

Fall/Winter 2022

The Monitor

RAISING THE BAR BY MONITORING THE CONSTRUCTION INDUSTRY

Workers' Rights Amendment Passes in Illinois

Illinois is now the most pro-worker state in
the United States.

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FROM THE EXECUTIVE DIRECTOR: WORKERS' RIGHTS SUCCESS IN ILLINOIS

The voters of Illinois sent a clear message in the mid-term elections: Illinois is and will always be a workers' rights state. Illinoisans came out in support of the Workers' Rights Amendment on Tuesday, November 8. With more than two million votes in favor, the Illinois constitution will be amended to guarantee workers' rights to bargain collectively.

The top-of-the-ballot measure asked whether to establish a constitutional right for all Illinois employees to organize and bargain collectively for wages, hours, benefits, and workplace safety. The amendment is a preemptive measure that will prevent a "right-to-work" law from ever passing in Illinois. "Right-to-work" laws allow workers to free ride and take all the services and benefits of collective bargaining – such as higher wages, better health care, and legal representation – without paying anything for them. "Right-to-work" laws have been passed in 27 states, including every Illinois border state except Missouri, where voters rejected that state's proposed law in a 2018 referendum.

This victory is a historic moment for Illinois workers and the state. The Workers' Rights Amendment goes further than laws in New York, Missouri, and Hawaii, where constitutional amendments granting workers the right to organize and collectively bargain are currently in place. The Illinois measure is the first time voters in the U.S. have added a constitutional protection for collective bargaining through a vote.

The WRA safeguards current labor laws in Illinois, while also opening the door for expanding subjects of collective bargaining. Although the amendment cannot supersede federal labor law, it can fill in gaps by guaranteeing organizing and bargaining rights to workers who are excluded from the National Labor Relations Act, such

With the passage of the Workers' Rights Amendment, Illinois remains a state with some of the strongest labor protections for workers.



Marc Poulos
EXECUTIVE DIRECTOR

as independent contractors, agricultural workers, and supervisory employees.

With the passing of the WRA, the fundamental right to collectively bargain will be a constitutionally protected right in Illinois just like other constitutionally protected rights under the First Amendment right to freedom of speech, Second Amendment right to bear arms, or the Fourth Amendment right against illegal search and seizure. Illinoisans took it upon themselves to vote for their own workplace protections so no politician in the future can take these rights away. The main point of the WRA is to be a forward-thinking safeguard in case either the Supreme Court, Congress, or any politicians take actions to erode workplace rights in the future.

From workers across the nation fighting for better wages to address high inflation to workers protesting unsafe working conditions throughout the COVID-19 pandemic, now was the crucial time to address workers' rights in Illinois. Labor took a proactive approach and did not wait for the sky to fall when it comes to protecting workers' rights in Illinois. From day one, the Workers' Rights Amendment was based on the simple idea that every Illinois worker deserves better. Better pay, stronger benefits, and safer workplaces do not just help workers thrive, but they strengthen Illinois and keep everyone safe. We know that the best way to kick-start the economy and help families deal with rising costs is to put more money in their pockets. The passage of the Workers' Rights Amendment now protects every Illinoisans' right to join with their coworkers to negotiate for pay raises for generations to come.

We at the Indiana, Illinois, Iowa Foundation for Fair Contracting (III FFC) are excited to celebrate this incredible victory for workers and the state's economy. We know that protecting these fundamental rights will only strengthen Illinois' highly productive workforce and grow the state's economy past the \$1 trillion mark it recently met. We will continue to fight for policies that support workers and the economies of Indiana, Illinois, and Iowa.



ILLINOIS' \$1 TRILLION ECONOMY

Illinois now produces \$1 trillion in annualized economic activity. A new report by the Illinois Economic Policy Institute (ILEPI) and the Project for Middle Class Renewal (PMCR) at the University of Illinois at Urbana-Champaign found that the state first crossed the \$1 trillion threshold in the first quarter of 2022, according to quarterly estimates from the U.S. Department of Commerce. Illinois is just the fifth state to reach the \$1 trillion mark, following California, New York, Texas, and Florida. If Illinois were its own country, it would have the 19th-largest economy in the world – bigger than countries like Poland, Turkey, and Sweden.

This historic achievement reveals the strength of Illinois' businesses and the superior productivity of Illinois' workers. It also solidifies that the state is the economic engine of the Midwest. Illinois' position as a transportation hub at the heart of the U.S. has been a cornerstone of putting it in the lead of neighboring states. In fact, Illinois' second quarter estimates shows that Illinois has an economy that is about 20% higher than Ohio (\$818 billion economy) and more than double that of Indiana (\$452 billion).

As the transportation hub of the Midwest, Chicago has the largest rail transit hubs in the middle of the nation. In recent years, Illinois has taken large steps toward even more infrastructure investment that have stimulated the economy. Infrastructure modernization is not an expense, but an investment. While many other states have overlooked their infrastructure for decades, Illinois has taken major steps toward the improvement of our roads, bridges, utility lines, telecommunications networks, and other basic needs of the people and businesses who call Illinois home. The state's commitment to making necessary infrastructure investments is one of the main reasons why Illinois now has a \$1 trillion economy.

The historic 2019 Rebuild Illinois capital program invested \$45 billion over six-years across the state. The program was developed to address decades-long maintenance and modernization backlogs to the state's roads, bridges, transit systems, schools, water, and broadband systems. Revenues from motor fuel taxes (MFT) and an expansion of gaming operations represented the single largest new revenue sources for the program.

Investing in infrastructure creates jobs, but it also supports local businesses and creates a business-friendly environment. Well-maintained transportation infrastructure is important for businesses to thrive as goods and services are more easily accessible to all. In addition, the modernization of roadways, transit systems, airports, and waterways – along with updates to the energy grid, high-speed internet capabilities, drinking water infrastructure, and affordable housing – are essential to building a high quality of life for current and future generations of Illinoisans.

But while Illinois remains the economic engine of the Midwest, we still need strong leaders who will continue supporting infrastructure investments that create good-paying jobs for Illinois workers and contractors. It took 200 years for Illinois to achieve a \$1 trillion economy. By continuing to make the necessary investments in road, bridge, transit, and pedestrian infrastructure, the state will maintain a competitive advantage in the Midwest, which will help Illinois reach a \$2 trillion economy much faster.

1. *Illinois at \$1 Trillion: Putting the Historic Economic Achievement in Context* by Frank Manzo IV, Robert Bruno, and Mike Jekot. Illinois Economic Policy Institute and the Project for Middle Class Renewal. Accessed November 7, 2022. <https://illinoisepi.files.wordpress.com/2022/09/ilepi-pmcr-illinois-1-trillion-economy-final.pdf>



PUBLIC BODY SPOTLIGHT

Tinley Park, Illinois

IUOE LOCAL 150 MEMBER MICHAEL GLOTZ LEADS THE VILLAGE OF TINLEY PARK AS MAYOR



One of Local 150's longstanding priorities is to encourage and help its members run for public offices. Local 150 members have valuable perspectives, strong work ethic, and proven leadership qualities that make them well-suited to help lead their communities. With that in mind, the III FFC is proud that Local 150 member Michael Glotz serves as Mayor of the Village of Tinley Park, Illinois.

Michael Glotz and his family have resided in Tinley Park since 1994. He and his wife Kristie have two children, Kyle and Katie. Michael is a past boys baseball and girls softball coach. The Glotz family attends Parkview Christian Church. After many years of local volunteer work and community activism, member Glotz threw his hat in the ring for a seat on the Tinley Park Village Board of Trustees in the April 2017 election. He won that election and spent his term diligently learning the details of Village management, budget, and community concerns. Four years later, he ran for Mayor and was elected in April 2021. In his term, Mayor Glotz has focused on an aggressive pro-development agenda and strong support for workers' rights, all while ensuring careful stewardship of taxpayer dollars.

Michael has been instrumental in securing numerous exciting new developments in the Village, including the Tinley Park Plaza shopping center, a Pete's Fresh Market grocery store and distribution center, a new business park, a Loyola Medicine ambulatory care center, the Boulevard at Central Station, and several restaurants and residential developments. In addition, Mayor Glotz has made no secret of his strong desire to see the shuttered Tinley Park Mental Health Center redeveloped and transformed into an economic engine for the south suburbs. He has aggressively pursued efforts to convince the State of Illinois to sell the property to the Village, with developers articulating early plans to create thousands of construction jobs and nearly a thousand permanent jobs.

As Mayor, Local 150 member Glotz spearheaded the adoption of an ordinance creating an Advisory Commission on Labor and Development (ACLD) within Village government. The ACLD was created for the purpose of structuring sound labor policies for public works construction and commercial developments to protect local workers, contractors, and taxpayers. The ACLD makes findings and recommendations to

the Board of Trustees and is comprised of local labor experts and advocates appointed by Mayor Glotz. III FFC Policy Director Josh Weger is the chairman of the ACLD. Mayor Glotz and the Commission have worked together to secure passage of an improved contractor licensing and registration ordinance to protect workers against wage theft and misclassification, as well as a strong responsible bidder ordinance to ensure public works construction is performed only by qualified, competent, local contractors.



Michael Glotz was elected Mayor of Tinley Park in April 2021.

Mayor Glotz also spearheaded the adoption of a resolution by the Village Board of Trustees asserting its support for the Workers' Rights Amendment. Following passage of the resolution, Mayor Glotz stated, "I want us to make it clear that in Tinley Park, we are both pro-business and pro-labor. We want new business developments, and we will help make that happen. We also want workers to get a fair shake, get paid a livable wage, and we want them to have strong workplace rights. We can and should stand up for both of these values, and we have, and we will continue to do so."

In addition to his service as mayor, Michael is a member of the board of directors of Together We Cope, a prevention agency based in Tinley Park that serves 27 south suburban communities by providing resources to families in temporary crisis, including food, shelter, clothing, toiletries, diapers, prescription assistance, past due rent, utility payments, school supplies, and holiday presents for children.

We at the III FFC are proud of Michael Glotz for stepping up to serve his community in public office. We admire his agenda and priorities and look forward to seeing his plan realized throughout his first term in office. Michael is a great example of what Local 150 members can do when they pursue leadership positions in local government. We hope Michael's example will inspire more members to put their talents to work and take the plunge to pursue opportunities to make a difference in their communities.



Myron Sutton
REGIONAL MANAGER

SOLAR DEVELOPER BENEFITING LOCAL WORKERS & ECONOMY

St. Joseph County elected officials took extraordinary steps to ensure that their local workforce, and those from surrounding counties, will be hired in the new construction of a multi-million-dollar solar development farm, the Honeysuckle Solar Project. The Honeysuckle Solar Project is a \$164 million-dollar development that will encompass 1,000 acres of farmland throughout western St. Joseph County, Indiana. The project will create around 200 construction jobs and the county is expected to benefit from an additional \$27.4 million in generated taxes within the first 25 years of its existence. County officials and solar developers negotiated for months before reaching an agreement. Ultimately, this agreement will generate a stimulus to the local workforce and community in addition to developing a long-term solar project with lasting economic benefits.

With federal tax incentives for large corporations and commercial developers coupled with calls for more investments in green energy, solar farm developers are visiting local communities across the nation in hopes of fast-tracking new solar projects. Unfortunately, developers are oftentimes out-of-state investors who offer local bodies great incentives and promises of hiring local workers that do not always come to fruition. Out-of-state developers often keep workforce development requirements and commitments vague, allowing them to use out-of-state contractors who use out-of-state workers to complete construction of such projects.

If public bodies are not vigilant in their due

diligence, the process could be a negative and costly experience to their local workforce. For example, County Commissioners in Sullivan County had to revoke a solar developer's tax incentive who did not meet the contractual agreement to use the local workforce. The project was ultimately completed using little to no local workers during the construction of the solar farm. The Sullivan County Commissioners wound up in court, but the matter should not have resulted in litigation in the first place.

In addition, a \$1.5 billion solar development called Mammoth Solar is currently being built across 1,300 acres in Starke and Pulaski counties. Even though the developer and contractor of the project was provided a list of 25 local contractors during the preconstruction phase, the developer decided to engage a global hiring agency to recruit out-of-state workers online. Not one of the local contractors were invited to bid. Instead, the developer ultimately brought in out-of-state workers from as far away as California, Arizona, Georgia, Texas, and Florida.

The Mammoth Solar Project has unfortunately had more issues than just hurting local taxpayers and undercutting local wage and benefit standards by hiring out-of-state workers. One traveling worker from Florida, a supervisor for an out-of-town contractor, was arrested for a sexual battery felony offense against an underaged youth in Pulaski County. Sadly, communities who jump at the first opportunity to sign on with developers who are



NATIONAL ALLIANCE FOR FAIR CONTRACTING NATIONAL CONFERENCE



purposely ambiguous about using the local workforce but are touting large “investment costs” or “jobs” are the communities missing out on the opportunity to create local jobs that stimulate the economy.

In contrast, a story published in WISBusiness.com, a Wisconsin Business publication, put things into perspective on just how the Honeysuckle Solar Project local worker agreement will benefit St. Joseph County and the surrounding local economy. The story found that due to few workers needing to operate and maintain solar farms in the long-term, that the vast majority of the economic impact of solar projects comes from the construction phase. Research estimates that hiring local workers during the construction phase of solar farm projects generates about \$11.8 million in economic activity to the region, while hiring out-of-state workers only brings between \$4.6 million to \$6.8 million. This is because local workers spend their incomes back into local businesses, pay local taxes, and live in the community.

Recognizing the benefits of hiring local workers, the renewable energy developer Savion, who is currently developing a \$120 million 900-acre solar project in Elkhart County has also recently made a written commitment to hiring local workers. The III FFC wishes to commend the elected officials of St. Joseph County and the developers of the Honeysuckle Solar Project and Savion for their foresight to negotiate a development that will not only be successful, but also maximize true incentives to local workers, businesses, and communities.

Each year III FFC looks forward to the National Alliance for Fair Contracting (NAFC) National Conference. This year, the conference was held at the Palmer House Hotel by Hilton in Downtown Chicago. The III FFC uses the NAFC conference as an opportunity to share best practices for promoting fair contracting. As an organization, the III FFC is deeply involved in the great work NAFC does. III FFC Executive Director Marc Poulos sits on the NAFC Board of Directors and our staff has facilitated many trainings, discussions, and seminars at past conferences.

This year was no different. Josh Weger, III FFC Policy Director, sat on a panel to discuss how organizations and individuals can advocate for fair contracting laws at the local and state level. This included how to pass local responsible bidder ordinances that help ensure only responsible contractors are awarded public projects, which ultimately protect taxpayer dollars. Michael McNally, III FFC Counsel, led a discussion about what organizations in the Midwest were doing to help fair contracting. He, along with ACT Ohio Executive Director Matt Szollosi, talked about the federal money coming in through the national infrastructure bill, the Inflation Reduction Act, and the CHIPS Act. The discussion gave all attendees from the Midwest the opportunity to share their experience in the fair contracting world and how they promote compliance.

One of our key goals in attending the conference each year is to share our knowledge on best practices and assist any organization in their localized efforts to raise construction standards in the public construction industry. We also use the NAFC Conference as an opportunity for our new Construction Analysts and staff to learn about other practices fair contracting groups utilize in our industry and to meet many industry leaders. Our entire staff had a great time attending this year's conference, and we are looking forward to the next one!

To follow the III FFC's updates in fair contracting, visit www.iiifcc.org or follow us on social media!

SAVE THE DATE: FREE PUBLIC CONSTRUCTION SUMMIT

THURSDAY, APRIL 6, 2023



Pre-register now for our **FREE** Public Construction Summit! The seminar will take place on Thursday, April 6, 2023 at the DoubleTree by Hilton in Lisle/ Naperville located at 3003 Corporate West Drive, Lisle, IL 60532. Registration starts at 10:30am with the seminar taking place from 11:00am-4:00pm.

Topics include the Illinois Prevailing Wage Act and how to ensure compliance with the Act, water and sewer infrastructure needs at the state and local level, responsible bidding on public projects, how to spend infrastructure money at the local level, and state and local procurement codes and how to apply for grants.

This event is great for public bodies, contractors, and attorneys in the public sector! This free event includes lunch, a networking reception with cocktails and hors d'oeuvres from 4:00pm-6:00pm, and three general CLE credits for attorneys.

A big thank you to our sponsors: Construction Industry Service Corporation (CISCO), Mid-America Regional Bargaining Association (MARBA), Project First Rate, and the Underground Contractors Association (UCA).

Pre-register for the event
online now at the QR code
or at www.iiifc.org/events.



LEGAL CORNER

SAFE ROADS AMENDMENT LITIGATION UPDATE

In our Fall/Winter 2016 Monitor edition, we discussed the historic passage of the Illinois “Safe Roads Amendment” to the Illinois Constitution that passed with nearly 80% of Illinois voters approving the Amendment. The purpose of the Safe Roads Amendment was to ensure all motor fuel taxes, fees for vehicle registrations, license plates, and other transportation-related taxes and fees will be spent to maintain, repair, and build roads, highways, mass transit, and other transportation systems in our communities.

For decades, transportation tax revenue was siphoned from the General Fund and used on other programs funded by the state. The SRA sought to solve this diversion, ensuring infrastructure investment dollars would fund Illinois’ crumbling roads and bridges that had been neglected for far too long.

As discussed in our Spring/Summer 2022 Monitor edition, after passage there were public bodies that were failing to comply with the Amendment. Some localities used their home rule status to determine the Safe Roads Amendment was not applicable to them. Home rule communities in Illinois have significant autonomy in local matters but it was the opinion of labor organizations, contractor associations, and construction industry advocates that the Safe Roads Amendment applied to home-rule communities.

Labor unions and transit organizations did not believe home rule localities should be able to divert transportation-related taxes to non-transportation-related purposes because, as passed, the plain language of the SRA protected these revenues specifically for infrastructure investment.



Kara Principe
COUNSEL

The two differing interpretations came to a head in 2018 when the Illinois Road and Transportation Builders Association (“Roadbuilders”) filed a type of lawsuit called an injunction against Cook County, Illinois, aimed at stopping the diversion



of the transportation revenue to non-transportation-related expenditures, in violation of the Safe Roads Amendment. The Circuit Court ultimately dismissed that case. The Appellate Court reversed the issue on a procedural basis but found the Amendment did not apply to home-rule communities.

In 2020, the Roadbuilders appealed the Illinois Appellate Court decision which ultimately led to the Illinois Supreme Court agreeing to hear the case where Cook County argued the amendment was “ambiguous.” The III FFC and Local 150 submitted amicus curiae supplemental briefs in support of the Roadbuilders showing the legislative history of the Amendment.

Finally, on April 21, 2022, the Illinois Supreme Court ruled, “There is nothing in the language of [the SRA] to indicate the drafters intended to exclude home-rule units, home-rule taxes, or home-rule expenditures from the scope of the Amendment.” The Illinois Supreme Court remanded the case back to the Circuit Court for proceedings consistent with the ruling.

Despite this ruling, it appeared from Cook County budget documents, that the County was continuing to divert revenues in defiance of the Illinois Supreme Court decision and the Safe Roads Amendment.

This ruling made clear that all localities across Illinois, including home-rule Cook County, must abide by the Safe Roads Amendment and spend their transportation-related revenues on transportation-related projects.

On July 26, 2022, the Roadbuilders filed a motion for injunctive relief in Circuit Court, meaning the court can order Cook County to halt diverting transportation revenue to non-transportation purposes in violation of the Safe Roads Amendment. Specifically, the Roadbuilders alleged that the County’s Fiscal Year 2023 Budget would divert nearly \$250

million in transportation funds to purposes other than transportation. A hearing was held September 29 – 30, 2022, with closing arguments on October 7, 2022.

Unfortunately, on October 19, 2022, the Circuit Court denied Roadbuilders’ motion for injunctive relief, finding that the County had satisfactorily persuaded the Court that it would use transportation-related revenues in Fiscal Year 2023 in ways that would not violate the Amendment and the Roadbuilders had failed to prove otherwise.

On October 22, 2022, the Roadbuilders have appealed the decision to deny its motion for injunctive relief and at the time of writing the case is pending at the Illinois Appellate Court.

The III FFC is hopeful the Appellate Court will reverse the lower court’s ruling denying the Roadbuilders’ motion to stop the County from improperly diverting transportation funds. For the sake of our crumbling infrastructure, middle-class job creation, and in abiding with will of Illinois voters, it is crucial that public bodies comply with the Safe Roads Amendment as interpreted by the Illinois Supreme Court. Organizations like the Roadbuilders and the III FFC will remain vigilant and will zealously advocate for its compliance.



WATER INFRASTRUCTURE CRISES NATIONWIDE AND IN ILLINOIS

The need for major water infrastructure investments in the U.S. is at an unprecedented level. Whether it is drinking water pipes, stormwater retention systems, wastewater treatment systems, or water towers, our nation's water systems face staggering public investment needs over the next several decades. In 2021, the American Society of Civil Engineers' (ASCE) "2021 Infrastructure Report Card" gave the U.S. a C- grade for drinking water infrastructure. Just like roads, bridges, railroads, and most of the nation's infrastructure, water infrastructure has been underfunded for far too long and major water crises are growing.

The United States' water infrastructure shortcomings were previously brought to the public's attention by Flint, Michigan and most recently, by the water crisis in Jackson, Mississippi, where approximately 150,000 residents were left without access to safe drinking water. In Illinois, recent data shows "shocking" levels of lead in Chicago tap water along with "forever chemicals" discovered in multiple water sources across the state. Funding for drinking water infrastructure has not kept pace with the growing need to address aging infrastructure systems, and current funding sources do not meet the total needs. On average, about two-thirds of public spending for capital investments in water infrastructure since the 1980s have been made by state and local governments. Smaller municipalities are unable to properly fund these investments and raising water utility bills on residents is often not enough to fund necessary projects.

The average water bill in America has increased by up to 80% in the last decade. While larger metropolitan cities have a better capability to handle water issues, smaller towns cannot always afford to make repairs. This either means a backlog of water infrastructure needs or it can potentially leave the door open for

private companies to acquire ownership of water systems. Unfortunately, private ownership does not always fix the problem. The ASCE gave Illinois a D+ grade for drinking water infrastructure in 2022.

Natural disasters are also part of the equation. The western United States continues to go through "megadroughts" and would like to divert the Mississippi or Missouri Rivers to help feed the Colorado River basin, so they have enough water for farming and agriculture. The water supply in Las Vegas and New Mexico was tainted with fire-related debris and ash following forest fires. The Florida coast was impacted by Hurricane Ian, causing damage to water infrastructure that contaminated clean drinking water. Across the country, there are numerous water infrastructure needs to be addressed.

In Illinois, planning to mitigate and reduce flooding that cause rivers to overflow is crucial. Neighborhoods in the City of Des Plaines were heavily impacted by the widespread damage from severe floods in 2008 and 2013. Nearly 90 structures had to be demolished and permanently removed from the floodplain in the city's Big Bend Drive neighborhood. Many streets and homes were left underwater from a severe rainstorm in 2020, as well. Having stormwater plans must be made a

top priority to increase the effectiveness of flood mitigation in cases such as these. The Illinois State Water Plan was recently updated to take on these threats to the quality of life for its residents.

In addition, over 675,000 of 4 million total drinking water service lines in Illinois have been identified as having lead and almost 380,000 have copper with lead

solder services. Fortunately, approximately \$288 million has been provided by Congress in FY22 for Illinois water infrastructure, which is more than double the amount awarded in FY21. The Illinois EPA (IEPA) has been providing low-interest loans



Michael Lingl
SPECIAL PROJECTS

Just like roads, bridges, railroads, and most of the nation's infrastructure, water infrastructure has been underfunded for far too long and major water crises are growing. These crises are happening nationwide and right here in Illinois.



to local governments with the Wastewater and Drinking Water loan programs through the State Revolving Fund (SRF). IEPA is currently assisting communities with the replacement of lead service lines by allowing a one-time, \$95 million transfer of wastewater loan funds to the drinking water loan program. Those funds will be solely dedicated to lead service line replacement activities in FY21-FY23.

Fortunately, the federal Bipartisan Infrastructure Law and the Inflation Reduction Act has committed an unprecedented investment in our nation's water infrastructure. The law provides \$50 billion dedicated to water infrastructure projects, investing through the Environmental Protection Agency's (EPA) State Revolving Funds and through the Agency's geographic programs and National Estuary Program to protect and restore treasured national waters. These efforts make the law the single-largest investment in water infrastructure in U.S. history to replace lead pipes and build resilient drinking water and wastewater systems.

However, the funding is still not enough to address the massive needs across the country. ASCE's 2020 economic study, "The Economic Benefits of Investing in Water Infrastructure: How a Failure to Act Would Affect the U.S. Economic Recovery" found that the annual drinking water and wastewater investment gap will grow to \$434 billion by 2029. Additionally, the cost to comply with the EPA's 2019 Lead and Copper Rule is estimated at between \$130 million and \$286 million.

While water infrastructure funding has increased within the last few years across the country due to increases at the federal level and some increases at the state level – like here in Illinois – there is still an enormous underfunding. Access to clean and safe drinking water is critical to public health. We at the Indiana, Illinois, Iowa Foundation for Fair Contracting look forward to continuing to advocate for clean water infrastructure projects across our jurisdiction in hopes of rebuilding crumbling and unsanitary water infrastructure. Residents deserve to have safe and updated infrastructure they can rely on when turning on their faucet.

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3. "Illinois Report Card: 2022" ASCE. Accessed November 6, 2022. https://infrastructurereportcard.org/wp-content/uploads/2016/10/Illinois_Report_Card_Brochure_2022.pdf
4. "Diverting the Mississippi? Western drought 'solution' has issues." Joe Millitzer. FOX 2 Now. Accessed November 7, 2022. <https://fox2now.com/news/missouri/diverting-the-mississippi-western-drought-solution-has-issues/>
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CONTRACTOR SPOTLIGHT

Reyes Group Ltd. working on the Chicago Transit Authority O'Hare Blue Line Tine Replacement.

REYES GROUP LTD.'S HIGHEST PRIORITIES ARE SAFETY AND QUALITY

Reyes Group Ltd. is a general contracting company based out of Markham, Illinois. Marcos Reyes, who immigrated to America from Mexico with his family at the age of seven, founded Reyes Group in September of 1992. Mr. Reyes attended the University of Illinois where he studied and graduated with a degree in Civil Engineering. Because of his background as an immigrant, Mr. Reyes was able to secure a Minority Owned Business (MBE) certification from the City of Chicago, which is accepted by other governmental agencies to empower and showcase the quality of work undertaken by groups of people who have traditionally been overlooked in the construction industry, and grow the company into a group who annually undertakes millions of dollars in work and employs hundreds of workers throughout the construction season.

Reyes Group specializes in many fields of the construction industry, including new construction, infrastructure development, and complex renovation projects in the municipal and private sectors, working not only as prime contractors but also as subcontractors for some of the largest contracting companies in the nation. They have grown over the last 30 years to include not only the Chicagoland market, but also establishing themselves in the Dallas area market, as well. Reyes Group has successfully completed numerous jobs with the Illinois Tollway, Chicago Transit Authority, Chicago Department of Aviation, Metropolitan Water Reclamation District, Texas Department of Transportation, and the Dallas Area Rapid Transit (DART) just to name a few.

reyes
GROUP



Reyes Group Ltd. was the subcontractor to F.H. Paschen for the American Airlines GEM Facility project.

No project is too complex for Reyes Group to consider, and even if they do not have the expertise to undertake a project, they are always looking to combine their knowledge with other companies to form Joint Ventures, to ensure a project is completed on time and safely. Infrastructure development is a specialty of Reyes Group one that benefits every market that they operate in. If you've flown in or out of O'Hare International Airport you have encountered their work as you land or take off, as they worked on the installation of the first new runway to be built at O'Hare in 30 years, Runway 9L-27R. The dedication they show in improving the communities they operate in, and their influence in lifting up minority owned contractors by participating in the City of Chicago MBE program are just some of the reasons they are the Indiana Illinois Iowa Foundation for Fair Contracting Spotlight Contractor of the Fall and Winter season.



A TALE OF TWO STATES ON RESPONSIBLE CONTRACTING

In the beginning of Charles Dickens' *A Tale of Two Cities*, the novel opens with, "It was the best of times, it was the worst of times." This could not be any closer to the truth in the bi-state area that makes up the Quad Cities in terms of responsible contracting.

On one side of the majestic Mississippi River, we have the Illinois Quad Cities consisting of Moline, Rock Island, and East Moline. Each of these towns have Responsible Bidder Ordinances (RBOs) and two of them have ordinances that use the IMPACT Agreement. The IMPACT Agreement is a locally branded project labor agreement (PLA) for projects over a certain dollar amount, ensuring pre-hire terms and conditions of employment for building trades locals and contractors on a per project basis. The Quad Cities on Illinois' side of the river have higher construction standards, which protects taxpayer dollars from dubious low-road contractors.

On the other side of the river, we have the Iowa Quad Cities consisting of Davenport and Bettendorf. Now I know what you're thinking: quad means four and you just listed five cities, but you will just have to accept that we do things a little different here. Davenport and Bettendorf are prohibited by state law from enacting any local ordinance that allows them to review a bidder's qualifications on public construction projects. The Quality Construction Destruction Act, a law signed in 2017 by Republican Governor Terry Branstad, restricted local control over project bidding and prohibited local communities from entering into PLAs in Iowa.

An August 26, 2022, article by Jason Clayworth in Axios Des Moines found several instances where Iowa's 2017 Quality Construction Destruction Act resulted in project delays and fraudulent business practices by a non-responsible contractor. The contractor in question is subject to more than \$1.7 million in lawsuits linked with government construction projects. Due to the 2017 Quality Construction Destruction Act, city officials were advised not to consider previous track records on other projects of the lowest bidder. Project after project without project labor agreements are being delayed due to projects being awarded to nonresponsible contractors and ongoing labor shortages post COVID-19.

A May 2022 study conducted by the University of Illinois' Project for Middle Class Renewal (PMCR) and the Illinois Economic Policy Institute (ILEPI) found that union contractors are 21% less likely to experience delays due to worker shortages and are 8% more likely to add workers over the past year. The study also notes that union construction workers are 34% more likely to have private insurance coverage and are less reliant on taxpayer subsidies like food stamps.

Iowa's 2017 Quality Construction Destruction Act has had a devastating impact on quality construction and has likely cost the taxpayers in both botched construction and social services such as healthcare costs for the uninsured. It is time for Iowa to realize the short comings of low road construction and its true high cost.

1. "Project Labor Agreements Ban Results in Iowa Government Headaches." Jason Clayworth. AXIOS Des Moines. Accessed November 7, 2022. <https://www.axios.com/local/des-moines/2022/08/26/project-labor-agreements-ban-results-in-iowa-government-headaches>



Andrew Waeyaert
REGIONAL MANAGER

STAFF SPOTLIGHT

Marcus Jordan

DE&I Outreach Coordinator

Marcus Jordan joined the Indiana, Illinois, Iowa Foundation for Fair Contracting (III FFC) in January of 2022 as the Diversity, Equity, and Inclusion (DE&I) Outreach Coordinator. Within this role Marcus has the primary responsibility of creating comprehensive outreach programs in the construction trades, while also working with the Apprenticeship and Skill Improvement Program (ASIP) Training Site in support of IUOE Local 150.

With less than a year on staff, Marcus has already developed strategic relationships with numerous organizations and schools across our jurisdiction. From meeting with Angel's Boxing Academy in Waukegan, IL to meeting with the Lawndale Christian Legal Center, Marcus has developed partnerships with influential community organizations and programs. His main goal is to connect youth to career opportunities at IUOE Local 150 and the construction trades. He has also attended various career fairs and expos in hopes of meeting more individuals face-to-face, while engaging in conversations about how to get more young individuals interested in joining a career outside of the traditional college career path.



Prior to joining the III FFC team, Marcus worked at the City of Waukegan, Illinois. During his 8-year tenure with the City of Waukegan, Marcus held multiple roles including Asphalt Maintenance, Operating Engineer, and as a Union Steward team member with a focus on wage and insurance contract negotiations. Prior to these roles, he worked within multiple supply chain and distribution capacities for KLOSS Distributing Company, serving the Lake County and neighboring Chicagoland suburbs.

Marcus is a social butterfly and is never afraid to talk to someone he does not know. All of his past professional roles have included a common theme of working with, relating to, and serving those

from various diverse backgrounds; all of which have certainly influenced his role as III FFC's DE&I Outreach Coordinator. So far, Marcus' favorite thing about being the DE&I Outreach Coordinator is being able to build new relationships, educate, and help people from all communities with exposure to Operating Engineers local 150 and other Union Trades in the construction industry.

Marcus was born in Chicago and lived in the city until he was 5 years old. He and his family then moved to Dallas, Texas, where he graduated high school. When he was 19, he moved back to Chicago and started his career working for the City of Waukegan. In his free time, Marcus enjoys spending time with his family and dog. He also enjoys

traveling out of the country, random impromptu walks, reading nonfictional books, live music, and creating memories with friends and family.

We are lucky to have Marcus on our staff!



SALESFORCE AND WHY MARKET SHARE IS SO IMPORTANT

One of our most valuable assets as a fair contracting organization is our market share analysis practice. After spending the last decade improving our capabilities, today we are proud to be a national leader in the tracking and analyzing of public works construction projects. We track every relevant public works project awarded in our jurisdiction and carefully monitor projects performed by non-responsible contractors to pinpoint any worker abuses or noncompliance with local, state, or federal construction laws and regulations.

In 2020, we left spreadsheets and manual data entry behind and built a state-of-the-art, automated market share analysis system on Salesforce architecture. This system is updated in real time as new project data flows in and is reviewed and vetted by our own Construction Analysts. We have presented our system at conferences around the country, and we are pleased to report that it is truly the envy of the fair contracting community. Our peer organizations in other states have indicated that none of them have the advanced market share analysis capabilities that our system does. We have done extensive training on our market share collection to our staff and other organizations in the industry.

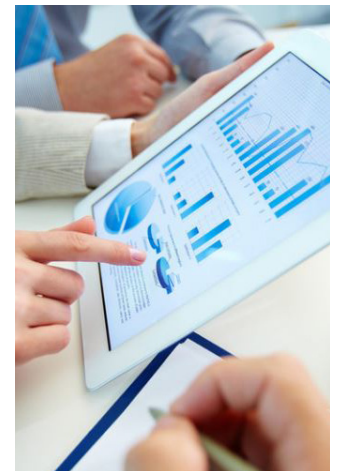
The main goal of our market share analysis is to track all public works projects across our jurisdiction, covering all of our counties in Indiana, Illinois, and Iowa. We keep a close watch on projects won by both signatory and non-signatory contractors, with the ultimate goal of ensuring fair contracting across the construction industry. We know

that partnership and information sharing is key to ensuring we can respond to the threat of non-responsible contractors gaining a foothold in the public works construction segment, and our market share analysis system is a terrific tool to advance that goal.

With our unparalleled market intelligence, we are able to provide data to signatory contractors, business agents, and organizers on upcoming projects. This allows us to notify signatories of significant upcoming projects in their region and get skilled construction workers on the public projects in each of our counties.

In 2021, we had a 92.5% of the market in our jurisdiction across Indiana, Illinois, and Iowa. This means that our signatory contractors won 92.5% of the public works bids and Local 150 members worked on 92.5% of the projects in our area. The total amount of successful interventions by our team – including bid protests, back wages, liquidated damages, and penalties – totaled \$32.8 million in 2021. This is incomparable to almost any other fair contracting organization – we truly do it like no other.

We will continue to be a national leader in the field due to our extensive, high-tech market share analysis that we perform in-house. The III FFC is the best in the business when it comes to market share, and we will continue to improve our data collection to assist Local 150 signatory contractors and members win essential jobs in our area.



The Monitor

RAISING THE BAR BY MONITORING
THE CONSTRUCTION INDUSTRY



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 (IIFFC).

We were established to increase market share for responsible contractors, work opportunities for skilled craftsmen and craftswomen, and value for taxpayers by executing a comprehensive program of procurement oversight, jobsite monitoring, market analysis, and public policy education.



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