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Austin

CONSTRUCTION™

NEWS

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New career, old job skills

Jobsites on camera



Karen Wagner, owner, Fresh Coat



Kevin Butts, president, Red Wing Aerials

Karen Wagner has an MBA in project management, and as the owner of **Fresh Coat North Austin Painting**, she finds it as useful as she did when she managed finance departments for Dell.

"These now are shorter-term projects, but you get to see results sooner," she says.

Wagner celebrated her fifth anniversary last May as a painting contractor who works out of her home, serving North Austin, Cedar Park, Leander, and West Round Rock.

After working at Dell for 18 years, Wagner was ready for a fresh start, and Fresh Coat offered the change she wanted.

"I knew I wanted to own a business, so I looked at nine different franchises, and I liked the Fresh Coat business model."

Their support structure includes a project estimator for reliable quotes and a customer satisfaction survey that permits Wagner to monitor and address feedback.

Everything appears to be going strong. "It has been rewarding. This year has been good for revenue growth," Wagner says.

But, there are additional gratifications. "At Dell, I had a lot of good experiences, and it's a global company, but what I found was I didn't know my neighborhood. So now, I'm getting to know all my neighbors," she says.

She also enjoys Fresh Coat's charity project, Paint It Forward®, through which she offered free painting services to a

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Black Friday is retailers' biggest day of the year and the biggest annual business day for aerial photographer, **Kevin Butts**.

However, Butts isn't reconnoitering for best buys on Christmas presents. He's just taking marketing pictures of parking lots filled with the cars of shoppers who are. Butts is president of **Red Wing Aerials**, which provides aerial photography services to the commercial construction and real estate industries for pre-development, construction progress, marketing, and mapping needs.

"We'll do photos on the front-end for a developer. And then the general contractor will call for monthly construction progress photography. Once the project is

complete, we'll have a commercial real estate broker call. If it's retail, they want photos with a lot of cars in the parking lot. Black Friday is our biggest day of the year," he says.

Tools of his team of pilots and photographers include three fixed-wing aircraft, three drones and access to four helicopters.

The airplane is the most efficient of the three platforms when measured in time and travel, Butts notes.

Construction clients who most often call him are general contractors and roofers. Sometimes, too, it's an owner geographically removed from the location. "Photos help everybody get on the same page," he says.

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An architectural gem

In the heart of Austin's central business district, Trammell Crow Company and joint venture partner Principal Real Estate Investors are invested in the development of Austin, as seen through their commitment to redevelop the entire Thomas Green Water Treatment plant, giving it a new look and a new identity. 500 West 2nd Street was the second in four phases to redevelop this historic piece of downtown Austin.

The Beck Group who has a storied history working with Trammell Crow, with over 40 years of partnership on construction projects throughout Texas was honored to be selected to build this 500,500-sf Class A office building located at the corner of Second and San Antonio Streets and began construction in January 2015. The 500 West 2nd Street phase of the project was completed in May 2017.

The ground floor features the office



500 West 2nd Street exterior view overlooking Lady Bird Lake

lobby and approximately 10,763sf of retail space. Office space is located on levels 14-29, while the garage consists of two levels of subgrade parking and 12 levels of above grade parking located directly beneath the office levels. The office building and garage consist of a cast-in-place concrete structure with a full curtain wall facade. A portion of the 14th floor serves as a tenant amenity center with an 8,628-sf conference center and great room, including a 2,052-sf outdoor terrace with views of Lady Bird Lake. The mezzanine level is also home to a modern fitness center with locker rooms and showers.

The project site is adjacent to multiple residential buildings, so it was important to maintain a good relationship and open communication with these groups. Several construction activities were carefully coordinated to lessen any impact to the site's residential and business neighbors.

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Construction News ON LOCATION
Attention to detail



Manuel Galvez, DS Surfaces LLC pays close attention to his task of feeding a slab of marble into a finishing machine to finish the edges at the DS shop located at 2457 South Loop 4, Bldg. 8-B in Buda, TX. -cmw

Building a future



L-R: Leadership team – Marty Burger, Rhonda Bly, Joe Moore, Grant Hutton, Bill Heine, Joe Charlton, Tom Satori, Dan Horan, Justin Huling

Marty Burger, chief executive officer, has been with **American Constructors** for 34 years, but it's not the 255 projects they have built in Central Texas that impresses him about his employer. "The thing that impresses me is how much our company cares for our people," he says.

Bill Heine founded American Constructors in 1982, and it is still going strong after 35 years because he planned it that way and made employees his focus.

"Bill's assistant, who has been here since the beginning, is now working part-time. And, she can do that for as long as she wants," Burger says.

Heine, who continues with the company as chairman of the board, formed American Constructors after meeting two Austin developers who wanted help on a condominium project from the Hawaiian-based company he worked for at the time.

Although the developers abandoned their project, thinking it was destined for "the future," Heine left the cool breezes of Hawaii for the Central Texas heat, opened an office at 8th Street and Congress Avenue, and won his first project, the William P. Hobby complex, previously known as Republic Plaza.

Since then, American Constructors has resided at two other Austin locations but moved last year to Parmer Lane in Cedar Park.

Although their projects have varied, including the construction of Austin Community College's San Gabriel Campus in Leander to the renovation of Hutto's iconic

old cotton gin, the American Constructors leadership team has remained mostly constant with an attrition rate of 21 years. "Bill is someone to trust with your future and the future of your family," says Burger.

Burger joined the company in 1983, and it has been both professionally and personally rewarding. "Watching families grow and young employees change and begin to think differently – it is very satisfying to see the impact you have on lives," he says.

The sense of responsibility, knowing that the livelihood of others depends on the success of the company, is sometimes overwhelming, he adds.

American Constructors is also committed to its clients, and Burger says it is a reciprocal relationship. "People think construction is about brick and mortar, but it's not. It's about people. In this market, people have choices. If I treat you right, you'll come back to me," Burger says.

American Constructors clients return at a rate of 96 percent. "The other four percent are mostly one-off projects," he says.

Regardless of a loyal client-base, Burger says he has witnessed interesting economic cycles in his time at American Constructors. "There was the housing bust of the late 80s, an economic dip in the 90s, and the big downturn in 2008 that affected practically the whole world," he says.

"For every downturn, there is an 'up-cycle.' Once you get through one, you're not as afraid of the others," Burger says.

It's both a history and a philosophy that has worked together for the kind of confidence and commitment that suits Heine's dream of longevity. "One of the biggest challenges for any corporation is growing for the long-term. You have to be purposeful about that," says Burger.

American Constructors is a general contracting and construction management firm providing services to Austin and Central Texas. - ke



Marty Burger

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A Reminder on Contractor Best Practices in Disaster Remediation Construction Projects

In light of the recent devastation caused by Hurricane Harvey, we want to remind builders and contractors of certain best practices and of the laws that apply to the industry as a whole and specifically for disaster remediation contractors performing work in Texas.

In 2011, wildfires ravaged over 40,000 acres of Texas land located in Bastrop and Grimes counties. In addition to those wildfires, Texas experienced tornadoes, hail storms, floods and hurricanes on a regular basis. As a result, residential, commercial and industrial properties and structures required construction remediation. While many honest and hardworking Texas construction companies were there to help, some communities were plagued by unscrupulous contractors, referred to as "storm chasers," who took money up front and failed to perform services as promised. In response to the misdeeds of these storm chasers, the Texas Legislature enacted the Disaster Remediation Contracts Statute which affects contractors who engage in remediation construction projects stemming from a natural disaster.

A new law was passed in 2011 by the Texas Legislature and was included in Chapter 58 of the Texas Business & Commerce Code. The law applies to disaster remediation contractors, which are identified as those engaged in the removal, cleaning, sanitizing, demolition, reconstruction, or other treatment of improvements to real property performed because of damage or destruction to that property caused by a natural disaster. A natural disaster is defined as widespread or severe damage, injury, or loss of life or property related to any natural cause, including fire, flood, earthquake, wind, storm, or wave action, that results in a disaster declaration by the governor. This means that any construction remediation project related to a natural disaster falls under this new law. After Hurricane Harvey landed, Texas Gov. Greg Abbott declared at least 43 counties as disaster areas. As such, the law impacts a significant and large area of Texas and the contractors that are in and near these counties.

The statute requires any agreement



Ian P. Faria, Partner
Bradley Arant Boult Cummings Law Firm

for disaster remediation work be reduced to a written contract. Contracts for disaster remediation projects must contain a disclosure statement with specific language outlining the statute's prohibitions in boldfaced type of at least 10-point font:

This contract is subject to Chapter 58, Business & Commerce Code. A contractor may not require a full or partial payment before the contractor begins work and may not require partial payments in an amount that exceeds an amount reasonably proportionate to the work performed, including any materials delivered.

The requirements and legal effects of the statute cannot be waived by any party through contract or other means. Additionally, any violation of the statute is also considered a violation of the Texas Deceptive Trade Practices Act which allows for the recovery of attorneys' fees and multiplying damages in certain instances.

The law also provides that a contractor may not require a full or partial payment before the contractor begins work and may not require partial payments in an amount that exceeds an amount reasonably proportionate to the work performed, including any materials deliv-

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Construction News ON LOCATION Brick basics



Jacob Rodriguez works in counter sales for **Materials Products International** (Austin). MPI has been serving the Texas Masonry Industry for more than 35 years. Their original location on Kramer Lane continues to serve North Austin today. -ke

Construction News ON LOCATION NAWIC installs new officers



The Austin chapter of the National Association of Women in Construction (NAWIC) installed new officers in September for 2017-2018. Taryn Ritchie, left, receives the gavel passed by Toni Osberry. Back L-R: Misti Shafer-Webb, Linda Cudmore, Nikki Guinn, Stephanie Hays Cook, Ann Koziol, and Alex Janota.

KIM ESTES, Editor
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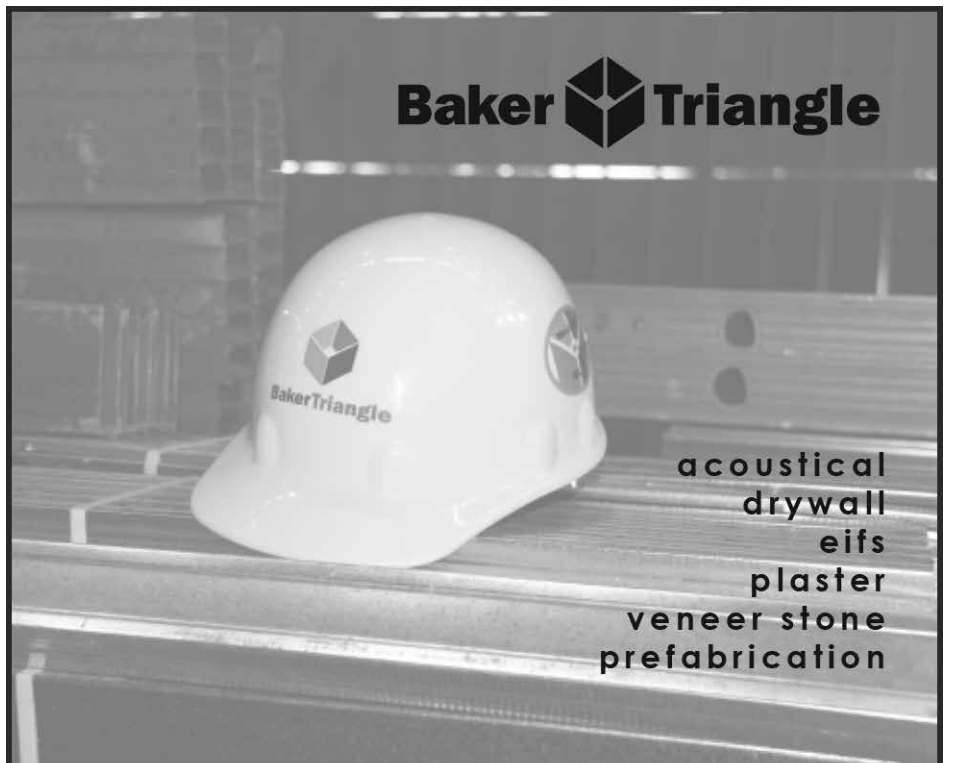
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Mario Williams

**Co-Owner
Lone Star General
Services LLC
Austin, TX**



What do you do when you have three generations of entrepreneurs, each specializing in their own thing?

Not wanting to let any of the family entrepreneurship fall by the way side, Mario Williams decided he needed to find a way to streamline the businesses and yet help oversee their continued success.

But how? Three different companies with three totally different trades – paving, lightning protection and commercial roofing were all successful in their own rights, but needed simplification. It is easy to see how the lightning protection and the roofing might go hand in hand, but what about the paving company. Williams could not forget the paving company that his grandfather started. It meant too much to him and his family. His grandfather started it from nothing. And his grandfather's strong desire and entrepreneurship was an inspiration to his father and led to his father's own desires and success, which led Williams to have a dream of his own. Now, the three companies would continue as family legacies for future generations.

What did he do you ask? Williams took the three generations of companies, Williams Brothers Paving, Texas Lightning Rod Company and Lone Star Roofing and combined them under one umbrella to form Lone Star General Services LLC.

Where were you born?

I was born in Casa Grande, AZ and lived there until I was 1 year old. Then my parents moved us to Kansas and then to Michigan. We eventually made our way back to Texas, which is where my mother and grandfather are from.

How old were you when you and your family moved back to Texas?

I started elementary school in Cedar Park right after we moved back so I guess I was about 6 years old.

Did you remain in Texas?

Yes, I grew up in Cedar Park.

What was it like growing up in Cedar Park?

Growing up in Cedar Park and the Austin area was great. It was a safe and fun place to live and still is. We had the hill country, Lake Travis, San Marcos, and the Guadalupe River all at our disposal. It was always so beautiful to me with its scenic hills and valleys. And even with all the development going on now, it still holds that same charm to me. There was always plenty to do, especially in the summer months with the rivers and lakes.

What were your parents like growing up?

My mom was a devout Christian and the heart and soul of our family. My dad was the hardest working man I've ever known; he worked all the time. I have seven brothers and three sisters. He worked a lot to take care of us all.

Where did you go to school?

I graduated from Leander High

School. After graduation I went to The University of Texas in Austin.

What did you major in?

I started out as an aerospace engineer and then transferred to mechanical engineer.

With a mechanical engineering degree, how did you end up in the roofing business?

My family. We have three generations of businesses. My grandfather, Harry Swartz, started the first generation of business in asphalt paving. My father, Eugene Williams, started a lightning protection business and then commercial roofing.

After my father joined the company, he expanded my grandfather's services offering lightening protection. He started the Texas Lightning Rod Company to test for lightning protection. That, as you can imagine, led to doing a lot of work on roofs because that is where you are install the rods. That quickly led to the commercial roofing business. And that is where I came in to help my dad. I saw a need to expand on my dad's business as he had his dad's.

I had just graduated from UT and was working for my father at Texas Lightning Rod Protection and we would have to patch and repair roofs to remove and install the lightening protection systems. It was just a natural transition and that led to a third generation of businesses for us.

Are you married?

Yes I am. I have been married for 23 years to my beautiful wife, Katie. She has been my biggest supporter.

Do you and Katie have children?

Yes, we have eight children. My oldest is 20 years old and then they step down in age every couple of years from there.

How do find time with eight children and owning a business?

Well, it is challenging, but Katie does a wonderful job with the kids. She is a full-time mom first and foremost and that takes a lot of load off of me. I help with sports and the extracurricular activities with the kids, and help with their homework at night after work when I get home. But my Katie, she really takes care of the kids, and every weekend is family time.

When was Lone Star General Services LLC started?

Grandfather had lived through the great depression and had worked for other contractors putting paver stone down in the town square in Georgetown. Sometime after that he decided he could do that on his own and started a paving business.

My father has been installing lighting rods since 1959. My brothers are involved in the paving side and I have been overseeing the commercial roofing side for the past 25 years.

In 2014, I decided to put all three companies under one umbrella to help streamline the businesses.

Were there ever any down turns in business?

If there was a down turn in the economy, I can't say that I really experienced it. With the three companies, we stayed pretty busy.

Challenges are you facing?

Labor is the biggest challenge we are facing. Finding good, legal people is a constant. We find so many people that are not of the highest quality demanding top dollar because of the lower percentage of qualified good and legal labor.

What is on the horizon for Lone Star General Services LLC?

My plan is to completely automate the system we have here in Central Texas and expand it to all the major cities. We currently have an office in Dallas and we're looking into San Antonio. We want to take our family values and our business motto, expand to Houston and then the west coast and east coast - become a nationwide company.

What are your hobbies and interests outside of working?

I like wakeboarding, crossfit and karaoke. I compete in the over 40 crossfit division every chance I get. Besides the benefits of staying in shape, competing is just a great way for me to relax.

Lone Star General Services LLC is a subcontractor, specializing in paving, lightning protection and commercial roofing throughout Central and South Texas. -cmw

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Cruising for members



What better way to recruit members than a casino cruise. The casino cruise took place on Lake Austin on Aug. 31 hosted by the National Association of Women in Construction (NAWIC). -cmw

ACCOUNTING

Entity Selection and Changes

Leann Ussey, CPA, Tax Manager
Armstrong, Vaughan & Associates, P.C.
 Universal City, TX



Whether you set out to build a construction empire or started picking up odd jobs in your spare time, at some point, you made a decision about the type of entity you wanted for your business. What you chose when starting out may not be the best option for you now, but the good news is you are not locked in.

There are four basic types of entities for tax purposes: Subchapter C Corporations, Subchapter S Corporations, Partnerships (General or Limited Liability), or Sole-proprietorships. Below are some key characteristics of each:

- Subchapter C Corporations
- C-Corps are formed at inception or when an S-Election is terminated.
- C-Corps offer limited liability to directors, officers, and shareholders.
- The primary advantage of C-Corps is the ability to “grow” your business through the sale of stock to an unlimited number of investors.
- The most notable tax disadvantage is the double taxation that occurs when earnings within the C-Corp are taxed at the entity level and taxed again as shareholders take dividends from the corporation. In addition, because income is taxed at the entity level, there is no deduction on each shareholder’s individual return for any losses realized within the corporation.
- Ownership transfers when stock is sold and produces gain or loss at the individual-level for the related shareholder. Other shareholders are not affected in most cases.

Subchapter S Corporations

- An S-Corp is formed when either a C-Corp or an LLC timely files Form 2553 S-Election, choosing to be taxed as an S-Corp.
- S-Corps offer limited liability to directors, officers, and shareholders.
- The primary advantage to an S-Corp entity is the ability to limit the amount of income that is subject to self-employment tax for closely-held businesses. Owners can pay themselves fair wages, subject to payroll taxes, but can also take tax-free distributions of earnings, subject to certain limits.
- Though the S-Corp is required to file its own income tax return, income is not taxed at the entity level, but at the owner/shareholder-level.
- Use caution when selecting S-Corp status since the entity does not allow for special allocations of income, loss, or distributions; certain types of owners are prohibited; and the number of shareholders is limited to 100. Violation of any of these may terminate the S-Election.
- Losses are limited to each individual shareholder’s at-risk investment.

Partnerships

(General or Limited Liability)

- Partnerships are formed when multiple individuals or entities come together with a profit motive. This is also the default entity selection for multi-member LLC’s.
- General partners are personally liable, but limited partners have limited liability.
- Partnerships are also pass-through entities where income is taxed at the owner/partner-level rather than at the entity level.
- The primary advantage of partnerships is that income, loss, and/or distributions may be specially allocated.
- General partners are subject to self-employment tax on all income or on income designated as guaranteed payments if applicable. Limited partners who have no role in management will recognize their share of partnership income, but do not earn income subject to self-employment tax.
- Losses are limited to each individual partner’s at-risk investment.
- Sole Proprietorships
- This is the default entity selection for unincorporated businesses, single-member LLC’s, or multi-member LLC’s owned by husband and wife filing jointly.
- LLC’s have limited liability, but for other sole-props, there is no separation of business assets from personal assets for liability purposes.
- The primary advantage of reporting as a sole-prop is that there is no additional tax form required. All activity is reported directly on the individual tax return.
- The most notable disadvantage is that all income earned by a sole-prop is subject to self-employment tax. Losses are generally not limited and are deducted at the individual level.

Entity selection depends on a variety of characteristics specific to each business, so contact a tax professional and legal counsel to make an informed decision based on your particular situation whether just starting out or growing your business.

Leann Ussey, CPA is tax manager of corporate/partnership returns and focuses on the tax needs of small-to-mid sized entities, including entities with multi-state tax issues. Leann joined Armstrong, Vaughan & Associates, P.C. in 2008 after graduating from Angelo State University with an MBA in Accounting. She can be reached at 210-658-6229.

INSURANCE

Holy Shift! What Happened to the Workforce?

Lauren Allen, Vice Present-Sales
BrookStone Insurance Group
 Dallas, TX



While the days may seem long the years go by fast, and in the blink of an eye America’s workforce is changing dramatically. Instead of one identifiable demographic, the workplace now spans four generations: baby boomers, generation X, millennials, and post-mil-

lennials. According to the U.S. Bureau of Labor Statistics, in 2010, 42% of the workplace was aged 45 or higher, and by 2050 this age group is projected to encompass nearly 50% of the entire labor force. So what does this mean for you? Plan now or your company could pay for it later.

To manage your company’s maturing workforce risk, it is imperative to review your current work environment and company policies. In collaboration with FCCI Insurance, consider the following when conducting an internal assessment:

- Reaction Time Changes – As age increases so do reaction times. Tip: Implement regular training opportunities, employee performance reviews, and development of employee “soft-skills” (i.e. self-awareness and self-regulation) to help your workforce maintain and enhance their safety procedure habits.
- Vision Changes – Maturing workers are faced with common age-related vision changes, including the need for more light, changes in color perception, problems with glare and depth perception, and decreases in peripheral vision. Tip: Regularly evaluate the work assignment, structure and exterior lighting on each project for employee safety and quality control. For high risk exposures (i.e. crane operators, forklift operators, and truck drivers), consider implementing annual eye exams for these employees.
- Hearing Changes – Some degree of hearing loss is almost inevitable as we age. The most common age-related problem relates to changes in the auditory nerve, which can lead to difficulty in clearly hearing high-frequency sounds. Tip: Evaluate current communication methods for all employees as verbal commands may be more difficult for a maturing workforce. Consider various way to communicate (E.g. verbal, written, and/or hand signals). In an effort to avoid increased hearing loss, properly monitor employee noise exposure, provide the proper hearing protection to employees, and keep records regarding the level of noise exposure employees are subjected to on a regular basis.
- Physical Changes – With increased age comes changes to balance, muscular function and gait, which can lead to an

increase in workplace falls and overall injuries. Tip: Utilize non-skid surfaces and the addition of handrails to prevent slips and falls. Proper footwear, adequate lighting, and “safety yellow” paint can assist in increased awareness of safety concerns. Limit activities that involve high repetition and force to avoid increased stress on joints and certain body parts.

To properly manage your workers’ compensation costs, it is important to understand your company’s loss experience and determine which areas are driving loss frequency and severity. The harsh reality is that workers’ compensation claims cost more when an older employee is injured on the job, which is mostly attributed to the presence of additional chronic diseases in the worker. Incorporation of the above considerations into company policies as well as implementation of company wellness activities, which can merge the gap between safety and health for employees, and return-to-work programs for injured employees can help employers meet the needs of their entire workforce while ensuring they are managing their total cost of risk.

With a maturing workforce comes a plethora of experience, leadership, and problem-solving skills, which is immeasurable to a company’s sustainment and growth. According to AARP, “By 2022 nearly a quarter of people 70 to 74 will be working – double the figure in 1992.” Companies must adapt their policies to properly meet the safety needs of their workers as the maturing workforce is here to stay.

Lauren Allen is a licensed attorney in the State of Texas and the Vice President of Sales at BrookStone Insurance Group. She focuses on collaborating, innovating and delivering risk management plans tailored to her clients’ specific needs. She can be reached at llallen@brookstone-group.com

Construction News ON LOCATION

Principled pipe suppliers



Ameripipe is committed to providing the highest level of service and support to the pipe supply and fabrication industry. L-R: **James Beason, Mike Lignes, Robert Rodriguez, Megan Trevino, Ron Saucedo (manager), Kevin Smith, and Tony Sanders.** –ke

Mixing work and play



Members of the Associated General Contractors’ (AGC) Construction Leadership Council (CLC), Austin Chapter, had fun while helping the community in CLC’s second annual River Float and Cleanup held in September in Martindale. Altman treated the crew to lunch after they gathered several bags of trash from the river and surrounding banks. –ke

LEGAL



Review of 85th Legislature on the construction industry

JD Holzheuser, Associate
Peckar & Abramson
Austin, TX

The Texas Senate and the House of Representatives (the "Legislature") meets every two years. The Legislature convenes on the second Tuesday in January of every odd numbered year. The session ends 140 nights later. The Legislature is required to pass a state budget for the next biennium.

But the Legislature also addresses issues that are important to industry in Texas, the construction industry in particular. The 85th Texas Legislature adjourned sine die on May 29, 2017, and the Legislature is not scheduled to reconvene until the start of the 86th Legislature in January 2019. So a review of some of the important issues addressed by the 85th Legislature is important to keep the construction industry informed and involved.

House Bill ("HB") 2121 relates to the recovery of attorney's fees by a contractor in a lawsuit against the state. A contractor may receive attorney's fees from the state if the contractor prevails on its breach of contract claim pursuant to Chapter 2260 of the Government Code and if the breach of contract claim is valued at less than \$250,000. The word "may" is important because that indicates that awarding attorney's fees is at the discretion of the administrative law judge.

HB 3021 relates to indemnity provisions in architectural and engineering contracts. Essentially, the law prohibits broad and intermediate indemnity provisions against architects and engineers in contracts with state agencies. A "state agency" is defined in section 2052.101 of the Government Code.

HB 3270 clarifies the requirements for mandatory background checks for persons working on school construction projects. Some people who meet certain requirements in the law are not subject to background checks.

Senate Bill ("SB") 807 changed Chapter 272 of the Business and Commerce Code. It stated that certain choice of law and venue provisions were voidable if the provisions are in a contract "principally for the construction or repair of an improvement to real property located in [Texas]." This wording created confusion among practitioners, so, in an effort to create more clarity and predictability, this bill strikes "principally for construction or repair" and broadly defines the term "construction contract." Now the treatment of choice of law and venue provisions is clearer for everyone.

SB 1877 relates to notifications from TxDOT related to notifications of proposed contracts. A law allowing individuals to sign up for notice from TxDOT of proposed contracts already existed. But this bill expanded that law to allow those same notices to be received via e-mail if the so indicated on the form filed with TxDOT.

Those bills represent the highlights of what the passed into law out of the 85th Legislative Session. But there are some other bills of equal importance that did not make it to the finish line in 2017.

HB 2343 would have allowed a contractor an opportunity to investigate and cure any alleged construction defects on one of the contractor's projects before the property owner could file a claim to recover damages for the defect.

Chapter 38 of the Civil Practice and Remedies Code says that a party who prevails in a breach of contract claim against an individual or corporation may receive attorney's fees from that individual or corporation. However, its application in breach of contract lawsuits for contractors has been affected by recent appellate court decisions that have held that LLCs, LLPs, and LPs are not "corporations." That essentially means a contractor who wins a breach of contract lawsuit against a LLC, LLP, or LP cannot receive attorney's fees under Chapter 38. The House tried to fix that loophole through HB 744 and HB 2457, but failed.

Mechanic's lien law in Texas can be confusing and time consuming, especially for subcontractors. Several bills were filed in 2017 to change the mechanic's lien law. HB 2668 and 2073 would have changed language in the lien law regarding retained funds. And HB 3065 and SB 1506 were identical bills that were wholesale revisions of the mechanic's lien law. None of these bills made it to the Governor's desk.

Despite these failures, the bills that did not pass represent important issues in the construction industry. Therefore, it is likely they will reemerge in the next legislative session.

OSHA



OSHA delays crane operator certification requirement & monorail hoist

Joann Natarajan
Compliance Assistance Specialist
OSHA
Austin, TX

Under OSHA's standard for cranes and derricks used in construction work, crane operators are to be certified by November 10, 2017. Until that date, employers also have duties under the standard to ensure that crane operators are trained and competent to operate the crane safely. The Agency is proposing to delay the deadline and extend the existing employer duty to ensure that operators of equipment covered by this standard are competent to operate the equipment safely for one year to November 17, 2018.

OSHA has also changed policy on monorail hoists coverage under the crane rule. The policy change was made in response to comments from stakeholders and in recognition that a monorail hoist – which is attached to a fixed monorail mounted on equipment such as trucks, trailers, or scaffolding systems – is significantly different from other cranes and derricks in construction.

Some monorail hoists can be extended and contracted in only a fixed horizontal direction. They do not rotate, swing on a hinge, or boom out much farther than the equipment on which they are mounted. They are often used in construction to hoist precast concrete components, storage tanks, and mechanical equipment.

Under the new policy, the agency will not cite employers for failing to meet the requirements of Subpart CC if they meet the requirements of the overhead hoists and general training standards.

However, it is clear that monorail and overhead hoist systems present recognized workplace hazards, including those addressed by 29 CFR 1926.554 (Overhead hoists), ASME B30.17, and various manufacturers' recommendations. For the reasons discussed above, and until the application of the cranes standard to monorail hoists is revisited through rulemaking, OSHA intends to exercise its enforcement

discretion by not citing employers for failing to achieve full compliance with the cranes standard when monorail hoists are used, if the following conditions are met to protect employees:

(1) Compliance with 29 CFR 1926.554 (Overhead hoists). OSHA notes that its Overhead Hoist standard requires the use of outriggers and other supports whenever prescribed by the manufacturer.

(2) Operators of this equipment are trained in accordance with 29 CFR 1926.21.

(3) The employer has determined that each operator is qualified to safely operate that hoisting system per 29 CFR 1926.20(b)(4).

(4) When monorail hoists are mounted on equipment such as work vehicles, utility trailers, scaffolding systems (including mast climbing), and various other mobile or stationary support systems, the employer must also comply with all other OSHA construction requirements that are applicable to each supporting vehicle, equipment, and structure. Should an employer operating such equipment fail to comply fully with all of the requirements described, the requirements of the cranes standard would apply.

natarajan.joann@dol.gov
512-374-0271 x232

continued from Page 3 A Reminder on Contractor Best Practices in Disaster Remediation Construction Projects

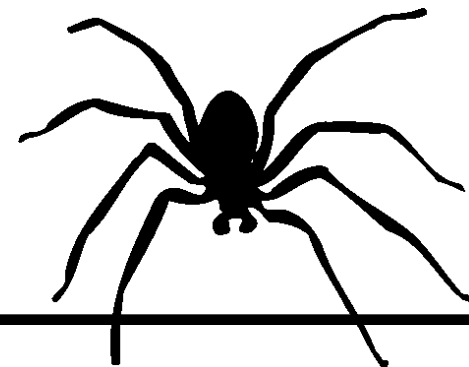
ered. Therefore, a contractor cannot require a down payment, draw or other form of payment until work begins.

The law does not apply to remediation contractors if they maintain a physical business address in the county or a county adjacent to where the work is to be performed for one year prior to the date of contracting. This exception allows "local" companies to continue business as usual. However, the best practice would be to have your contracts and business practices set to comply with this law so that you can be ready to help in the event the next natural disaster is more than a county away. This new law affects all contracts entered into on or after Sept. 1, 2011.

Additionally, contractors would be well served to follow the regular and normal industry procedures. It is recommended that they always have a written contract executed by both owners/homeowners to ensure that you do not waive your lien rights on the homestead. Moreover, the scope of work needs to be clearly outlined and the liabilities assumed clearly defined in the contract. For instance, a contractor should be careful to avoid assuming mold testing and mold remediation when it is only performing reconstruction services. Another recommended practice is to ensure that a good escalation clause is included in any contract. It is currently unknown what will happen to the price and supply of building materials (such as concrete, sheetrock, insulation, etc.) but the price

ing could radically increase based on demand. Additionally, labor and manpower may be scarce. It is recommended that strong independent contractor agreements be used and insurance programs verified before retaining any laborers or subcontractors. Also, strong and repeated communication with the owners and/or homeowners is encouraged. Clear communication on timelines and scope of work can manage expectations and mitigate against disputes. Finally, depending on the area, careful attention should be taken with respect to permitting and inspections. There are other good practices to consider in remediation construction projects, and therefore contractors are encouraged to contact their attorney or trade organizations to obtain guidance.

Ian P. Faria is a partner in the Construction and Government Contracts Practice Group and managing partner of the Houston office of Bradley Arant Boult Cummings. He focuses his practice on commercial, industrial and residential construction law and also has broad experience in real estate law. He can be reached at ifaria@bradley.com.



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Picking up the pieces

by Capt. Steve Schultz

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Well, things are slowly getting back to normal down here in the Coastal Bend after an ending to an August I will never forget.

Almost everyone was affected by one of the most damaging hurricanes this area has seen in over 30 years. Hurricane Harvey skirted just north of the Corpus Christi area and caused some major



T.W. Wheat and his group had steady action on a recent fishing outing with Steve Schultz Outdoors shortly after the Hurricane.

damage to some of the communities north of the city. Most of the damage was power lines, trees and fences down in the city of Corpus with several of the marinas receiving a bit more extensive damages.

For the most part we were spared the brunt of the devastation that the cities to the north were not. Most of these towns from Port Aransas north to Port O'Connor were left in ruins. The rebuilding process will take years to complete and many folks lost everything. Needless to say, the fishing business has been rather slow as people try to get through the shock of the

storm Mother Nature brought ashore.

A little closer to home, and just before Hurricane Harvey arrived, I was mourning over the loss of a dear friend and client. Randy Wyatt passed away the week prior to the storm and left many people, including this writer, with an emptiness that could not be explained. Randy had become one of my closest friends over the past 12 years and I was introduced to many other great people through his friendship and fishing/hunting trips. He was very well known around the fishing community in this area and those who knew him will agree that he

was one-of-a-kind and will be greatly missed.

On to Fishing.... After several weeks off due to the hurricane, I finally got back on the water on Sept. 8. Fishing was challenging for the first week because of higher than normal tides, but things are slowly getting back to normal. Fall patterns should begin to set in as we start getting some cool fronts blowing in.

Redfish and speckled trout will be the species most targeted with black drum and some occasional flounder rounding out the cooler. It's still warm enough to wet wade and that might be the best bet to getting on some trophy trout before old man winter arrives.

Speaking of trophy trout, winter is just around the corner and I will be booking some wade fishing trips in between my hunting trips. Most trips will be in the Baffin Bay complex and I will also be guiding some trips in the Port Mansfield area. If you are interested in either, please give me a call or shoot me a text. With all the high tides and great water conditions, I'm looking forward to a stellar winter for the big girls.

I still have several open dates for the October 2017 season. I will also be offering some management deer hunts in South Texas if you are interested. To schedule your next bay fishing trip or hunting trip give Capt. Steve Schultz a call at 361-813-3716 or 361-334-3105 or email him at SteveSchultzOutdoors@gmail.com. Good luck and Good Fishing.

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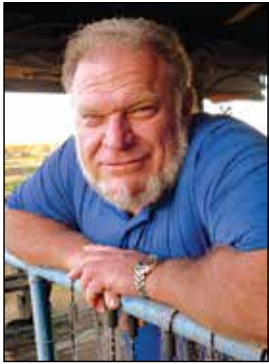
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Since 1981, Ken Milam has been guiding fishing trips for striped bass on Lake Buchanan in the Texas Hill Country, You can hear Ken on the radio as follows:
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The Great Outdoors: 5-7 am Saturday on 1200 WOAI San Antonio
The Sunday Sportsman: 6-8 am Sunday on 1300, The Zone, Austin
All on iHeart Radio



Whatcha doing today?

If you are lucky enough to have a day off in the fall in Texas, you are a lucky son of a gun! The tourist high season is mostly passed so the best places to go and things to do are suddenly easier and less expensive. The weather is finally feeling nice again. Summer heat is slowly receding and winter isn't close enough to hurt anything yet. Sunrises and sunsets get a magical soft red glow that makes you want to stop and stare. So what can you do with a fall day in Texas?

You can hunt! There are several things you can hunt right now, but most people are going after dove and whitetail deer. Bow season starts, you're out sweating in a t-shirt and ends with you looking for your longhandles. It may be hard to stand hunting in the heat at first, but to get first shot at the new parade of bucks we will have this year is so worth

it. It just gets better as the fall wears on because rifle season for whitetail isn't far away, and then there is turkey, and the list goes on!

Fall fishing is nice too – once summer stops baring her fangs we get a lot of nice days on the water. Temperatures are milder as the water starts to cool off

which benefits fish and fishermen alike. We usually don't have the turbulent weather we can get in the spring, just temporary weather changes brought about by the return of cold fronts. But at least you can see them coming on the weather map.

Those cooler water temperatures are

what we are always relieved to see after summer passes. We get tired of the heat and run inside to cool off, but the fish are just stuck with water that is hard to tolerate. Hot summer water doesn't hold oxygen as well, so they end up mostly just laying low waiting for things to get better, and fall is better. All of a sudden the fish find it easier to breathe and have energy to chase schools of bait fish. They feed hard to make up for doing without during the last weeks of summer.

Fish are driven to feed heavily during fall and winter to prepare for spawning time in the spring. That means all a fisherman needs to do is get to the water with some tempting bait. It doesn't matter if you bank fish or boat fish, you can probably find some fish that's happy to see you! If you'd like to chase stripers and hybrids with us, call us at 325-379-2051!

If hunting and fishing aren't your cup of tea, then how about a road trip, or a visit to some of our amazing parks? Just check out the list of state parks on the Texas Parks and Wildlife Department's website and you will find parks you may not even know about. The same goes for national parks and local parks. If you have some time to get outside, we have the places to go. Fall is a big deal in the parks. The trees are getting their fall colors, the night skies are getting clearer and many of them host holiday events that are worth checking out too!

The only bad thing about a day off this time of year is figuring out which way to go!



Rogers-O'Brien Austin, Halloween 2016 (Dec, 2016) issue

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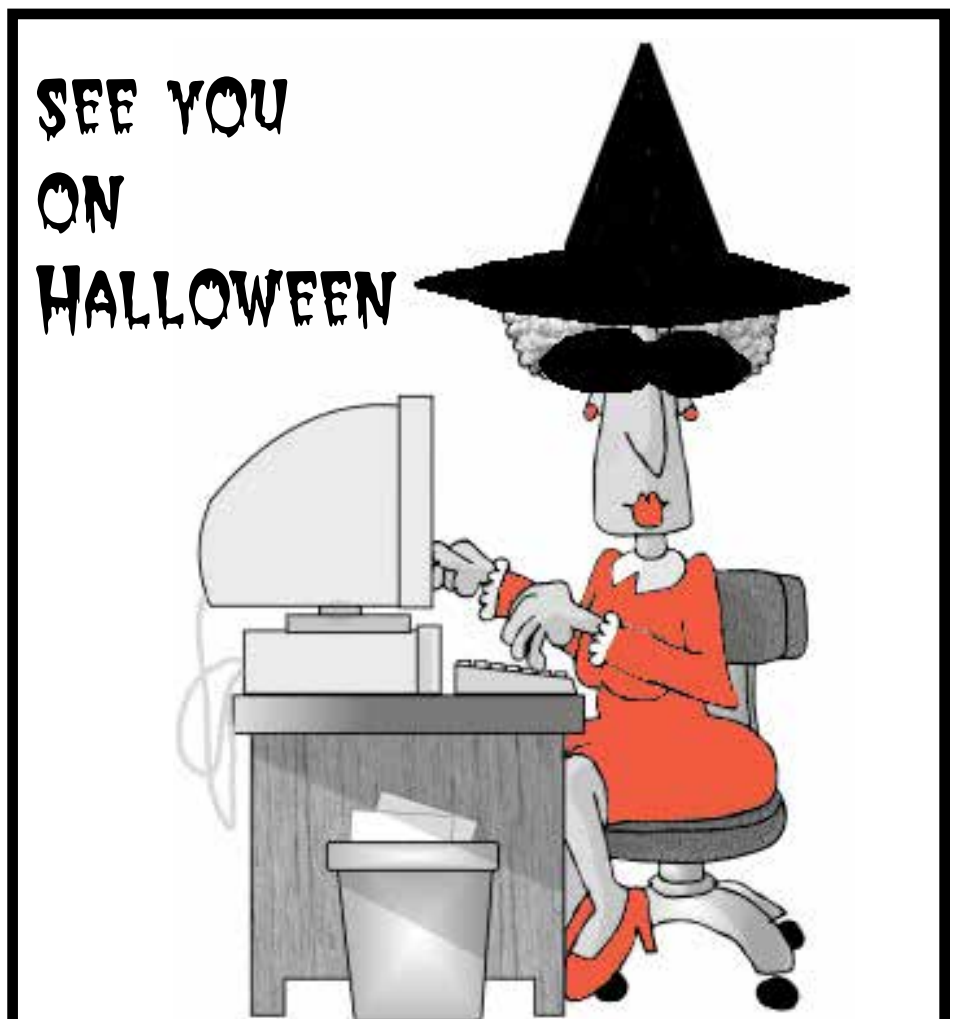
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Cotham “lucks” out and works hard



Marlon Cotham

Luck may have gotten **Marlon Cotham** going 10 years ago when he started **Cotham Construction Services and Roofing**, but commitment and flexibility have kept him moving forward. Not to mention – “you know – hard work,” he says.

Jobs and cash flowed into his business following a hailstorm that pounded Austin not long after Cotham hung out his shingle.

Later, customers called back and asked about other services. “So we just morphed into a general contractor,” he says.

Cotham grew up in the construction industry but, when it came time for college, he enrolled at North Texas State University and earned a business degree. Afterwards, the high-tech world whispered his name, and he worked in sales and marketing for several companies.

“It was great in the early years. Things were hoppin’ and boppin’. Man, it was exciting,” he says.

But the industry changed; layoffs oc-

curred. “It just became time for me to go on my own,” Cotham says.

After calculating the risk, he went back to something he loved. “I love the construction industry,” he says.

His sales and marketing experience proved transferable. “It’s not rocket science. Return your phone calls and take care of the customer, but not everybody does that,” he notes.

Cotham wanted a tagline as well, so he began talking to his clients. “They said I was the first contractor who showed up,” he says.

From that and other conversations came: “On Time. On Budget. Every Time.”

It was an important distinction not just for bringing in customers but also for setting the pace for Cotham. “Those things: show up on time and on budget every time, are important to me,” he says.

Cotham Construction Services and Roofing offers roofing, remodeling, construction and miscellaneous work such as siding, windows, and fences. - ke

Chainsaw to the rescue



Robert Ashcraft, superintendent, **Slater Painting**, sat in his duplex, watched the news and listened to the Hurricane Harvey forecast. He knew that the storm was headed to a place where he fished and hunted since he was 6-years-old. Growing up in Harlingen, Robert always loved to go fishing at the coast in Port Aransas, Rockport and Fulton.

Ashcraft had friends in Rockport who called to say their power was out so he sent them two generators. He got the idea to ask his family, friends, coworkers and boss to make donations. Soon he had hundreds of dollars worth of water, food, paper items, fuel, can openers, personal items and more. He spent nearly \$500 of his own money to buy items to donate to victims of the hurricane. He soon headed out with a fully loaded trailer.

The annual family reunion scheduled at Port Aransas for Labor Day weekend was now a rescue mission. “What I saw when I arrived devastated me. Hundreds of homes destroyed, roofs missing and trailers turned over. Texans suffering, people who had lost everything and more mosquitoes than I had ever seen. And the wind, the wind that always blew was gone. It was still and hot.

“I saw people everywhere trying to clear the brush but their saws slowly



stopped cutting. I saw the Lamar Volunteer Fire Department lining up saws that no longer cut. I saw an older lady’s house completely covered with fallen trees and stopped to help by cutting a path to her house. Then I decided it would be best for me to start sharpening chainsaws.

“When I got back to Austin, I felt guilty. I felt like I should be there helping, so I am going back. I went back the next two weekends. I will keep going back and I will keep sharpening chainsaws until no one needs me. -rd



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Austin Hurricane Harvey Relief

Kidd Roofing



Kidd Roofing, Austin, hosted the Univ. of Houston football team donation drive with Head Coach Major Applewhite. Donations were accepted for those affected by Hurricane Harvey. Enough supplies and donations were collected to fill a convoy of trucks headed to Houston. The Big 12 teams donated their football trailers. -cmw

Fortline Waterworks / Iteris



Round Rock, TX - Heading to Beaumont with food, water, toiletries, fans and masks. They will be pulling the trailer and a boat to help rescue and provide resources. This is the second trip this week. -rd

Red Wing



Red Wing Aerials took this photo over Rosenberg on August 31, five days after Hurricane Harvey slammed the Houston area with 40 inches of rain. -ke

TDIndustries



TD's Austin Partners load up donations for the Houston team

Of TD's more than 2,300 employees, our Houston operations have 370 TDPartners (TD employee-owners) who have been affected by Hurricane Harvey. Specifically, about 10% of this workforce may have significant damage to their homes and autos. However, our office there was spared because of its location on the North side of the city.

There were 30 employees who remained downtown for the first five days of the storm, staying to help clients with operations and maintenance of city facilities, including George R. Brown Convention Center, which housed 10,000 refugees. They also supported key city buildings like the 911 Call Center.

On Wednesday of the storm week, service teams were out in force to assist additional customers, and in the coming weeks and months, more people will assist with the workload.

In the past week, donations of water, diapers, baby supplies and baby clothing, non-perishable food/canned goods, paper plates, plastic utensils, paper towels, batteries, large black trash bags, outdoor gloves, rubber gloves, flash lights, bug spray, 1st aid kits, Styrofoam coolers, new socks and underwear, and comfortable clothes (sweats, etc.) for the Partners in the Houston area. They also collected donations of Partners' vacation days and/or money to distribute to Partners in need. Houston employees not affected by the storm have been helping other employees with clean up, offering temporary housing, assisting with rescue operations, donating, and volunteering in the community. -rd

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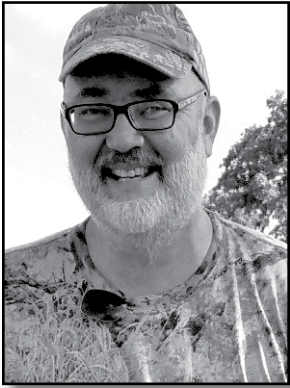
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On top of roofing relationships

Bernard Boling, Owner
Boling Roofs and Sheet Metal
 Kyle, TX

How would you describe the state of the construction industry in general terms?

Austin is booming! I think it's booming all over the state.

How has Boling Roofs and Sheet Metal benefited from this "boom?"

We've been growing, especially in the last four years. It's just been non-stop.

Have you had slowdowns in the past? If yes, how did you handle them?

We did experience slowdowns during the drought, and there was also a sort of economic downturn from 2009-2011. We were a young company and smaller during that time, so it was a great trial by fire.

When I started in the roofing industry in '94, a metal roofer was hard to find. It's not that way anymore. That is a good thing. To survive economic downturns, we branched out into other services.

What factors are driving Austin's thriving construction economy?

I think things are set up in Texas better than other places. Central Texas is a place that is friendly and open to people and businesses starting out.

There are also a lot of people trying to work. Texas is a ranching, working state. Anytime you have people connected to the land, willing to work with their

hands, it goes a long way. It affects everyone's attitude.

Specifically, how has the economy affected Boling Roofs and Sheet Metal and how you conduct business?

We've had to expand our number of employees and crews and get more certifications because we have expanded our services.

Also, I'm now working in the role of an owner mostly. I've had to step out of installing full roofs myself, and I'm directing others. It is a different viewpoint, but it's a good problem.

What are the "hot button" issues in the roofing industry?

Scheduling.
 When there's a lot of construction going on, and you are waiting on other trades to finish their part, scheduling gets hard, and I worry about over commitment.

I try to treat everybody with respect. You have to constantly be working toward quality and integrity: quality, integrity, and timeliness. Start with achieving those and you don't have problems.

Rain is a big deal, too. You get better at predicting the weather than the weatherman.

What have been the major changes in the roofing industry in recent years?

Mainly, the popularity of metal roofing and also the rise of the TPO flat roof system. No particular type of roof is the "go-to" roof anymore as shingles and modified once were.

What is the most significant challenge your industry faces?

Mine is, again, scheduling issues.
 But more broadly, if a tradesman doesn't honor their commitments it makes construction workers in general look bad. People develop low opinions of trades.

What it comes down to are relationships. That's a short sentence, kind of a cliché, but achieving it is a daily process.

What are some of the cost increases roofers are incurring now?

Shingles keep going up; metal goes up more slowly. Labor and insurance costs have gone up, too.

You always have fluctuations, and once they go up, they don't come down.

How are you dealing with these challenges?

You bid the cost into the job.
 I think people understand. I have great relationships with my suppliers, and that helps. We get the job done regardless.

What is on the horizon for the roofing industry? Are there changes in tech-

nology, codes, ordinances, and laws forthcoming?

I think there are going to be changes, but I don't know exactly what.

Austin has built up a lot and continues to grow. That affects laws and codes and the people already here, including the people in construction. I think that also gives us opportunities as well.

What are the rewards of the industry?

There's always a lot to learn in roofing – new techniques and materials – it changes and challenges you.

Roofing is exciting! It's about helping people. We're not first responders, but when a tree falls on someone's house, it's important to them to find someone to help them and to be quick about it.

It's also a big deal when you can solve a problem for someone such as a builder or homeowner.

What are keys to being successful in the roofing industry?

Growing as a person and working on relationships and communication with my customers and the people I work with every day.

Roofing is essentially taking something challenging and working through it. I've seen a lot, but I don't think I've seen it all.

Roofers deal with weather, physics, and logistics. But for me, it's definitely been learning how to work with people, get agreements and work through the disagreements.

Boling Roofs and Sheet Metal specializes in custom metal and roofing. They serve Central Texas, North Texas, and Oklahoma. - ke



Keeping you insulated

Henry Schmueckle, President
Alpha Insulation & Waterproofing Inc.
 San Antonio, TX

Alpha Insulation & Waterproofing (AIWP) was established in 1982 and currently has eleven offices in seven states performing all types of insulation, spray fireproofing, waterproofing, fire stop, spray foam and spray insulation on signature projects across the south-east and Midwest regions of the United States.

How would you describe the state of the construction industry in general terms?

The construction industry is currently healthy and provides great opportunity. We are still in the early innings of this cycle.

Due to the state of the construction industry, has there been an increase or a decrease in business?

We have experienced an increase in business over the past several years.

Do you see an increase in the number of outside contractors coming into the area?

General contractors have been branching out and servicing a larger geographic area, followed by some subcontractors following their customer base as well.

How has this increase affected Alpha Insulation & Waterproofing and how AIWP conducts business?

The expansion of our business has required Alpha to have stronger procedures and processes in place.

What are the "hot button" issues in the insulation & waterproofing industry?

The "hot buttons" for the insulation and waterproofing industry is staying educated on the building codes. Air barrier, life safety and insulation requirements have been rapidly changing over the past few years.

How do you stay up-to-date in your industry?

We stay up-to-date with changes in our industry by participating in various trade organizations. We also do extensive training with our manufacturing partners.

What are the major changes in the construction industry relating to the type of work you do?

The major change in the construction industry over the last 10 years has been the emphasis on safety. All aspects of safety have gone up tremendously from PPE, certified training, overall awareness and jobsite enforcement. We welcome this change and it has only made the industry stronger across the board.

What is the most significant challenge the insulation & waterproofing industry faces? Labor shortages? Cost increases?

The most significant challenge facing Alpha is an aging workforce and the ability to attract and retain a younger workforce.

How is Alpha Insulation & Waterproofing dealing with these challenges?

Alpha has created a cloud-based training program that is available to all employees. The Alpha U can be used to train new employees or be used as a preparatory tool before scopes of work begin on projects. We have developed in-house training videos to address how to install the scopes of work we perform. Alpha has a fulltime staff constantly addressing these training issues.

What advice would you give to a young person who wants to work in your industry?

My advice to a young person wanting to work in the industry is to get a bachelor's degree in Construction Management; any of the outstanding universities offering this specific type program is a good start.

What are the cost increases related to the insulation & waterproofing industry?

Over the last five years, there has been a dramatic increase in wages and benefits. We have experienced an increase in materials, but the labor issues far outweigh the material issues.

What are the rewards of the insulation & waterproofing industry?

The industry is rewarding because it provides great opportunity for personal advancement if you have the "right stuff." In addition, it is rewarding to pass signature projects you have been a part of and knowing you've played an important role in developing the city.

What are the keys to success in the insulation & waterproofing industry?

The keys to success are attention to detail and rewarding your employees. -cmw

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Kim Estes (512) 807-8010 AustinEditor@ConstructionNews.net



Opening the door to success

Michael Famolare, Division Manager
ACME Architectural Hardware
Houston, TX

How would you describe the state of the construction industry in general?

The construction industry has always had its ups and downs. We have seen significant growth over the past four or five years and everything points to at least a few more years of similar performance.

Have you experienced an increase in business, or a decrease?

We have been blessed with significant growth over the past seven to eight years, especially in the service and installation division. We see this trending through our specialties division as well.

What factors are driving this increase?

We believe the demand we are seeing in our service division is fueled by a shortage of quality door technicians who take pride in the work they do. We have a large, loyal customer base from our distribution business that is looking for help with installing the products we sell.

How has this increase affected your company and how you conduct business?

Our growth is directly limited by the quality and experience of the leadership

team we have empowered to build each of our areas of focus. We are constantly looking for those individuals that fit in with our team and bring something to the table that can help us reach our goals.

What are some "hot button" issues in your industry of construction?

It seems like every area of construction that we are involved in has an increased sense of urgency. They are looking for products and services and they need them immediately. Price will always be most important to certain customers, but the demand for quality products with a quick response turnaround is shared by most.

What are the major changes in the industry in recent years relating to your sector of construction?

We have seen that technology has

taken the lead with many of the hardware manufacturers we represent. Being primarily involved in the renovation side of the industry, we find ourselves late to the party sometimes with implementing the latest technology. We realize that as our customers' needs change, we have to be prepared to help.

As an example, a short time ago we found our customers asking for certain specialty items - toilet partitions and restroom accessories. Because of this, about 18 months ago we began offering those items to our customers. As time went by, more and more existing and new customers wanted these and more specialty items. Today our customers can choose from a wide variety of Division 10 and 11 products from the industry's leading factories.

What is the most significant challenge your industry is facing?

Our greatest challenge is centered on hiring, training, and motivating our people. Putting the right people in the right positions has worked well for us.

Have there been any cost increases for your company? If so, how are you handling this?

Price increases have always been a part of our business. With the manufacturers' calling the shots, we have to step up our game to justify the increases.

What is on the horizon for your sector of construction?

With increased focus on the need for security across all industries, the advances in technology are certainly providing new solutions. Keeping our people trained and aware of the latest changes in technology can be quite challenging. Possible immigration reforms could potentially add to the complexity of finding technicians for the entire construction industry.

What are the rewards of your industry?

Our greatest rewards come from the feeling we get when we help a customer solve a challenging problem, and that reward is shared when our people have worked as a team to provide the solution.

What is the key to being successful in your industry?

Sometimes we tend to over-analyze our keys to success. It seems to continually come down to figuring out what our customers want and then simply doing what you said you would do. If you can accomplish success doing those two things, many times the rest will fall into place.

ACME Architectural Hardware is a commercial door and hardware distributor. They install Division 10 and 11 specialty items, as well. - te



Uninsured, low bidders a problem

Lee Houston, Owner
WreckHouse Demolition LLC
Forney, TX

How would you describe the construction industry in general terms?

We're definitely in an upswing for sure; we're definitely moving a lot of construction in the DFW Metroplex.

Have you noticed more "out of town" demolition businesses popping up in our area, or newly established demolition businesses?

Yes, definitely. I've noticed a lot of new smaller demolition companies coming into North Texas, but not a lot of big ones. They've definitely shown up in the last couple of years.

Do you see anything on the horizon for your industry?

I see new technology, and it's really neat. We're integrating technology right now from the office all the way down into the field. We're definitely using technology to take our business to the next level. With the construction industry so far behind in technology, I'm definitely trying to get a jump on that and get ahead of it.

The upcoming technology corrects a lot of errors and helps us out on the jobsites for sure. I can now measure building jobs with my phone. I can send estimates, bids and invoices and send clients photos from my phone also, which is wonderful. We've had the lasers on tractors for two years now, but they've been improved and now attach to the machines to keep the levels, grades and

elevations tighter. The errors that crews were making when they were doing it before with a telescope and a stick are gone.

What else has been a focus of your business?

We have stepped up our safety to cover us as well as our general contractor clients. We do a lot more training. Because we do projects for TxDOT, we have morning trainings and safety meetings every other week. I know the trend has gone that way - the hard hats, the safety vests - but it's always been mandatory when I worked for my dad's construction company. Whether or not we need them on the job site, we always wear them.

Have you noticed any fluctuation in business costs?

Pretty much everything has gone up except the pay!

Landfills have definitely increased in price; we used to pay \$10 a ton [to dispose materials at a landfill] and now I am seeing prices as high as \$35 a ton. The prices in the trucking industry are getting up there a little bit.

Of course, diesel prices definitely fluctuate but are down compared to what it was, and that helps out a lot.

Labor is harder to find now at a good price, but we use Craigslist, we find a lot of our CDL drivers through indeed.com, local newspapers, referrals and we have a pretty good following on social media.

Does it price you out of getting jobs?

It's a fine line between having to raise your prices and still be competitive. We have some good customers and friends, and they understand that and don't try to get [the price] down too low.

What is a major challenge your business is facing?

Low bidders are making it tough on us. Many have no insurance and are low-balling the bid. There's one on almost every job we bid. Sometimes, it's too low, and they'll be thrown out if it's understood why they're able to get that price so low. The low bidders come in and throw out a number that is so low, I don't even know how they could do the job and make a profit, since I know what my cost is on some of these jobs.

I have tried to tell people [about this situation] at the beginning of jobs, but they hire the lowest bidder anyway. Then, I will get a call from the general contractor saying that that company has left in the middle of the job, or has stolen all of the copper out of a job, or they didn't have insurance. I tell general contractors that if a demolition company does not have insurance to watch out, because if someone from that company is injured, the general contractor could be sued.

I try to give them as much information as I can so they can avoid these situations, but some take the chance. It's tough to bid against some of these business owners who get their bid so low, but we're making it.

What are the keys to being successful in this industry?

As they say, it's not how much you make, but how much you keep, and that's been our goal over the last year. I've been trying to keep our costs down and our

overhead as low as possible so I can compete with some of these low bidders and big companies too. The larger companies have all kinds of equipment that can keep their costs down. Since we're getting a lot of larger jobs now, I'm just trying to lower our overhead.

That's also where the new technology comes in; it decreases man hours when we can draw up bids and send them instantly instead of having to run them through a couple of people. We can save on costs a little bit and keep on growing. Other than that, we have our name out there pretty well. When I first started, it was about getting our name out there and getting established.

Do you think the recent hurricanes will affect how you conduct business at all?

So far up here, all of our truckers seem to be staying around. Other than our diesel and the gas shortage for a while, I don't see a lot from it right now but it could take a month or two to see some of the repercussions. As of right now, it hasn't affected the local demolition business too much - we're still swinging and rolling in it.

What are the rewards of the industry?

The people we get to work with are the rewards; we have the opportunity to work with some amazing people - general contractors, excavation companies and land developers. We meet some pretty cool people.

WreckHouse Demolition LLC is a commercial and residential demolition and excavation company. -mjm

continued from Page 1 — New career requires old job skills

veteran and a local nonprofit group. And finally, her eyes light up when she talks about working with “creative” millennials. Recalling one project, she reports, “They wanted a whole wall to write on.” Over the client’s chosen paint color, the Fresh Coat team applied a new dry

erase clear coat that allows the wall to be used as a wipe board. “It’s really cool,” Wagner says. *Fresh Coat offers light commercial, new construction, and residential interior and exterior painting. — ke*

continued from Page 1 — Jobsites on camera

Pictures also offer planning and financial accountability. “GCs have saved millions of dollars by being able to demonstrate (through Red Wing photographs) that performance targets were met,” he says. Occasionally, clients will also use them in a legal defense. Butts, a former commercial banker,

founded Red Wing in 2005 in pursuit of his passion for aviation. He is also a certified aerial photographer and, in 2015, received Master Aerial Photographer designation. *Red Wing Aerials offers custom aerial photography statewide. — ke*

continued from Page 1 — An architectural gem



500 West 2nd Street lobby

Because the floor plates at 500 West 2nd are some of the largest in any downtown Austin office tower, approaching 33,422sf, the extensive amount of concrete required to pour these decks were poured at night to mitigate concrete truck traffic and noise. Coordinating the curtain-wall application was also performed at night and the scheduling, which was extremely fast, fell during the wettest years of Austin’s recent history. Wide load permits were acquired to transport the steel trellises that adorn the top of the building that were pre-fabricated offsite and extremely heavy and timed for precise arrival so they could be lifted to the top of the building and not impact the already in place curtain wall. The 500 West 2nd is the first office building in downtown Austin to employ Destination Dispatch, software optimized for people flow and designed to increase travel efficiency in buildings with high numbers of elevator users. The advanced dispatching system directs passengers to the elevator that will get them to their destination in the shortest amount of time. Beck coordinated the build-out of all of the technology required to host this system and facilitated multiple rounds of testing to ensure it was working properly before tenants began to move into their

new offices. The exterior façade of 500 West 2nd is entirely curtain-wall and incorporated different techniques to deliver **Gensler’s** design intent. The lobby level features a two-story, 26sf-tall frameless glass wall with a Starphire glass application. The lobby has multiple innovative up-scale features with floor and wall tiles hand-selected by the design and construction team in Italy. The lobby’s wall stone arrived from France and the bronze of the fin wall elements originated in Germany, but fabricated in New York. These walls serve as architectural screen elements in two locations of the lobby. The lobby’s massive 12,000-lb security desk made of cantilevered stainless steel, stone, bronze and wood, was built in place during the final stages of construction. The lobby’s wood flooring is made of 100-year-old teakwood reclaimed from Bali. Beck’s project executive, **Tom Woods** and project superintendents, **Bryan Smith** and **Dave Dlugosh** worked closely with the architect in all phases of construction. *Founded in 1912, The Beck Group is a collaborative team of designers and builders, offering planning, architecture, interior design, construction and sustainability consulting services. —cmw*

JOB SIGHTS



Express Interiors, Inc. of Austin is completing work for **First American Title Builders** in Cedar Park. L-R: **Alan Woodard**, superintendent for general contractor **D.H. Allen**, and **Charlie Ontiveros** take a break from gathering supplies. — ke



Justin Garcia with **Efficient Air Conditioning and Electrical** in Austin installs outdoor lighting at Lakeline Self-Storage in Austin. **ARCO Murray** is the general contractor. — ke



L-R: **Mario Lujan** and **Carmelo Perez** with **Kumar Electrical, Inc.** of Austin work on wiring for a convenience store project at 3980 Hero Way in Cedar Park. — ke

Kids helping with Harvey donations



Hill & Wilkinson’s Central Texas Office created welcome kits to distribute to shelter occupants in Austin. They also donated supplies to Austin Animal Center for lost animals and pets of people in shelter.



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Born in Austin and raised in Arlington, TX, Ryan Reyes is a BIG Cowboys fan. He attended Dallas Baptist University with a major in music business. He currently does not have a degree, but is planning on finishing and getting his degree in business or finance within the next year.

"I have been married to my beautiful wife, Sara for almost 6 years. She is a full-time mother and teacher at the local pre-school where we send our kids. Before that she stayed at home with the them. Honestly, I don't know how she does it. I think I definitely got the easier assignment."

Reyes has three incredible children, 5-year-old Aria, 3-year-old Allison, and 2-year-old Elijah. "They are my heart and soul! It's funny our kids are so different. Aria is all girl and dreams of being a "singer princess." Elijah is all-boy. I think he is biologically required to be covered in dirt and mud at all times. And, Alli is right in the middle, she is just as happy playing dress-up as she is rolling in the dirt with her brother. She doesn't care what she's doing, just as long as we're doing it HER WAY!"

He has one cat, which was a rescue from the local PAWS shelter in Kyle. My kids wanted to name him Maui, from the movie Moana, but my wife and I felt that it needed to be more "puny," so we named him Meowi.

Reyes handles most of the inside sales, admin, and some of the opera-

tions duties for Moore Supply Co. at his branch. "I'm the kind of person that loves to be challenged. Before I got into the plumbing industry, I had no idea how expansive and technical it really is. This really is an industry where I can truly say I learn something new every day. To me, that is incredibly exciting! It's what motivates me to get up in the morning.

When not working, Reyes loves to work with his hands and says it's very satisfying to build or restore something. He loves to work on and upkeep his cars, he loves to cook, and is currently rebuilding his fence that was destroyed in the recent storms. "I get home, break out the power tools, and I am in Heaven."

Reyes and his family are very outdoorsy and enjoy this beautiful world. He loves to hunt and the opportunity to put good natural free-range food on the table. "I am anxiously waiting until my daughter is old enough so I can take her with me. There is so much to be learned from spending time outside, being one with nature and actually having to work to put food on the table. I really want to share that with my kids. We love to travel as a family, and we have a list of 20 places we want to visit before my kids graduate. I want to let my kids experience this beautiful country and what it has to offer." -cmw

Association Calendar

Content submitted by Associations to Construction News

ABC

Associated Builders & Contractors
Oct. 11: Excellence in Construction Awards Banquet, JW Marriot Austin. For more info 512-719-5263

AGC

Associated General Contractors
Oct. 5: Fish Fry, 5-9pm, at Texas Disposal Systems Exotic Game Ranch, 11508 Carl Rd, Creedmor, TX. For more info call Toni at 512-442-7887.

AIA

American Institute of Architects
Oct. 28-29: AIA Austin Homes Tour. For more info, call 512-452-4332

APHCC

Associated Plumbing Heating Cooling Contractors
Oct. 4-5: 2017 PHCC National Apprentice Competition, Milwaukee, WI. For more info, call 512-523-8094

ASCE

American Society of Civil Engineers
Oct. 8-11: ASCE National Convention, New Orleans Marriott, 555 Canal St., New Orleans, LA. For more info, call 512-472-8905

ASSE

American Society of Safety Engineers
Oct. 5: Central Texas Safety Summit, JJ Pickle Research Center, 10100 Burnet Rd. For more info,

CTSA

Central Texas Subcontractor Assn.
Oct. 6: TCA PAC Clay Shoot, Capitol City Trap & Skeet Club, 8707 Lindell Lane. For more info, call 512-255-6373
Oct. 10: Monthly Meeting Dinner, Crowne Plaza, 6121 N I-35. For more info, call 512-255-6373

CENTEX IEC

Central Texas Independent Electrical Contractors
Oct. 7: BBQ Cook-off & Family Fun Day, YMCA Camp Twin Lakes, 2300 S. Bell Blvd., Cedar Park, TX. For more info, call 512-832-1333

Oct. 25-28: IEC CON 2017, Phoenix Convention Center, 100 N. 3rd St., Phoenix, AZ. For more info, call 512-832-1333

NARI

National Assn. of the Remodeling Industry
Oct. 5: October Social, 4-7 pm, Austin Beerworks, 3001 Industrial Terrace, Austin. For more info, call 512-997-6274.
Oct. 18-19: NEXTgen Future Business Leaders Conference, Lost Pines Resort, 575 Hyatt Lost Pines Rd., Lost Pines, TX. For more info, call 512-997-6274

NAWIC

National Assn. of Women in Construction
Oct. 4: General Membership Meeting, Big Daddy's Burger & Bar, 9070 Research Blvd., Ste. 101. For more info, contact Toni Osberry at 512-447-7887

RCAT

Roofing Contractors Assn. of Texas
Oct. 4-6: 2017 Texas Roofing Conference, The Arboretum, 9721 Arboretum Blvd., Austin. For more information call RCAT at 512-251-7690 or, toll free, 800-997-6631, or go online to roofingcontractors-texas.com

SMACNA

Sheet Metal & Air Conditioning Contractors Assn.
Oct. 22-25: 2016 SMACNA National Convention, Grand Vailea, Maui, HI. For more info, call 512-453-8806

TSPS

Texas Society of Professional Surveyors
Oct. 4-7: 66th Annual Convention & Tech Expo, Embassy Suites Dallas-Frisco Hotel, Convention Center & Spa, 7600 John Q. Hammons Dr., Frisco, TX. For more info, call 512-327-7871

USGBC

U.S. Green Building Council
Oct. 25: The Austin Green Awards, Waller Ballroom, 700 E. 6th St. For more info, call 512-470-9923

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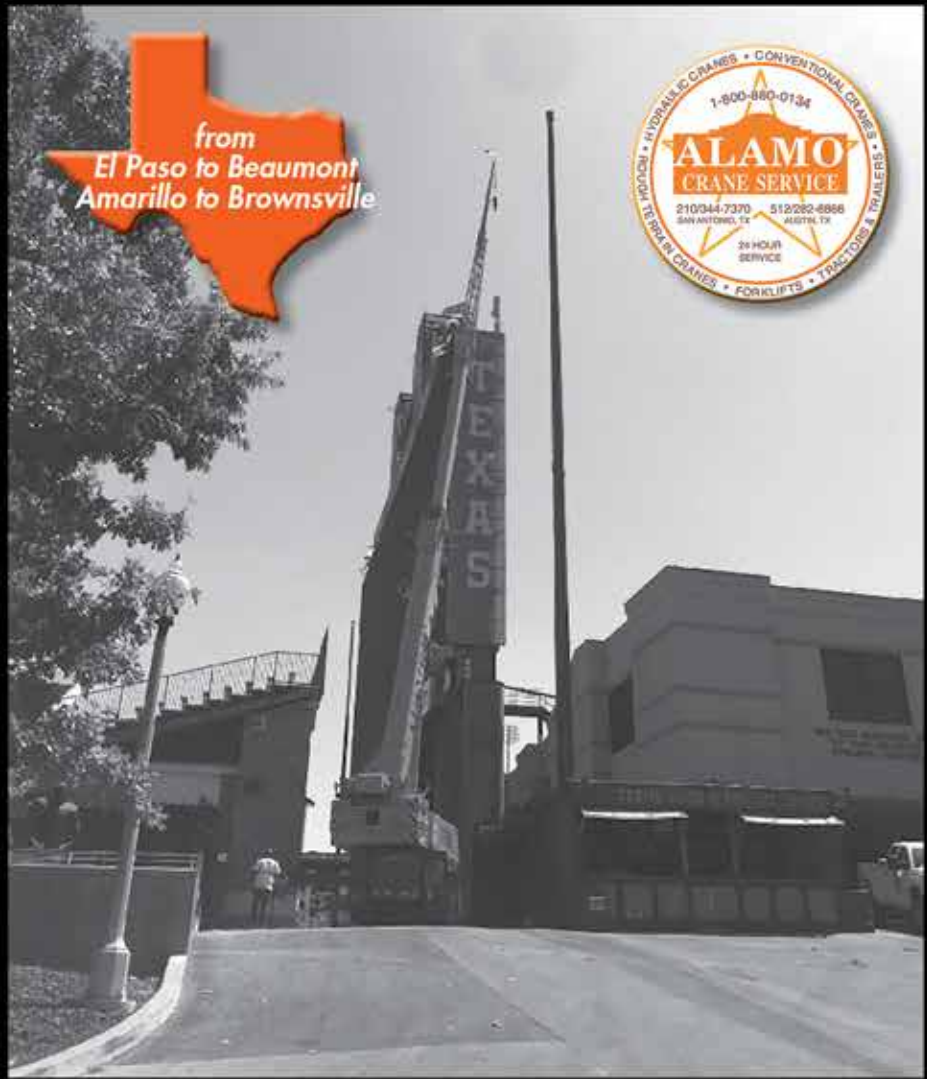
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D.J. Rosebaugh is chief operating officer for **Meridian Solar**, which specializes in the development, engineering, construction, and financing of solar projects.— ke

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