



NOVEMBER 2021

November 1, 2021

November 8, 2021

November 15, 2021

November 22, 2021

November 29, 2021

November 1, 2021

The VOICE of Construction



The Real Majority Leader

By Dustin Steiner, Vice President Government & Industry Relations

In the movie *The Distinguished Gentleman*, Eddie Murphy plays Thomas Jefferson Johnson - a con man who decides the greatest con out there is **Congress**. He runs using his middle name, which just so happens to be the same as the recently deceased incumbent. His slogan? "*Jeff Johnson – The Name You Know.*" Indeed a politician's name becomes vital to their re-election. You want voters to remember your name and spend a lot of time branding things to make that easier. One power of incumbency is the Franking Privilege which allows members of Congress to send mail to their constituents "free of charge"...and what goes where the stamp would be? Why, their signature, of course!

As a young intern in Washington, I used to chuckle at the thought of these politicians who had spent their careers making a name for themselves working their way up the D.C. ladder hoping to shed that name for a title. So, instead of being "Congresswoman Pelosi," for example, she would much prefer to be known as "Madam Speaker." The Nation's Capital is a formal town and titles are very important because they symbolize stature and perhaps more importantly, *power*. So, it has been especially interesting over the past few weeks to watch a third term Congresswoman run circles around the Speaker, Senate Majority Leader, and to some extent the President of the United States. Enter Washington State's Rep. Pramila Jayapal - the leader of the 96-member strong Congressional Progressive Caucus (CPC).

As you'll recall, then-candidate Joe Biden often touted his nearly five decades in office as proof of his ability to get things done. Similarly, Senate Majority Leader Schumer has been around for 40 years, and Speaker Pelosi is not far behind at 34 years. Yet, just five short years into her tenure, it is Rep. Jayapal who appears to be calling the shots. It is worth noting, that all these elected officials are in the same party and control majorities in both houses. In many ways that makes it harder to accomplish what she has done. In Republican circles, Newt Gingrich was often thought a better Minority Leader than Speaker, because it is easier to complain and point out the shortcomings of the other party, than to lead.

President Biden announced his infrastructure plans in the spring; a bold vision for New Deal level investment in infrastructure. Congress took the call to action and a bipartisan group of Senators struck a deal, which 69 Senators voted to approve...and that's when things got complicated. A group of moderate House Members asked Speaker Pelosi for a deadline of September 27. She acquiesced. As readers of MMQB well know, we have been skeptical of these deadlines and as you'll note from last week's article, this was a big week for the

White House and congressional leadership. Well, Rep. Jayapal and the CPC just did it again. Another deadline, another week, another notch on her proverbial belt. Under tremendous pressure from the President, Speaker, Senators, the voting populace, and the ever-hopeful mainstream media, Jayapal and her coalition stuck together, remained calm, and just dictated the terms...again.

I remain confident that an infrastructure bill is coming...in fact, it now appears more likely than ever, that there will be two. The \$1.2 trillion bipartisan bill and the \$3.5 trillion partisan reconciliation bill. Oh and about that \$3.5...it is now closer to \$1.5 (thanks in large part to Senators Sinema and Manchin), but it was not until Jayapal signaled her support of that number late last week that it became more than just theoretical. For their part, the White House and Congressional Leadership have said the timing isn't important and that they will get both bills passed eventually. They're probably right. I also agree that voters won't much care about all of the wrangling if the final product is delivered. But, one thing is very clear...to paraphrase John F. Kennedy: "...*the torch has been passed to a new generation of Americans*" and Rep. Jaypal is, at this moment in time, their leader.

Does The U.S. have a Bridge Problem?

By Mike McManus, Director of Engineering Construction & Industry Relations

The American Society of Civil Engineers gave the country's overall infrastructure a C- grade in its [2021 report card](#), and the American Road and Transportation Builders Association estimates that 171.5 million vehicles cross over 45,000 structurally deficient U.S. bridges every day.

On July 28, the Senate voted to advance a new bipartisan infrastructure package, which includes \$550 billion in new federal spending. The bill would invest \$110 billion into roads, bridges and other major infrastructure projects, representing the largest bridge investment since the construction of the interstate highway system under President Dwight Eisenhower.

According to a recent analysis of the Federal Highway Administration's National Bridge Inventory found that:

- 220,000 bridges, or 36%, need repair work.
- 79,500 bridges need replacement.
- 45,000 bridges were classified as structurally deficient in 2020, decreasing by 1,140 structures in 2019.
- At the current pace, it would take nearly 40 years to repair the backlog of structurally deficient bridges at a cost of \$41.8 billion, ARTBA estimated.

The number of structurally deficient bridges has declined for the last five years, but that is tempered by the trend of more bridges being downgraded from good to fair condition in the same period.

As the bipartisan bill awaits action, and is being stalled because of the now \$1.75 trillion social safety net bill, here is a look at bridges across the country that exemplify the strain U.S. infrastructure faces and what happens to communities when a major piece of infrastructure is shut down.

Hernando de Soto Bridge, Memphis



On May 11, a contractor for the Arkansas Department of Transportation discovered a crack in a steel support beam while inspecting the [Hernando de Soto Bridge](#) (pictured above), a 48-year-old span on Interstate 40 that crosses the Mississippi River, connecting Arkansas to Tennessee.

The crack was in one of four 900-foot-long beams supporting two of the bridge's spans near the Tennessee side of the river. The bridge leads into downtown Memphis, Tennessee.

Following the crack's discovery, the DOT immediately shut down traffic across and beneath the bridge, which carries more than 40,000 vehicles daily. Traffic was redirected to the 71-year-old Interstate 55 bridge, about 3 miles south of the I-40 span.

Lane Pace Pedestrian Bridge, Washington, D.C.



On June 23, a truck struck the low clearance Lane Pace Pedestrian Bridge spanning Interstate 295 in Washington, D.C., causing it to collapse and injure five people. The collapse tangled traffic for 12 hours. In the bridge's most recent inspection prior to the collapse, it had been deemed to be in poor condition and failed to meet height requirements.

The bridge is 65 years old, and has had no major rehabilitation, according to its inspection reports. With a height clearance of 14 feet, 4 inches, it doesn't meet current standards for bridge heights in D.C., which call for a minimum of 17 feet, 6 inches.

Without the bridge, bikers and pedestrians must walk about a mile along I-295 to get around it, and some have been choosing the dangerous option of crossing the highway without a crosswalk or pedestrian bridge, according to WUSA.

Here in California, Caltrans is on pace to exceed the 2027 bridge-fix goal mandated by SB 1. The Department projects that of the almost 13,200 bridges it maintains in the state, least 1,900 will undergo fixes as defined by the CTC in the 10-year reporting period. SB 1 targets commit Caltrans to repairing or rehabilitating at least additional 500 bridges through 2027,

an extra 50 a year, on top of the average of 114 that were being fixed annually prior to SB 1. Under the SB 1 formula, Caltrans is required to complete a total of 1,140 bridge fixes through 2027 – but will likely reach that goal by the 2024-25 fiscal year, two years earlier than required.

Caltrans estimates that percentage of bridges rated in good condition would steadily improve through the 10-year reporting period with the help of SB 1 funding. But even at the current rate of progress, that projected improvement would still fall short of the 2027 good condition target of 83.5 percent for Caltrans-maintained bridges and tunnels.

Unlike some other highway components, problems afflicting bridges and tunnels usually aren't quickly remedied. Projects are slower to develop because of the environmental approval process and construction schedules. The timeline from problem diagnosis to completed project now averages nine years, depending on the complexity of the work.

Caltrans, with CTC approval, has implemented a series of corrective strategies to quicken the pace of rehabilitation and elevate more bridges into good condition status. To comply with its own highway improvement plan, Caltrans will attempt to shorten several phases of project development, from environmental reviews that can stretch up to a decade, to the pre-design stages that now average three years.

In California, we need to avoid the scenarios outlined above in Tennessee and Washington D.C. The construction industry is ready to gear up if Congress gets off the dime and votes for an infrastructure bill that 71% of Americans support.



TECH TABLE TALK

Learn about Cybersecurity Strategies & Best Practices at Free Tech Talk Nov. 10

The AGC Technology Committee invites AGC Members to a **TECH TABLE TALK - Cybersecurity Strategies & Best Practices** November 10, 2021, from 8 a.m. to 9:30 a.m. at the

Lakeside office, with check-in and breakfast at 7:30 AM.

We've all been challenged by COVID-19. This pandemic, however, is not the only virus we need to worry about. Despite all the other distractions happening in our businesses, we cannot take our eye off monitoring for viruses, ransomware, and malware within our cyber infrastructures.

This Cybersecurity panel presentation will discuss the top priorities including and beyond COVID-19 that businesses are facing. We will examine the legal and regulatory framework of cybersecurity, insurance risks and protections as well as types of threats and impending compliance requirements for contractors. The presentation will be moderated by Mandy Irvine, CEO, **Hoop5 Networks** and the panelists include:

Elanie Harwell - Senior Counsel & Privacy Officer, *Procopio*

Natalie Sherod - CIC - Risk Advisor, *Cavignac*

Russell Emig - Director of Security, *Hoop5 Networks*

Each of the panelists will bring their own expertise and provide information on the following topics:

- Identify the legal and regulatory framework around privacy and data security laws
- Understand the impact and importance of privacy, data security and cyber laws
- Identify common types of cyber-attacks and how they impact systems
- Understand cybersecurity best practices and prevention strategies
- Learn the importance of how cyber insurance is viewed and implemented

The presentation will end with a question-and-answer session with the panelists.

This is a **FREE** member event sponsored by [Hoop5 Networks](#).

AGC Members online registration is available online, at link below, members will need to login to the AGC Member Portal to register for this event.

[LEARN MORE & REGISTER ONLINE](#)

If you would like to register by email, please use the [REGISTRATION FORM](#).

For event or registration questions, please contact AGC Staff Member Kellie Korhonen at 858-558-7444 or by email at kellie@agcsd.org.

AGC Build San Diego Awards Luncheon - Tuesday, Nov. 16 Subcontractor & Affiliate Members – Are you registered?

The entries are in, judging is finished, and the envelopes with the winners' names are tightly sealed.

Every two years Build San Diego honors and recognizes AGC members who've submitted entries for the region's most impressive construction projects. So, after a two year wait, everyone wants to know, "which projects won". **Was it a project your firm was involved in?** Well, the winners, along with the names of our distinguished judges will remain under lock and key until the November 16 luncheon – **are you registered to attend?**

[REGISTER NOW!](#)

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We received dozens of great submittals for this year's Build San Diego Awards, and many AGC member subcontractors and suppliers played a large part in the successful completion of these projects. AGC **subcontractors** and **affiliate** members are encouraged to attend and support this awards ceremony, which reflects the industry's pride in building San Diego.

The early pricing of \$90 will be extended until **November 5** for our subcontractors and suppliers.

Proudly Sponsored by:



This year, there will be a reception mixer before the program with drink tickets and appetizers sponsored by new AGC members:

[Berg Hill Greenleaf & Ruscitti LLP](#) and [Milwaukee Tool!](#)

Contact Rae Krushensky at raek@agcsd.org with questions.

2022 Winter Conference Park City

From AGC Meetings & Events Committee



The AGC Meetings & Events Committee invites you to attend the [2022 Winter Conference](#) at the brand new Pendry Hotel in Park City, Utah.

A ski in/ski out hotel nestled in the center of **Canyons Village, the Pendry Park City** is a slope-side retreat where modernist design inspires every angle, and members can expect the utmost in luxury service. For those that want to do more than ski/snowboard, Park City's historic Main Street is just a short

drive away with its renowned restaurants, shops, and entertainment.

Located in the center of Park City, Utah, and a convenient 35-minute drive from Salt Lake City International Airport, this is the largest ski area in the United States, alongside neighboring Canyons Resort.

[View Winter Conference Brochure.](#)

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Now is the time to start looking at flights and get yourself booked to attend this fun event as it may sell out quickly. Friday evening is an open night for guests to enjoy on their own.

[REGISTRATION FORM](#)

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[SPONSORSHIP OPPORTUNITIES](#)

We welcome you to check out the new hotel website: <https://www.pendry.com/park-city/>

Questions, please contact Rae Krushensky at raek@agcsd.org.

GIVING BACK

Clothes Drive to Benefit Father Joe's Villages - Now through Nov. 12
Time to Clean Out Your Closets



Help us honor the life and impact of **Father Joe Carroll** by donating clothes, coats, jackets, socks, scarves, hats, gloves, blankets, etc. for the AGC Build & Serve Charitable Alliance Clothes Drive benefiting Father Joe's Villages .

Drop off items at one of our designated locations through Nov. 12.

DROP OFF LOCATIONS:

AGC office - Sorrento Valley

6212 Ferris Square
San Diego, CA 92121
Contact: [Robin Scott](#)
858.558.7444 ext. 216

AGC office - Lakeside

10140 Riverford Road
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Contact: [Marcy Knopman](#)
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6289 Riverdale Street
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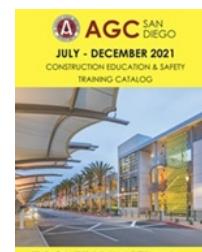
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EDUCATION & TRAINING CLASSES

November Classes

- Nov. 2 - **Stormwater Webinar** - Ask a Regulator
- Nov. 2 - **Excel Beginner** - offsite
- Nov. 3 - **Scaffold 8-hr CPT**
- Nov. 4 - **Silica Standard**
- Nov. 8-10 - **Fall Protection 24 hour CPT for EM 385**
- Nov. 8 - **Fall Protection CP Refresher**
- Nov. 8 - **Construction Law @ Lakeside**
- Nov. 9 - **Excel Intermediate** offsite
- Nov. 10 - **EOS Workshop @ Lakeside**
- Nov. 11 - **CQM**
- Nov. 15-16 - **BIM Unit 1** via Zoom
- Nov. 16 - **Excel Advanced** - offsite
- Nov.17 - **Negotiation, Problem, Solving Resolving Conflict @ Lakeside**
- Nov. 17-18 - **BIM Unit 2**
- Nov. 18-19 - **BIM Unit 3**



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Nov. 22-23 **BIM Unit 4**

CLASSES

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[Becca Schaffer](#), 619-592-4533

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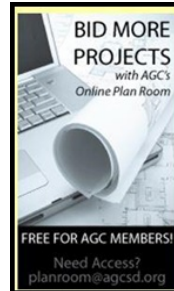


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COMMITTEE/COUNCIL MEETINGS

November Meetings

- Nov. 3 - 7:00 AM - **Safety Committee** - virtually via GoToMeeting
- Nov. 3 - 8:00 AM - **Public Building @ Lakeside**
- Nov. 9 - 1:00 PM - **County of San Diego** - virtually via GoToMeeting
- Nov. 17 - 7:30 AM - **Build & Serve** - Zoom
- Nov. 17 - 11:30 AM - **Affiliate Council** offsite
- Nov. 30 - 11:30 AM - **Specialty Council @ Lakeside**

[Committee Meeting Calendar](#)

[Get Involved - Join a Committee](#)

AGC LOCATIONS



**AGC East County Facility &
Apprenticeship Training Center**

10140 Riverford Road
Lakeside, CA 92040
(858) 558-7444

[DIRECTIONS](#)

**AGC Government Affairs Office &
Fall Protection Training Campus**

6212 Ferris Square
San Diego, CA 92121
2nd floor

[DIRECTIONS](#)

About Monday Morning Quarterback

AGC San Diego Chapter's Monday Morning Quarterback is a "hot off the press" and to the point Monday morning briefing on the important issues facing San Diego's construction industry. It is prepared by AGC Chief Executive Officer, Eddie Sprecco, and Vice President Government & Industry Relations, Dustin Steiner.

Please contact [Eddie Sprecco](#) or [Dustin Steiner](#) with your comments, or with information that should be conveyed to the industry through this service. Well over 3,000 individuals employed by AGC member firms are part of this system.

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November 8, 2021

The VOICE of Construction



\$1.2 Trillion Infrastructure Bill Passed with Bipartisan Support – Waiting for Biden's Signature

By Dustin Steiner, Vice President Government & Industry Relations



At long last, on Friday night, the House of Representatives passed the \$1.2 trillion Bipartisan Infrastructure Framework (BIF). The President canceled his usual weekend trip to Delaware and worked the phones, including a call to the Congressional Progressive Caucus, finally gaining their support in exchange for bringing the rule to the House for debate on the larger \$1.5ish trillion budget reconciliation more commonly known as Build Back Better (BBB).

(Photo: Bipartisan Group of Senators with President Biden at the White House to announce deal on Bipartisan Infrastructure Framework in summer of 2021.)

As predicted in a [previous MMQB](#), despite the final vote (228-206) being largely along partisan lines, 13 Republicans voted in favor, while 6 Democrats ultimately opposed. Interestingly, the 13 Reps are largely union-friendly, while the 6 Dems are all part of the progressive wing known as “The Squad.” This is significant because House Minority Leader and would-be Speaker, Kevin McCarthy (R-CA) was thought to have a tight grip on his caucus and has been steadfast in his opposition to both the BIF and BBB, not wanting to deliver a victory for Biden using Republican votes. Given the 218 threshold to pass a bill in the House, it's *possible* that the Reps did just that. It is more likely that the deal was struck weeks ago with them, because Speakers don't bring bills to the Floor without knowing they have the votes.

The House adjourned for the Veterans Day recess this week and will return on November 15 to begin work on the larger BBB plan. It is extremely likely that BBB will have zero Republican votes, so it will be more challenging for the Speaker who only has a 3-vote margin. Also, the House Dem moderates, who months ago asked for a vote on BIF before BBB, now find themselves in the driver's seat as they got what they wanted and now it is the progressives who are seeking mod support for this larger spending package. Those mods made an interesting statement following passage of BIF in which they said they

generally supported BBB (part of their deal), but would be watching the Congressional Budget Office (CBO) scoring closely. There is very little chance the CBO will have time to score BBB before the House resumes next week...and then we're into Thanksgiving. Oh, and this will also thrust the DC spotlight squarely back on "Sinemanchin" (Sen. Sinema and Sen Manchin) who have both publicly shared their concerns and with no vote margin in the Senate, the leadership needs both of them.

Undoubtedly, this was a victory for President Biden. A "big deal" he might say and a major boon for the construction industry. What happens with BBB - now untethered from BIF - will be the subject of much debate over the next few weeks and likely months.

So, What's in the BIF and What's in it for California?

By Mike McManus, Director of Engineering Construction & Industry Relations



According to the White House last week, when this bill becomes law, California, the most populous state, would get "a minimum of \$39 billion, including \$25.3 billion for highways and \$4.2 billion for bridge replacements and repairs over five years." It looks like it may be a little higher than that, we shall see.

Democrats claim the \$1.2 trillion bill pays for itself through a multitude of measures and without raising taxes. But the Congressional Budget Office brushed aside several of those pay-for provisions, ultimately finding the bill would add \$256 billion to the deficit over the next 10 years. It's significantly smaller than the \$2.25 trillion proposal that Biden unveiled in March, known as the American Jobs Plan.

The highlights of the bill on a national level are:

- \$110 billion for roads, bridges, and major infrastructure projects.
- \$40 billion for bridge repair, replacement, and rehabilitation
- \$16 billion for major projects that would be too large or complex for traditional funding
- \$11 billion for transportation safety
- \$1 billion to reconnect communities -- that were divided by highways
- \$39 billion to modernize public transit
- \$66 billion in passenger and freight rail
- \$65 billion investment in improving the nation's broadband infrastructure
- \$17 billion in port infrastructure
- \$25 billion in airports to address repair and maintenance backlogs
- \$7.5 billion for zero-and low-emission buses and ferries
- \$7.5 billion would go to building a nationwide network of plug-in electric vehicle chargers
- \$65 billion to rebuild the electric grid
- \$55 billion to upgrade water infrastructure
- \$50 billion would go toward making the water system more resilient -- protecting it from drought, floods, and cyberattacks
- \$21 billion to clean up Superfund and brownfield sites

For California, based on some published reports, it breaks down like this:

Highways and Bridges

Based on formula funding alone, California would expect to receive \$25.3 billion for federal-aid highway apportioned programs and \$4.2 billion for bridge replacement and repairs over five years. California can also compete for the \$12.5 billion Bridge Investment Program for economically significant bridges and nearly \$16 billion of national funding in the bill dedicated for major projects that will deliver substantial economic benefits to communities.

Transit

Based on formula funding alone, California would expect to receive \$9.45 billion over five years under the Infrastructure Investment and Jobs Act to improve public transportation options across the state.

Electric Charging Stations

California would expect to receive \$384 million over five years to support the expansion of an EV charging network in the state. California will also have the opportunity to apply for the \$2.5 billion in grant funding dedicated to electric vehicle charging.

Broadband

Under the bill, California will receive a minimum allocation of \$100 million to help provide broadband coverage across the state, including providing access to the at least 545,000 Californians who currently lack it. Also, 27% of people in California will be eligible for the Affordability Connectivity Benefit, which will help low-income families afford internet.

Wildfires and Cyberattacks

Based on historical formula funding levels, California will expect to receive \$84 million over five years to protect against wildfires and \$40 million to protect against cyberattacks. Californians will also benefit from the bill's \$3.5 billion national investment in weatherization which is intended to reduce energy costs for families.

Drinking Water

Based on the traditional state revolving fund formula, California will expect to receive \$3.5 billion over five years to improve water infrastructure across the state and ensure that clean, safe drinking water is available in all communities.

Airports

Airports in California could receive approximately \$1.5 billion for infrastructure development for airports over five years.

There is still a lot we don't know as various federal agencies will be issuing rules for apportionments across the states and rules for applying for competitive grants. However, for transportation and transit there will be significant new funding flowing into California for new construction. This is, definitely, an infrastructure bill.

Major projects take years to get off the ground, so we will be monitoring how that shakes out particularly here in Southern California as price hikes and materials availability continue to be a major part of the story.

AGC Build San Diego Awards Luncheon - Tuesday, Nov. 16 **Last Chance to Register**

This is the last chance to register for the AGC Build San Diego Awards Luncheon.
Deadline is Wednesday, November 10 by 12:00 (Noon).

We received dozens of great submittals for this year's awards competition, and many AGC member subcontractors and suppliers played a large part in the successful completion of these projects.

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Contact Rae Krushensky at raek@agcsd.org with questions.



Rescheduling Cybersecurity Strategies & Best Practices TECH TALK to 2022

The AGC Technology Committee has decided to reschedule this week's **TECH TABLE TALK - Cybersecurity Strategies & Best Practices** to early 2022. All current registrations will be contacted and moved to the new date once it has

been finalized.

The [event information page](#) will be updated with the new date and we will inform you when registration is reopened for the event.

Questions, please contact AGC Staff Member Kellie Korhonen at 858-558-7444 or by email at kellie@agcsd.org.

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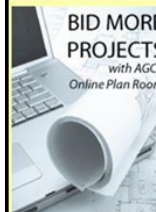


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COMMITTEE/COUNCIL MEETINGS

November Meetings

- Nov. 9 - 1:00 PM - **County of San Diego** - virtually via GoToMeeting
- Nov. 17 - 7:30 AM - **Build & Serve** - via Zoom Meeting
- Nov. 17 - 11:30 AM - **Affiliate Council** offsite
- Nov. 17 - 11:30 AM - **Education Committee** @ Lakeside
- Nov. 30 - 11:30 AM - **Specialty Council** @ Lakeside

[Committee Meeting Calendar](#)

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[Visit agcsd.org](http://agcsd.org)

AGC Chief Executive Officer, Eddie Sprecco, and Vice President Government & Industry Relations, Dustin Steiner.

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Please contact [Eddie Sprecco](#) or [Dustin Steiner](#) with your comments, or with information that should be conveyed to the industry through this service. Well over 3,000 individuals employed by AGC member firms are part of this system.

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November 15, 2021

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Byrd Bath

By Dustin Steiner, Vice President Government & Industry Relations

It's signing day! President Biden and the nation have waited nine long days since the passage of the so-called Bipartisan Infrastructure Framework (BIF) to officially sign it into law. 299 days into his presidency and \$1.2 trillion dollars (\$550 billion in new spending over 10 years) of planned infrastructure investment later and the President has the first major victory of his administration. Today's ceremony will include a bipartisan coalition of members of congress, governors, mayors, and business and labor leaders. The White House is also planning a publicity tour of sorts and, on Sunday, named former New Orleans Mayor (and Louisiana political royalty) Mitch Landrieu to lead the charge. Landrieu is well regarded by the Biden Administration folks for his leadership post-Hurricane Katrina. It is a red-letter day in Washington D.C., but progressives are already champing at the bit of the next big thing.

As MMQB readers know, the next big thing is the audacious "Build Back Better" (BBB) plan. A *human* infrastructure bill that currently clocks in around \$1.85 trillion. This is part of the overall infrastructure investment that President Biden announced way back in the spring. Democratic Leadership is anxious to get this done before Thanksgiving, but as we noted [last week](#), the Congressional Budget Office (CBO) has not yet provided its impartial analysis. Perhaps, even more challenging is what is happening in the Senate. The late Senator Robert Byrd (D-WV) who is still the longest serving Senator in the chamber's history, created a rule to govern how reconciliation bills are debated in the Senate. The "Byrd Rule" as it has become known was essentially written to preserve the integrity of the filibuster, while giving the Senate the leeway to move forward on budgetary items with a simple majority. Essentially, this rule gives any Senator the ability to raise a point of order on any line item in a reconciliation bill that is deemed "extraneous." If the point of order is upheld, the Byrd Rule may be overturned by 3/5 of the Senate – which is 60 votes! The same number required to invoke cloture and end a filibuster.

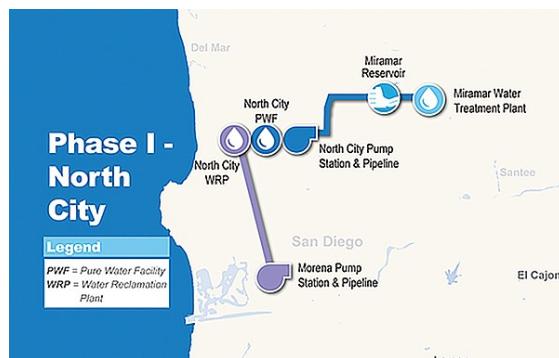
So, who determines whether a point of order is valid? The powerful, yet unelected and little known, Senate Parliamentarian. Appointed in 2012 as just the sixth Senate Parliamentarian,

Elizabeth MacDonough may be making headlines over the coming weeks as the 50-50 Senate does what they do best and plays politics with the BBB. Somewhat ironically, the process by which the Senate Budget Committee puts together a list of potential “extraneous” provisions for review by the Parliamentarian is known as the “Byrd Bath.” While this process is underway, the Byrd Bath cannot be completed until *after* the CBO scores the bill. Then there is actual floor debate where one more Byrd seed will have a major hand in the destiny of this bill – his successor.

The oft-mentioned Senator Joe Manchin (D-WV) was Governor upon Sen. Byrd’s death and appointed someone to finish the term before running for the seat himself. Sen. Manchin said this week that he is wary of “budget gimmicks” in the BBB. As Democrats embark on their climb to complete this \$3 trillion dollar “infrastructure” package, it may very well be the man and the legacy from the aptly-named Mountain State standing in the way.

San Diego Pure Water Marches on

By Mike McManus, Director of Engineering Construction & Industry Relations



The City of San Diego started the Pure Water project in 2014. The first phase of three is finally in the construction phase after seven years of development and design and not without controversy. The City Council, recently voted to augment the Phase 1 project with additional dollars to cover rising costs. City staff has also requested that they are able to pool projects’ contingency dollars for more flexibility in handling change orders and they are asking for additional authority for

the Mayor to approve larger change orders, from \$1 million presently authorized to \$2 million if approved by Council.

Looking back, this project is very important to the region beyond the generation of many construction industry jobs. San Diego’s water supplies face increasing stresses from a variety of sources which are making the region’s water supplies increasingly unreliable. This program will ensure that the City is less vulnerable to future droughts and cost increases for imported water. But beyond that, it will reduce the amount of treated sewer from the Point Loma Wastewater plant that flows directly into the Pacific Ocean.

Most of the funding for Pure Water Phase 1 construction comes from two programs: The Federal Water Infrastructure Finance and Innovation Act (WIFIA) loan program, and the State Revolving Fund (SRF) loan program. This will have to be paid back over time with ratepayers picking up the tab.

WIFIA - \$734 million
SRF- \$655 million
Total Loans - \$1.4 billion

The North City Pure Water Phase 1 project designs are complete. Nine of the eleven projects have started construction or are in the process of being awarded. The remaining two are slated to be awarded in the second half of 2022. The Phase 1 completion date for all construction has been pushed back to 2025. The 18 month delay has resulted in cost increases that have been exacerbated by COVID-19 related cost increases and availability impacts of supplies and materials. Below is the rundown of projects awarded and scheduled for bidding.

Under Construction

Site work - \$16 million
Pure Water Facility - \$357 million
Morena Pipeline North- \$95 million
Morena Pump - \$110 million
Miramar Pipeline - \$123 million
Treatment Plan Expansion - \$255 million
Biosolids Center - \$40 million
Equalization Basin - \$12 million

Bidding or Awarding

Morena Pipeline South - \$93 million
Morena Pipeline Middle - \$57 million
Miramar Pump - \$9 million
Oxygenation System - \$3 million
Reservoir Monitoring- \$1 million

Increasing the change order limit will help avoid delays by reducing the time required to execute change orders, something the City should consider on all their projects. The City staff always works with community groups to identify construction impacts and try to mitigate those impacts. Delays due to change order processing obviously prolong those impacts to communities and therefore are a bad thing, on top of the fact that the payments for the change order work are often delayed requiring the contractor to carry the financing of the work for the City. Also, Pure Water Phase 1 will operate as a single interconnected system, so a delay to one project is a delay to all projects.

The City Council authorized, in November of 2018, the Mayor to award construction contracts for Pure Water up to \$1,082,000,000. The new request is to award construction contracts up to \$1,212,000,000, which is about a 12% percent escalation in costs over three years. The State of California mandated project labor agreement is likely to be some portion of the cost escalation being covered by the City.

This project still has a long way to go with a lot of underground work on tap which comes with the usual risks. Meanwhile the City is also starting Pure Water Phase 2. Phase 2 is not contingent on Phase 1 being completed and will now be developed on a parallel track. Phase 2 must be completed by 2035 to satisfy the conditions in both the Cooperative Agreement in Support of Pure Water San Diego and the Ocean Pollution Reduction Act II (H.R. 587) which is pending further consideration by the U.S. Senate.

AGC Members Apply Now for the 2021 Excellence in Construction Innovation Award



Over the years the AGC Construction Technology Committee has been able to highlight and award member companies for their advancements using technology in the construction industry. The committee has expanded and updated the award this year to encompass “technology and innovation” to highlight advancements in the industry.

Recent winners include **Hensel Phelps**, **C.W. Driver**, and **Bergelectric Corporation**, with the first award back in 2007 going to **J.R. Filanc Construction Co.** Award winner technologies featured have included usage of drones on projects, consolidating project and company data to one cloud program, and BIM integration to a project Cloud solution. All companies in the last two years have had to adjust and change and this is a great opportunity to showcase how your company implemented a new technology or innovation to adapt in these times.

All active AGC Member companies can submit an application that documents “a technology or innovation process or solution” that was completed and implemented within the past two years and has not been previously submitted. The application includes six questions that must be answered about the technology or innovation and submitted before the application deadline.

The application deadline for the 2021 Excellence in Construction Innovation Award is Tuesday, November 30, 2021, see application for details. [Click here to download the application.](#)

Please contact AGC staff member Kellie Korhonen at kellie@agcsd.org if you have any questions about the award or application.



Help Support SDSU Reno Team Competition Training

The San Diego State University (SDSU) Construction Engineering & Management (CEM) students are excited to be training in person for the ASC Reno Competition that will be held in February 2022. Teams have been meeting to prepare and are ready for their first practice competition day also known as a “Mock Problem.” Help us help the students by sharing your industry knowledge - the

return on investment is preparing these bright young people to be great construction industry professionals.

ACG Members please join us **December 1, 2021, at 4:30 pm** for a mixer with students and attendees, then team presentations start at 5 pm at the AGC San Diego Office in Lakeside.

Please [RSVP for the event here](#) or by email to Kellie Korhonen at kellie@agcsd.org.



AGC of America Begins Surveying Members for Annual Outlook

Help Us Generate a Comprehensive Outlook for 2022 by Taking the Survey Today

Each year around this time, AGC asks you – our members – to predict what next year will be like for your business. AGC has partnered with Sage to prepare questions that focus on expectations for market performance, hiring, labor market conditions, etc. Please take a moment to complete the [survey here](#).

AGC of America will use the survey results to help make the case with elected and appointed officials in support of key member priorities. The more people who complete the survey, the more effective the results will be in supporting our work on your behalf.

Join the Festivities for the Holiday Season



There is still time to [register](#) for the AGC Holiday Dinner Dance on Saturday evening, Dec. 4 @ Hotel Del Coronado. Join AGC members for this festive black-tie affair of music, cocktails, dancing, and dining.

This night is also the time AGC kicks off its **Annual Toy Drive**. Make a child glow this holiday season by bringing an unwrapped toy, and help us carry on a tradition established more than forty years ago.

Let's enjoy the spirit of the holiday together!

2022 Winter Conference Park City
From AGC Meetings & Events Committee



The AGC Meetings & Events Committee invites you to attend the [2022 Winter Conference](#) at the brand new Pendry Hotel in Park City, Utah.

A ski in/ski out hotel nestled in the center of **Canyons Village, the Pendry Park City** is a slope-side retreat where modernist design inspires every angle, and members can expect the utmost in luxury service. For those that want to do more than ski/snowboard, Park City's historic Main Street is just a short drive away with

its renowned restaurants, shops, and entertainment.

Located in the center of Park City, Utah, and a convenient 35-minute drive from Salt Lake City International Airport, this is the largest ski area in the United States, alongside neighboring Canyons Resort.

[View Winter Conference Brochure.](#)

Your 2022 AGC Winter Conference Package includes the following:

- *3 Nights Lodging (Thursday, February 10 - Sunday, February 13, 2022)*
- *Thursday - Opening Night Cocktails & Dinner Banquet*
- *Friday - Breakfast & Business Meeting*
- *Saturday - Cocktails & Dinner Banquet*

Additional Pricing will be coming soon for the following:

- *Ski/Snowboard Lift Tickets - Friday & Saturday*
- *Snowmobiling Tour - Saturday*

Now is the time to start looking at flights and get yourself booked to attend this fun event as it may sell out quickly. Friday evening is an open night for guests to enjoy on their own.

[REGISTRATION FORM](#)

We are also hoping to secure enough sponsors to host cocktails at our Thursday and Saturday dinner events and to host an Après Ski event on Friday.

[SPONSORSHIP OPPORTUNITIES](#)

We welcome you to check out the new hotel website: <https://www.pendry.com/park-city/>

Questions, please contact Rae Krushensky at raek@agcsd.org.

EDUCATION & TRAINING CLASSES

November Classes

- Nov. 15-16 - **BIM Unit 1** via Zoom
- Nov. 16 - **Excel Advanced** - offsite
- Nov. 17 - **Negotiation, Problem, Solving Resolving Conflict @ Lakeside**
- Nov. 17 - **CQM**
- Nov. 17-18 - **BIM Unit 2**
- Nov. 18-19 - **BIM Unit 3**
- Nov. 22-23 **BIM Unit 4**

December Classes

- Dec. 1-4 - **Project Engineer Bootcamp @ Lakeside facility**
- Dec. 1 - **Excel Beginner** - Offsite
- Dec. 2 - **Confined Space @ Ferris Square**
- Dec. 6-8 - **Fall Protection 24-Hour CPT @ Ferris Square facility**
- Dec. 7 - **Stormwater Monthly Virtual Forum**
- Dec. 7 - **Construction Law - New Calif. HR Laws for 2022 @ Lakeside**
- Dec. 8 - **Excel Intermediate** - offsite
- Dec. 13 - **Basic Rigging & Qualified Signal Person - @ Ferris**
- Dec. 15-16 - **CQM** via Zoom
- Dec. 16 - **Trenching & Excavating @ Ferris Square**
- Dec. 16 - **Excel - Advanced** - offsite

CLASSES

For more information on classes, contact:
[Becca Schaffer](mailto:Becca.Schaffer@agcsd.org), 619-592-4533



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COMMITTEE/COUNCIL MEETINGS

November Meetings

Nov. 17 - **Build & Serve Committee** - 7:30 AM via Zoom Meeting
Nov. 17 - **Affiliate Council** - 11:30 AM offsite
Nov. 17 - **Education Committee** - 11:30 AM @ Lakeside
Nov. 30 - **Specialty Council** - 11:30 AM @ Lakeside

December Meetings

Dec. 1 - **Safety Committee** - 7:00 AM via GoToMeeting
Dec. 3 - **Caltrans** - 730 AM - Via GoToMeeting
Dec.10 - **Technology Committee** - noon @ Lakeside
Dec. 14 - **H.R. Practices Committee** - 11:30 AM @ Lakeside

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November 22, 2021

The VOICE of Construction



Have a very Happy Thanksgiving from our AGC Family to Yours!

The AGC offices will be closed on Thursday, Nov. 25 and Friday, Nov. 26 in observance of Thanksgiving which is a recognized holiday on prevailing wage projects in San Diego.

AGC San Diego Honors the Best in Construction at Build San Diego Awards

By Dustin Steiner, Vice President Government & Industry Relations

On Tuesday, November 16, 2021, AGC San Diego held its biannual “**Build San Diego**” awards at the Hilton Bayfront. Over 300 guests, including elected officials, public agency officials, developers, architects, and engineers joined 2021 AGC President **Mike Williamson** to award the “best of the best” in building from the past two years.

Assemblymember Chris Ward kicked off the event with an update from Sacramento about public investments in infrastructure and housing. **Heather Myers** from CBS News was the Master of Ceremonies and also shared her story of growing up in a contractor family. **Hawthorne Cat** and **Torrey Pines Bank** served as the event title sponsors, and **Berg Hill Greenleaf & Ruscitti LLP** and **Milwaukee Tools** were the reception sponsors.

Five judges dedicated several hours reviewing over **30** projects in eight categories. The judges were:

Gabriel Acero - Deputy Director of Construction, Caltrans
Jill Bankston - Acting City Engineer, Development Services Department, Encinitas
Lou Smith - Former Commander at NAVFAC, Former Port Commissioner
Cid Tesoro - V.P., Facilities and Engineering, Port of San Diego
Robin Tsuchida - Senior Director for Campus Projects, UCSD

Now, onto the winners!



Building Construction - Public Work

Hensel Phelps

GSA San Ysidro Land Port of Entry Phase 2
Owner: The United States General Services Administration
Architect: Stantec



Building Construction - Private Work

Clark Construction Group – CA, LP

Legacy International Center
Owner: Morris Cerullo Legacy Center Foundation
Architect: Carrier Johnson



Underground / Utilities Construction

J.R. Filanc Construction Company, Inc.

Santa Margarita River Conjunctive Use Raw Water Pipeline
Owner: NAVFAC Southwest
Design Firm: Brown & Caldwell



Heavy / Highway Construction

Mid-Coast Transit Constructors (MCTC)

Elvira to Morena Double Track Project
Owner: SANDAG
Engineer: HCR, WSP, BergerABAM, Rick Engineering and Pacific Railway Enterprises



Unique Small Project - Public Work

Soltek Pacific Construction Company

California Tower Seismic Retrofit

Owner: City of San Diego

Architect: Heritage Architecture & Planning



Unique Small Project - Private Work

Herman Construction Group, Inc.

Design-Build Palomar Emergency Field Hospital

Owner: Palomar Health

Architect/Designer: SC Engineers



Sustainable Project

PCL Construction Services, Inc.

UC San Diego Center for Coastal Studies
Renovation

Owner: UC San Diego/ Scripps Institute of
Oceanography

Architect: Miller Hull



Unique Special Project

Flatiron-Skanska-Stacy & Witbeck, a Joint Venture

North Coast Corridor Segment 8, San Elijo
Lagoon Restoration

Owner: Caltrans

Architect: Moffatt & Nichol

There were a number of excellent construction projects nominated for awards this year and as such eight **Merit Awards** were also presented and included:

Building Construction - Public Work

- **Clark Construction Group – CA, LP** - UCSD North Torrey Pines, Living and Learning Neighborhood
- **Sundt Construction, Inc.** - Airport Support Facilities at San Diego International Airport

Building Construction - Private Work

- **Pacific Building Group** - Portside Pier
- **Swinerton** - 2100 Kettner, San Diego, CA

Unique Small Project - Public Work

- **Herman Construction Group, Inc.** - COVID-19 Alternate Care Facility

Unique Small Project - Private Work

- **Barnhart-Reese Construction, Inc.** - Balboa Park Auto Museum Restoration

Unique Special Project

- **C&S Construction Services** - Coast Air Center Development
- **Manson Construction Co.** - P-440 Pier 8 Replacement Naval Base San Diego

Additionally, **Barnhart-Reese Construction, Inc** received a **Special Recognition Award** for the AGC East County Training Center and **Caltrans** was the winner of the coveted **Best of the Best Public Owner of the Year**, which is selected by **you** the AGC Members. **Public Agency Merit Awards** included: **Escondido, Vista, UC San Diego, and SANDAG.**

For more information on nominees, photos, and a special e-edition of Constructor Magazine, [please visit AGC San Diego website.](#)

Congratulations to the 2021 winners! We will see you in 2023!

A Lot to Be Thankful For

By Eddie Sprecco, CEO

As everyone heads into the Thanksgiving weekend, it's a good time to reflect on some of the good that has come of 2021, despite the lingering remnants of 2020.

COVID on the Decline

COVID cases and hospitalizations continue to trend down in San Diego County - and vaccinations are up. According to the latest statistics from the County of San Diego Health & Human Services Agency, 76% of San Diegans school age and older have been vaccinated. Add in the hundreds of thousands who have recovered



from COVID and the percentage of residents with immunity is well past the thresholds that were targets for ending the pandemic.

While health officials have abandoned the idea of “herd immunity”, the crisis phase of COVID-19 is over. The mandates, shutdowns and emergency powers of the past 20 months, and their disruptive impacts should be a thing of the past as we enter “maintenance mode”.

Infrastructure Funding

After the 2020 elections we predicted in the MMQB that the only large policy initiative likely to advance through a closely divided congress would be an infrastructure funding bill – so far, those political dynamics have played out.

The \$1 trillion bi-partisan infrastructure bill was signed into law last week after a year of wrangling over the details and political infighting on both sides of the aisle. This legislation was passed through congress only after being separated from the much larger social spending bill that was dubbed “human infrastructure” by proponents because infrastructure polls well and many of the policies in the larger spending package do not.

Much credit is owed to the staff at AGC of America, and the nationwide network of AGC chapters and members who wrote and called their representatives, urging them to pass the stand-alone physical infrastructure bill.

Growing the Construction Family

On Friday, we had the opportunity to attend the graduation of nearly 50 apprentices from the Inner-City Community Unilateral Apprenticeship Program at the National Black Contractors Association. We heard from alumni of the program - some who went on to get their own contractor’s license and now own their own business - and what it means to their families and communities.

Being the son of a carpenter and growing up in a construction family, it was great to see the next wave of craft workers accessing the many opportunities the industry provides.

There is a lot of work to do in 2022, but for at least one weekend, I plan to be thankful for the all that came out of 2021 – and eat some turkey. Happy Thanksgiving.

AB5 Blocked From The California Trucking Sector (For Now)

By Mike McManus, Director of Engineering Construction & Industry Relations



Will AB5 be kept out of California's trucking sector? It looks like that will be true for the near future. This law has been a serious concern for contractors who have to assemble fleets of trucks for short term operations hauling material onto or off of projects, as well as any business who uses owner-operator truckers.

AB5, enacted in 2019, seeks to define the status of an independent contractor in the

state. It sets as law the ABC test for determining whether a worker is an employee or a true independent contractor. For trucking, the B prong is viewed as making it difficult to hire independent owner-operators as drivers, because it defines a person engaged in the primary activity of the hiring company — like a trucking company hiring a truck driver — as an employee. (A trucking company hiring a janitorial service to clean the offices would not face this issue, since janitorial work is not its business.)

AB5 has been blocked from being implemented in California's trucking sector because of an injunction handed down by a U.S. District Court in California at the start of January 2020. That injunction has continued to keep AB5 at bay in the trucking sector even as the plaintiff in the original court case, the CTA, saw two levels of the state's appellate courts rule against it after its successful quest to get a federal district court to impose the injunction.

The U.S. Supreme Court, last week, requested that the U.S. solicitor general, which represents the U.S. government before the high court, weigh in on the case of the California Trucking Association (CTA) versus the state's attorney general, Robert Bonta.

With the court asking the solicitor general for its view on the issue, it means that the injunction that CTA won at the start of 2020, blocking AB5 from implementation against trucking, will stand for now. While the injunction was handed down by a federal district court right at the time that AB5 was being implemented through the state, two appellate courts later rejected the legal reasoning behind the injunction but allowed it to stand while it made its way through further appeals. With the Supreme Court now asking for the solicitor general's views on the legal issue, it means the injunction lives for another day.

The key legal dispute in the courts is whether an early 1990s law, the Federal Aviation Administration Authorization Act, known as the F4A, would effectively block implementation of AB5 in California. F4A has language that prohibits a state from enacting laws that impact "prices, routes and services." The district court that handed down the injunction said AB5 did that; the appellate courts disagreed, with the CTA appealing those decisions.

At the state level, Gavin Newsom has recently signed [AB 1561](#) to extend the sunset dates on the exemptions granted to licensed manicurists and construction trucking subcontractors from the provisions of AB 5.

The exemptions will now sunset on Jan. 1, 2025, providing each industry three additional years to determine compliance with AB 5.

Join Us for The AGC San Diego Chapter's Annual Meeting

By Mike Williamson, Pacific Coast Iron, AGC 2021 President

As we close the year, we invite you to the Chapter's 94th Annual Meeting on Thursday, December 16th, from 10:30 a.m. - 12:30 p.m. at the San Diego Mission Bay Resort (1775 East Mission Bay Drive, San Diego, CA 92109).



2021 was a very busy year, and much different from the one we had in 2020. It was also a very good year for the construction industry, and a productive year for your Association – outcomes made possible by the active involvement of the 1,100 members of AGC San Diego.

At the Annual Meeting “Active Members” have the important task of electing individuals to fill open seats on the Board of Directors. Year round, this group of AGC leadership makes decisions on your behalf that influence local infrastructure funding, industry practices, public policy, and politics.

While Specialty and Affiliate members will not be able to vote, the Board is convinced that sharing the valuable information about the association with the entire membership is important.

In addition to the election of members to the Board of Directors, AGC San Diego CEO, Eddie Sprecco, will present the AGC’s 2021 Annual Report, detailing the important activities and finances of the AGC. This will include acknowledging dedicated members who are the backbone of the San Diego chapter, as well as our major sponsors, and our chairmen and chairwomen who head up the many AGC committees.

Your involvement is critical, and the 2021 Annual Report will detail how valuable member resources are working for you.

We encourage all AGC firms to take a couple of hours out of your schedule on December 16 to attend this final meeting of the year.

Members Only Event - Click to Register

“Active” members are defined in the Bylaws as General Contractors (Building and Engineering) and Contractor members. Contractor members are Subcontractors that participate in one of AGC’s major programs (health, apprenticeship, pension, etc.), and pay local dues that are equal to the dues paid by the General Contractors.

AGC Members Apply Now for the 2021 Excellence in Construction Innovation Award - Application Due Nov. 30



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technologies featured have included usage of drones on projects, consolidating project and company data to one cloud program, and BIM integration to a project Cloud solution. All companies in the last two years have had to adjust and change and this is a great opportunity to showcase how your company implemented a new technology or innovation to adapt in these times.

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Please contact AGC staff member Kellie Korhonen at kellie@agcsd.org if you have any questions about the award or application.

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ACG Members please join us **December 1, 2021, at 4:30 pm** for a mixer with students and attendees, then team presentations start at 5 pm at the AGC San Diego Office in Lakeside.

[Please RSVP for the event here](#) or by email to Kellie Korhonen at kellie@agcsd.org.

Welcome New Members

The AGC Board of Directors and AGC staff welcome the following new members to the Association:

- [C.V. Larsen Co.](#) - General Contractor
- [El Cajon Ford](#) - Affiliate
- [FUSE Specialty](#) - Specialty
- [Sonsray Machinery](#) - Affiliate
- [Spectrum-CMI](#) - Affiliate

- [Superior Consulting Firm](#) - Affiliate

AGC's Motto: It's Good Business to do Business with an AGC Member.

AGC and Members Share the Warmth this Holiday Season



Thank you to all those individuals and AGC member companies who kindly donated items for AGC's Build & Serve Clothes Drive benefiting Father Joe's Villages. We received numerous bags and boxes containing everything from warm sweaters and jackets to scarves and clothing for adults, children, and toddlers.

Thank you to **Erickson-Hall Construction Co.** and **Atlas Technical Consultants** for volunteering as our drop off locations for these donated items.

The AGC Build & Serve Charitable Alliance is committed to giving back to San Diego communities

through projects that help BUILD or SERVE those in need.

The **AGC's Toy Drive** is just around the corner, coordinated by both the Meetings & Events Committee and the Build & Serve Charitable Alliance. If you are attending the Holiday Dinner Dance on December 4 at the Hotel Del Coronado, we ask that you bring an unwrapped toy to the event to continue our 40+ year tradition. If you do not plan on attending the event but would still like to donate a toy for Polinsky Children's Center and Rady Children's Hospital, we have collection locations to make it easy for you.

Drop off Locations until Dec. 10:

Atlas Technical Consultants – Grantville
J.R. Filanc Construction Co. – Escondido
AGC – Ferris Square
AGC – Lakeside

[See Toy Drive flyer](#)

Because of the generosity of AGC Members, the Build & Serve Committee was able to accomplish many charitable projects this year:

1. **Baby Drive for STEP** (Support our Enlisted Project) - Provided essential baby items for military families)
2. **Computers 2 Kids** – Provided low-income families with access to technology
3. **Blood Drive** – Replenished the low blood supplies for the San Diego Blood Bank and LifeStream
4. **La Jolla Family House Collection Drive** - Provided wish list items to residents who have loved one in long-term or critical care at UC San Diego Health
5. **Clothes Drive** for Father Joe's Village and to honor the life and impact of Father Joe Carroll

- 6. **Toy Drive** - Providing holiday cheer to the children of Polinsky Children's Center and Rady Children's Hospital with a gift from Santa.
- 7. **Stocking Stuffing** of needed items for those experience homelessness

Thank you again to our members and thanks for making it a great year of giving back!!

EDUCATION & TRAINING CLASSES

November Classes

Nov. 22-23 **BIM Unit 4**

December Classes

- Dec. 1 - **Project Engineer Bootcamp** @ Lakeside facility
- Dec. 1 - **Excel Beginner** - Offsite
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CLASSES

For more information on classes, contact:

[Becca Schaffer](#), 619-592-4533



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Calendar &
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COMMITTEE/COUNCIL MEETINGS

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Dec. 14 - **H.R. Practices Committee** - 11:30 AM @ Lakeside

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[DIRECTIONS](#)



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Please contact [Eddie Sprecco](#) or [Dustin Steiner](#) with your comments, or with information that should be conveyed to the industry through this service. Well over 3,000 individuals employed by AGC member firms are part of this system.

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November 29, 2021

The VOICE of Construction



Coming To a Jurisdiction Near You?

By Dustin Steiner, Vice President Government Relations & Industry Relations

This morning, the San Diego City Council held a special meeting to approve an [Emergency Ordinance of the City's Mandatory COVID-19 Vaccination Policy](#). This policy mirrors the County of San Diego's recently enacted policy, but does not contain the County's testing carveout for law enforcement. The City's policy is *simple* in its language and is a "Mandatory COVID-19 Vaccination Policy that requires all current City employees (all unclassified/unrepresented employees, classified/unrepresented employees, and employees represented by a recognized employee organization), elected officials, members of boards and commissions, and authorized volunteers to be fully vaccinated against COVID-19 and provide proof of their full vaccination by December 1, 2021, as a condition of continued employment or service with the City."

This "Mandatory COVID-19 Vaccination Policy will require **all City contractors**, who interact **in person** with City employees while providing contracted services **indoors** in City facilities or while performing bargaining unit work indoors, to be fully vaccinated against COVID-19, **effective January 3, 2022**, as a condition for provision or continued provision of contracted services." This provision was added at the request of the Municipal Employees Association (MEA) who asked the Mayor to include "contractors who work alongside them in City facilities or who are doing MEA's bargaining unit work because of the City's lack of staffing capacity". **This policy does not include contractors working outdoors.**

Councilmember Chris Cate (who was the lone "no" vote) asked a series of questions pertaining to contractors with city staff responding accordingly:

- Will apply to "fewer than 300 city contracts"
- Affected contractors will be notified on December 2
- The City will have the ability to ask contractors for proof of vaccination and may do audits, but will not otherwise ask for or store any vaccination information for contractors (City employees information will be stored in a database)
- If an employer maintains a "bona fide vaccination or testing program," those contractors can continue to work

AGC San Diego **supports** vaccinations and has continually worked with our members to operate safely throughout this pandemic. However, we also **oppose one-size-fits-all** vaccination mandates. AGC staff recently sent [a letter](#) regarding vaccination mandates to

San Diego County Board of Supervisors Chair Nathan Fletcher and [a notice](#) to public agencies throughout San Diego County.

Additionally, AGC of America filed a lawsuit pertaining to the [Emergency Temporary Standard](#) (ETS) published by the Occupational Safety and Health Administration (OSHA) on November 5, 2021. There are currently 34 such lawsuits filed by states, businesses, and other groups across all 12 federal circuit courts. These lawsuits have been consolidated in the 6th Circuit. On November 14, 2021, the 5th Circuit upheld its November 6, 2021 [decision](#) to put a stay on the ETS. OSHA has halted implementation of the ETS pending this litigation. “While OSHA remains confident in its authority to protect workers in emergencies, OSHA has suspended activities related to the implementation and enforcement of the ETS pending future developments in the litigation.”

Closer to home, [“A federal appeals court on Friday temporarily blocked an order that all California prison workers must be vaccinated against COVID-19 or have a religious or medical exemption.”](#)

AGC San Diego continues to work with industry associations and local jurisdictions to safely deliver essential infrastructure.

Construction Industry Needs: More Toasts, Fewer Tariffs!

By Mike McManus, Director of Engineering Construction & Industry Relations



The broken international supply chain has been in the news lately, along with massive increases in prices for consumer goods including gasoline and food, which is having a disparate impact on low income folks in this state because of the high rate of poverty that was here before this trend began 18 months ago.

At last count, there were over 80 ships anchored off the coast of Los Angeles waiting to enter the Port of Los Angeles-Long Beach harbor complex. That same scene is also playing out in other large port complexes such as Singapore and Shanghai. The producer price indexes for the major construction commodities such as steel, aluminum, brass, PVC, lumber and diesel have increased on aggregate about 17% in the period of September 2020 to September 2021. Contractors started passing along those price increases, to some extent, in March of this year but, those “bid prices” so far have only risen about 5% according to our sources. A spike in demand is part of what is driving up costs and affecting availability, but another piece is the fact that there have been tariff wars going on between the European Union and the United States since 2018.

Some good news is that the United States will lift tariffs on some steel and aluminum imports coming from Europe beginning Dec. 1 as part of an agreement to ease tensions between trading partners, the White House announced last week. The agreement sets a quota allowing a certain amount of steel and aluminum to be imported from the European Union duty-free, with anything above that level subject to existing tariffs. In response, the EU said it will remove billions of dollars’ worth of retaliatory tariffs on bourbon and other American-made products that were set to increase next month. The deal will last two years, over which time the U.S. and the EU will negotiate a new agreement to permanently lift tariffs and pressure other countries to reduce carbon emissions from the metal-making process, an effort, presumably, to incrementally address the often reported climate crisis.

Seventy steel and aluminum product categories will be impacted by the easing of tariffs. The previous tariff rates for steel and aluminum products, 10% and 25%, respectively, will now be replaced by a tariff-rate quota system. The EU countries can export 3.3 million metric tons, aggregate annual volume of steel to the U.S. before tariffs go into effect. An aggregate annual volume of, 18,366 metric tons, of unwrought and semi-finished aluminum can be exported to the U.S., by the EU, before the tariffs go into effect.

The agreement somewhat eases import costs as steel prices have skyrocketed and industries including construction have been left scrounging for supplies. While it does not completely remove tariffs, steelmakers say the new quota will address rising prices while still prioritizing domestic producers and addressing an overcapacity of steel in China.

Europe's move to lift 25% retaliatory tariffs also eases costs for retailers who were swept up in the escalating tit-for-tat tariff war. The E.U. responded to then-President Donald Trump's 2018 steel and aluminum tariffs with retaliatory tariffs of its own on American-made products including whiskey, jeans, orange juice and motorcycles.

Whiskey exports to the EU plunged 37% due to tariffs, according to the Distilled Spirits Council, and the association said removed duties "provides a boost not only to U.S. distillers across the country, but also to the entire U.S. supply chain from grain to glass." The group is now pressuring the Biden administration to negotiate an agreement with the U.K., which still has tariffs in place.

"The end of this long tariff nightmare is in sight for U.S. distillers, who have struggled with the weight of the tariffs and the pandemic," said Distilled Spirits Council President Chris Swonger in a statement. *"It's time for the UK to lift its tariff on American Whiskeys so we can all get back to toasts, not tariffs."* Here, Here!!



Early Registration Rate for AGC San Diego Chapter's Annual Meeting Ends Monday, December 6

As we close the year, we invite you to the Chapter's 94th Annual Meeting on **Thursday, December 16th, from 10:30 a.m. - 12:30 p.m.** at the **San Diego Mission Bay Resort** (1775 East Mission Bay Drive, San Diego, CA 92109).



2021 was a very busy year, and much different from the one we had in 2020. It was also a very good year for the construction industry, and a productive year for your Association – outcomes made possible by the active involvement of the 900+ member firms of AGC San Diego.

At the Annual Meeting “Active Members” have the important task of electing individuals to fill open seats on the Board of Directors. Year round, this group of AGC leadership makes decisions on your behalf that influence local infrastructure funding, industry practices, public policy, and politics.

While Specialty and Affiliate members will not be able to vote, the Board is convinced that sharing the valuable information about the association with the entire membership is important.

In addition to the election of members to the Board of Directors, AGC San Diego CEO, Eddie Sprecco, will present the AGC's 2021 Annual Report, detailing the important activities and finances of the AGC. This will include acknowledging dedicated members who are the backbone of the San Diego chapter, as well as our major sponsors, and our chairmen and chairwomen who head up the many AGC committees.

Your involvement is critical, and the 2021 Annual Report will detail how valuable member resources are working for you.

We encourage all AGC firms to take a couple of hours out of your schedule on December 16 to attend this final meeting of the year.

[**Click to Register For Members Only Event**](#)

Attention AGC Members Application is Due Tomorrow, Nov. 30 for the 2021 Excellence in Construction Innovation Award



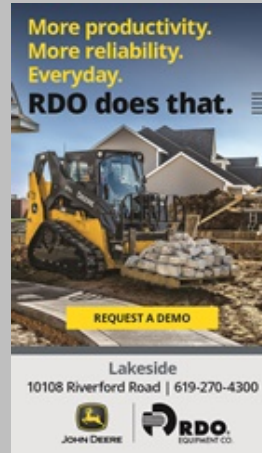
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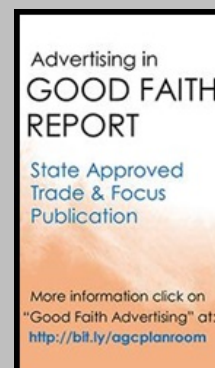
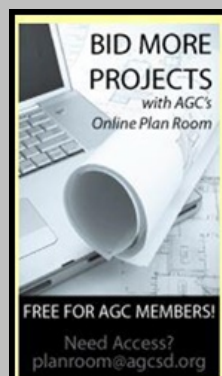


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ONLINE PLAN ROOM



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