



Spring/Summer 2018

# The Monitor

RAISING THE BAR BY MONITORING THE CONSTRUCTION INDUSTRY

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# The Monitor

RAISING THE BAR BY MONITORING THE CONSTRUCTION INDUSTRY

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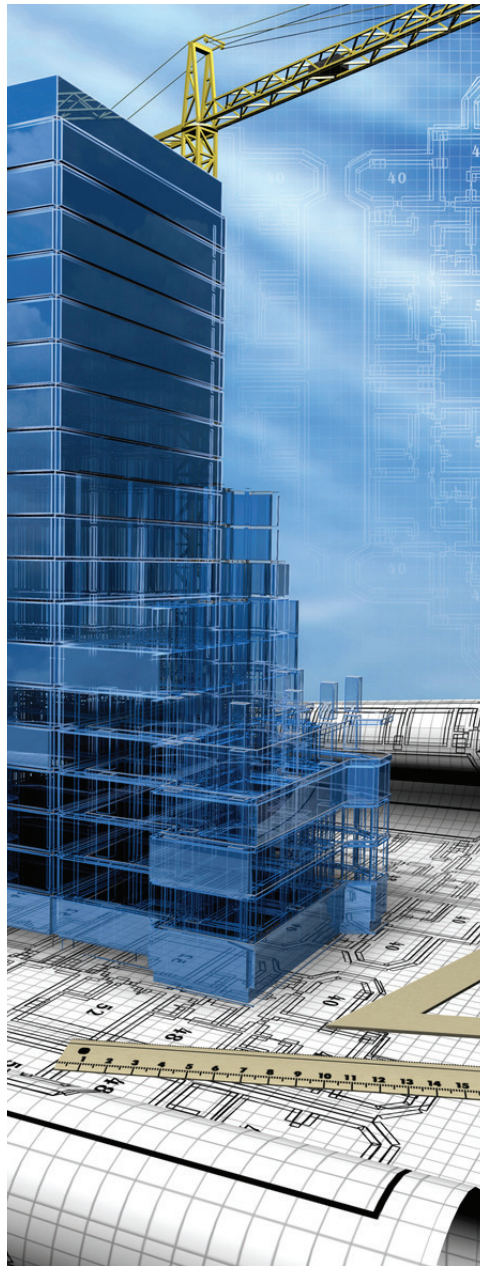
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## President Trump's Infrastructure Proposal

On Monday, February 12, 2018, President Trump released his infrastructure plan. According to Mary Craighead, Transportation Policy Analyst at the Illinois Economic Policy Institute (“ILEPI”), the “\$1.5 trillion-dollar proposal emphasizes the need to leverage federal funding with local or private support to fix our broken infrastructure funding system.”<sup>1</sup>

President Trump’s infrastructure proposal is divided into four sections: funding and infrastructure improvements, additional provisions for infrastructure improvements, infrastructure permitting improvement, and workforce development. The harsh reality of President Trump’s infrastructure proposal is that the new proposed infrastructure plan would shift the burden from the federal government onto state and local governments and the private sector. While the Trump Administration has proposed \$200 billion in federal spending over the next 10 years, President Trump’s new proposal would limit the amount of federal money spent on public projects to 20 percent of the total cost.<sup>2</sup> Ultimately, the general trend in Trump’s proposal is to reduce federal funding expenses and force state and local governments to front the cost.

ILEPI analyzed the proposal in the context of Illinois’ existing infrastructure funding methods and found that the federal government does not have the incentive to help fund infrastructure investments in the state. In Illinois, transportation funding has not significantly changed in the last two decades. For instance, the gasoline tax remains the same at \$0.19 per gallon and has not increased in the past twenty-seven years.<sup>3</sup> If Illinois is to upgrade its infrastructure systems, more will need to be done because the state simply does not have the funding needed.

ILEPI also emphasized that Illinois’ transportation system is in dire need of improvements considering almost 20 percent of all Illinois Department of Transportation (“IDOT”) roadways are in poor condition. Illinois has been waiting for the federal government

to step in and help fund infrastructure projects, but it is evident that state and local governments are now going to be responsible for covering more of their own transportation costs.

Earlier this year, ILEPI Executive Director, Marc Poulos was featured in the *Herald News* in which he contends the new proposal is unreasonable as it shifts the burden to state and local governments. In the past, the federal government helped finance up to 80 percent of the cost of highway projects. Poulos stated, “there are very few projects that are ripe for public-private partnership investments.”<sup>4</sup> While the Trump Administration and Governor Bruce Rauner have talked about

the benefits of public-private partnerships, Executive Director, Marc Poulos wants local and state governments to look for alternative funding because investors will charge a higher rate than bond investors, thus creating an unreasonable burden for state and local governments to fund.

Overall, Illinois will need to look for alternative means of funding to improve its infrastructure and transportation systems because public-private partnerships or the proposed infrastructure plan from the Trump Administration will not fix Illinois’ roads and

bridges. Ensuring that Illinois’ transportation systems are up to date is necessary to helping boost our economy and keep Illinoisans in the state.

**The harsh reality of President Trump's infrastructure proposal is that the new proposed infrastructure plan would shift the burden from the federal government onto state and local governments.**

1. Craighead, Mary. “President Trump’s Proposed Infrastructure Plan: The Shift to Local Funding & Illinois’ Response.” doi:<https://illinoisepi.files.wordpress.com/2018/02/ilepi-il-response-to-trump-plan-final.pdf>.

2. *Ibid.*

3. Ortiz, Alex. *Without Federal Dollars Available, Locals Look for Infrastructure Funding*. 3 Mar. 2018, [www.theherald-news.com/2018/02/27/without-federal-dollars-available-locals-look-for-infrastructure-funding/aez5h5f/?utm\\_source=second-street&utm\\_medium=email&utm\\_campaign=The+Herald-News+Morning+Update](http://www.theherald-news.com/2018/02/27/without-federal-dollars-available-locals-look-for-infrastructure-funding/aez5h5f/?utm_source=second-street&utm_medium=email&utm_campaign=The+Herald-News+Morning+Update).

4. *Ibid.*



LETTER  
FROM THE  
**Executive  
Director**  
Marc R. Poulos

Since 2015,  
Indiana,  
Wisconsin,  
West Virginia,  
Kentucky,  
and Michigan  
repealed their  
prevailing  
wage laws  
based on  
the false  
notion that  
construction  
costs could  
be trimmed  
by 20  
percent.



## The Dangers of Repealing Prevailing Wage

Since 2015, Indiana, Wisconsin, West Virginia, Kentucky, and Michigan have repealed their prevailing wage laws based on the misconception that the cost of building schools, highways and other critical infrastructure could be trimmed by 20 percent by eliminating the local minimum wage-or prevailing wage-on government-funded construction projects.

Other states considering following in their steps – including Missouri – should consider the research from the Midwest Economic Policy Institute (“MEPI”) on the impact that repeal of prevailing wage is having on Indiana. While Indiana lawmakers repealed the state’s prevailing wage law – called Common Construction Wage – on July 1, 2015, the state has failed to benefit from any meaningful cost savings. Data compiled by MEPI found that the repeal in Indiana decreased the wages of blue-collar construction workers by an average of 8.5 percent.<sup>1</sup> In addition, MEPI also found that the productivity of construction workers was 5.3 percent lower in Indiana than in neighboring states following the repeal. Indiana State Representative Ed Soliday said it best when he stated, “we got rid of prevailing wage and so far, it hasn’t saved a penny.”<sup>2</sup> Aside from lowering the wages of workers, what has repeal really accomplished in Indiana?

The repeal of prevailing wage in Indiana has not only decreased worker wages and productivity, but there is also evidence to suggest that the repeal is a drag for the economy and the safety of workers. After Indiana repealed their prevailing wage laws, their construction injury rates spiked by 15 percent.<sup>3</sup>

Responsible Bidder Ordinances (RBOs) are a local solution for communities who want to maintain

middle-class compensation standards and ensure that responsible contractors win public bids after repeal of prevailing wage. Not only do RBOs set minimum requirements for all contractors bidding on taxpayer-funded projects, but MEPI found that roughly “40 percent of all Indiana workers in heavy and civil engineering construction-the sector with the highest share of taxpayer dollars-are employed in the 9 counties that have RBOs.”<sup>4</sup> In addition, RBOs raise construction worker wages by 8.3 percent and have worker turnover rates that are 1.6 percentage-points lower than counties without RBOs, offsetting some of the negative impacts of repealing prevailing wage.<sup>5</sup>

Overall, Responsible Bidder Ordinances set higher standards for construction workers and help boost the economy in the State of Indiana after the state repealed its Common Construction Wage. ■

1. Manzo, Frank, and Jill Manzo. “Responsible Bidder Ordinances Promote Local Construction Standards.” *Responsible Bidder Ordinances Promote Local Construction Standards: Evidence from Indiana*, doi:<https://midwestepi.org/2018/05/22/new-study-responsible-bidder-ordinances-promote-quality-control-costs-and-provide-best-value-for-taxpayers>

2. *Ibid.*

3. *Ibid.*

4. *Ibid.*

5. *Ibid.*





## Janus and its Effect on Labor

A group of educators, attorneys, and labor leaders discussed Janus and the Future of Labor in Illinois at a forum presented by the University of Illinois' Labor Education Program, held at the IUOE, Local 150 Hall in March 2018.



Melissa Binetti  
Counsel for the III FFC



Kara Principe  
Counsel for the III FFC



Joseph Sweeney  
Counsel for the III FFC

**H**istorically, the doctrine of exclusive representation ensures that employers will only deal with one union if so chosen by a majority of employees in a bargaining unit. Conversely, the union must represent all employees in a bargaining unit fairly. Because the union, as exclusive representative, is required to represent all employees in a bargaining unit, many states expressly allowed the exclusive representative to charge nonmembers a representational fee for collective bargaining expenses. In *Abood v. Detroit of Education*, the U.S. Supreme Court upheld such fees so long as they were used for collective bargaining and contract administration and not for any other unrelated activities. However, on June 27, 2018, Justice Alito and the four other conservative Justices, under the guise of the First Amendment, struck a decisive blow to public sector labor unions and upended forty years of unanimous Supreme Court precedent in *Janus v. AFSCME*.

Justice Alito's opinion boldly states that bargaining with a public employer is tantamount to lobbying the government, and, as such, any government mandate that "objectors" pay a fair share of the cost of collective bargaining is akin to being forced to support political ideals with which they disagree, and a violation of the First Amendment. In reshaping the legal landscape surrounding Free Speech and Association, the majority embraced an expanded and radically different view of the First Amendment, which, aside from forcing union members to subsidize the costs of newly liberated free riders, may elicit legal implications in other arenas. Prior to oral arguments in *Janus*, the IUOE Local 150 filed several lawsuits in federal court designed to highlight such unintended consequences.

One lawsuit was filed against the Village of Lincolnshire and the Illinois Municipal League (IML). The IML, which frequently and aggressively pushes initiatives aimed at lowering or relaxing safety standards, and hurting workers, is funded by "dues" derived from tax dollars from over 1,300 Illinois member municipalities. As the petitioners argued in *Janus*, the suit claims that objecting Lincolnshire residents' tax dollars are being used unconstitutionally

to fund the political speech and lobbying of the IML. Therefore, like objectors in the union context, they should not be forced to fund the political lobbying and other activities of the IML.

A second lawsuit addresses mandatory public employee participation in the Illinois Municipal Retirement Fund (IMRF). For context, all Local 150 municipal public employees in Illinois are statutorily required to contribute 4.5 percent of their wages to the Fund as a condition of employment. The IMRF uses that money to make investments in a diversified portfolio that includes numerous corporations that consistently lobby the government. Of those companies in which the IMRF invests significant sums of money, many participate in or contribute to organizations that attack worker's rights and public pensions. Like the petitioners in *Janus*, the suit argues that forced contributions, without the right to opt-out, violates the First Amendment rights of objectors who do not wish their money to fund corporate political activity and lobbying that directly harms them economically.

A third federal lawsuit takes issue with the duty of fair representation outlined in the Illinois Public Labor Relations Act. The suit alleges that because public employees have a First Amendment right to forego the payment of representational fees for services rendered, unions have a reciprocal First Amendment right not to associate with nonmembers outside of the collective bargaining context. However, under the Supreme Court's logic in *Janus*, unions should not have a duty of fair representation to free riders during disciplinary or grievance proceedings, or other matters outside of what is necessary to ensure the fairness of the collective bargaining procedure.

As we work through the unintended consequences of the *Janus* decision, the III FFC will continue to discuss these issues and promote labor-management solutions to protect the rights of workers under attack. ■



# III FFC Hosts Contractor Appreciation Dinner



John Freitag  
Assistant Director  
Field Operations

## FOCUS ON Iowa



The Iowa team looks forward to the contractor dinner every year as an opportunity to thank industry leaders.



The III FFC hosted its 3rd Annual Construction Industry Appreciation Dinner in Rock Island, Illinois.

On March 28th, 2018, the III FFC hosted its Annual Construction Industry Appreciation Dinner at Jumer's Casino in Rock Island, Illinois. The event was well attended, with over 120 public officials and contractors. The Iowa team looks forward to this event every year as it is an opportunity to thank industry leaders. The III FFC's Iowa team consists of Assistant Director of Field Operations John Freitag, Senior Construction Analyst Richard Stewart, and Construction Analysts Doug House, Brooke Thye, and Dylan Parker. Together, this team monitors 21 counties throughout III FFC's jurisdiction in Illinois and Iowa.

IUOE, Local 150 Treasurer and III FFC Trustee Marshall Douglas gave remarks to the attendees on the value of the III FFC in the construction industry. As an organization, the III FFC enhances job market opportunities for responsible contractors and works daily to keep non-responsible contractors out of the public works construction arena. As a labor-management organization, the III FFC continuously monitors and analyzes the market share of our signatory contractors in public works construction, each week, all year long.

Senator Neil Anderson (R-IL) from the 36<sup>th</sup> District spoke about the danger of making Illinois a right-to-work state. As a local fireman and elected official, Senator Anderson does not support right-to-work in Illinois as it lowers workers hourly wages. Senator Jim Lykam (D-IA) from the 45<sup>th</sup> District spoke about the need to improve Iowa's infrastructure. He specifically addressed the need to improve I-80 across Iowa to turn the interstate from a

four-lane highway to a six-lane highway.

Over the years, the III FFC has learned that too often the definition of a "responsible" contractor can be subjective. Indeed, Iowa Code Section 26.9 requires governmental entities to let public improvement projects to the lowest responsive, responsible bidder. However, nowhere in the code is "responsible" defined. The Iowa Supreme Court has held that the word "responsible" as a standard for awarding contracts implies discretion on the part of a political subdivision. *Master Builders v. Polk*, 653 N.W.2d 382, 395 (2002). In *Master Builders*, the court held that while such competitive bidding statutes operate to provide a public body with the best results at the lowest possible price, determining price is a simplistic, mechanical process whereas determining best requires greater discretion. *Id.*

Thus, public bodies have the right to define what makes a "responsible bidder." Tying in objective criteria to this definition is critical. Definitions such as requiring OSHA 10 hour training or greater class certifications, participating in an approved apprenticeship program, and proof of a drug and alcohol program are all objective standards that will ensure responsible contractors are awarded public improvement projects.

The goal of the appreciation dinner is to recognize those "responsible" contractors who care about their workforce and the quality of work they are producing. Overall, the III FFC was pleased with the number of contractors who attended the dinner. The III FFC hosts contractor appreciation dinners throughout Illinois, Indiana, and Iowa as a means of showing our responsible contractors that we appreciate their service to the construction industry.



## Black Hawk College Offers Construction Training Programs

**B**eginning in 1946, the Moline Community College provided World War II veterans an opportunity for higher education. Becoming Black Hawk College in 1961, the school prides itself on serving more students than any other institution of higher education in the Quad-Cities area. Operating within the Illinois Community College District #503, the college encompasses 2,200 square miles over nine counties of northwestern Illinois, which include: Bureau, Henderson, Henry, Stark, Whiteside, Knox, Marshall, Mercer and Rock Island. The college offers a variety of career and transfer programs including an Adult Learning Center in Rock Island, a Community Education Center in Kewanee, an Industrial Training Lab Extension Center in Moline, an Outreach Center in East Moline and a Welding and Skilled Trades Center in Kewanee.

Black Hawk College is accredited by several organizations, including the Higher Learning Commission, Commission on Accreditation in Physical Therapy Education, Accreditation Commission for Education in Nursing, Inc and the Illinois Community College Board. In addition, the college offers a full array of student clubs, honor societies, athletic programs and judging teams. For over 70 years, Black Hawk College has provided Quad-Cities area students with a high quality and affordable undergraduate education.

The college's purchasing procedures are consistent with the Illinois Public Community College Act and represent the intentions and goals of its Board of Trustees. As such, Black Hawk College has adopted several noteworthy procurement practices. Recognizing the importance of increasing the participation of businesses owned by minorities, females and persons with disabilities in public contracts, Black Hawk College has set aspirational goals to award contracts to such businesses to the extent provided by the Business Enterprise for Minorities, Females and Persons with Disabilities Act and the Business enterprise council for Minorities, Females, and



Persons with Disabilities, which serves to implement, monitor and enforce the goals of the Act.

The college also provides a Highway Construction Careers Training Program ("HCCTP"). These programs were created by the Illinois Department of Transportation ("IDOT") to increase the number of minorities, women and disadvantaged persons working on IDOT projects, pursuant to IDOT's Disadvantage Business Enterprise goals. The thirteen-week class covers math, job and life skills, blueprint reading, OSHA, stick welding, construction equipment operation, shop time and hands-on projects at no cost to participants. Up to fifteen students are selected for each class and they learn essential skills that will assist them in applying for and obtaining an apprenticeship in the building trades.

Another praise-worthy decision of the college's Board of Trustees is their dedication to pursuing IMPACT project labor agreements on many of their public construction projects. Coordinated by the Illowa Construction Labor and Management Council, a non-profit organization that strengthens and promotes the union construction industry, an IMPACT agreement is a contract signed and worked under by Quad City building trades locals and contractors on a per project basis. Working in partnership to provide a high-quality product to owners and users, the building trades and contractors ensure the primary goal of a cost-efficient and timely completed project. All Black Hawk College's IMPACT agreements ensure a stable and reliable work force, the guarantee of no work stoppages, highly trained professional trades people, efficient and professional contractors and stringent production and safety standards.

The vision and practices of Black Hawk College's Board of Trustees demonstrates that a commitment to high-quality values produces high-quality results. Black Hawk College remains one of the Quad-Cities area's premier educational institutions.



*Black Hawk College offers Highway Construction Careers Training Programs*



# Groundbreaking Ceremony at Amerock Building



*Richard Stewart, III FFC Senior Construction Analyst & Jake Castanza, Executive Director of Project First Rate at the groundbreaking ceremony of the Amerock building,*

**O**n April 10, 2018, the groundbreaking ceremony of the Amerock building took effect exactly one year from the date that the Rockford City Council approved the development project.

Roughly 150 people gathered for the ceremony, including III FFC Senior Construction Analyst Richard Stewart and Jake Castanza, Executive Director of Project First Rate. Richard, one of the longest serving Construction Analysts at the III FFC, was especially excited for the \$87.5 million project as his territory covers Winnebago County and will bring a lot of jobs to the City of Rockford.

For many years, the thirteen story Amerock building was vacant until it was placed on the National Registry of Historic Places. Now, the Amerock building will be restored to its former glory by turning it into a 160-room Embassy Suites Hotel and Convention Center, including two restaurants, a swimming pool, a rooftop bar, and two restaurants.

Guests at the groundbreaking ceremony were given a tour of the former Amerock

**This \$87.5 million development project is turning the former Amerock building into a 160 room hotel and convention center.**

facility, hosted by Gorman & Company, a developer of the project. As one of the most populous cities in Illinois, the development of the Amerock building into an Embassy Suites Hotel and Convention Center will only help the great City of Rockford thrive. ■



*Guests touring the Amerock facility after the groundbreaking ceremony*



# CONTRACTOR SPOTLIGHT

The Frank Millard and Company Inc., has graced Burlington, Iowa since 1864 when it's namesake began the business. Five generations later, Frank Millard and Company is operating as strong as ever. Just as their great-great grandfather once did, the current owners, Mac and Steve Coffin are going against the grain, and welcoming change.

Being driven runs in the family. At its inception, the company began simply as a lumber and supply business. Under Millard's son-in-law's guide, a few decades later, the business got into the coal industry. When Mac's father and uncle took the reins in the 1940s, the company's emphasis was on coal and oil. Embracing the availability of natural gas, the brothers got into the sheet metal business. Now over 150 years and several advancements later, Frank Millard and Company offers services in both industrial and residential areas.

It appears the company has no plans of slowing down anytime soon. The Greater Burlington Partnership recently presented The Best Renovation to a Facility Award to Frank Millard for their latest addition, which doubled the company's square footage to over 40,000. This expansion allowed for the purchase of an assortment of new equipment including a new fab machine, one of very few. Frank Millard is already considering yet another expansion after being selected to host innovative technology that could change the outlook of water purification in the U.S. Just recently, the company received the rights to the Mitton Cavitation Reactor. Invented in Canada, the prototype will be in the shop allowing water treatment plants, municipalities, and factories to send a sample to be cleaned and tested. The result will then be sent back to the sample owner. If the result is up to par, Frank Millard could then assist in building a larger scale unit to be put in place at the facility whose sample was cleaned and tested.



*Frank Millard and Company has been a well-known name in Burlington, Iowa since 1864.*



*MacArthur Coffin II, President and CEO of Frank Millard & Sons pictured at headquarters.*

Being such a varied-ever changing business, having three locations and approximately 225 workers on the payroll, training is a top priority. OSHA 10 and 30 are taught in-house, along with CPR/AED. On any given week, classes are going on.

The company is signatory to ten unions in Burlington. The benefits of being a union contractor numerous. One of the greatest advantages, Mac feels, is the availability to trained workers. While he credits several things, Mac stated the biggest reason he feels the business is so successful is its employees.

Frank Millard is a well-known name in the area, and it is elsewhere. Traveling allows the business to keep all their workers busy. Two big projects they are presently working on are one locally Roquette in Keokuk, and another hours away in Lubbock, Texas.

Mac stated that working at Frank Millard and Company was all he ever wanted to do. After working for the company for many years, he joined the management ranks in 1985. Even though no promises can be made, there is a strong possibility the company nestled along the Mississippi River, will continue its reign within family hands. Mac has two sons working at the company, one in the sheet metal division and the other in labor. It appears likely that in the foreseeable future, this well-rounded, driven company will continue to follow the family business tradition.





Myron Sutton  
Assistant Director  
Field Operations

## FOCUS ON

# Indiana



**The law immediately replaced Indiana's 46-member State Workforce Innovation Council with a Governor's Workforce Cabinet.**



## Indiana Passes Senate Enrolled Act 50

**O**n March 21, 2018, Indiana Governor Eric Holcomb signed into law Senate Enrolled Act 50 and House Enrolled Act 1002, reforming Indiana's workforce development programs. The law immediately replaced Indiana's 46-member State Workforce Innovation Council (SWIC) with a more streamlined group of 21-members identified as the Governor's Workforce Cabinet. The new cabinet will be composed of state and business leaders working in education and job training and is designated with the responsibilities of the state workforce board as well as having the authority to direct state agencies to address the states workforce needs.

In a bold move, Governor Holcomb is seeking approval from the U.S. Department of Labor (USDOL) to replace the federally mandated SWIC, with the newly established Governor's Workforce Cabinet. However, SWIC was immediately terminated upon the new laws being enacted wherein existing powers were transferred to the Governor's Workforce Cabinet. The governor officially requested a waiver through an application process with USDOL and it is expected that the request will be granted, although

there is no timeline in which USDOL must make a final decision. In a letter to the U.S. Secretary of Labor Alexander Acosta, Governor Holcomb cited that the change will streamline the process, "align our state and federal workforce systems," and "meet the needs of those seeking training and employment opportunities." Should USDOL choose not to replace SWIC, the Indiana General Assembly can reestablish the old program in a special session so the state can continue to receive federal training funds.

The newly-established Governor's Workforce Cabinet will consist of several members. Most notable of those members will be a chairperson appointed by the Governor, a member appointed by the Governor who is an apprenticeship coordinator of a joint labor-management apprenticeship program approved by USDOL's Employment and Training Administration, Office of Apprenticeship, and one member each representing a minority owned business, a woman owned business, and a veteran owned business, all appointed by the Governor.

For more information on this development contact the III FFC or stay tuned for updates in future issues of The Monitor.

**Senate Enrolled Act 50 and House Enrolled Act 1002 will replace Indiana's 46-member State Workforce Innovation Council with a more streamlined group of 21-members identified as the Governor's Workforce Cabinet.**



## Dylan Parker

**W**orking for the III FFC is the first job I've had where it's no longer a paycheck—it's a passion, says new Construction Analyst Dylan Parker. For six years before coming on board at the III FFC, Dylan worked as a diesel mechanic at various shops in the Quad Cities. While turning wrenches, Dylan learned the value of hard work and saw first-hand the disadvantages of working in a non-union shop. After a company buyout, Dylan became the lead employee for an organizing drive with the International Association of Machinists and Aerospace Workers. Unfortunately, he was unsuccessful, but Dylan continued to advocate for workers' rights, safe workplaces and fair wages. He shifted organizing the shop floor to running for public office and was elected as 5<sup>th</sup> Ward Alderman in Rock Island, Illinois in April 2017.



Originally from the Quad Cities, Dylan joined the III FFC in November of last year. He received two bachelor's degrees from St. Ambrose University in 2010 but laughs about the fact that he worked various blue-collar jobs after graduation. His wife, Tia, works as a registered nurse in Rock Island's local hospital in the operating room. They have three children ranging from ages 12 years to 10 months. Between work, family and City Council, the little free time Dylan has is spent tinkering on antique motorcycles or gardening in his backyard.

Monitoring public works projects in seven western Illinois counties, Dylan recognizes the region's long history of quality union contractors. He credits much of their market share control to quality craftsmanship and local government policy that recognizes the benefit of safe, high-value and responsible contractors. As an elected official himself, he understands that sometimes the lowest bid is not the best bid for the community. As the old adage goes—you get what you pay for—and the superior workmanship he sees on a regular basis in his area demonstrates the benefit of utilizing lowest *responsible* bidders.

While it is fun for Dylan to get back out on jobsites (though monitoring the diesel engines now instead of fixing them), he really enjoys the fascinating culmination of public policy, politics and community outreach that surrounds his work. Whether the job entails explaining the benefits of a Responsible Bidder Ordinance to a village trustee, attending state legislative lobbying days with the QC Chamber of Commerce, or checking that workers are being paid livable wages, Dylan takes pride in knowing that his work is helping build strong middle class communities. ■

## Congratulations to Phoenix Corporation on receiving IDOT's 2017 DBE of the Year Award!

**P**hoenix Corporation of the Quad Cities was established in 1988 and is owned by Marjorie DeCap. Ms. DeCap has nearly 50 years of experience in the trucking & excavating industry. Starting with just 5 employees, Phoenix Corporation has grown into the largest DBE firm in IDOT District 2. Phoenix has expanded from trucking to aggregate bases, drainage, excavating and grading, and demolition, while working in several districts throughout Illinois. Phoenix is currently working on the I-74 Iowa-Illinois Corridor project in the Quad Cities. Within their community, Phoenix Corporation established a scholarship in 2016 at Riverdale and Erie High Schools to be presented to a recipient enrolling in an institution of higher education with the concentration of engineering,

construction trades, or business. Phoenix excels in their work and partnerships, making them an exemplary role model for other DBE firms across the state of Illinois.

The DBE of the Year award, presented at this year's IDOT "Today's Challenges Tomorrow's Rewards"

DBE Conference in Springfield, Illinois, is part of IDOT's overall dedication to provide contracting opportunities to small businesses owned and controlled by socially and economically disadvantaged individuals.

Having been recognized for their outstanding work by IDOT, Phoenix Corporation of the Quad Cities leads

by example as a high quality responsible contractor. ■







Jodi Frailey  
Assistant Director  
Field Operations

## FOCUS ON Illinois



**The III FFC promotes prevailing wage compliance with educational seminars.**



**III FFC Hosts Prevailing Wage Seminar in Rockford**  
*The III FFC co-sponsored the Prevailing Wage Seminar with Project First Rate; Northwestern Illinois Building Trades Union; Northern Illinois Building Contractors Association; and Finishing Contractors Association of Illinois*

**O**n February 21<sup>st</sup>, the III FFC cohosted a Prevailing Wage Seminar at Prairie Street Brewhouse in Rockford, Illinois with Project First Rate. The event was a success with close to sixty-five public body representatives who attended to learn about the Illinois Prevailing Wage Act, Occupational Safety and Health regulations, the Freedom of Information Act, and Responsible Bidder Ordinances. Speakers included: Melissa Binetti, III FFC Counsel; Candra Jefferson, OSHA Compliance Assistance Specialist; Leah Bartelt, Assistant Attorney General at the Illinois Attorney General's Office; and Josh Weger, III FFC Policy Director.

Jake Castanza, Executive Director of Project First Rate kicked off the seminar by thanking the event sponsors: the III FFC, Project First Rate, Northwestern Illinois Building Trades Union; Northern Illinois Building Contractors Association, and Finishing Contractors Association of Illinois. Next, Melissa Binetti provided an overview of the Illinois Prevailing Wage Act and discussed the importance of complying with the Act. Her presentation focused on educating public bodies on the scope of work covered under the Prevailing Wage Act. The III FFC helps to promote prevailing wage compliance with educational seminars, field operations, and outreach. The big takeaway was that prevailing wage compliance helps increase income for workers, worker productivity, and decreases jobsite injuries.

Next, Candra Jefferson gave an overview of OSHA, an organization that has sought to

protect the safety and health of workers for the past four decades. Jefferson talked about the importance of OSHA regulations, statistics on workers who have been injured in the United States, and an overview of specific examples in which workers suffered serious injuries on a jobsite from lack of compliance with safety regulations. Jefferson ended her presentation with several OSHA initiatives aimed at educating the public on workplace safety such as National Ladder Safety Month in March, National Work Zone Awareness Week from April 9-13th, and Workers Memorial Day on April 18th.

Leah Bartelt started the afternoon session with a presentation on the Illinois Freedom of Information Act ("FOIA"). Her presentation focused on the purpose of FOIA, which ensures transparency and openness of public records. Leah also went through the process of requesting FOIAs from start to finish and the response time for a request, which is generally five business days after receipt of the request unless the response is extended by one of seven reasons specified in the Act. Leah also answered a number of FOIA questions from public officials.

Finally, Josh Weger ended the seminar with an in-depth analysis of responsible bidder ordinances ("RBOs"). Josh discussed how RBOs positively impact public works construction contracts. RBOs establish verifiable standards and objective criteria to ensure that the public body is employing "high road" contractors. Overall, RBOs benefit communities by helping to avoid cost overrun on public works projects that taxpayers have to pick up the tab on.

For more information about the III FFC's educational seminars or to access our seminar materials, visit [www.iiifcc.org](http://www.iiifcc.org).



## New III FFC Field Positions in 2018

**S**tarting in 2018, the III FFC implemented changes to our field operations to help enhance our jobsite monitoring capabilities. Longtime employee Tom Frailey was promoted to Director of Field Operations in Illinois, Indiana, and Iowa. As Director of Field Operations, Tom will oversee field work in our three-state jurisdiction, as well as manage a team of eleven field staff. Tom has been with the III FFC since its inception and is qualified for the job after thirty-five years with the Indiana State Police and eighteen years managing Indiana Construction Analysts.

In an effort to enhance our field operations, Michael Lingl was promoted to Assistant Director of Construction Compliance. Michael's new position will focus on assisting Construction Analysts throughout our three-state jurisdiction with special projects. Michael is qualified for the position with fourteen years of experience working as both a Supervisor and Construction Analyst in Illinois.

With seasoned employees Tom and Michael moving to new positions within the III FFC, Construction Analysts Myron Sutton and Jodi Frailey were both promoted to Assistant Director of Field Operations. Jodi worked as a Construction Analyst in Illinois for three years, managing Cook County before being promoted to Assistant Director of Field Operations in Illinois. Jodi has over ten years of commercial property management experience and has overseen many building projects at various stages of development.

Myron worked as a Construction Analyst managing the Counties of Lake, Newton, and Jasper before being promoted to Assistant Director of Field Operations in Indiana. Myron previously worked as a Construction Analyst for four years before serving as the U.S. Marshal for the Northern District of Indiana. The III FFC was pleased to have Myron rejoin the team in 2016 after completing his service as a United States Marshal.

Finally, John Freitag will continue to supervise staff in Iowa and Western Illinois as Assistant Director of Field Operations. As Assistant Directors of Field Operations, Jodi, Myron, and John will supervise Construction Analysts in their areas and will also work together to bring consistency and raise performance standards throughout our entire field operations.

With all the new personnel changes, the III FFC also wanted to recognize longtime employees who have shown great dedication

**Starting in 2018, the III FFC implemented new changes to our field operations to help enhance our jobsite monitoring capabilities.**

to our organization. Construction Analysts Richard Stewart, Marcella Kunstek, and Garland "Butch" Rose were promoted to Senior Construction Analysts. Richard has been with the organization since its inception and had over thirty years with the Illinois State Police. Marcella joined the III

FFC after twenty-six years with the Indiana State Police and Butch joined the III FFC after twenty-seven years with the Portage Police Department and two years with the Chesterton Police Department. As Senior Construction Analysts, Richard, Marcella, and Butch will use their expertise to help guide new Construction Analysts on III FFC's mission and vision for field operations.

As an organization, the III FFC works to increase market share for responsible contractors and work opportunities for the hardworking men and women of the construction industry.



Laura Byrne  
*Communications  
Director*



Tom Frailey  
*Director of Field  
Operations*





## III FFC Volunteers

The United States has unfortunately had its share of national tragedies in recent years, at Sandy Hook School, Pulse nightclub, the Dallas police shooting, the Las Vegas shooting, and most recently at Marjory Stoneman Douglas High School in Parkland, Florida.

Through the sadness and shock comes a form of love and comfort, the Lutheran Church Charities K-9 Comfort Dogs Ministry ("LCC K-9"). The LCC K-9 Comfort Dog Ministry launched in 2008 with the purpose of being a national human-care ministry embracing the

unique, calming nature and skills of purebred Golden Retrievers. LCC K-9 Comfort Dogs are working animals, trained to interact with people of all ages and circumstances who are suffering and in need. Currently they have over 130 Comfort Dogs serving in more than 20 states.

Taking advantage of the III FFC policy encouraging volunteer days, III FFC Marcella Kunstek a Senior Construction Analyst from Indiana, and her comfort dog Isaiah deployed to Parkland, Florida to administer comfort after the Marjory Stoneman Douglas School shooting. Marcella explains "our hope is to bring love, comfort and relief to those in need. It's quite amazing to see these dogs in action, they are natural healers. The dogs simply lay and allow those in need to pet and love them." Marcella and her team were asked to visit several schools in the Parkland community after the tragedy. The children and staff embraced the visitors and were thrilled to have the comfort dogs present.

Isaiah has been administering comfort and love since he was a pup. He was the first puppy to arrive at Sandy Hook Elementary School in 2012. To this day, Isaiah's friends in Newtown, Connecticut still write and keep in touch with him on his Facebook page "Isaiah Comfort Dog." Isaiah and Marcella recently joined the LCC K-9 Police Ministry, the handlers are current and former law enforcement officers, who understand the unique challenges facing the law enforcement community post tragedies. Marcella stated "I am thrilled and honored to be a part of the LCC K-9 Comfort Dog Ministry. I am also very proud of the III FFC for having a program that encourages its employees to get out into the community, help those in need and volunteer. It's a win-win for all of us."



*Marcella Kunstek, III FFC Senior Construction Analyst pictured with her volunteer group in Parkland, FL.*





## Indiana Fails to Pass House Bill 1313

In late January 2018, Indiana legislators were actively working to pass House Bill 1313 (HB 1313) that would have forced public bodies into awarding contracts to unqualified or unethical contractors. Authored by State Representative Doug Miller (R-Elkhart County), HB 1313 restricted a public body's ability to set bidding and construction standards and limited their abilities to thoroughly vet contractors. Worse yet, it protected unethical or subpar contractors from having to disclose certain qualifications, bad business practices, or even litigation matters by simply allowing them to deem that information as "confidential." Any John Doe off the street with little to no industry knowledge or capabilities would have been allowed to participate in the bidding process without having to produce pertinent qualifications, proof of financial stability, or any assurances of a competent workforce or professionally finished project. Essentially the bill suppressed a public body's ability to determine who is a responsible bidder.

Something just as troubling as the proposed law itself was the fact that local public officials were not aware of the legislation. When the III FFC learned of the bill, it immediately initiated a public outreach program, seeking out and educating public officials about the negative consequences associated with such a law. It was with a great effort from our field staff, and other like-minded organizations, that officials became aware of the proposed law and started speaking out against it.

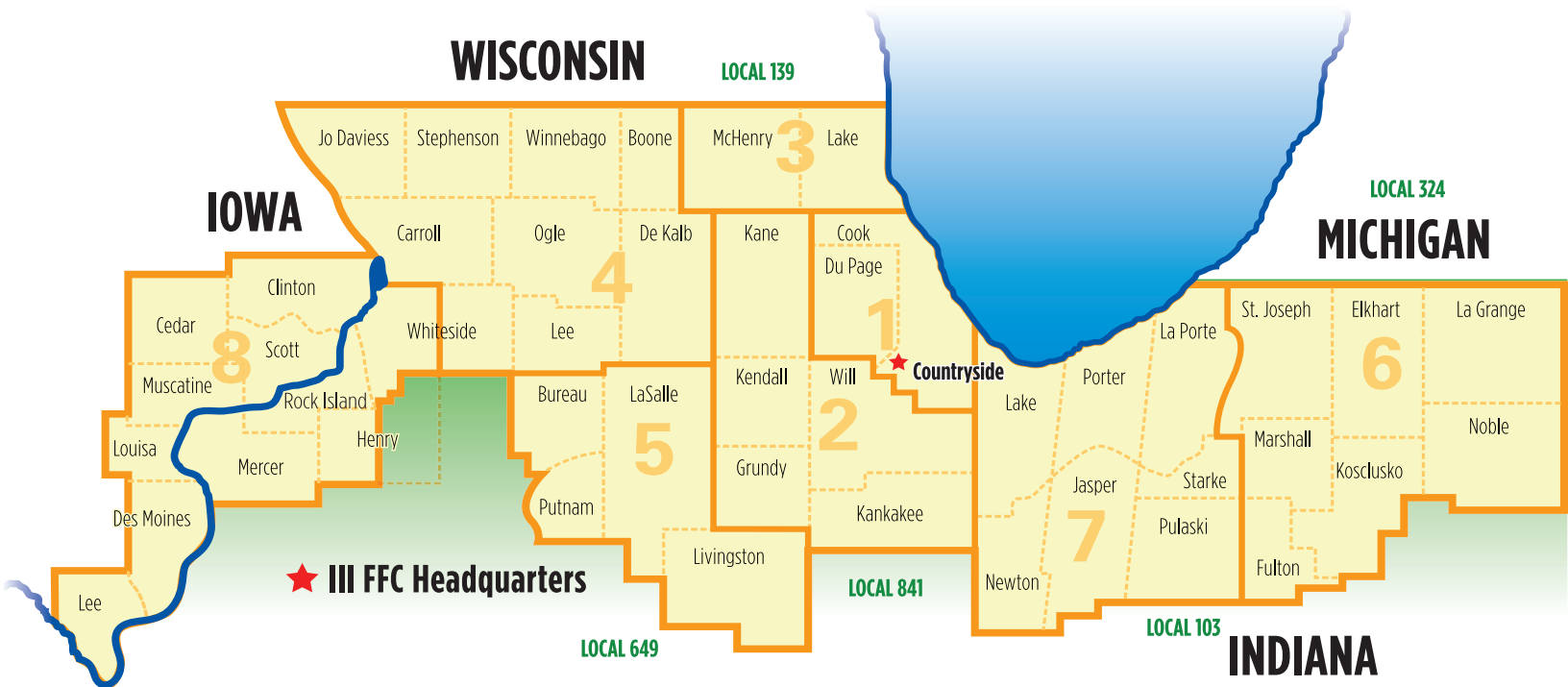
The bill was removed from the legislative calendar just days before the final vote. On its face, HB 1313 was a bad proposal for many reasons. While public bodies currently ensure that they are spending tax dollars wisely by competitively hiring the most reputable and qualified contractors, Representative Miller's law would have taken local safeguards away. As a local property owner pointed out, "I can't imagine that if any of us, or Representative Miller for that matter, were to hire someone to replace a roof on our home that we would not ask for references

and proof of insurance and bonding from a contractor before hiring them." Our elected officials and public bodies should be allowed to continue to do the same through a process that ensures quality work is being performed and that our tax dollars are being spent wisely. Any law that restricts them from doing so is simply not good business.

As an organization, the III FFC advocates for responsible public policies and embraces a culture of comprehensive programs of procurement oversight and public policy education. Rest assured that we will monitor future legislative proposals relating to the construction industry that would have such a negative impact on public bodies and taxpayers.







## It's really quite simple.

Successful projects happen when Labor and Management share the same priorities. And when the highest priority is having a team of safe, well-trained workers on the jobsite, those projects are completed on time and on budget.

## We're the Indiana, Illinois, Iowa Foundation for Fair Contracting.

We bring Labor and Management together to assist public bodies and contractors with OSHA, contract compliance and other contracting matters, while striving to secure work for responsible contractors.



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