, money could possibly come through the appropriation process, which would draw the bridge project out even longer. And many people believe the best—and maybe only—way to get the bridge built is to do it quickly.

But if Young succeeds with the highway and transit bill reauthorization, which



Gov. Frank Murkowski was joined by some of the crossing project's top proponents for the signing of the Knik Arm Bridge and Toll Authority bill June 17th. Those present included Sen. John Cowdry, Mayor George Wuerch, engineer Dennis Nottingham and Port Director Bill Sheffield.

name with the full faith and credit of the state involved in backing those bonds,” Barton said. “It can establish tolls, it’s responsible for securing the funding and overseeing the construction of the bridge, then once constructed it would oversee the operation of the bridge.”

The toll is a user fee, similar to a gasoline tax, which will then repay the bonds issued by the authority to foot the remainder—about 20 percent—of the bill for the bridge.

The authority itself will consist of seven members: a member of the state senate, a member of the state house, a Mat-Su Borough resident, an Anchorage resident, a state resident, the commissioner of revenue and the commissioner of transportation.

Once the members are established and a staff hired, the authority can fully focus on the crossing project and develop working plans.

“The authority’s here so you don’t get bogged down in details,” Barton said. “The scope of this authority is just to cross the arm.”

What happens next?

“Just crossing the arm” will require a lot of work from the bridge and toll authority. Once established, its first step is to pick up where the Alaska Department of Transportation left off with feasibility studies and finish an environmental impact study. This study will look at everything from soil bases in the arm to wildlife to the approaches, says Dave Eberle, regional director for the DOT.

Although there are legitimate questions that need to be answered, the results of the study are expected to be favorable for the bridge.

One of the first questions is whether or not the soil base can support such a structure, and though there is currently very little information on the soil north of the port, it is known that soil conditions improve up the arm. Impact on wildlife should be minimal because most of the fish and mammals in the arm are migratory. There are also questions about whether or not the bridge will cause sedimentation of the port, but again, this is not expected

to be a problem.

The EIS will also continue with work the DOT has already done regarding the approaches.

“The crossing itself will be built to tie into the existing infrastructure,” Eberle said. “Ultimately, the approaches will need to be improved, but for now they’re functional.”

One suggestion for the approaches includes the cut-and-cover method, which

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would place a tunnel under existing roads through Government Hill. This route would emerge at the port and continue along the shore to the crossing.

The results of the study will help determine more closely just how much the bridge will cost and what kind of long-term plan the authority needs to develop to finance the project.

“Once they have staff on board, the authority’s going to bring a focal point to it,” Eberle said. “It’ll either make it or break it in terms of what the EIS will find.”

It’s all in the details

The environmental documentation is just the beginning for the bridge and toll authority. The next step is to come up with the most cost-effective way to get the crossing built while still meeting the needs of the state—and then phase in money over the next 10 years to fund it.

The DOT already got a start on this in order to provide Young with some solid estimates to take to Washington. This feasibility study evaluates several crossing alternatives and found a tunnel to be the most expensive option, and a bridge and causeway combination to be the cheapest route.

But going with the cheapest alternative may not be the best way to go, because it leaves out the option for a railroad on the crossing.

“It would be a mistake not to have a railroad on it,” said former governor and railroad director and current Port Director Bill Sheffield. “You’d really defeat the purpose of your transportation plan if you didn’t have it.”


Including a railroad on the crossing would be a boon to Port MacKenzie, which isn’t doing much right now, Sheffield says. And if Port MacKenzie



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were to become profitable, that might help pave the way for a port authority—something Sheffield would like to see. A port authority would give the port the right to bond itself and make it easier to get things done more quickly, among other benefits.

The Port of Anchorage currently serves about 80 percent of Alaska's populated area and is the only income-producing port in the state, Sheffield says. At this point, a port authority would require Anchorage to help other ports financially, which would eat up profits. But Sheffield is optimistic, especially if the railroad crosses Knik Arm.

"Eventually this port will be a port authority, but that's a ways away," Sheffield said. "Maybe in the next 10 years."

The railroad isn't the only detail that needs consideration. Alaska's unique combination of tides, currents, ice and earthquakes poses an engineering challenge.

But according to engineer Dennis Nottingham, who has been studying the bridge project since 1974, it may be a challenge, but it's doable. In fact, it's been done before.

Nottingham came up with a cost-effective design in which the Knik Arm crossing would be built very much like the Yukon River Bridge, which he designed more than 30 years ago. The design is a steel orthotropic structure that essentially kills two birds with one stone.

"We've found that in major seismic areas you cannot put in heavy superstructures...this structure weighs about a third of what other bridges weigh," Nottingham said. "Concrete bridges cost more and it's harder to make them work."

Not only is this kind of structure seismically sound and cheaper than other bridges, it can also stand up to a big current concern—the threat of terrorism.

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A plane or bomb could potentially take out part of the bridge, and the rest would remain standing. The stability of the bridge is based on torsion, just like the curved pedestrian bridge at Tudor and Bragaw.

“It’s just the way you build the girders,” Nottingham said. “If I blow one out, it will support the whole other side.”

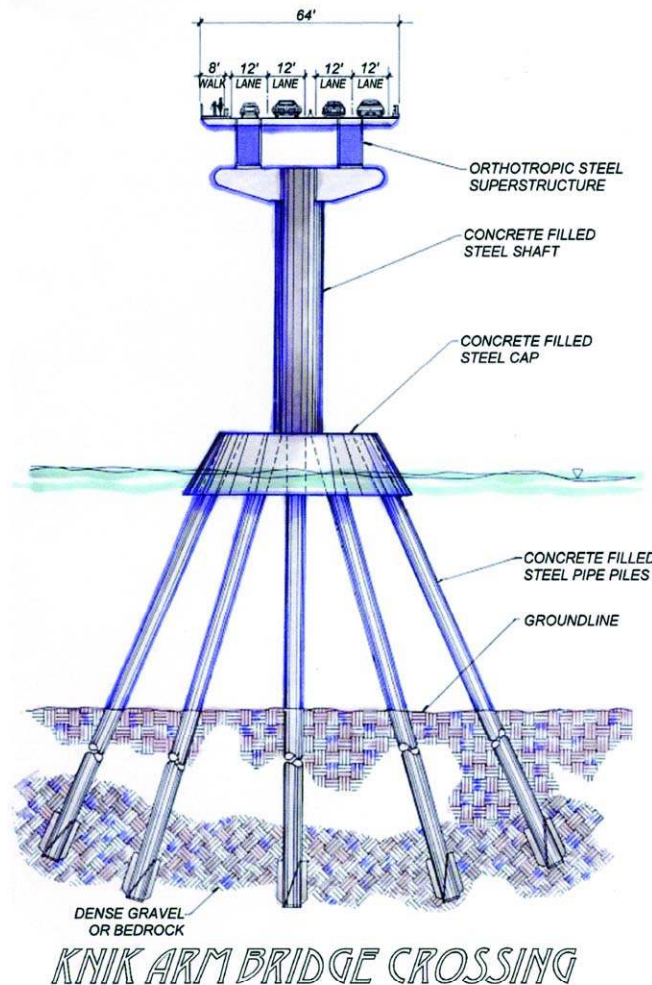
Another concern about the bridge is the cost of maintenance, but Nottingham has this covered, too. Atmospheric corrosion is very low in this area, so the steel doesn’t require any special coating or painting. The main wear on the bridge would come from the ice flow. The piers would have ice shields—thicker pieces of steel out front—to combat this and could literally go for years without maintenance, Nottingham says.

“All that’s left is some snow plowing like you would have on any road.”

Costs can also be kept low by specific location. In Nottingham’s proposed site, the Anchorage side is lower than the Mat-Su side, which means that a 60-foot clearance for ships would be created with no extra work or materials. The location is also in close proximity to gravel supplies that could be brought in for a very low cost.

All things considered and if all goes well, construction could potentially start in about three years and be completed inside of 10 years. And most believe the need is strong, including Associated General Contractors of Alaska Executive Director Dick Cattanaach.

“This is not just construction for construction’s sake—this bridge gives us a direction. We don’t have anywhere to go.”





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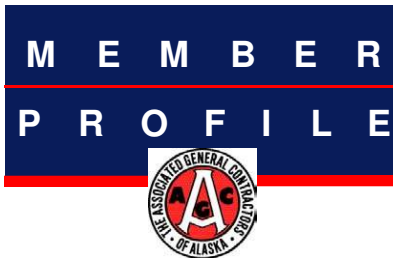




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Johnson Controls: Competition is key

By Joanna Oldfield

Whether it's a soccer ball at his feet or a hammer and nails in his hands, Larry Zirkle is driven. Just ask any of the countless soccer players he's coached over the years or any of the co-workers he's pushed to be better.

As the branch manager of Johnson Controls in Anchorage, founder of the AK United Futbol Club and former semi-pro soccer player, Zirkle is a natural coach on and off the field.

"Competition motivates me—I love competition," Zirkle said. "My goal is to help my fellow employees get to that next level of either being a manager or moving up the corporate ladder. I like to be number one in the market field."

This competitive attitude is the root of Zirkle's successes. Already working as a carpenter, he began playing soccer at the unusually late age of 15, and scholarship offers began rolling in within just two years. Now all three of his soccer-playing kids have scholarships, and 30 of his "other" kids from AK United are playing college soccer on scholarships.

Ultimately, his competitiveness on the soccer field indirectly led him to get into the heating and air conditioning field.

"I enjoyed framing, but I hurt my wrist when I was playing soccer," he said. "I had a good soccer coach who allowed me the opportunity to work with his par-

ents in heating and air conditioning."

It was all downhill from there. Despite having no education outside of vocational and technical schools and the "school of hard knocks," he achieved exactly what he set out to do in his field, and enjoys telling all of his kids to look at what he's done without an education and to think about what they can do with an education.

"I set a goal when I was young. I wanted to be a manager for a large company, and Johnson Controls has just always been out there," Zirkle said. "When I was 30 I was given the opportunity, so I thought 'what the heck?' I resigned from the union and just went ahead."

Though he has been branch manager only since January, Zirkle has been with Johnson Controls for 13 years, previously as a service manager, and in Alaska for about 15 years. He moved here with his wife and three children to be closer to his wife's family, and although he tossed around the idea of moving to Scotland "just for the heck of it," he has no plans to leave.

"All three kids love it, they're not moving," Zirkle said. "I'm not going anywhere. This is home."

And Johnson Controls is a secure company to stick with.

The company was started in 1885 based on one invention—the first electric room thermostat—by Warren Johnson, a professor in Wisconsin. Since then

the company expanded beyond temperature control to include security systems and automotive parts, and is now the largest manufacturer of automobile seats in the world. Johnson Controls also built the first computer intended specifically for building control in 1972 and remains one of the industry's technological leaders.

Johnson Controls has been a Fortune 500 company since 1968 and is ISO 9000 certified. The company currently has more than 200 offices around the globe and more than 2,500 wholesale locations.

One of Johnson Control's focuses is to improve energy efficiency. The company founded the Energy Efficiency Forum in 1990 in order to raise awareness of energy efficiency nationally. According to the United States Energy Association, the forum is successful in providing information about energy issues and offering solutions to leaders.

Johnson Controls first recognized the need for automatic control systems and began working in Alaska in 1917, a fact Zirkle finds impressive.

"I had gone through some paperwork from years ago and found one of our first proposals from 1917 in Juneau," he said. "You look on that letterhead and it has Moscow, Russia, Germany, Spain—all these different major cities in 1917. It's just amazing."

In Alaska, Johnson Controls concentrates mostly on control systems and security systems, which Zirkle says not many people are aware of. Past projects include security systems at the Elmendorf Air Force Base hospital, Bassett Army



Community Hospital at Fort Wainwright and for the FAA.

The company is currently working on the security system for the missile defense system at Fort Greely.

Although these are exciting projects for Johnson Controls, Zirkle says what he truly enjoys is doing “retro fit.”

“I love going into an existing building and finding problems,” he said. “It’s the challenge of trying to find an answer.”

That’s what Johnson Controls is about—finding solutions for customers’ problems.

This branch of Johnson Controls also faces other challenges unique to Alaska, such as getting qualified people to come up here and stay up here. Zirkle says even though it’s a great place to live, people hear too many horror stories about “the North” to even give it a chance.

Despite this problem, Zirkle sees nothing but growth in the future for Johnson Controls in Alaska, especially with new Web-based product lines coming out, which will enable users to control temperature and security systems from all over the world.

With the industry constantly evolving in this way, Zirkle says there is a place for everyone regardless of his/her specific field. It’s simply a matter of being willing and able to continually adapt to changes and stay up to date on computer technology.

And adaptation will certainly be crucial for Zirkle in the coming months. He will retire from soccer in June after 27 years, even though coaching is a big source of motivation for him. But he is looking forward to the extra time.

“During the summer, I’m out at soccer at 6 a.m.,” Zirkle said. “During lunch, it’s soccer. Then soccer after work, and I don’t get home until 10 p.m.”

Zirkle is planning to use his extra time and energy for his new position and family time. But even without soccer it’s a sure bet that Zirkle won’t lose his competitive edge.

“To be stagnant kills me,” he said. “I love to be number one.”

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Report on Legislative Accomplishments 2003

Prepared by the AGC Legislative Affairs Committee

Priority: Funding for

vocational/technical education

A majority of Alaska's high school graduates do not go to college, yet the state's high school curriculum is oriented toward college preparation. The state should adopt a more balanced funding approach to better prepare those students who favor entering the workforce over pursuing post-secondary education.

Currently the State of Alaska has 1 1/2 positions in the Department of Education and Early Development devoted to students not pursuing a post-secondary education. As a consequence these students are ill prepared for the world of work, have little idea of the opportunities available to them, and are not prepared to contribute to the economic growth of Alaska. The educational system of Alaska is failing these students and their future employers—and is constraining the growth of the state—by not focusing on the needs of this valuable group of Alaskans.

Accomplishment:

Once again this topic did not receive the attention merited by the magnitude of the problem. Instead the focus was on the

aggregate budget for statewide education rather than on the best method of meeting the needs of the state. Proponents of the current system argue that the federal "No Child Left Behind" legislation requires a larger investment in the current educational delivery systems and leaves little money for "frills" such as vocational education.

Priority: Claims on State projects

From time to time differences of opinion occur as to whether work is within the scope defined by a construction contract. The State of Alaska procurement code defines a process for resolving these differences, when normal methods fail. Ideally such a process should resolve differences in a fair and expeditious manner. Such is not the case with the process that currently exists in Alaska statute.

Claims currently undergo a process biased against the contractor at every stage. Contracting officers who are party to the claim initially evaluate it, and that officer's supervisor hears appeals. There is no independent review of the claim until a hearing, which is conducted before

a hearing officer selected by the state. Even then there is concern about the true independence of the hearing officers, since the state has sole discretion of maintaining the hearing officer list. Decisions and justice are delayed, and contractors are forced to expend money—which cannot be recovered—defending their claim. Small contractors cannot afford to participate in the claims process because of these costs. The entire process is ripe for review and revision.

Accomplishment:

For two years, AGC worked closely with the Department of Transportation and Public Facilities to develop legislation that would remedy the problems with the claims process. Representative Jim Holms in the House and Senator John Cowdery in the Senate sponsored the bill. AGC and DOT appeared together at all the hearings and both houses of the legislature unanimously passed the bill as drafted.

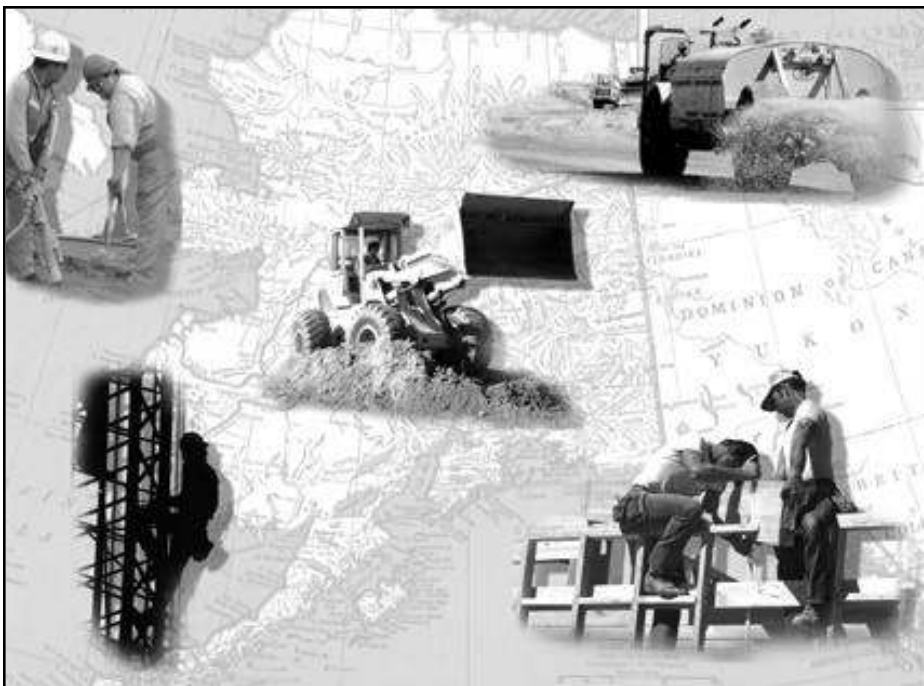
Priority: Privatization of work done by State

Each year state employees perform a considerable amount of work that could be more efficiently performed by the private sector. State employees involved in these activities should be transferred to more traditional government roles, and the work should be performed by the private sector.

From projects such as the reconstruction of the St. Mary's airport road to major maintenance work on transportation projects, State of Alaska employees perform work normally done by the private sector. The state's justification that it can perform the work more cost-effectively ignores cost accounting realities. Perhaps the most condemning aspect of this endeavor is that legitimate work is withdrawn from small Alaska businesses. Without such work, the viability of these firms is threatened.

Accomplishment:

This issue is receiving attention by the administration, but no legislation was passed that dealt with the subject.



Priority: Project labor agreements

One of the fundamental principles of the Associated General Contractors is that the industry is best served by the maintenance of a fair and open competitive construction market. This is particularly important in public works contracting, since it is incumbent on all parties to assure that the interests of the public are protected during the selection of the contractor and the execution of the work. Accordingly, AGC opposes any process or approach that restricts or inhibits the ability of firms from bidding on public projects.

The argument that project labor agreements assure a higher level of local hire is incorrect. Local contractors tend to hire more local workers. Project labor agreements merely limit the pool of eligible bidders and potentially increase the cost of public construction. In some cases, project labor agreements may actually encourage the utilization of non-local contractors and hence non-local labor.

Accomplishment:

The Democrats in the House and Senate developed a proposal that encouraged the use of project labor agreements on public construction projects. No legislation was introduced to implement their recommendation, nor did any public projects requiring a PLAgO to bid.

Long Term Fiscal Plan

It is in the best interests of the state that the legislature and administration adopt a long-term fiscal plan that deals with the issue of falling petroleum revenues, appropriate levels of taxation, utilization of the permanent fund, and incentives to encourage new economic growth. Part of this plan should include an increase in the gasoline tax and a designation of those funds to underwrite the costs of highway maintenance.

The long-term fiscal plan should also include an approach to the maintenance and enhancement of the capital assets of the state. Frequently, capital budgets trumpet the addition of new facilities but fail to address the necessary maintenance and upkeep of existing facilities. Good legislation requires that appropriate main-

tenance of existing facilities be incorporated within the operating budget, while the expansion or enhancement of facilities can be accomplished in a capital budget.

The capital budget should also deal with the issue of utilizing the bonding capabilities of the state to address existing capital deficiencies. Bond repayment, however, requires the use of operating funds, so the quantity of bonded projects should not exceed the state's ability to

fund the required annual payments. A level exists at which the bonded debt facilitates growth of the state without penalizing future operations or opportunities. The goal should be to use bonded debt up to, but not exceeding, that threshold.

Accomplishment:

The House leadership and the administration worked diligently to pass a statewide sales tax, but the effort failed when they were unable to gain the votes

Continued on Page 51

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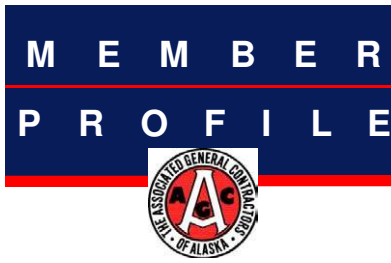
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Alaska Reclamation

By Joanna Oldfield

Alaska Reclamation owner Marcia Ward and her husband Bill never planned on getting into the contracting business in Alaska. But like the state of Alaska itself, the opportunity was just there and it presented an adventure and challenge.

And considering her farming background, Ward seems cut out for this kind of work.

“You get an affinity for that kind of business growing up in an agricultural community,” said Ward, who was raised on a grain farm in Bozeman, Mont. “Nothing compares to it.”

Although Ward and her husband’s roots were both in Montana, they eventually decided to move to Alaska with their daughters to set down roots of their own, and the Kenai Peninsula became their new home.

Alaska Reclamation, Inc. got its start as Ward Landscaping Service in 1977 from one job opportunity, which Ward’s husband came across while he was working as a truck driver and she was working as a secretary.

“Lawns needed to be installed at a Kenai high school, and Bill asked me if I thought we could do it,” Ward recalled. “I said, ‘Well, sure, I think we can.’ That was it.”

Bill ran the company for the first few

years, but eventually Ward took over. At first the company’s crew consisted of the Wards’ daughters and their friends, but it didn’t stay that way for long. The com-



pany grew as it became more mechanized and able to do more jobs. Ward took on everything from installing play fields to decorative home landscaping to seeding fields at Bush airports.

“We’ve always strived to be mechanized so we can move to a job within 24 to 48 hours from when we’re called,” Ward said. “We can get the job done quickly; speed and efficiency have kept us competitive.”

Efficiency is crucial to the company now that it is based in Delta Junction, which means almost all of the jobs are out of town. But that is not the only thing that has kept Alaska Reclamation successful for so long. Ward maintains a realistic attitude about financial matters as well.

“One of our keys to success is keeping in mind that jobs cost money,” she

said. “We have to spend money before we can begin making money. It’s really important to get the bid right on jobs.”

And Ward makes it a point to keep that money in Alaska. The company buys in bulk from places such as Alaska Mill and Feed and local mulch producers, and has been successful in keeping costs down—and in building a solid reputation.

Ward also found a way to keep her employees coming back every summer, a problem faced by many seasonal construction companies in Alaska. Her husband owns Ward Farms, which was started in 1976, and they have been able to share their employees in order to keep them year round. Keeping her workers consistent is especially important to Ward because she requires trustworthy drivers with impeccable records to get the equipment to jobs that are at least 75 to 150 miles away. She also requires her workers to be able to deal with just about any situation.

“We’ve got this terrific employee—Clint—he gets along with just about everyone and he does this job for the adventure of it,” Ward said. “He can figure out how to fix anything. As Bill likes to say, all he needs is bailing wire and chewing gum.”

Now that both Alaska Reclamation

and Ward Farms are firmly established, Ward has scaled her company back to mainly seeding jobs and just a few employees. Her plans for the summer include mostly highway seeding and work at five remote airports. Ward says this is where she wants to be.

“We’re glad to be in the position we’re in today. We can take things a little easier,” Ward said. “We used to do a lot more worrying about the little things. Now we say if we lose a job, we’re better off without them.”

But just because she has some room to relax doesn’t mean Ward is taking it easy—there is still plenty of intense work. Every summer, Ward Farms plants 700 acres of hay.

“If we’re short a worker, guess who the second worker is,” Ward said, laughing. “I’m a pretty good tractor driver.”

Ward says she and her husband have developed a great working relationship over the years and always help each other out. Although some people think they’re

nuts, it works for them.

Along with running two successful businesses, the Wards are involved in a variety of other interests. Ward has worked with and still works with many organizations including the Alaska Soil and Water Conservation Board, the Alaska Horticulture Association, the Alaska and National Republican Party and the Alaska Farm Bureau.

Ward is also a strong feminist and used to work with the Women’s Resource and Crisis Center doing emergency pickups for safe houses, which she says could get “exciting” at times. She would like to see more women step into leadership roles and get into business ownership because “we can do more than be housewives and secretaries.”

“If you don’t step out of your own front door, someone else will make the decisions that affect you, and we need to be in that decision-making position,” Ward said. “Stepping out of the box is very important, especially being

in Delta Junction. We wouldn’t be very competitive if we didn’t know what’s going on.”

With such a full schedule, Ward sometimes wonders what keeps her and her husband going, but the answer comes pretty easily. They love Alaska and they love a challenge.

“That’s just the kind of people we are...I just do it because it needs to be done and I’m there. I don’t know that I can see either of us retiring any time soon,” Ward said. “It’s really gratifying to see the fields and the trees that we planted, to realize that we made a big contribution. That gives us both a lot of satisfaction. And it’s the variety. No day is ever the same.”

Loving what they do is a huge part of the Wards’ success, along with a lot of prior planning and organization. Ward says frustrating times will happen in any business and the only way to get through them successfully is to truly want to keep doing what you’re doing. 🐾

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Keep Decision Making Local



By Robin L. Rivett

Robin L. Rivett, a principal attorney in Pacific Legal Foundation's Environmental Law Practice Group, directs the PLF branch offices nation-wide. For information on how you can support PLF, visit our Web site, www.pacificlegal.org or call (916) 362-2833.

As the Founding Fathers pondered how this nation should be governed, one of their greatest concerns was that the national government would grow too large and take away the liberties that had recently been won in the Revolutionary War. Today, more than 250 years later, this same concern is greater than ever.

In Alaska this controversy rages around Cominco Alaska, Inc., and their Red Dog Mine. Located above the Arctic Circle in a remote part of Alaska, the Red Dog Mine is the largest zinc concentrate producer in the world. Because of its loca-

tion, electric power for the mine—which operates 24 hours a day—is provided by the mine's six diesel-fired generators.

Cominco proposed the addition of a new generator in 1998 to increase production. Because this generator would

increase nitrogen dioxide (NO_x) emissions, Cominco was required by the terms of the federal Clean Air Act to obtain a "prevention of significant deterioration," or PSD, permit.

Several years before, the authority to issue these permits was delegated to the Alaska Department of Environmental Conservation by the federal Environmental Protection Agency. Among the various conditions placed on new permits is a requirement that new sources of emissions must be equipped with the "best available control technology" to minimize pollutants.

Even federal law says that this term means that the pollution control technology must provide the maximum emission reduction achievable, determined on a case-by-case evaluation, "taking into account energy, environmental, economic impacts and other costs." This seems clear enough, and in 1999 the Alaska Department of Environmental Conservation issued a PSD permit to Cominco, concluding that low NO_x controls were the best available control technology for the new generator.

This is where our story



should have ended; however, remember we are dealing with the EPA. Washington regulators thought they knew better than Alaska regulators and pronounced that low Nox controls weren't appropriate; the mine operator would have to employ the use of selective catalytic reduction, or SCR, on the new generator.


The Alaska Department of Environmental Conservation refused to modify its permit, because SCR has never been required as best available control technology for this type of generator, it is less cost effective than low Nox controls, and it could actually result in *more* overall emissions.

Instead, Alaska filed suit in federal court challenging the contention of the EPA that it had unilateral authority to override Alaska's discretionary determination of best available control technology. In July 2002, the Ninth Circuit, a court not known for its support of limits on the federal government, held that the EPA can override a state's BACT determination.


In what is called a petition for writ of certiorari, the State of Alaska asked the United States Supreme Court to review this decision, and it has agreed to hear the case. Pacific Legal Foundation supported the request for review with a friend of the court brief, and recently filed a brief arguing that once environmental permitting authority has been delegated to the state, the EPA has no rights to override its legal decisions.

If we are to move regulatory control closer to home, we must not allow Washington bureaucrats to dictate how Alaska should protect its environment. Pacific Legal Foundation is dedicated to the battle for limited government. With the financial help of all who share this vision, we can make a real difference in the nation's courts. 🐾

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Kumin and Associates

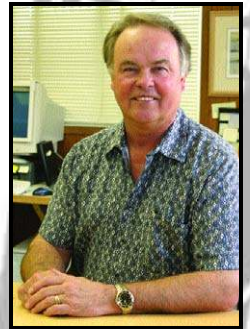
As architects, we increasingly are requested to help Owners select General Contractors through some form of "best value" process. Tangible evidence of superior performance on past projects helps guide this process. Awards such as those by AGC are viewed as just such evidence.

CONSTRUCTION

George Tuckness

Neser Construction

The Excellence in Construction Award provides a "Stamp of Approval" as to the character of our company and to the quality of our work. This award is especially important to us because the winner is selected by a jury of peers and represents a "Strong Vote of Confidence" to owners as they select contractors for their projects.



Dave Dickhaus

Wilder Construction Company

At Wilder, we look forward to the annual Excellence in Construction Awards. There is no greater recognition than that of your peers. Not only do the awards instill a deeper sense of pride in our employees, they demonstrate to our clients that we are among the leaders in our industry, constantly and consistently striving to provide the best product to our customers.

Ben Northey

Goodfellow Brothers

Performance valuations and commendations from owners are nice but being recognized by the AGC and a group of peers means even more. Awards such as these go a long way in demonstrating your company's ability not only to future owners and employees, but also serve as a source of accomplishment to the staff that have worked hard to earn these awards.



Jon Eng

Cornerstone Construction

The single biggest motivator of future excellent performance involves honest recognition of how important team members are to past project excellent performance. People working in construction are competitive in nature, and look forward to having their results compared to others. Recognition of excellent performance can help make individuals, individual firms, and the construction industry become better at what they do.

Marie Wilson

Warning Lites of Alaska

The excellence in construction award says that others in the industry have recognized Warning Lites of Alaska, Inc. for doing superior work. This is an important message for both our customers and our employees.



SAFETY

Roxanna Horschel

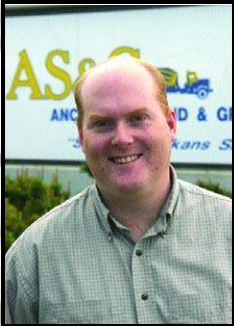
Acme Fence



Safety in the construction industry has become a must and a priority with most owners. Customers want to do business with firms that demonstrate good safety practices. We display our AGC Safety Award proudly and I have been pleased at the positive response from the many that have noticed it.

Matt Hogge

Anchorage Sand and Gravel



Safety is a factor of success. The safe return of employees day after day is a measure of success. Recognizing safety helps promote a safe workplace. Safety awards are a recognition that people did things right, the people that stopped the accident from happening.

Ben Northey

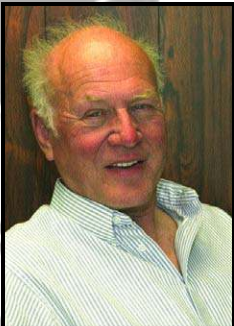
Goodfellow Brothers



Creating a safe work environment should be one of the most important things in any company's business plan. Continually mandating this safe work environment is not only the right thing to do but also has a huge effect on a company's bottom line. Receiving an Excellence in Safety award from the AGC provides a reassurance that we are making safety a priority and at the same time doing the most we can for that bottom line.

Richard Wilson

Warning Lites of Alaska



The Safety Leadership award is recognition of a lifetime commitment to safety at Warning Lites and in the construction industry. To be recognized by safety professionals in the industry makes this award particularly satisfying.

Don Weber

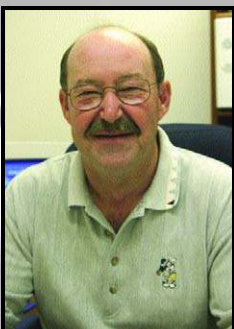
Northern Air Cargo



An award of this magnitude shows that you really do care about your fellow workers, your company and your associates in the same businesses. It also says to everyone in the same line of business that you have placed a high value on three very important things about safety. First: It is morally the right thing to do. That is, to provide a safe workplace for all personnel on the job. Second: It is legally the right thing to do. Third: It is economically the best thing to do because profits are quickly eroded by workplace accidents.

Terry Fike

Alcan General Construction



A comprehensive safety program that is supported by management and embraced by all employees ensures that our work sites are safe work sites. Effective safety programs translate into cost savings in the form of reduced insurance premiums, reduction of employee turnover, and a more effective work force. Employees will not work efficiently in an unsafe environment.

HOW TO ENTER

To improve and simplify the entry process, a number of changes were made this year. So all entrants need to check for new categories and entry instructions. We want our AGC of Alaska members to enter, so the awards committee made that easier for you.

Check it out today. The deadline is August 29, 2003. Call Avery at 561-5354 for help and information.

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EDUCATION REPORT



Submitted by Vicki Schneibel,
MAT Training Director

Thanks to all our Education Volunteers!

Build Up! Volunteers:

Anchorage Refuse: Craig Gales

Door Specialties of Alaska, Inc.: R. C. Hammond

Nelson Engineering: Dale Nelson

Anchorage Sand & Gravel Co., Inc.: Kevin Norton and Anne Stephens

Alaska Mechanical, Inc.: Pat Seidl

Roger Hickel Contracting, Inc.: Roger Hickel and Doyle Miller

Kiewit Pacific Company: Shane Durand and Shawn Lannen

Unit Company: Trent Larson

Swalling Construction Co., Inc.: Mike Swalling and Laurie Deaver

Goodfellow Brothers, Inc.: Gary Mattis and Mike Wheatley

Neeser Construction, Inc.: Dave Carr

Dokoozian & Associates, Inc.: Fritz Hoffman

Many of these volunteers did multiple classes this year, too! Thanks all; you did a great job!

On Site! Volunteers:

Anchorage Sand & Gravel Co., Inc.: Chris Black (Chris did two classes.)

For the Future

National Center for Construction Education and Research (NCCER)

Our effort with vocational training in high schools is gaining in popularity and becoming more recognized—and understood.

This past school year NCCER teachers, certified through AGC of Alaska, taught 15 high school classes using NCCER Core Curriculum! Twelve classes were taught in rural Alaska across six different school districts..

The importance of learning NCCER curriculum taught by an NCCER certified teacher is that students can earn nationally recognized certificates and go on the National Registry through AGC's sponsorship.

By having established ourselves as an accredited NCCER training sponsor, we accomplished many things:

— Twenty-eight high school teachers are now NCCER certified (and more will be this summer).

— Seventeen high school students are now on the NCCER National Registry (and more coming for this school year).

— Two students with their NCCER Core Curriculum certificates (and more coming from this school year).

Forms and paperwork are still moving through the process for those classes completed at the end of this school year, so we expect more students on the Registry and more students will be receiving certificates in the next few weeks. We anticipate expanding the program during the coming school year.

Skill Assessment

AGC of Alaska will send in our application package at the end of June to become an Accredited Assessment Center, which will allow us to administer skill assessment tests. At this time, there are 17 "paper-and-pencil" tests available; skill assessment is so new some tests are still being written and "tested" before being available.

Whether they pass or fail the written tests participants will receive a "training prescription." The prescription will tell them exactly where they are strong and weak in the material covered in the test. It's called a training "prescription" because it points the participant to the exact module of NCCER curriculum addressing that subject.

Another test available is called Performance Verification. This testing process is conducted by having a journey person explain to a participant the exact task the participant is to do. All the tools and materials are available, and the participant has a set amount of time to complete the task. The journey person will observe the participant and score according to established criteria.

We will do about 100 of these tests in the coming 12 months. We already have two organizations that are interested in being our customers—they're eager to "pilot" the process.

As of February 26, 2003 the skill assessment utilization across the nation was:
 Craft written assessments: 36,268
 Pipeline written assessments: 30,563
 Performance task verifications: 63,532
 Accredited assessment centers: 224

In the future we'll share with you how this program develops, and there is even another area NCCER has entered that we're researching. 🐾

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AS&G: 65 years and still building Alaska

By Joanna Oldfield



Northway Mall now stands, until the 1980s when the municipality banned mining in the city. The company's sand and gravel is now mined in Palmer and brought into Anchorage by train for processing.

In 1993, Lang sold AS&G to the Knife River Corporation, a North Dakota-based business, and Morman was soon named president. But the company is still locally focused, and is parented by Alaska Basic Industries. Nearly every person who works for AS&G is local, a fact Lang is still very proud of.

Even though AS&G's local roots haven't changed, plenty of other things have changed for the better.

To stay competitive, AS&G is always looking for ways to improve its products and services, even if the improvement just means getting a truck in the yard, loaded and back out a few minutes faster. Time is money, Morman said, so small changes like this make AS&G more competitive.

AS&G is becoming more automated. For example, a computerized system was installed to automatically add color to the concrete for blocks. The system vastly improved the consistency of the product and gained the praise of customers.

The last 65 years in Alaska have undoubtedly been colorful. The Aleutian Islands were invaded by the Japanese. Oil and gas were discovered on the North Slope. Alaska became the 49th state. The Good Friday earthquake rocked Anchorage. The Exxon Valdez spilled more than 11 million gallons of crude oil. And while all this was happening, Anchorage Sand and Gravel was helping build the foundation of the state.

Since AS&G began mining gravel in Anchorage in 1938, the company has grown into one of the most diversified construction material suppliers on the West Coast and continues to supply aggregate, concrete, block, rebar and more to all of Alaska.

The diversity of AS&G's products is just one of reasons the company has remained competitive for 65 years.

"We end up with all these niche markets, and we adjust as the market adjusts," AS&G President Dale Morman said. "Our diversity allows us to provide whatever kind of material is needed out there at the time."

When the 1964 earthquake severely damaged the company's original facilities on First Street, AS&G barely survived. But former president Herb Lang saw the

company's potential and the continuing need for its products and bought it from the Waldron family. Lang was willing to expand into different markets, and this put the company back on its feet.

"When your boat is sinking, it's hard to redesign a new boat," Lang said. "So we looked at what other possibilities were out there. We went into other markets like kitchen cabinets, roofing—sometimes we stayed, sometimes we left. But it worked."

AS&G mined many undeveloped areas in Anchorage, such as where the



But the bulk of AS&G's improvements over the years have come from the employees.

"The people care enough to come up with ideas, even if they're small things," Morman said. "But you start adding those small things up and it makes a big difference."

Some employees have been with the company for 30 years or more, and this is one of the company's biggest strengths. By starting as laborers and working their way up, they learned the business inside and out.

"These guys know everything—the dirt from this hole went to build this little hill over there," Morman said. "They know all the history, they know all the customers, how they work and what they need. That really brings a lot to us."

Employees at AS&G have a great deal of pride in everything from the facilities to the end result of a job. All the operations are kept very clean, a value instilled

by Lang.

But for many employees, nothing really compares to the satisfaction of starting with a hole in the ground, then eventually driving down a street and seeing buildings that AS&G helped build.

"It's the kind of business where, no pun intended, you get to see something concrete come from your work," Morman said. "It makes you feel good."

Like any other company, AS&G faces the challenge of maintaining this level of quality, both in products and employees. A common saying among the employees is to do more and more for the same customers.

AS&G does this

just by paying attention to details. The company keeps track of its competition in the state and around the country, and if someone is doing something better, AS&G learns how to do it even better.

They also just keep their eyes open around town.

"One of our concrete drivers saw a



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hole in the ground the other day,” Morman said. “We checked it out, and sure enough, they had a small project going on. By everybody keeping their eyes open, we were able to pick up

the contract.”

But picking up new business and keeping up with the competition isn't nearly as challenging as attracting new people to the industry. AS&G is working

on this with Associated General Contractors of Alaska.

For several years, AS&G sales manager Mike Harned has been partnering up with three elementary schools as part of AGC's Build Up! program to educate kids about the construction industry. Harned wants to let kids know that working in construction is a viable career option.

“We want them to know that ‘construction industry’ isn't a dirty word. Unfortunately, a lot of teachers say, ‘if you don't study or do this, you're going to end up being a ditch digger,’” said Harned, who started at AS&G 33 years ago as a laborer. “We're trying to explain to them that's not bad—you have to start somewhere, and you very rarely start at the top. With training, you can go from ditch digger to owner.”

Harned says he's done a little bit of everything to help teach these kids. Along with other volunteers from AS&G, he has tutored, judged spelling bees, had barbe-

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cues and even participated in the Fur Rondy parade with trucks that each school gets to decorate. AS&G also has an open house in the spring where the kids are given bus tours of the facilities.

“Most of them are amazed at how big we are and the things we do,” Harned said. “Their eyes get huge when they see all the big equipment. It’s just a bigger sandbox.”

Harned believes it is important for AS&G to be an active part of the community and to give back to the community. It’s just another aspect of maintaining the company’s level of success and guaranteeing success for the future.

AS&G has been a member of AGC for more than 50 years and is one of the oldest members in Alaska. Morman says this has been very beneficial in helping AS&G develop better relationships in the community and with customers.

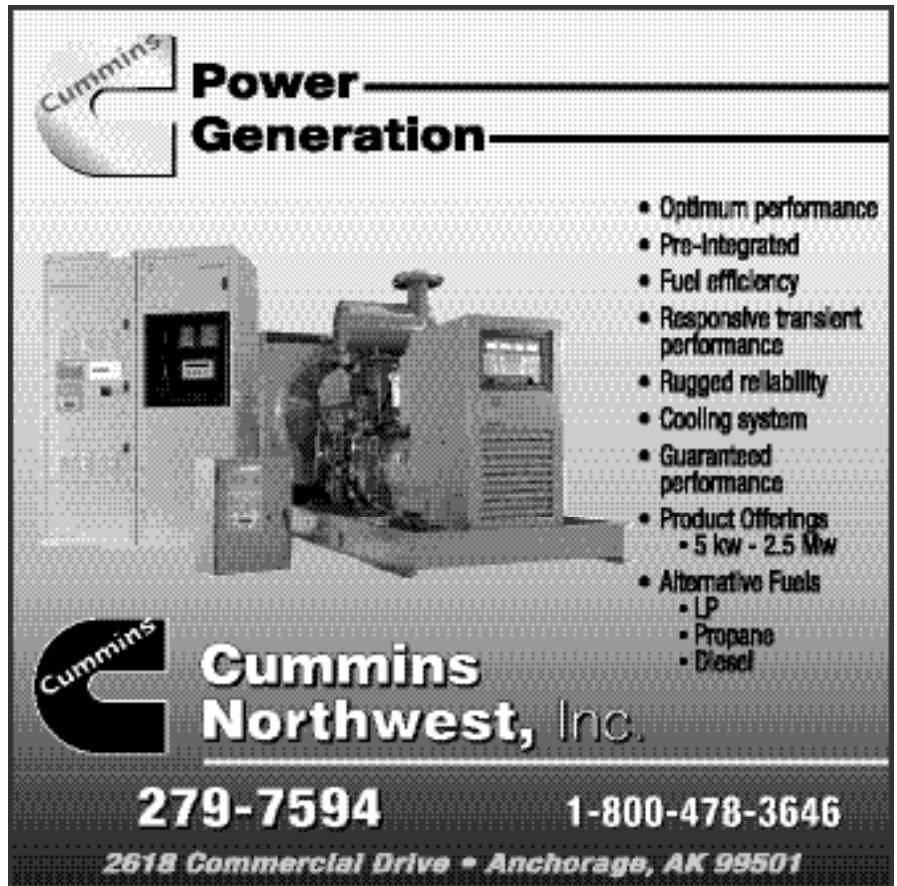
“It gives us a different way of relating to them,” Morman said. “And it gives us a handle on what’s happening in the community, and what each year is going to be like.”

AGC isn’t the company’s only link in the community. According to Morman, AS&G employees are involved in almost every organization in town from the Rotary to the Boys and Girls Club.

This active involvement in what’s happening in Anchorage and around the state is helping AS&G make plans for the future as development in Anchorage reaches its limit. For instance, AS&G is actively promoting the construction of concrete roads and intersections in Anchorage, which last much longer than asphalt roads. Morman considers this especially important as the state cuts back on spending.

But no matter where the market goes in the future, both Harned and Morman believe AS&G will still be building Anchorage and Alaska in another 65 years. And regardless of what the company is doing, Morman plans to stick with it.

“I enjoy this company—it’s just plain fun,” he said. “Where else do you have so many fun toys to play with?” 🐻



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University of Alaska: A Construction Zone

By Ed Brandt

The University of Alaska has reached a critical growth point, and Alaska's contractors are benefiting from some of the biggest capital projects in the school's history.

Statewide expansion has been necessary due to a fairly consistent 5 per cent annual growth in enrollment. There is also a need to update and replace older buildings and create new state-of-the-art facilities to allow UA to offer the modern technology necessary to attract new students and research dollars.

The University of Alaska Anchorage is the home of the largest of these projects, the new UAA/APU Consortium Library, designed by Rim Architects, Inc. and constructed by Cornerstone General contractors, both of Anchorage. UAA officials refer to the 116,000 square foot, \$43.5 million project as "the library of the 21st century."

"This is a signature building for our campus," says Cyndi Spear, associate vice chancellor of UAA's Facilities and Campus Services. "It's not a fortress like the old campuses. It's visible and welcoming, and a new thought on design."

The unique new facility, which faces Providence Drive, will be a university landmark. Its pre-cast concrete walls slope outward—a design that is not only modern, but will reflect sunlight away from the inside of the building—and the sweeping design is generous with its windows. It will be easily accessible—a new parking structure and enclosed walkway were completed in January—and as Spear puts it, "Even though it's unique, it still says 'library.'"

The new building, which more than doubles the capacity of the current facility, will bring together the best of both print and electronic worlds, with more than 930,000 volumes as well as modern wiring for Internet access and electronic information distribution.

Two off-campus collections will be moving to the new facility: the Alaska Resources Library and Information Services (ARLIS) and the Alaska Moving Image Preservation Association (AMIPA). There will also be more classroom, exhibit and study space.

Another growth area at UAA has been in the sciences—biology, nursing

and health care—and new facilities have been needed for some time. Enrollment in science programs has increased, largely due to a baccalaureate degree requirement of seven science credits, and a national shortage of nurses and other health-care professionals. To meet the growing demand, the university has developed two new projects: the Integrated Science Facility and the Ecosystem/Biomedical Health Facility.

The Integrated Science Facility has an estimated price tag of \$54.8 million, with \$4.8 million already allocated for the planning stages. The project is in the programming stages and no firm site has been established. The facility will expand lab space and allow students to use more modern equipment.

The Ecosystem/Biomedical Health Facility contract has been awarded to Ken Brady Construction Company, Inc. The \$4.85 million, 16,000 square foot facility should be completed by the summer of 2004, and the facility will allow for expanded faculty research and more student teaching spaces.

The growth at the University of Anchorage prompted the idea to move some administrative services off campus. This allowed more space for academic use, as well as the consolidation of administration offices that were previously spread throughout seven buildings. "(Lack of) space was the driver, and we looked at every property," Spear said.

In June of 2002, UAA purchased 90,000 square feet at the University Center, a failing mall with low occupancy. With good legislative support, specifically from Representative Eldon Mulder, funding was secured quickly, and the project became a "win-win situation," according to Spear. It went so quickly, in fact, that it only took six months from demolition in the summer of 2002 to the completed remodel in December. The \$14 million purchase included design by Rim Architects, Inc. and remodeling by Davis Construction.

The center features 24 new "smart" classrooms—wired with Internet access, DVDs, televisions and other new tech-



The library of the 21st century. "There is an excitement on campus, and a real will to make these (improved facilities) a reality," says Cyndi Spear.

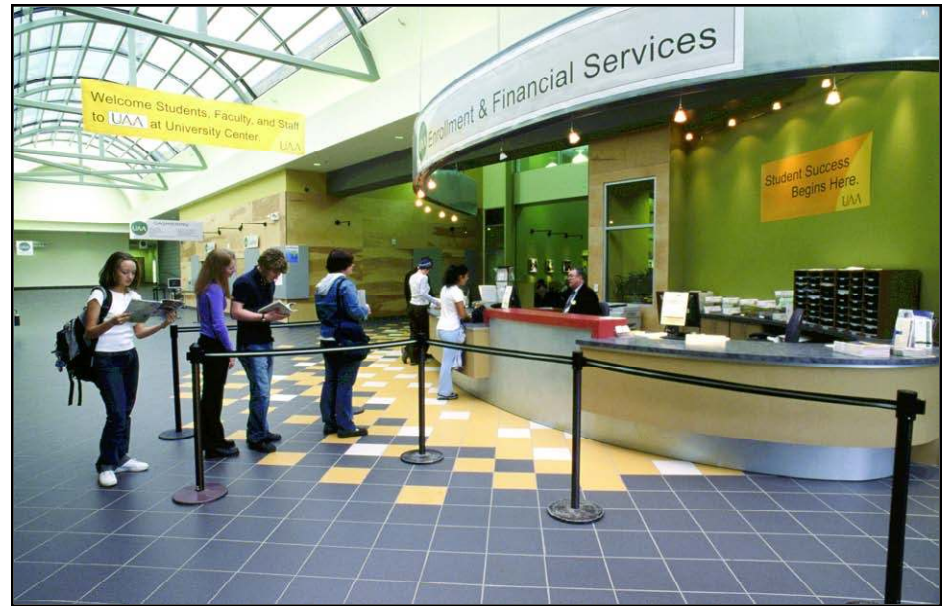
nologies—which house the Community and Technical College, Applied Technologies, and Workforce Development. A bookstore annex supplies textbooks for these classes, and there is an adjunct services room. The main entrance of the facility acts as a gateway to “one-stop services” including admissions, financial aid and cashiering.

Another possible area of expansion is UAA student housing. Recently, there has been “renewed talk” about the next phase of housing, according to Stan Vanover, Project Manager at Facilities Planning and Construction at UAA. A unique partnership with Alaska Housing Finance Corporation resulted in building three residence halls and a commons, but Vanover hopes to add two more buildings, with 300 more beds. It makes sense according to Vanover, because “the dorms have been full since they were built.”

Contractors like working with UAA and its project managers, and growth at UAA will continue for some time, according to Spear. “Go see the campus. UAA is growing—the contractors know that.” One reason contractors like UAA projects

is that capital money is spent quickly. “There’s not very much old money at UAA,” Spear said. “If we get money, we are usually working on the planning stages right away.”

The University of Alaska Fairbanks is also involved in many new construction projects, and much like UAA, the Fairbanks campus is heavy on new science facilities. “We’re just finishing up



The remodeled University Center in Anchorage. “You would never know there was a movie theater here,” says one student.

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West Ridge Utilidor at UAF. With scientific research grants at UAF nearly doubling since 1977, new construction is booming.

\$60 million on lower campus,” says Steve Titus, director of UAF’s Division of Design & Construction, “and we’re starting up about \$60 million on West Ridge.”

Research grants to UAF have nearly doubled since 1997—the university received more than \$100 million last year—necessitating new construction and upgrades to existing facilities.

The West Ridge Research Building—a 59,000 square foot laboratory that will house the Office of Sponsored Programs, the Arctic Regional Supercomputer Center, Remote Sensing and EPSCoR (Experimental Program to Stimulate Competitive Research)—will ultimately cost \$100 million. Funding will be an ongoing process, according to Titus. “We are programming to get capital dollars in phases; we won’t get \$100 million all at once,” Titus says.

Some of the supporting infrastructure includes new parking and a \$7.5 million utilidor that will allow utilities to be extended to the new facility. The entire project is slated for completion in

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See trial photo by Ken Wright.

November of 2004.

On lower campus, work is nearly completed on the Duckering Cold Room, a super-cold research chamber. Completion is behind schedule, due to delays in receiving specialized equipment, but Titus expects the project to be done this summer. When completed, cold weather research will be conducted in a -70C (-94F) atmosphere.

The University of Alaska Museum is benefiting from a unique \$31 million funding program. Half of the contributions for the new 43,791 square foot addition came from the legislature, and the remaining came from private contributions. Work on the museum, including complete renovation of the existing building, is being done by Alaska Mechanical, Inc., and should be finished by December 2004. The new expansion will more than double the existing space, making more room for collections, research and the learning center.

The university is also completing new parking lots all over campus, with the master plan calling for more perimeter

parking. "The parking culture may be changing," says Titus. "You go to other universities and you can't park as close to the buildings as you can here." Expanded shuttle bus service helps students and faculty get around, but there have been complaints. "It seems that in the university environment when you mess with people's space, salary or parking, you tend

to get them very excited."

With all the new construction, parking lot upgrades, renovations and the Thompson Drive upgrade, which will include a bridge over the railroad tracks, it seems every square foot of the UAF campus is affected. Or as Titus puts it, "We're living in a construction zone. The face of the campus will be changed." 🐻



Sign of the times. It seems everywhere students look on the UAF campus, they're greeted by new construction.



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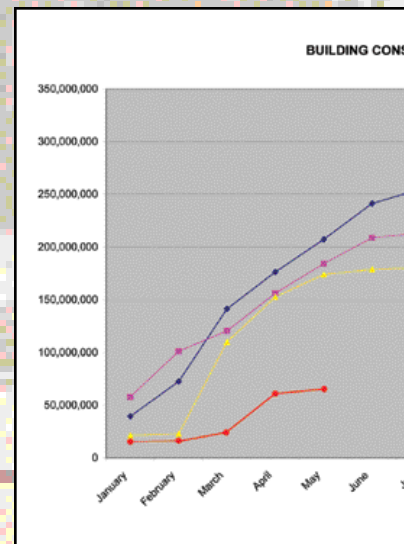
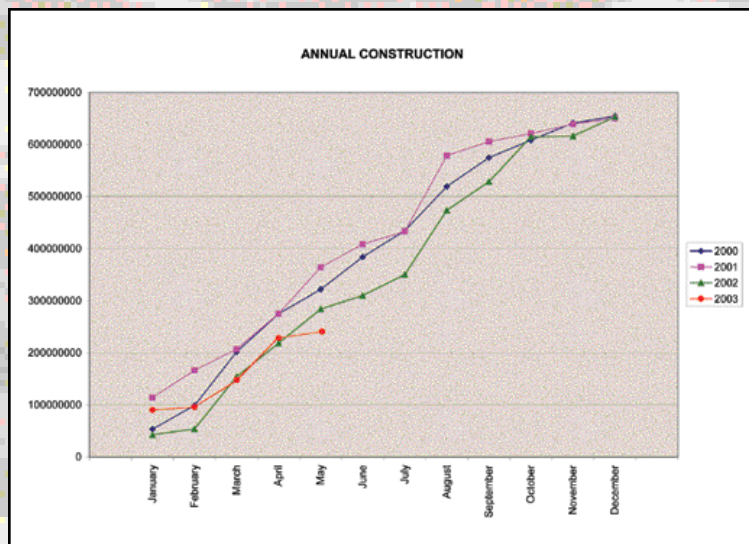
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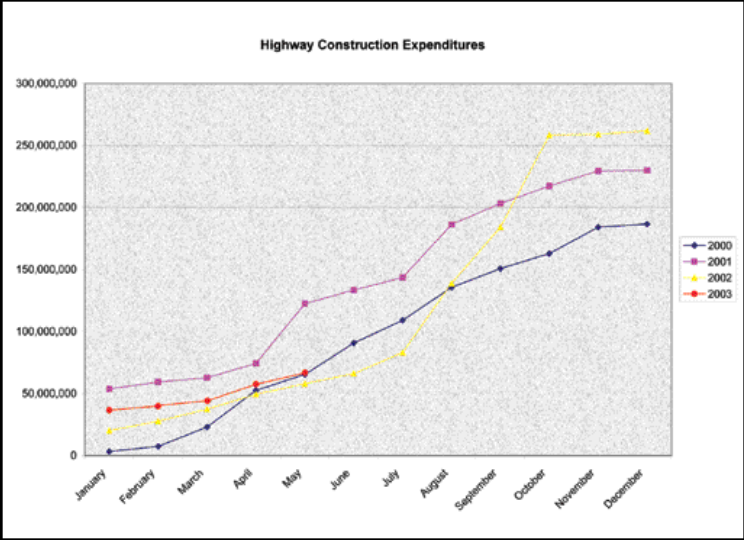
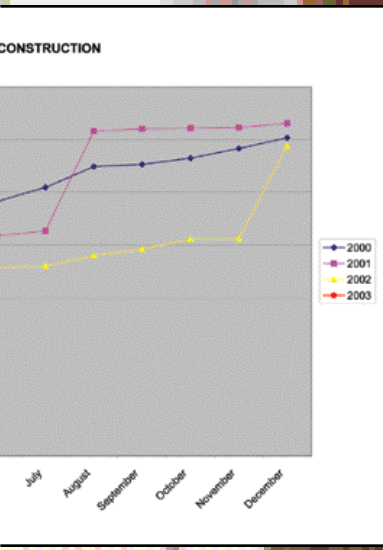
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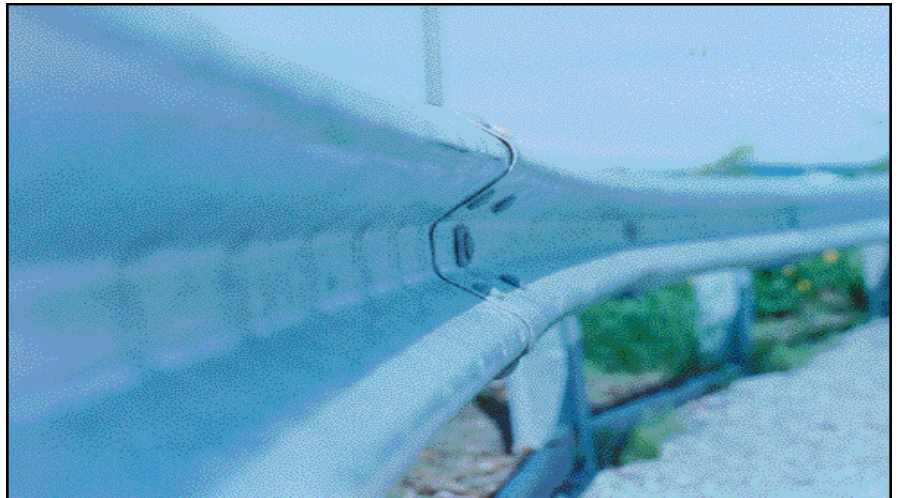
Mega-Projects Update

By Joanna Oldfield

ANWR

There's still a glimmer of hope for opening up the Arctic National Wildlife Refuge to drilling, even after the Senate killed the idea in the budget bill in March.

Both the Senate and the House passed versions of an energy bill in April that could mean big things for Alaska. Although drilling in ANWR is not included in



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the Senate bill, its inclusion in the House bill gives it another chance to pass in final negotiations.

Those who believe the ANWR provision stands a chance of making it through the negotiations say there just might be enough other incentive to get past the opposition, although it will be very difficult.

Proponents are also arguing on behalf of the village of Kaktovik—the only community in the area. Those who live there say they should have the right to develop the land and improve their lives, as do the Native corporations that own more than 90,000 acres of land in the refuge.

The final legislation will be the result of a conference committee in which both versions of the bill will be negotiated. According to Gov. Frank Murkowski's Washington, D.C. office, the possibility of ANWR being included in the final conference report is small. The feeling is that if the bill couldn't get 50 votes as part of the budget bill, it's not likely to get 60 votes now as part of the energy bill.



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Alaska senators haven't given up on the provision, but won't try to add it to the energy bill because that would almost guarantee a filibuster, wiping out the other benefits the bill would have for Alaska.

Even if ANWR is not included in the final legislation, the bill looks extremely promising for the construction of a natural gas pipeline—a huge boon for Alaska.

Natural gas pipeline
Though hope is dim for ANWR, legislation supporting the construction of a natural gas pipeline has been sailing through Congress. The main controversies that remain to be negotiated are which route to take and what kind of incentives should be offered.

As it stands, the bill bans an "over-the-top" route that passes under the Beaufort Sea and continues east through Canada. Alaska delegates say this route is technically, economically and politically not feasible, and would also be an environmental nightmare in obtaining the large number of permits required to cross the sea.

Another issue with this route is a deal that recently took place between Canadian gas producers, Native groups and a pipeline builder. The deal grants approval from Native groups for a Mackenzie-only pipeline that would not be big enough for Alaska gas. But the feeling in Gov. Murkowski's office is that this line and the Alaska line will not be in competition because the Mackenzie gas will be mostly used in Canada.

Though both Alan Greenspan and the White House believe the market should ultimately determine which route the line should take, the Alaska delegation has a lot to say in support of an all-Alaska line.

The bill also includes financial incentives to encourage offshore drilling; tax breaks if natural gas falls below a certain price level; and loan guarantees of up

to \$18 billion. The Bush administration believes this would give an unfair advantage to the Alaska gas industry, but both Sen. Ted Stevens and Sen. Lisa Murkowski say these incentives are needed to encourage loans to gas industries to build the pipeline.

Other features of the bill include authorization for a \$20 million worker-training program and a more time-efficient permitting and court review process.

On the state level, Gov. Murkowski has been busy. He signed House Bill 267, which is intended to help finance the pipeline, but does not indicate a route. The bill gives the Alaska Railroad Corporation the authority to issue tax-exempt bonds of up to \$17 billion for private builders of the gas line. Many feel this is a big step forward in making the line a reality.

But like ANWR, nothing will be known for sure until the energy bill goes through its final negotiations.

Missile Defense System

The schedule is tight, but so far Boeing—primary contractor for the project—is on top of things. Six silo sites have been built, and 10 more are slated to be completed and operational by late 2004.

In a recent development, the Defense Department agency increased the potential number of interceptor missiles at Fort Greely from 16 to 40. The military's intention is to ensure any future needs can be met. At this point, however, there are no plans for the additional missiles to be operational in 2004.

Other changes have been made as well. In 2002, the Pentagon got rid of internal review requirements for missile defense testing, worrying critics who believe the system should not be an initial deployment until it has been successfully tested. But in late May this year, the Senate passed a bill that brought those requirements back, which would set

Continued on Page 53

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CONTRACTORS



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Refresher on Damages and Extra Compensation



By Robert J. Dickson
*Robert J. (Bob) Dickson is a partner
in the Anchorage law firm of
Atkinson, Conway, & Gagnon, Inc.
He concentrates on civil litigation with
an emphasis on construction contract
disputes and construction
bonding matters.*

With the construction season now well under way it may be helpful to review some of the elementary legal principles governing contract damages and entitlement to extra compensation.

First, if the contractor substantially but not fully completes the project, the contractor is entitled to the full contract price less the cost of remedying any defects or omissions. The burden is on the owner to establish the cost of repairs or remedial work. However, failure to achieve substantial completion entitles the contractor only to the value to the owner, if any, of what has been constructed. The burden is on the contractor to establish that value. Once that value is established, the contractor would have to deduct any payments already received from the owner.

If the owner requires additional work not in the original design, the contractor's

additional compensation will be calculated by whatever method the contract provides for determining those amounts. If the contract does not specify how the additional compensation is to be measured, the contractor is entitled to a "quantum meruit" (reasonable value) recovery. This additional compensation would include not only the cost of the extra work, but overhead and profit allocable to that work as well.

For "changed" work, meaning work that is reflected in the original design but requires additional effort to achieve that result, the contractor will first be required to follow whatever method the contract provides for calculating such additional compensation. All federal, state, municipal and other institutional owner contracts contain such provisions. The

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for careful cost
estimating and
planning at the outset
of a job, and close
monitoring of all
aspects of the
progress of the job...**

additional effort required to achieve the original design may have been caused by the owner's failure to meet one or more of its duties toward the contractor, or it may have been caused by conditions for which no one is at fault, but for which the contractor was not required to accept the risk, e.g., different site conditions, unforeseeable changes, etc.

In the event the contract does not provide how additional compensation is to be measured in those circumstances, typically the contractor will be entitled to all costs, including overhead, that can be attributed to the extra effort required including field overhead. The contractor may be entitled to additional time depending upon the circumstances and the terms of the contract. But for "changed" work, where the end result was as originally designed, as opposed to "additional" work, additional profit is usually not recoverable unless the express contract terms permit.

A contractor will have a claim for at least extra time if not the cost of that extra

time if the owner fails to meet one or more of its duties toward the contractor during the project or if unforeseeable and excusable conditions are encountered. However, it is critical for the contractor to have in place at the time the work starts a real schedule that it plans to use to manage the work. Such documentation will be invaluable in establishing actual versus planned progress when problems are encountered. Claims for delay can include an allocable portion of the home-office overhead, field overhead, cost of contractor rented and owned equipment, and labor inefficiencies.

There is no substitute for careful cost estimating and planning at the outset of a job, and close monitoring of all aspects of the progress of the job on a weekly, if not daily, basis. Only with both of these tools will a contractor be in a position to even know that it is encountering unexpected conditions for which it may have a claim, and then be able to reliably and persuasively document the quantity of that claim. 🐾

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SHOULD YOU REHIRE AN EMPLOYEE WHO TESTS POSITIVE?

By Steve Mihalik,
WorkSafe
General Manager

Your company has significant resources invested in an employee who has tested positive for drugs. Those who have assumed the duties of this employee are just not up to speed, and orders and deliveries are slipping. You're seriously considering hiring this employee back despite the positive drug test, but should you? If you can assure yourself that your employee has successfully been rehabilitated, then your answer may be "yes."

Federal and state laws do not require that employers terminate or rehabilitate employees who test positive for drug use. Regulations do require, however, that

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Department of Transportation (DOT) and other federally regulated employees who work in safety-sensitive positions be removed from those responsibilities until specific return-to-duty steps have been taken. Non-DOT employers may also benefit by implementing similar return-to-duty requirements. DOT regulations require that employees with positive drug tests complete an evaluation and treatment/education process with a qualified Substance Abuse Professional.

A qualified Substance Abuse Professional will evaluate employees and recommend appropriate education, treatment, follow-up tests and aftercare. First, the Substance Abuse Professional conducts an initial evaluation involving a face-to-face assessment and clinical evaluation. For the purpose of this evaluation, the Substance Abuse Professional assumes the validity of a positive drug test—he or she cannot take into consideration any statements from the employee that the test was unjustified or inaccurate, or that the use of drugs was in some way justified (“medical marijuana,” poppy seed ingestion, job stress, etc.). The Substance Abuse Professional proceeds on the assumption that rehabilitation is appropriate.

The Substance Abuse Professional has many options for rehabilitation. Education options may include self-help groups like Alcoholics Anonymous and community lectures—where attendance can be verified—and bono fide drug and alcohol education courses. If clinical treatment is appropriate, he or she may recommend in-patient hospitalization, partial in-patient treatment, outpatient counseling programs, and aftercare.

After the employee signs an information release, a written report can be submitted to the designated employer representative highlighting specific recommendations for rehabilitation. After a Substance Abuse Professional’s evaluation has been completed no one can change or modify his or her recommendations or seek a “second opinion.” The

exception to this occurs if the Substance Abuse Professional acquires new or additional information that causes him or her to modify the initial evaluation. The Substance Abuse Professional will serve as a referral source for the appropriate education or treatment program. After the employee has completed the program, the Substance Abuse Professional must re-evaluate him or her to determine the suc-

cess of the rehabilitation.

This follow-up evaluation will include another face-to-face interview and may provide the employer with the necessary reassurance that the employee has successfully completed the return-to-duty process. At this point, the Substance Abuse Professional may recommend aftercare and ongoing services to help maintain abstinence.

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According to DOT regulations, a return-to-duty test must be passed before an employee can perform safety-sensitive functions. In addition, a minimum of six follow-up drug tests must be taken during the first 12 months back on the job. It is important to note that you, as the employer, are not required by these regulations to rehire this employee. Employment contracts, however, may require you to do so. You, not the Substance Abuse Professional, will make the final determination regarding the employee's ability to return to his or her former position.

Companies should also be aware of a recent ruling by the Ninth Circuit U.S. Court of Appeals, which determined that company policy can not prevent the rehire of employees who have been terminated or resigned in lieu of termination. Such a policy is a violation of the Americans with Disabilities Act when applied to former drug users who have undergone rehabilitation. Employers should consult an attorney if they are unsure about the legal requirements.

Employee training is one of the largest resource investments for any company, but a well-trained employee is also one of that company's most valuable resources. Investing the time in rehabilitating an experienced employee may be some of the best money your company will spend. For more information regarding a drug-free workplace, contact WorkSafe at 907-563-8378. 🐾



Steve Mihalik is the General Manager of WorkSafe in Anchorage

Report (Continued from Page 23)

necessary to move the bill to the Senate. Unfortunately, failure to pass any meaningful measures to address the fiscal crisis led the governor to declare that reductions in program appropriations would be necessary. Alaska cannot realistically bring the budget into balance by cutting it, without devastating many important programs. Eventually a tax or a combination of taxes will be necessary to address the fiscal problems of Alaska.

Matching funds for transportation projects

The transportation infrastructure of Alaska is currently inadequate and requires continued planning, upgrades, and expenditures to assure citizens are provided with essential services. At this time, Alaska does not have a state-funded highway program separate from the matching requirements of the federal highway program. There is little doubt that the economic benefit derived from the investment in Alaska's transportation infrastructure far exceeds the investment required to secure the federal matching funds. Accordingly, the state is encouraged to continue providing full funding of the federal highway matching funds.

In addition, the state is encouraged to develop its own highway program; Alaska is the only state that does not have a separate highway program. The state can, and should, identify transportation corridors that assist in the development of Alaska and fund those projects through the issuance of state highway bonds. The repayment of these bonds could come from an increase in the state gasoline tax, which would be paid by those using the transportation infrastructure.

Accomplishment:

Elimination of any portion of the matching funds was apparently never considered.

Other issues not specifically identified as Pre-session Priorities:

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Public Interest Litigation

Currently, parties litigating issues that fall under the public interest litigation exemption have an unbalanced set of incentives, due to the judicially created doctrine regarding the award of attorney fees and costs. This imbalance has led to increased litigation, arguments made with little merit, difficulties in rectifying claims, and significant costs to the state and private citizens. More importantly, application of the exception has resulted in unequal access to the courts and unequal positions in litigation. A bill to balance the process was passed during the session.

Public Construction Project requirements

The administration proposed a fee on public construction to pay for the costs of administering the certified payroll requirements. AGC worked with the Department of Labor to make the final bill acceptable to the industry.

Lobbyist Requirements

Senator Ralph Seekins introduced this bill to change the definition of "lobbyist," with regard to the time an individual can spend communicating directly with legislators or public employees. The bill covers introducing, promoting, advocating, supporting, modifying, opposing, delaying—or seeking to do the same—with respect to any legislative or administrative action. In the past, individuals spending more than four hours in any month engaging in the above activities were required to register as a lobbyist. With the passage of this bill, AGC members going to Juneau as part of the annual legislative visit will no longer violate the law. 🐻



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Mega Projects
(Continued from Page 45)

criteria for the performance of the system. The final language of the bill has yet to be determined.

Supporters of the missile defense system say having a defense system that is not completely proven is better than nothing, and actually constructing the system in increments and continually improving it is a very good way to go.

Knik Arm Crossing

The first concrete step toward getting a bridge built across the Knik Arm has been made, and Alaska's politicians are in all the right places to make it happen over the coming years.

Gov. Frank Murkowski signed a bill creating the Knik Arm Bridge and Toll Authority, which will work to come up with a feasible plan for the financing and construction of the bridge.

Rep. Don Young is still working as chair of the House Committee on Transportation and Infrastructure and is confident he will send enough money Alaska's way to get the project going.

For full story, see page 14. 🐻



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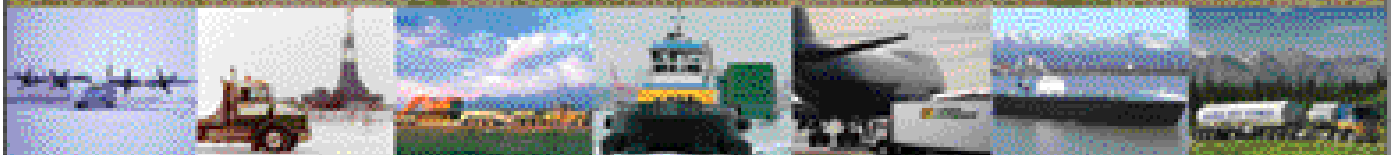
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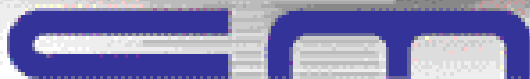


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