

# H-H-U HAPPENINGS



**AGC SOUTH DAKOTA**  
HIGHWAY-HEAVY-UTILITIES CHAPTER

## Spring 2020

*Mission Statement: "The AGC of South Dakota and its members promote skill, responsibility and integrity through construction and services which enhance the quality of life for all who live, work or travel in South Dakota."*

## COVID-19 & CONSTRUCTION

There is no doubt that the last couple of months have been about adapting and changing. Since the beginning of the COVID-19 outbreak, AGC has been working closely with federal, state and local agencies to properly respond to this challenge and provide the most up-to-date information and resources to all AGC members. AGC has been diligent in communicating the latest news, sharing resources and keeping members informed on all the latest regulations. AGC has been on the forefront of gathering and providing proper resources for our members.



As the COVID-19 outbreak evolves, we know our members and communities are increasingly concerned if and how the virus is spreading. The COVID-19 pandemic has caught everyone by surprise, but the construction industry seems to be adapting. Construction in South Dakota is considered an essential service, so hopefully your projects are moving forward. It is important to note, that because of your COVID-19 safety plans and due diligence on jobsites, our state has not shut down construction projects, let's keep up the good work!

Despite the tribulations of the coronavirus pandemic, it's time to pause and reflect on our accomplishments. AGC has been a true leader in helping members develop COVID-19 safety plans and procedures while helping you implementing them on your jobsites. The safety procedures for employers and jobsites was quickly adopted by SDDOT and several local municipalities. The engagement of our staff and leadership has been inspiring, and we have all risen to the challenge of persevering in the face of increasing unknowns. AGC has worked with SDDOT, local municipalities, several state agencies as well as our U.S. Congressional Delegation to provide up-to-date and accurate information as it pertains to the construction industry. However, beyond just resources, AGC has been optimizing our digital communications, implementing electronic meeting platforms, and formulating new ideas for distance learning. We hope at the end of this we can all look back and reflect on how different our lives and daily operations have changed - for the better - during this pandemic.

AGC will continue to be the leader in sharing the latest news, resources and information available, and we encourage all members to lean on us during this trying time. ***We're all in this together and we will get through it!***

## ON THE INSIDE

[Fishing Registration Form](#), [State Convention Call for Presentations](#), [Directory Order Form](#)

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Sioux Falls, SD 57106  
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TF: 800-952-3033

**Aberdeen, SD**  
39213 133 ST.  
Aberdeen, SD 57401  
Phone: 605-262-3727  
TF: 877-346-7499

**Rapid City, SD**  
1210 Deadwood Ave.  
Rapid City, SD 57702  
Phone: 605-348-1155  
TF: 800-242-1948

**Watertown, SD**  
920 9th Ave. SW.  
Watertown, SD 57201  
Phone: 605-878-3727  
TF: 800-854-4953

**Sioux City, IA**  
412 Lewis Blvd.  
Sioux City, IA 51102  
Phone: 712-255-3001  
TF: 800-255-8440



## GARY JOHNSON

2020 AGC of SD HHU President  
A-G-E Corp.  
Ft. Pierre, SD

### 2020 CHAPTER OFFICERS

President - Gary Johnson, Ft. Pierre  
Senior VP - Jim Soukup, Sioux Falls  
VP - RC Scull, Rapid City  
Sec./Treas. - Chad Hartman, Sioux Falls  
Past Pres. - Tim Foerster, Rapid City

### 2020 CHAPTER DIRECTORS

Elroy Buren / Rapid City  
Ed Davis / Sioux Falls  
Tim Davis / Huron  
Derek Suhr/ Rapid City  
Robert Sopher / Mobridge  
Jared Gusso / Sioux Falls  
Andy Johnson / Ft. Pierre  
Rob Knight / Webster

### NATIONAL GOVERNORS

John Morris / Pierre  
Floyd Schafer / Rapid City

### LIFE NATIONAL GOVERNORS (ACTIVE)

Gary Johnson / Ft. Pierre  
Kari Karst / Dell Rapids  
Mark Knight / Aberdeen

### ASSOCIATE DIVISION OFFICERS

President Derek McTighe, Pierre  
VP - Wade Planting, Sioux Falls  
Sec./Treas - Andrew Heitzler, Sioux Falls  
Past Pres. - Jon Snedeker, Sioux Falls

# From the President:

The month of May is here. For most of us, we didn't have large amounts of April showers to bring May flowers. I hope at the time of this writing it finds you, your families and employees healthy. I'm sure it isn't an exaggeration to say the COVID 19 pandemic is the item that is front, middle and rear stage in all your companies and for good reason. We all have real concerns for our biggest assets, our employees. Without them we won't exist. This worry is compounded by potential delays in our projects with material deliveries, outside of our company labor issues, owners of the projects having difficulties staffing projects. These equate to the physical hands on items that adds stress to us and our firms. Beyond this consider the loss sustained in retirement plans, the market, and the help or lack of help of the stimulus may be for our companies. These financial things are running in our minds and in the background 24/7. With so much uncertainty in every day I encourage you all to stay positive for yourselves, your family and all your workers who are looking for a lead from you. Get reacquainted with exercise by walking. Take that old fishing pole down and check out your favorite lake or stream from years gone by. Plan a day in the weekend and drive around your area and see how much has changed the past couple years when we have been out working our butts off and failed to notice new things that were built or things removed. Finally stay safe and healthy.

Here at your association, the AGC of SD HHU Chapter's daily work and meetings are ongoing with our truly great staff. Though in-person meetings are gone for awhile ZOOM is the new normal for face-to-face video conferencing. Our staff is working on upcoming meetings regarding AGC Scholarship selections to our universities and tech schools. With the local political season blossoming like flowers the CONPAC (Contractors Political Action Committee) will meet soon in selecting candidates whom to support. Our chapter representation at AGCA TCC Fly-in fell victim to the restrictions placed because of the pandemic. We were lucky enough to get the AGCA Convention completed before mid-March in Las Vegas. AGC of SD was well represented at this meeting, though overall attendance was down and CONEXPO was cut a day short. Coming first on the calendar and still probably going to held will be our June 11-12 fishing tournament in the Pierre area. More information on our other summer events can be found on page 10.

Nationally, AGCA is in the thick of what is going on with so much happening in congress with legislation bills being discussed and some passed to attempt to jump start the economy. AGC members from all states should be proud that AGCA President & CEO Stephen Sandherr has been named by President Donald Trump to represent the construction industry in the Great American Economic Revival Industry Groups. As has been mentioned before in the AGC newsletter, AGCA is one of the highest regarded trade associations in Washington, DC. With Sandherr being named to this group of 11 individuals representing construction/labor/workforce this confirms our membership in AGC of SD has far reaching value for all of us beyond our state borders. Be proud to a member of the AGC of SD HHU Chapter and AGCA.

As our state and country re-open with virus still out there, just take things slow. Be careful in what you do and where you go. Give thanks for the blessing given.

Thank you, Gary

# AGC MEMBER BENEFITS



## LEGAL COUNSEL

The AGC of South Dakota, HHU Chapter has an attorney, Jason Smiley, on retainer to assist members and staff with construction-related legal questions. Member firms may contact Jason directly at 605-342-1078 or by email: [jsmiley@gpnalaw.com](mailto:jsmiley@gpnalaw.com)

## DENTAL PROGRAM

The AGC of South Dakota has a dental insurance program available to in-state member firms. For more information or to discuss eligibility requirements, please contact the Delta Dental office at 605-224-7345 or by email: [sales@deltadental.com](mailto:sales@deltadental.com)



## AGC MEMBERS SAVE MORE THAN \$10M ANNUALLY! ARE YOU PARTICIPATING?



AGC's Membership Discount Programs provide members access to high-quality services, cutting-edge technology and top-of-the-line products. From discounts on vehicles to office supplies to cloud-based construction management solutions, AGC has partnered with some of the best to give you the most for your money and improve your daily business operations. Visit the website: <https://www.agc.org/member-benefits/member-discount-programs>

## FOLLOW AGC of SD ON SOCIAL MEDIA



twitter: @AGCOFSD  
[WWW.FACEBOOK.COM/SDAGC](http://WWW.FACEBOOK.COM/SDAGC)

## EMPLOYEE RETIREMENT PLAN

Fringe Benefits Design Inc. is the administrator for the AGC of South Dakota sponsored 401(k) Profit Sharing Plan. They provide all contractors and associate members the education, investments, documents and other administrative needs to implement a qualified retirement plan. Contact Fringe Benefits Design, Inc. for more information at 605-331-5082.



## SPOTLIGHT:

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## AGC of America Featured Discount:

**Click Safety - Online Safety Training!**  
**AGC Members Save 10% on All Courses!**

AGC of America's online training collaboration with [ClickSafety.com](http://ClickSafety.com) includes a comprehensive library of courses, many available in both English and Spanish, covering a variety of construction safety and general industry topics. ClickSafety is now an IACET Authorized provider of Continuing Education Units (CEUs). You can now earn Contact Hours or Continuing Education Units for your safety training by taking one of ClickSafety's online courses that offer CEUs. Visit: <https://www.clicksafety.com/agc/> to get started!

# Member News

# Events Calendar

## Welcome New HHU Members!!

### Martin Construction

BJ Martin, Operations Manager  
(701) 483-3478

3685 116th Ave SW

Dickinson, ND

[Bjm@martinnd.com](mailto:Bjm@martinnd.com)

[www.martinconstructionnd.com](http://www.martinconstructionnd.com)



### Splitrock Drones & 3D Imaging LLC

James Feldman, President

(605) 646-0990

9501 E Madison St

Sioux Falls, SD

[James@SD3DI.com](mailto:James@SD3DI.com)

[www.splitrockdroneand3dimaging.com](http://www.splitrockdroneand3dimaging.com)



### Evergreen Solutions

Andrew Webster, Account Rep

(605) 641-6434

2509 Windmill Drive

Spearfish, SD

[awebster@evergreensolutions.com](mailto:awebster@evergreensolutions.com)

[www.evergreensolutions.com](http://www.evergreensolutions.com)



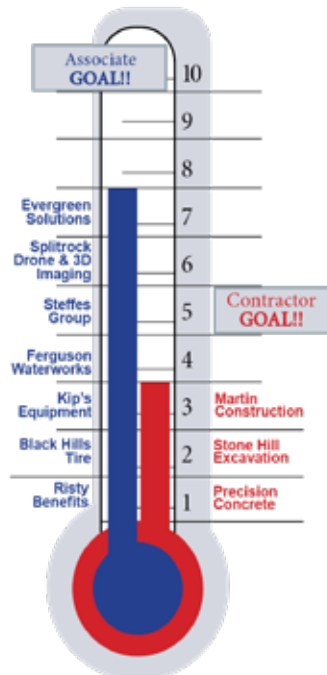
## HELP US REACH OUR GOAL

Membership is the lifeline of our great association and new members are needed! Please ask your business associates to join today! Help the HHU staff by actively recruiting new members and reach our 2020 recruitment goals!

## RECRUITMENT GOALS:

- **5 CONTRACTORS**
- **10 ASSOCIATES & AFFILIATES**

# GOAL!



**May 15, 2020** - Scholarship Review Zoom Mtg.

**May 19, 2020** - Associate Division Board Conf. Call

**May 19, 2020** - AGC Safety Zoom Mtg.

**May 20, 2020** - SDDOT EBS Letting

**May 25, 2020** - Memorial Day Holiday - AGC Office Closed

**May 28, 2020** - SD Transportation Commission Mtg. - Pierre

**June 3, 2020** - SDDOT EBS Letting

**June 11, 2020** - Bid Letting Conf. Call

**June 11-12, 2020** - AGC Fishing Tournament - Pierre Area

**June 17, 2020** - SDDOT EBS Letting

**June 25, 2020** - SD Transportation Commission Mtg. - Pierre

**July 3, 2020** - Independence Day Holiday - AGC Office Closed

**July 13, 2020** - Summer Social - Sioux Falls

**July 14, 2020** - AGC Golf Tournament (Willow Run GC) - Sioux Falls

**July 15, 2020** - SDDOT EBS Letting

**July 23, 2020** - SD Transportation Commission Mtg. - Pierre

**July 23, 2020** - AGC Board Web Meeting

**August 5, 2020** - SDDOT EBS Letting

**August 13, 2020** - Summer Social - Rapid City

**August 14, 2020** - AGC Golf Tournament (Red Rock GC) - Rapid City

**August 27, 2020** - SD Transportation Commission Mtg. - Pierre

## SAVE THE DATES

**September 30, 2020** - Construction Camp - Sioux Falls

**October 6, 2020** - Construction Camp - Yankton

**October 20, 2020** - Construction Camp - Pierre

**October 27, 2020** - AGC Board & Fall Mtgs. - Sioux Falls

**October 29, 2020** - AGC Fall Meeting - Rapid City

**November 6, 2020** - Young Constructors Pheasant Hunt - Pierre

**Dec. 9-10, 2020** - Joint AGC / SDDOT Meeting - Pierre

**December 10, 2020** - AGC Board Mtg. - Pierre

**January 13-15, 2021** - AGC/LICA State Convention - Sioux Falls

# AGC STAFF



Toby L. Crow, P.E.  
Executive Vice President  
Pierre Office  
(605) 366-1278  
[toby@sdagc.org](mailto:toby@sdagc.org)



Lindsay Willits  
Director of Marketing  
& Member Services  
Rapid City Office  
(605) 415-2641  
[lindsay@sdagc.org](mailto:lindsay@sdagc.org)

Margaret Pennock  
Director of Workforce  
Development  
Sioux Falls Office  
(605) 360-1621  
[margaret@sdagc.org](mailto:margaret@sdagc.org)



WyLisa Maupin  
Office Administrator  
Pierre Office  
(605) 224-8689  
[accounting@sdagc.org](mailto:accounting@sdagc.org)



Deb Mortenson  
AGC Lobbyist  
Pierre Office  
(605) 280-9372  
[deb.mortenson@pie.midco.net](mailto:deb.mortenson@pie.midco.net)



Michael O'Neal  
Director of Safety & Training  
Sioux Falls Office  
(605) 951-1665  
[michael@sdagc.org](mailto:michael@sdagc.org)



Jim Heaphy  
Safety Trainer  
Rapid City Office  
(605) 261-1567  
[jim@sdagc.org](mailto:jim@sdagc.org)

Website: [www.sdagc.org](http://www.sdagc.org) General Email: [info@sdagc.org](mailto:info@sdagc.org)

## OFFICE LOCATIONS

Rapid City  
2771 Plant Street  
Rapid City, SD 57702

Pierre (main):  
300 E. Capitol Ave, Suite 1  
Pierre, SD 57501  
(605) 224-8689

Sioux Falls  
7501 E. Arrowhead Pkwy  
Sioux Falls, SD 57110

## 2021 State Convention

The 2021 State Convention is scheduled for January 13 - 15, 2021 at the Convention Center & Sheraton Hotel in Sioux Falls, SD. Please take some time to brainstorm ideas for the type of speakers, topics and entertainment you would like to see at this event. The planning committee will begin working on another successful event within the next couple of weeks. Member feedback and ideas are always appreciated as the planning beginning, so please see the enclosed insert and return it to the AGC office!

## 2020 AGC of SD Directories

The 2020 Membership Directories have arrived! Each Contractor Member received two copies and associates received one copy. Additional copies may be purchased for \$15.00/each - please see the enclosed insert.



The electronic copy of the directory is also available on [www.sdagc.org](http://www.sdagc.org)!

## AGC Infrastructure/Utilities Meetings

AGC hosted two successful Infrastructure & Utility meetings in Rapid City & Sioux Falls in late February. Representatives from SD One Call and the AGC Safety staff presented on trench/excavation best practices, SD One Call laws and AGC's training & outreach services. Allen Gray, AGC of America's Utility Infrastructure Division Director also attended and presented at these meetings. Allen presented on Utility Construction Funding and the latest regulations coming out of Washington, D.C. Thank you Allen for coming to South Dakota to present on this important topic!






## A LEADER IN HEAVY UTILITY CONSTRUCTION

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Rapid City, SD

[www.mainlinecontracting.com](http://www.mainlinecontracting.com)

## AGC Spring "Virtual Membership Meeting" & Member-to-Member Best Practices Meetings

AGC hosted a Virtual Membership Meeting on March 27th, since our in-person events in Rapid City and

Sioux Falls were cancelled due to COVID-19. This virtual meeting included an overview of AGC's response to COVID-19, event updates, a Legislative Session summary given by Deb Mortenson and the latest information in regard to Safety & Workforce Development. AGC appreciates all members who participated given the unforeseen circumstances.



Following the virtual membership meeting, a "Member-to-Member Best Practices" meeting was held via Zoom. Members came together to provide input and share details as to how their companies are dealing with and adjusting to COVID-19 rules & guidelines. These sessions were very helpful in exchanging ideas with each other and soliciting feedback from peers.

### AGC Young Constructors

The Rapid City Chapter of the Young Constructors, has postponed their April and May events. The group is hoping to get all members together soon to participate in a community activity outside or a social distancing social event. Stay tuned for more information to follow. The Sioux Falls group is moving forward with getting the East River Chapter up and running as well. If you are interested in being part of the East River Chapter please email [lindsay@sdagc.org](mailto:lindsay@sdagc.org).



Members are being accepted for the West River Chapter. If you are interested in signing-up yourself or someone in your office, visit <https://www.sdagc.org/youngconstructors> for the application. Cost is \$100 for AGC members and \$135 for non-AGC members. The purpose of the AGC Young Constructors is to serve as a gate-way into AGC, promote new member involvement, create a strong network among peers, promote industry innovation, and provide feedback on important issues to AGC leaders. One of their main goals is to develop a tight-knit community amongst 21-39 year old future leaders in the construction industry and get involved in community projects.

### Need a Job Position Filled?

Start by Posting your Open Positions **FREE** on [www.sdwork.org](http://www.sdwork.org)

A media campaign is currently running and pushing the public to the AGC HHU Chapter's Free Jobs Bank - [www.sdwork.org](http://www.sdwork.org)! Posting to the jobs

board is **FREE** for all members and is easy - to get registered for this member benefit email [lindsay@sdagc.org](mailto:lindsay@sdagc.org). Creating a great job ad and getting it to the right candidates, sets the stage for hiring a great team!




### AGC Online Store

The AGC HHU online store is currently being revamped. New apparel items are being loaded and a fresh new look will be rolled out soon. The online store is available on our website at [www.sdagc.org](http://www.sdagc.org). Once the store officially opens, details will be sent out to all members.

### "AGC Cares"

During these unprecedented and uncertain times, it is more important than ever to give back and support those in need. AGC Cares is ready to help others and is looking for some projects to get involved in! If you know of a project or a person needing some "AGC Cares" please email [lindsay@sdagc.org](mailto:lindsay@sdagc.org) or call the office at 605-224-8689! There is no project too BIG or small and all submissions will be considered!





**Have You Downloaded AGC's New Mobile App "AGC Connection"?**

**"AGC Connection" is the construction industry's #1 resource for news, trends, and highlights delivered straight to your smartphone or tablet!**

**Download AGC's FREE App today by going to the App Store or Google Play and typing in "AGC Connection!"**



# AGC "IN THE NEWS"

*This section of the bulletin highlights the AGC, its' members and/or staff who have been quoted, interviewed, published, etc. by the media recently. If you are aware of AGC of SD "In the News" items, please forward them to the AGC Office.*

January 18 Argus Leader: **Scull Construction** featured in article titled "Construction Workers Start Day with Stretching Exercise".



February 13 Keloland News: **AGC of SD** Mentioned in article titled "Barthel's broader ban on electronic devices clears first test in South Dakota Legislature".



February 16 Rapid City Journal: **AGC's Build South Dakota Award** mentioned in article titled "Far from neglectful, school maintenance teams extended life of old facilities".

February 20 usagnet.com: **AGC of SD** mentioned in article titled "Following Noem Testimony, Committee Supports SB 157".

2019 AGC of America Annual Report: **Jared Gusso, SFC Civil Constructors** pictured in article titled "Advocating for Measures to Support the Industry".



March 3 Dakota News Now: **Joan Millage** and **Tabitha Petersen, Soukup Construction** featured in story titled "Addressing the truck driver shortage".



March 3 Keloland News: **AGC of SD** and **Karen Krietlow, Muth Electric**, featured in news story titled "Construction event aims to inspire girls".



March 4 Capital Journal: **Gary Johnson, AGE Corp.** and **Derek McTighe, Brosz Engineering** featured in article titled "Area contractors elected as AGC leadership".



March 13 Aberdeen News: **Robert Sopher, Jensen Rock & Sand** mentioned in article titled "Mobridge man elected to Associated General Contractors of South Dakota chapter board".



March 11 Keloland This Morning: **Joslynn Rabb, Soukup Construction** featured in news story titled "Southeast Tech offering Class-B CDL prep course".



March 12 Argus Leader: **AGC of SD 2020 Directors & Officers and Howard Boote of Marsh McLennan Agency** mentioned in "movers & shakers" section.



March 15 Argus Leader: **Jared Gusso, SFC Civil Constructors** quoted in article titled "Work Starts on Historic 8th Street Bridge".



March 15 Argus Leader: **AGC of SD Officers & Directors** recognized in "Movers & Shakers" section.



March 23 Argus Leader: **AGC of SD Executive Director, Toby Crow** quoted in article titled "State Hopes to Resume Road Construction Work Soon".

March 31 Rapid City Journal: **AGC of South Dakota** mentioned in article titled "Allender Clears Up Misunderstanding of City Ordinance".



March 31 Back Hills Pioneer: **AGC of SD** mentioned in article titled "Spearfish budgets for COVID impact".

April Sioux Falls Chamber News: **Chad O'Donnell, Bierschbach Equipment & Supply** and **Jim Jarding, Eide Bailly**, pictured and quoted in story titled "EMPLOYEE OWNERSHIP: The growing trend of ESOPs".



April 17 Dakota News Now: **AGC staff Margaret Pennock** mentioned in article titled "EmBe announces Tribute to Women nominees".

April 28 Argus Leader: **Kari Karst, BX Civil & Construction** quoted in article titled "With Paycheck Aid Gone, Now What?".



May 4 Keloland News: **AGC of SD Executive Director, Toby Crow** featured in news story titled: "Virtual training looks to fill high demand for essential construction workers".





# SDDOT NEWS

## AGC/SDDOT Transportation & Construction Industry Summit Success!

Over 120 SDDOT personnel and industry representatives came together for a two day Transportation Construction Industry Summit in Oacoma, SD! AGC leadership presented the SDDOT with a resolution expressing AGC's appreciation for their support and partnership!



## SDDOT Flagger Certification Registration

SDDOT Flagger training and certification course registration is now open. The form needs to be filled out and submitted electronically for each individual participant. The registration form contains fields for entering a mailing address where flagger certification cards will be sent. If you have any questions please email the SDDOT training office at [dotlms@state.sd.us](mailto:dotlms@state.sd.us) or call 605-773-3284.



**Need Safety Training?**  
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# AGC SUMMER EVENTS 2020

## Fishing, Golf & Summer Socials



**AGC is moving forward as planned with our Summer Networking Events benefiting the Education Foundation! There are FIVE upcoming opportunities to support the AGC & connect with fellow members!**

*(\*AGC will be initiating social distancing & all necessary measures to help ensure COVID-19 safety practices are in place at these events. In addition, AGC will be monitoring conditions and any changes will be properly communicated!\*)*

The first event is the Annual Fishing Tournament taking place on Thursday, June 11 and Friday, June 12 in Pierre. This event begins with a social and dinner on Thursday night starting at 7:00pm CT and the tournament begins bright and early Friday morning! See the enclosed registration form for more information! The next event is the Sioux Falls Summer Social and Golf Tournament taking place on July 13 and 14 in Sioux Falls. The Summer Social will be held at Great Shots starting at 5:00pm CT. The next morning the golf tournament will be taking place at Willow Run Golf Course. This golf event sells out each year, so if you don't get your registration in early, you might miss out.

The final Summer networking events are the Rapid City Summer Social and Golf Tournament! The Summer Social will be held on Thursday, August 13 at Murphy's and the golf tournament will take place the next day on August 14 at Red Rocks Golf Course. This event keeps growing in size each year, so get registered right away. All of these Summer Events are worth the time & effort to attend! Sponsors are needed for all three of the sporting events, so please see the registration forms to pledge your support.

All events details, including registration information will be posted on [www.sdagc.org](http://www.sdagc.org), so check back periodically!



# Keep Workers Safe, Keep Construction Going



workingsafe.agc.org



For disinfection, use products that meet EPA's criteria for use against SARS-CoV-2, the virus that causes COVID-19.

**SANITIZING YOUR HANDS IS CRITICAL IN HELPING STOP THE SPREAD OF COVID-19, BUT BLEACH SOLUTIONS SHOULD NOT BE USED FOR ROUTINE HAND HYGIENE, AS THEY WILL EVENTUALLY DAMAGE THE SKIN.**



workingsafe.agc.org



Bleach solutions should not be used for routine hand hygiene, as they will eventually damage the skin.

## **SAFETY TIPS**

FOR DISINFECTION, USE PRODUCTS THAT MEET EPA'S CRITERIA FOR USE AGAINST SARS-COV-2, THE VIRUS THAT CAUSES COVID-19. VISIT [HTTPS://WWW.EPA.GOV/PESTICIDE-REGISTRATION/LIST-N-DISINFECTANTS-USE-AGAINST-SARS-COV-2](https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2) TO LEARN MORE ABOUT WHICH PRODUCTS TO USE.

### Encourage your employees to:



**Avoid too much exposure to news.**

Hearing about the pandemic repeatedly can be upsetting.



**Take care of their bodies.**

Try to eat healthy, well-balanced meals, exercise regularly, get plenty of sleep, and avoid alcohol and drugs.



**Make time to unwind.**

Try to do some other activities they enjoy.



**Connect with others.**

Talk with people they trust about their concerns and how they are feeling.

Keep Workers Safe, Keep Construction Going



workingsafe.agc.org

THE OUTBREAK OF CORONAVIRUS DISEASE (COVID-19) MAY BE STRESSFUL FOR PEOPLE. FEAR AND ANXIETY ABOUT A DISEASE CAN BE OVERWHELMING AND CAUSE STRONG EMOTIONS. ENCOURAGE YOUR EMPLOYEES TO DO THE FOLLOWING.

### **Safety Tips Available at:**

<https://workingsafe.agc.org/weekly-safety-tips/>

# WORKFORCE DEVELOPMENT

## Construction Career Camps and Events

Giving the next generation a positive and immersive experience into the construction industry is what the AGC Construction Career Camps are all about. We're looking forward to working with our members and partner organizations to provide an unforgettable day of hands-on experiences with construction professionals for hundreds of South Dakota students in 2020. Mark your calendars for our upcoming Fall events:



- **September 23: Aberdeen at Brown County Fairgrounds; co-sponsored by Lake Area Tech**
- **September 30: Sioux Falls at Southeast Tech; co-sponsored by Southeast Tech**
- **October 6: NEW! Yankton at RTEC**
- **October 20: Pierre at TF Riggs High School**
- **TBD Spring 2021: Rapid City at Western Dakota Tech**

We are always looking for volunteers so please contact Margaret at [margaret@sdagc.org](mailto:margaret@sdagc.org) if you'd like to get involved!

## SDRoads2JobsCareer Sessions

AGC is co-hosting a Highway Construction Virtual Career sessions to promote open highway construction positions. Due to the COVID-19 Pandemic, the ability to meet in person was disrupted for additional sessions so they will be conducted online directing interested individuals to positions posted online as well as to the AGC Jobs Bank.

## COVID-19 Puts Construction Career Academy on Pause - Online Construction Courses Planned

Due to the inability to conduct the Academy with face-to-face interaction safely, the innovative Construction Career Academy has been postponed for this summer. Plans are in place to recruit early for Summer 2021 in both Sioux Falls and Rapid City. In the meantime, STI has developed two construction courses that will be available online this summer. If you have an employee you'd like to upskill, bring into the business or just want to send someone through, this is a great opportunity. Full details are available at [southeasttech.edu](http://southeasttech.edu).

## Stretch the Million Students Accepts Positions with AGC Members

Congratulations to HHU's Build Dakota Stretch the Million scholarship recipient Dylan Alexander for accepting a position with Mainline Contracting as a Heavy Equipment Operator. Dylan has excelled at Lake Area Tech and joined Mainline in March of 2020. In addition, a second congratulations goes out to HHU's Build Dakota Stretch the Million scholarship recipient Isaac Engebretson for accepting a summer position with GCC Ready Mix as a Heavy Equipment Operator. Isaac will be looking for full-time employment in the Spring of 2021.



## Youth Apprenticeships to Roll Out In 2020

The AGC of SD was awarded a \$50,000 StartTodaySD Registered Apprenticeship Pathways Partnership. The grant's purpose is to drive youth apprenticeships for high school students 16+. We will be rolling out details once we have attended orientation that was postponed due to Covid-19 but is in the process of being rescheduled.

## HR Alliance Activities

The HR Alliance has been active hosting monthly meetings connecting West River and East River Alliance Meetings with meetings streamed from each side of the state. Topics included; Drug & Alcohol Clearinghouse, 7 Ways Social Media Marketing Can Attract Top Talent, Start Today SD Pathway Partnership Program and Best Practices for COVID-19. If you, or someone in your office wants to be involved in the HR Alliance, email [margaret@sdagc.org](mailto:margaret@sdagc.org).

## SDSU Construction Management Mock Letting Success!

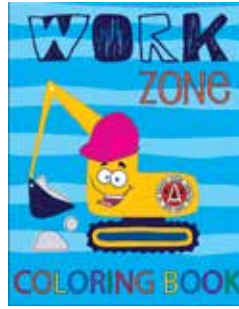
Thank you AGC members who submitted quotes for Gary Johnson's SDSU Construction Management class. 12 students used the industry quotes received to put together successful bids on the mock project. Another big thank you goes out to SDDOT for allowing the class to submit bids via their EBS system.



# WORKFORCE DEVELOPMENT

## AGC Work Zone Coloring Books & Company Customized Marketing Materials

AGC's PR Committee brainstormed and created AGC's very own coloring & activity book. The book features several pages of construction machinery to color and activity pages. The book was **created to help promote our industry** to elementary students at



a young age. The books are available for all members to set out at your counters or handout to employees. Contact [lindsay@sdagc.org](mailto:lindsay@sdagc.org) to get your copies!

In addition, whether you are familiar with the AGC of SD construction coloring book and construction game app or not, we'd like to remind members these are free resources for you to utilize! We are currently working on materials for members to share via social media and on your websites to promote AGC's Coloring Books and Build South Dakota: The Game! app. If you are interested in having access to materials like this please email [margaret@sdagc.org](mailto:margaret@sdagc.org).



A Community Coalition

**PATHWAYS**  
TO INCLUSIVE & EQUITABLE WORKPLACES



## 2020 EDUCATION SERIES

### HOW TO BUILD INCLUSIVE WORKPLACE PRACTICES

This **free** webinar series for executives and HR leaders introduces employers to best practices to build inclusive workplaces. Attend all or some of the webinar series by registering on our Pathways to Inclusive & Equitable Workplaces Facebook Page. All webinars are from 8:30-9:30am. Each webinar is approved by SHRM for 1 PDC.

*In light of the ongoing and uncertain COVID-19 pandemic, the Pathways seminar series has been changed to an all-virtual format.*

MAY 12	The Business Case: Why a Diversity, Equity & Inclusion Strategy is Important for Business Success
JUNE 2	Inclusive Leadership: Beyond Leadership Buy-in to Leadership in Action
JUNE 30	Unconscious Bias: Self-Awareness Leads to Organizational Awareness
JULY 7	Cultural Competencies: What They are & Why They are Important
JULY 21	Enhancing Your Employer Brand: Recruitment, Retention & Engagement Strategies Through a Diversity, Equity & Inclusion Lens
AUGUST 11	Creating a Diversity, Equity & Inclusion Scorecard: How to Define Success & Measure It



**MISSION:** TO ENGAGE BUSINESS & INDUSTRY IN THE DEVELOPMENT OF INCLUSIVE WORKPLACE PRACTICES

**COMMUNITY VISION:** TO SUPPORT PRODUCTIVE WORKPLACE PATHWAYS AND MEANINGFUL CAREER OPPORTUNITIES FOR ALL

For more information:

**Kira Kimball**  
[Kira.Kimball@MarshMMA.com](mailto:Kira.Kimball@MarshMMA.com)

# SAFETY & TRAINING NEWS

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## **AGC of SD COVID-19 Training Guidelines**

We know the construction industry needs to keep moving forward and a big part of that is training our people to keep safe. With the challenges we are all facing during this COVID-19 Pandemic, the AGC of SD Safety Committee has come up with criteria so we can keep training. We know the most important thing is to not put our employees at risk. As long as we follow the guidelines set by the CDC and limit our class sizes, we will be able to provide classes on an as needed basis. The size of classes we are limited to using the 6' distancing rule is 9 at the CIC in Rapid City and 9 at the AGC Training Center in Sioux Falls. The guidelines are outlined in the link below so please let us know if you have any questions or need to schedule a class.

## **AGC of SD COVID-19 Safety Resources**

During the COVID-19 Pandemic, the AGC of SD is working hard to provide guidance and assistance for safe, continued operations for our members. Working with excellent support from AGC of America as well as guidelines from the CDC, DLR and other governmental agencies we have created and provided materials that you can put into practice today to mitigate the spread of COVID-19 infection, while still allowing much needed community building projects and economic development to progress. There are numerous documents available in English and Spanish at [www.sdagc.org/covid19-news](http://www.sdagc.org/covid19-news).

## **AGC of America Resources Page**

AGC of America has developed a website - [workingsafe.agc.org](http://workingsafe.agc.org) designed to highlight how the construction industry is working to protect construction workers and the public from the spread of the coronavirus. It highlights many of the steps firms are taking to protect workers and includes photos of different examples of these practices. Please feel free to use this site as you feel appropriate in your own areas. For example, you might want to feature the new site in your social media posts. This could also be a helpful resource as you reassure government officials about the industry's commitment to safety. And of course, you can also add a link to this new site from your own webpages.

## **OSHA COVID Resource Page**

OSHA has many resources for your companies to use and follow to stay current on guidelines and regulations. The items on that site include News/Updates, Hazard

Recognition, Standards, Medical Information, Control and Prevention along with other information to keep you informed. The website is <https://www.osha.gov/SLTC/covid-19/>.

## **AGC Bulk Order of PPE**

The AGC of South Dakota has an opportunity to buy masks, hand sanitizers and thermometers in bulk. If you would like to get in on a possible order, please email Michael at [michael@sdagc.org](mailto:michael@sdagc.org) with amount and type of items you would like. Once we have enough to place a bulk order, we will send a follow up email on the details. We will not place an order until we meet their minimum order sizes.

## **COVID-19 & MSHA**

During the COVID-19 Pandemic, the Mine Safety and Health Administration (MSHA) has stated it will continue to carry out its stated mission to protect the safety and health of the nation's miners. MSHA will continue to perform its essential functions within the parameters of the President's and Department's guidance, as well as that of the Centers for Disease Control and Prevention (CDC) as long as miners continue to work at a mine.

For the duration of the President's national emergency declaration, MSHA has suspended Educational Field and Small Mine Services visits, as well as special safety and fatality initiatives that normally would gather groups of miners on-site. MSHA will work with mine operators when it comes to some recertifications such as Annual refresher training certification. MSHA will not grant exemptions to recertification's; but their due dates will be extended by at least the time the government is operating under the emergency declaration. However, this exception does not apply to new miner training. New miners must be trained before beginning work. While you focus on COVID-19 precautions, don't focus solely on that and forget about all other safety and health provisions for our miners.

## **CDL Training**

The AGC of South Dakota currently does not have any upcoming classes scheduled. Once our Training Consultant returns to training, we will put dates out for the membership. If you have employees who have their permits and need to take the Ride Along and Pre-Trip Inspection portion to get their licensing, the information for 3rd party testing is available at [www.sdagc.org](http://www.sdagc.org).

# SAFETY & TRAINING NEWS

## Stand Down Events

Thank you to all of you who participated in the AGC of America COVID Stand Down. There was a lot of information that was sent out and used to keep our employees safe. The Fall Stand Down that was originally scheduled for May has been postponed. Once the dates are set again, we will put those out to the membership along with information on participating in those events.

Then Trench Stand Down is still scheduled for June 15-19. We will look at working with 811 and OSHA to get resources and guides out to help train your employees and remind them of the dangers of Trenching/Excavating. If those dates are also postponed, we will send that information as we get it.

## Site Audits and Safety Meetings

The AGC Safety Staff is providing for our membership, Job Site Audits to help you keep your jobsites compliant and Safety Meetings for your companies to go over many different topics and regulations. We are here to help so If you would like any of those services, please contact Michael O'Neal [michael@sdagc.org](mailto:michael@sdagc.org) or Jim Heaphy [jim@sdagc.org](mailto:jim@sdagc.org) to set up a visit.

## Upcoming Safety Luncheons

With the uncertain times of the COVID Pandemic, the AGC Safety team has switched gears on having in person meetings. We have started a series of bi-weekly phone meetings to talk about COVID updates, state-wide resources, Jobsite happenings across the state along with many great topics our members come up with. The meetings we have had so far have been very informative and helpful to our membership so please plan on attending.

## Apprenticeship Update

The HEO Apprenticeship has concluded in Rapid City and Sioux Falls for the 2019-2020 season. We finished the year with 13 Apprentices so a big thank you to those companies

who participated. The Fall class start dates for the 2020-2021 Apprenticeship class will be put out in October along with the Safety Training Calendar. Please plan on the new students you would like to enroll into the program and send that info to Michael O'Neal to get them registered. If you would like more information on the AGC of South Dakota Apprenticeships please contact Michael O'Neal [michael@sdagc.org](mailto:michael@sdagc.org).

## Safety Sam Available for Your Jobsites!

AGC's "Safety Sam" is looking for projects to make his home during the upcoming summer months. AGC has three "Safety Sam's" located in Sioux Falls, Pierre and Rapid City. If your company would like him set-up on your jobsite, please email [michael@sdagc.org](mailto:michael@sdagc.org).



**Know what's below.**  
**Call 811 before you dig.**



# LEGISLATIVE NEWS

## Primary Election/CONPAC

It's election year in South Dakota! All 105 legislative seats are up for election. Starting with primary elections in June and ending with the general election in November, CONPAC will work to elect business-friendly legislators. CONPAC is one of the more active PACs in the state. During the last election cycle, CONPAC provided campaign contributions to 56 legislative candidates and had a success rate of 89%.



Candidates are not the only decisions voters will make this November. There are two ballot measures of possible interest to the business community on the ballot: recreational and medical marijuana. CONPAC members will discuss potential impacts of legalizing marijuana on businesses and debate whether to join one of the groups forming to fight the ballot measures. Join CONPAC as they make these decisions by emailing [info@sdagc.org](mailto:info@sdagc.org).

## Unemployment Insurance Claims Skyrocket

Due to the COVID-19 pandemic, South Dakota is seeing unprecedented numbers of people seeking

unemployment insurance. AGC is always interested in UI activity. While the UI trust fund was in great shape prior to the pandemic, AGC is watching the level closely so we can warn employers if the trust fund falls to the point that the trigger is hit, resulting in surcharges to all employers. AGC is also concerned that a discussion of increased UI premiums may occur if the trust fund falls too low.

## Possible Special Legislative Session

State revenue sources, such as sales and use tax and video lottery revenue, have plummeted since COVID-19 related shutdowns. State legislators and the Noem administration have been discussing the possibility of a special session of the South Dakota Legislature in June to address revenue shortfalls and the use of possible COVID-19 relief revenue from the federal government. If a special session is called, everything in the 2021 budget passed in March is subject to change to stop the budgetary red ink. This would include the \$28 million in local road funding in the general budget for 2021. If a special session is called, AGC will be there to promote and protect highway funding.



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# AGC LEGAL MINUTE

JASON SMILEY, AGC LEGAL COUNSEL

## THE CONTRACTOR WINS

The South Dakota Supreme Court recently issued an opinion with some significant

implications for contractors, *Excel Underground, Inc. v. Brant Lake Sanitary Dist.*, 2020 S.D. 19. The project in question involved the installation of a sewer system. After lengthy delays, the owner terminated the contractor and thereafter both parties sued for breach of contract. The contractor prevailed at trial and the Supreme Court upheld the verdict. The significant rulings are as follows:

1. When the owner of the project terminated the contract, it sued for both liquidated damages and compensatory damages. A prior court decision had already established that a party that chooses to take over a project cannot then seek an award of liquidated damages. Rather, it must seek an award of actual damages based upon the extra costs incurred. The owner argued that the cost to complete was a different type of damages from the costs associated with delay, but the court declined to reconsider the established precedent because the jury had ruled against the owner on liability in any event.

2. The court also considered whether it was appropriate to instruct the jury that the project engineer had acted as the agent for the owner and that any acts by the engineer were to be considered the acts of the owner. At trial, the contractor pointed to the engineer's deficiencies during the performance of the contract as evidence of the breach of contract. The owner argued that the engineer was an independent contractor and that it could not be liable for the acts of an independent contractor. The trial court's instruction to the jury on the issue were confusing, but the court found no error because the facts were that the engineer was the owner's contract representative and as such had authority to act on behalf of the owner.

3. The court also upheld the award of damages by the jury including an award of lost profits based

as consequential damages. Generally, lost profits may be recovered for both direct and consequential damages. To recover consequential damages they must be reasonably foreseeable at the time of the contract, and they must not be speculative. The owner argued that it was speculative to award profit based upon lost profits from future contracts, but the court upheld the award. In doing so, it pointed to the testimony of the contractor's expert witness, a CPA, who testified as to the loss of bonding capacity experienced as a result of the owner's breach. The contractor presented evidence of its history of public contract awards. The expert witness testified as to the contractor's tax returns and financial statements. The court upheld an award for lost profits of \$800,000.

For more information regarding this case and the issues considered, send me an email.

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# AGC OF AMERICA NEWS

## **AGC Launches Landmark Initiative to Build a More Inclusive Industry**

**Commit to a Culture of CARE in Your Company by visiting [BuildCulture.org](http://BuildCulture.org)!**

AGC of America and AGC of Washington's joint Culture of CARE initiative is challenging leaders to take a bold and visible step towards ensuring their workplaces are welcoming, safe, and inclusive for an increasingly diverse and talented pool of workers. Join this effort by taking the Culture of CARE pledge. Once you sign the pledge, Culture of CARE provides companies with tools and resources to help establish a Culture of CARE in their workplaces. Learn more at [www.BuildCulture.org](http://www.BuildCulture.org). Click "learn more" for further information on this initiative.

## **EPA and Corps Publish the Navigable Waters Protection Rule**

In April, the Environmental Protection Agency (EPA) and the Army Corps of Engineers' Navigable Waters Protection Rule: Definition of "Waters of the United States" was published in the Federal Register.





This final rule establishes the scope of federal regulatory authority under the Clean Water Act. After a multi-year process, AGC applauded the rule when the agencies signed the final version in January 2020. The Navigable Waters Protection Rule includes four simple categories of jurisdictional waters and provides specific exclusions for many water features that traditionally have not been regulated. The final rule will become effective on June 22, 2020. AGC provided a brief summary of the rule in January. Additional information about the rule can be found on the U.S. EPA website.



## **AGC Bids Farewell to Highway Division Director Brian Deery**

On May 1st, longtime Highway and Transportation Division Director Brian Deery's celebrated his last day with AGCA. Over the last 42 years, Brian has been an invaluable team member and a trusted resource to our highway and transportation contractors. We thank Brian for his career of great





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service to our organization and wish him all the best in retirement.

### ***Building a Better Congress***

AGC PAC is the nonpartisan political action committee (PAC) sponsored by AGC of America. It is registered with the U.S. Federal Election Commission (FEC) and allows eligible employees of AGC member companies to pool personal, voluntary financial contributions. The contributions are used to support candidates running for elective office who, regardless of party affiliation, understand the construction industry and the specific needs, interests and concerns of AGC member companies and their employees. For more information on how to get involved contact David Ashinoff, Director of AGC PAC & Political Advocacy at [ashinoffd@agc.org](mailto:ashinoffd@agc.org) or (202) 547-5013.



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## **AGC of America**

### **SAVE THE DATES!!**

**AGC Federal Contractors Virtual Conf.**  
June 8-10, 2020

**AGC's CLC Development Conf.**  
Oct. 13-16, 2020  
Chicago, IL

**AGC Safety, Health & Environmental Conf.**  
July 14-16, 2020  
Louisville, KY

**AGC CFMA Conference**  
Oct. 28-30, 2020  
Las Vegas, NV

**AGC IT Forum**  
Aug. 4-6, 2020  
Chicago, IL

**AGC Transp. & Utilities Issues Meeting**  
Nov. 10-13, 2020  
Phoenix, AZ

**AGC National & Chapter Leaders Conf.**  
Sept. 27-30, 2020  
Washington, DC

**AGC's Annual Convention**  
Mar. 29-Apr. 1, 2021  
Orlando, FL

**AGC HR & Training Professionals Conf.**  
Oct. 7-9, 2020  
St. Louis, MO

The **Construction** industry is unlike others. There are some unique risks and challenges that businesses in this sector have to contend with, which outsiders may not be able to appreciate:



**CONTRACT DISPUTES** and construction defects which can inevitably occur given the many factors affecting the successful completion of projects.



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