

H-H-U HAPPENINGS



AGC SOUTH DAKOTA
HIGHWAY-HEAVY-UTILITIES CHAPTER
THE CONSTRUCTION ASSOCIATION

Spring 2022

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."

SUMMER NETWORKING EVENTS

*Pierre Fishing Tournament, Summer Socials,
& Sioux Falls and Rapid City Golf Tournaments*



Right around the corner are AGC's Summer Networking Events benefiting the Education Foundation! There are FIVE upcoming opportunities to mix & mingle with other members!

The first event is the Annual Fishing Tournament taking place on Thursday, June 9th and Friday, June 10th in Pierre. This event begins with a social and dinner on Thursday night and the tournament begins bright and early Friday morning. See the enclosed registration form and get your team registered today!

The next event is the Sioux Falls Summer Social and Golf Tournament taking place on July 18th and 19th in Sioux Falls! The Summer Social will be held at Great Shots. 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. Registration Forms will be available soon!

The final Summer networking events are the Rapid City Summer Social and Golf Tournament! The Summer Social will be held on Thursday, August 11th at Murphy's and the golf tournament will take place the next day on August 12th 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! The golf tournament flyers will be available around June 5th and the Summer Socials flyer will be available around June 10th. All events details will be posted on www.sdagc.org, so check back periodically!



ON THE INSIDE

Fishing Tournament Registration, Directory Order Form, Safety Summit Flyer, Hall of Honor, SDDOT Memo, State Convention Call for Presentations

LEADERSHIP 2022

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RC Scull
R.C.S Construction
Rapid City



Senior Vice President

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Vice President

Andy Johnson
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RC Scull

FROM THE PRESIDENT:

Fellow AGC members, I always love this time of year in South Dakota when the cold gives way to warm and prosperous days. Of course, it's met with a bit of optimism as the workload is ever apparent. I want to officially welcome all of you to Spring and send words of encouragement and blessings for a safe and productive season.



The South Dakota AGC Staff and Board have been working diligently on setting goals and taking steps to create a New AGC Business Plan. I would like to encourage all of our members to get involved, whether it is on a work group or at social event. Member participation is what makes our organization unified and gives us a stronger voice.

South Dakota's election season is upon us and our CONPAC (Contractors Political Action Committee) has met and selected candidates we want to support that we believe will help our industry. I would like to encourage all of you to donate at least \$1,000 every year to the CONPAC, allowing South Dakota AGC to continue developing our legislative efforts.

In May, Elroy Buren, Rob Knight, Derek Suhr, Kari Karst, and Toby Crow will head to Washington, DC, to participate in the Transportation Construction Coalition Fly-In. They will be meeting with fellow AGC Contractors, our Congressional Delegates, and Federal Highway Administration. With Congress and President Biden passing the Infrastructure Investment and Jobs Act, this is an ideal time to meet with South Dakota Delegates!

I encourage all of you to attend the fun events planned this summer. The Fishing Tournament is June 9 & 10 in Pierre, Sioux Falls Social & Golf Tournament is July 18 & 19, and Rapid City Summer Social and Golf Tournament is August 11 & 12. Come relax and have a great time!

**FOLLOW AGC of SD
ON SOCIAL MEDIA**



twitter: @AGCOFSD
WWW.FACEBOOK.COM/SDAGC



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@gpnlaw.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.

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: www.agc.org/member-benefits/member-discount-programs.



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.



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"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/February 2022 Constructor Magazine: **Gary Johnson, AGE Corp** pictured in section titled "2021 AGC Convention".



February 1 Sioux Falls Business Journal: **AGC of SD 2021 Award Winners** recognized in the "People You Should Know" section.



AGC SOUTH DAKOTA
HIGHWAY-HEAVY UTILITIES CHAPTER
THE CONSTRUCTION ASSOCIATION

February 2022 Western Builder: **Northern Improvement** mentioned in article titled "A Better Flow".



February 1 Sioux Falls Business Journal: **AGC of SD Officers & Directors** recognized in "People You Should Know" section.

February 2022 Western Builder: **Jensen Construction Co.** mentioned in article titled "SDDOT Provides John C. Waldron Memorial Bridge Project Update".



March 10 Argus Leader: **Margaret Pennock, AGC** quoted in article titled "Sioux Falls area construction professionals help middle school girls get into power tools".



AGC SOUTH DAKOTA
HIGHWAY-HEAVY UTILITIES CHAPTER
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March 14 Argus Leader: **Margaret Pennock, AGC** quoted in article titled "Pizza, Pop and Power Tools".



AGC SOUTH DAKOTA
HIGHWAY-HEAVY UTILITIES CHAPTER
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April 2022 Western Builder: **Complete Contracting, Inc.** mentioned in article titled "Keep Traffic Flowing".



April 7 KOTA-TV: **Margaret Pennock, AGC** interviewed in article titled "Construction provides hands on learning for high school students".



AGC SOUTH DAKOTA
HIGHWAY-HEAVY UTILITIES CHAPTER
THE CONSTRUCTION ASSOCIATION

April 2022 Western Builder: **HR Green** recognized in article titled "Sioux Falls Main Pump Station

Wins SDES Eastern Chapter Project of the Year".



April 15 OSHA.gov: **AGC of South Dakota** mentioned in article titled "US Department of Labor, AGC of South Dakota sign alliance to educate workers, employers on construction's deadly hazards".



AGC SOUTH DAKOTA
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April 28 Transport Topics News: **Kari Karst, BX-CC** quoted in article titled "House Transportation Democrats Prioritize Inclusive Workforce Programs".



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EVENTS CALENDAR

MEMBERSHIP NEWS



May 11, 2022 - SDDOT EBS Letting (Special)

May 12, 2022 - SD Trans. Comm. Conf. Call

May 18, 2022 - SDDOT EBS Letting

May 16, 2022 - AGC Safety Comm. Mtg - Virtual

May 24, 2022 - Associate Division Board Mtg. - Virtual

May 24, 2022 - 401k Advisory Group Meeting - Sioux Falls

May 26, 2022 - SD Trans. Commission Mtg - Pierre

May 30, 2022 - Memorial Day Holiday - AGC Office Closed

June 1, 2022 - SDDOT EBS Letting

June 2-3, 2022 - AGC Safety & HR Summit - Ft. Pierre

June 9, 2022 - SD Transportation Comm. Conf. Call

June 9-10, 2022 - AGC Fishing Tournament - Pierre Area

June 15, 2022 - SDDOT EBS Letting

June 23, 2022 - SD Trans. Commission Mtg - Pierre

July 4, 2022 - Independence Day - AGC Office Closed

July 7, 2022 - CONPAC Meeting - Virtual

July 12, 2022 - AGC Board Meeting - Zoom

July 18, 2022 - Summer Social - Sioux Falls

July 19, 2022 - AGC Golf Tourney (Willow Run) - Sioux Falls

July 20, 2022 - SDDOT EBS Letting

July 28, 2022 - SD Transportation Commission Mtg - Pierre

August 3, 2022 - SDDOT EBS Letting

August 11, 2022 - Summer Social - Rapid City

August 12, 2022 - AGC Golf Tourney (Red Rock) Rapid City

August 17, 2022 - SDDOT EBS Letting

August 25, 2022 - SD Trans. Commission Mtg - Pierre

SAVE THE DATES

September 14, 2022 - Construction Camp - Aberdeen/Watertown

September 21, 2022 - Construction Camp - Yankton

September 28, 2022 - Construction Camp - Sioux Falls

October 12, 2022 - Construction Camp - Pierre

October 25, 2022 - AGC Board & Fall Mtgs. - Sioux Falls

October 27, 2022 - AGC Fall Meeting - Rapid City

Nov. 3-4, 2022 - Young Constructors Pheasant Hunt - Pierre Area

Nov. 30-Dec. 1, 2022 - Joint AGC / SDDOT Meeting - Pierre

December 1, 2022 - AGC Board Mtg. - Pierre

January 16-18, 2023 - State Convention - Rapid City

WELCOME NEW MEMBER!

RECON WALL SYSTEMS - SD

615 S. Marion Road
Sioux Falls, SD 57106
OFFICE: 605-332-6355

www.recon-sd.com

Jon Vedral, Sales
jon@recon-sd.com
CELL: (605) 351-9004

AGC Potential Member Recruitment

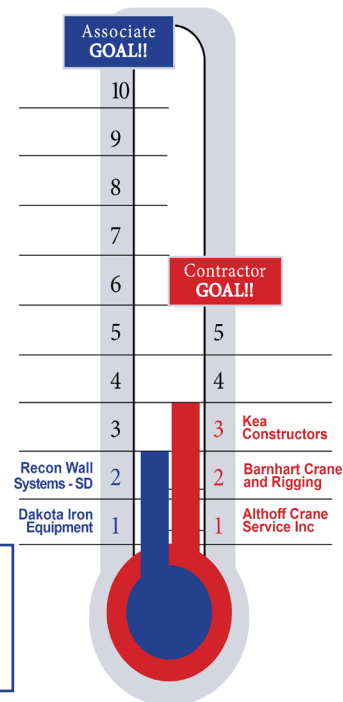
The AGC is always looking for new members to join our association and we need your help! If you know of a company that would benefit from joining the AGC, please get in contact with them and ask them to join! Help the HHU staff by actively recruiting new members and reach our goals!

2022 RECRUITMENT GOALS:

5 CONTRACTORS
10 ASSOCIATES & AFFILIATES



GOAL!



We regret to inform you that **Jon LaFramboise**, 58, of Rapid City, passed away on Saturday, March 12, 2022 in the Sierra Madre mountains of Wyoming doing what he loved. Jon was co-owner of Tru-Form Construction, Black Hawk, SD.

We regret to inform you of the passing of **Owen H. Emme**, 86, of Rapid City, who passed away on Saturday April 9th. Emme owned Summit, Inc. and dedicated his life working for over 63 years. Emme was President of the AGC of SD, Highway Heavy Utilities Chapter in 1975 & 1976, and the recipient of the 2008 AGC Golden Hard Hat Award.

We regret to inform you of the passing of **James R. Loiseau**, 74, of Flandreau, SD. Jim passed away Thursday, April 28th at the Avera Flandreau Hospital. Jim started Loiseau Construction in 1987, served as the AGC HHU Chapter President in 2003 and was awarded the Golden Hard Hat Award in 2018.

AGC NOTEWORTHY NEWS

2023 State Convention

The 2023 State Convention is scheduled for January 16 - 18, 2023 at The Monument in Rapid City, SD. The Rushmore Plaza Holiday Inn will be accommodating our sleeping rooms, but all meetings & events will take place inside The Monument. The planning committee will begin meeting soon to plan this great event. Ideas are always welcomed for entertainment and social event ideas, as well as breakout topics. Please take a little time to think about the type of speakers, topics and entertainment you want at this great event. We would love your feedback and ideas, please see the enclosed insert and return it to margaret@sdagc.org!

2022 AGC of SD Directories

The 2022 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 or on our App "AGC Connection!"



Corps of Engineers Annual Meeting

The Joint meeting with the Omaha District Corps of Engineers took place May 4-5, 2022 in Omaha, NE. Contractors from North Dakota, South Dakota, Iowa, Nebraska, and Colorado convened this year. The Corps provided an overview of the 2022 construction season as well as probable projects for the next several years. The presentations from this event will be available on our website soon!

AGC Cares In Action!



AGC CARES

AGC Cares is still doing good things and making a difference in communities throughout South Dakota! The latest contribution was made to the family of Michael Mohr, who tragically passed away leaving behind two young daughters. If you know of a project or a person needing some "AGC Cares" please email lindsay@sdagc.org or call the office at 605-274-8689.

AGC Welcomes New Office Administrator

Meet Sioux Falls, SD native, Kaylee Anderson. Kaylee joined our team in early April as our Office Administrator. Kaylee graduated Tea Area High School in 2015, and from there ventured off to college. She graduated from St. Cloud State University with her Bachelor's Degree in Criminal Justice. While in school, she was a housing assistant / case manager for 4 years at the St. Francis House, a transitional living facility. Following that position, she found herself as a bank teller for First Dakota National Bank. In her new role at AGC, she is looking forward to keeping our office in check and digging into a little bit of everything!



Kaylee is a mother to two, a son (2 years) and a daughter (3 months). Kaylee loves a competitive game of soccer, all fur babies, working out, and a good thought provoking movie. Outside of work hours you can find Kaylee doing all things outside with her children, and enjoying all the time with friends and family! Kaylee is based out of the Sioux Falls Office and can be reached via email at Kaylee@sdagc.org!

AGC's

UPCOMING

EVENTS

SUMMER 2022

JUNE 9/10	AGC Fishing Tourney - Pierre Area
JULY 18	Summer Social @ Great Shots - Sioux Falls
JULY 19	East River Golf Tourney @ Willow Run - Sioux Falls
AUG 11	Summer Social @ Murphy's - Rapid City
AUG 12	West River Golf Tourney @ Red Rock - Rapid City

AGC YOUNG CONSTRUCTORS NEWS

Rapid City Chapter

The Rapid City Chapter of AGC's Young Constructors kicked off this year with a social at the Pour 54 Taphouse in February. The event was open to current members and guests that were interested in joining the AGC YC. In March they hosted a golf simulator social at Arrowhead Golf Course. The event was sponsored by Black Hills Exteriors. The turnout was great and the conversation centered around the team becoming more involved in the community. Specifically around the involvement in educating high school students around the construction trade community.



In April, the Rapid City YC's hosted a meeting with the Rapid City Area School District Academy program at the Construction Industry Center/AGC Training

Room. John Carrell of the Academy program discussed what Rapid City Area Schools is doing to direct high school students to the construction trades. The academy program is looking at the AGC YC's to help conduct in class trainings and volunteer events that get high school students excited for the construction trade environment. The Rapid City School District is also looking to start a CTE program and is looking for input on curriculum and staffing. The Rapid City YC Chapter is excited to be involved and help this program grow.

May will be a volunteer month for the Rapid City Chapter. They have a few projects they are trying to perform and are working on coordinating. June brings along their annual golf tournament at Hart Ranch Golf Course. Western States Fire Protection is sponsoring this event being held on June 15th. The tournament starts at 1:00pm and is open to all AGC YC members. This will be the 3rd annual golf tournament hosted by the YC's. A registration form will be available soon in the Weekly News!

In July the AGC YC's will host the very popular annual spouse event. This event will take place on July 13th at the Rushmore Tramway Adventure Park. Dinner is provided up on top of the mountain and guests get to enjoy the famous Alpine slide. AGC YC members and significant others are welcome to come. It is a great event to get everyone outside of a work style event and have some fun. Watch for full event details to be emailed out or included in Monday's Weekly News!

Sioux Falls Chapter

The Sioux Falls Chapter of AGC's Young Constructors hosted their 2022 kick-off meeting & social on April 8th at Great Shots! The event was very well attended and new members are joining weekly. The group discussed several community project ideas as well as discussing their upcoming events. As of May 1st, the leadership changed to the following:

President: Travis Haarsma, ASCO, Inc.

Vice President: Tyler Morris, Beck & Hofer

Secretary: Matt Millage, Soukup Construction

Treasurer: TBA

Past President: Josh Howe, Howe, Inc.

Both chapters are hoping to increase their membership numbers in 2022! All future leaders ages 21-40 are encouraged to join and get involved in shaping the future of AGC!

**FOR MORE INFORMATION ON
HOW TO JOIN AGC'S YOUNG
CONSTRUCTORS - VISIT:**

WWW.SDAGC.ORG/YOUNGCONSTRUCTORS





AGC/SDDOT Transportation Construction Industry Summit SUCCESS!

Over 125 participants attended the annual AGC/SDDOT Transportation Summit March 9 & 10

in Oacoma, SD! There were several informative presentations and panel discussions during the two-day event. The handouts and presentations from this event are available at www.sdagc.org.

SDDOT Construction Material Availability and Supply Chain Issues Memo

Earlier this spring, the SDDOT issued a memo regarding material availability and supply chain issues. This information may be useful when discussing options with the SDDOT Area Offices administering your projects. See the enclosed insert for full details.



May 11th Bid Letting Added

SDDOT has added an EBS Letting on May 11th for a I-90 project near Tilford. A pre-bid meeting for this project was held on April 27th. Full letting details can be found at www.sddot.com.



Transportation Hall of Honor Committee Seeks Nominations

The Transportation Hall of Honor Committee is accepting nominations for review and consideration for induction into the South Dakota Transportation Hall of Honor. The purpose of the Hall of Honor is to give recognition to those persons who have made a lasting, valuable, and/or unique contribution to South Dakota's air, highway, public transit, or rail transportation system. The nomination deadline is May 20th. See the enclosed insert for full details.



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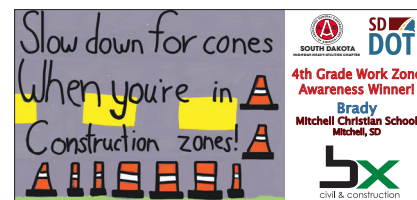
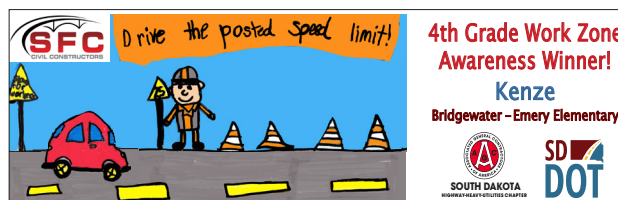
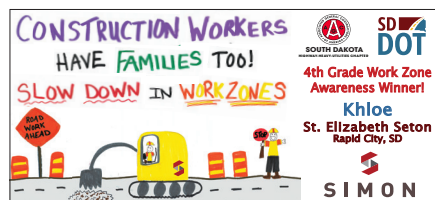
SPRING MEMBERSHIP MEETINGS SCRAPBOOK

2022 Spring Membership Meetings Recap!

The 2022 Spring Membership Meetings were held March 22nd at Arrowhead Country Club in Rapid City and on March 24th at Roam Kitchen + Grill in Sioux Falls. These meetings included networking, a brief overview of AGC happenings and upcoming events, as well as a Legislative Session summary given by Lobbyist, Deb Mortenson. Thank you for participating & attending these annual events!



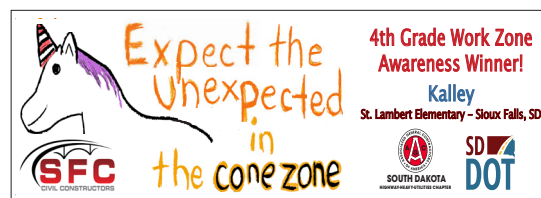
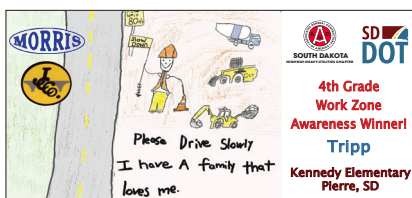
WORK ZONE AWARENESS BILLBOARD CAMPAIGN



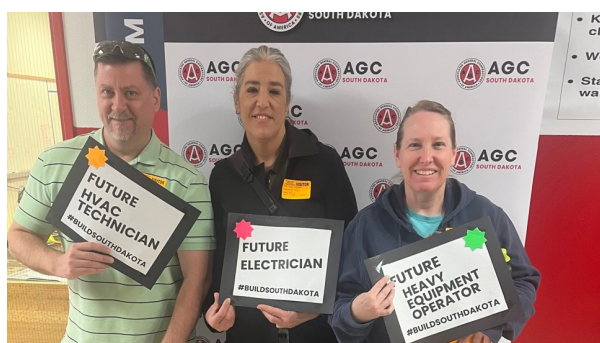
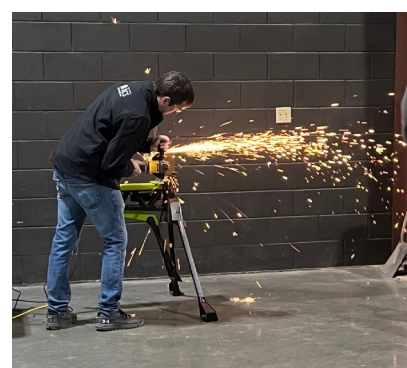
National Work Zone Awareness Week is held every April across the country reminding motorists to drive safely in construction work zones. AGC participates each spring by hosting a 4th grade billboard coloring campaign and press conferences held at winning schools. The SDDOT is a partner in this campaign and participates in the press event.

Participating member companies are given several student submitted drawings, and they chose the artwork to be displayed on a billboard in their respective jobs site(s). There were six students chosen to have their artwork displayed on a billboard by sponsoring AGC members. Each student was awarded \$25 and the teachers \$100 for classroom supplies or a party!

Thank you AGC members who sponsored a billboard this year; Jensen Construction & Morris, Inc., BX-CC, Simon and SFC Civil Constructors! This is an annual opportunity for all members to be involved in shedding some positive light on our great construction industry!



CONSTRUCTION CAMPS SCRAPBOOK 2022



WORKFORCE DEVELOPMENT NEWS

Construction Career Academy Creates High School Talent Pipeline

Our innovative 10-week summer academy is getting ready to launch in both Rapid City and Sioux Falls. This program allows members to have the opportunity to hire a student who is ready to immerse themselves into the construction industry and make a connection that can last well beyond graduation. Even though interviews have already occurred, there may still be an opportunity for you to participate. Contact Margaret for more information!



CDL Hiring Campaign

More than 50 individuals NEW TO INDUSTRY have applied to become a new CDL driver through our SDDOT grant initiative. This is an opportunity for you to build a new driver program like never before! Be watching for applications that are being sent to you on an ongoing basis through your email.

South Dakota Week of Work

The South Dakota Week of Work April 11-15, 2022 introduced 10th and 11th graders to career opportunities in their own communities and across the state through job shadows, industry tours, and other business-classroom connections. AGC of SD was invited to participate in upcoming panels to share opportunities within the construction industry with CTE instructors across the state.



21-22 Construction Camp Season a Wrap!

AGC of SD wrapped up camp season with a whopping five high school construction camps held in addition to two Pizza, Pop and Powertools camps geared toward 8th grade girls. This included two new camps impacting nearly 800 students



across the state! This spring we immersed 335 students in Sioux Falls, 100 girls for the Pizza Pop and Powertools event; and Rapid City with approximately 150 high school students at our high school camp in addition to 85 girls at our first-ever Rapid City Pizza, Pop and Powertools camp. See some event photos on the previous page. Mark your calendar for our 2022/23 camps!

- September 28: Sioux Falls at Southeast Technical College
- October 12: Pierre at TF Riggs High School
- Watertown: TBD
- Rapid City: TBD
- Yankton: TBD

Scholarship News



The AGC of SD is deeply committed to a highly educated and trained workforce. Because of this we're proud to pledge \$30,000 annually for students pursuing an education in a career field directly related to the construction

industry. We are currently reviewing our 2023 applicants as well as finalizing interviews for our Lake Area Technical College Build Dakota Stretch the Million candidates. Jasmine Green our 2021 STM recipient has accepted a full-time position with Webster Scale and our 2022 recipient Joey Noeldner will be working with DeBoer Construction for the summer.

Youth Apprenticeship

AGC of SD has enrolled sixteen high school students into our HEO and Commercial Carpentry Apprenticeships to date. This program has opened the doors for students ages 16 and 17 to join our apprenticeship programs and to join our members on the worksite. Currently we are working on plans to create self-paced modules for students to take advantage of in the classroom as well as aligning our apprenticeship opportunities with South Dakota high schools who have expressed interest in the programs. Stay tuned for new developments!

APPRENTICESHIP



WORKFORCE DEVELOPMENT NEWS

Enova Update

Since January, Enova has been bringing FREE

services for our members including: HR Health Checks, Educational Webinars, State Jobs Board and more. Enova will be presenting at our Safety/HR Summit this June in Ft. Pierre so don't miss out on a great workshop focusing on Empowering Your People to drive a better workforce! Visit www.enovaadvantage.com/agcsd to get started!



AGC HR Alliance in Action

AGC's HR Alliance has been active in hosting monthly meetings connecting West River and East

River Alliance members with meetings streamed from each side of the state. Our upcoming sessions include:

- May 18th 12:30pm CT: Getting Creative with



your Benefits Package in our 5 Generation Workforce by Stephanie VerHey and Teagan Molden with Marsh McLellan Agency

- June 2 & 3: Safety/HR Summit in Ft. Pierre
- July TBD: Construction Career Academy Student Panel

Invitations are sent via email to the HR Alliance and the events are also noted in the weekly Workforce Pipeline News e-newsletter. If you have an employee you'd like to have added to the email list, please contact Margaret Pennock.

**Don't miss the ...
Safety & HR Summit
June 2&3
Fort Pierre, SD**

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SAFETY & TRAINING NEWS

Safety/HR Summit Just Around the Corner

The AGC Safety and HR Summit will be held on June 2nd and 3rd in Ft. Pierre. There is a great line up of speakers and activities planned for your Safety and HR professionals. This event also provides attendees the opportunity to engage, learn and network with other professionals across the state. If you have not registered, please see the enclosed insert!

AGC Safety Committee

The latest safety committee meeting was done via Zoom, and the turnout was great. The current staffing of the Sioux Falls Area Office of OSHA was discussed. There are still a couple positions yet to be filled, but once the office is fully staffed, Area Director Sheila Stanley has indicated she will have 7 Compliance Safety and Health Officers (CSHO) on staff. AGC Safety Staff discussed Safety Week and the National Safety Stand-Down to Prevent Falls in Construction. They also discussed the upcoming Safety/MSHA/HR Summit. The Next Safety Committee meeting is planned for May 16th, so please watch for meeting details and calendar invite.

MSHA Alliance Update

The MSHA Alliance met via Zoom on March 21st. Discussion involved the recent inspection activity focused on active mining areas and an increased focus on paperwork inspections. Contractors are being asked for 5000-23 documentation. Ensuring all paperwork is complete and finished in a timely manner is very important! Our next MSHA Alliance meeting is set for June 2 during the Safety Summit!

Construction Safety Week!

Construction Safety week was held May 2nd thru May 6th. If your company participated or hosted any events, please send any pictures or stories you would like to share to Michael O'Neal michael@sdagc.org. This is a great opportunity to showcase your company's efforts in promoting and keeping your employees safe.



AGC's New CDL Training Program!

AGC recently developed a CDL Training Program in response to the Federal Motor Carrier Safety Administration's new Entry-Level Driver Training regulations. The new regulations (as of Feb. 7, 2022) require that all entry-level drivers of CMV's receive training from a provider listed on FMCSA's Training Provider Registry, and we are registered as a Training Provider, so we're here to help!

Our roadmap for ELDT success can be accomplished by following this 3-step process:

Step 1. Commercial Learner's Permit Exam Prep Class (5 hrs)

This class will help individuals prepare for the CLP exam. It is highly recommended that individuals read the applicable sections of the South Dakota Commercial Driver's License Manual before attending this Class. This manual should also be brought to the class. Copies can be found at any South Dakota Driver License Exam Station. Following the class, testing can be done at any South Dakota Driver License Exam Station.

Step 2. Three-day Theory Training (24 hrs)

Once an individual has obtained their CLP, the next step is to attend Theory Training class. This class is conducted over a 3-day period, and driver trainee's will be instructed on the operation of a CMV. The driver-trainee must receive an overall minimum score of 80% in the class. Successful completion will result in being entered into the TPR.

Step 3. Behind-the-Wheel (BTW) Training (1-3 weeks/avg.)

Once in the TPR, BTW instructor training is the next step in the process for a new driver-trainee. This training can be conducted by us or your own trainer. The training must take place in the same type of vehicle that the driver is seeking a license or endorsement to drive. BTW training consists of Range and/or Public Road time. There is no minimum number of hours for BTW instruction, as the training provider will determine driver's proficiency. At the conclusion of BTW training, the driver is ready to schedule the Examiner Skills Road Test by contacting the DMV and scheduling with a third party tester. Upon completion of BTW training, and successfully passing the Examiner Skills Road Test, you will obtain your CDL.

Train the Trainer for BTW (*if in-house BTW trainer is desired*)

We will conduct Train the Trainer (TTT) sessions with qualified drivers to fulfill BTW training needs of your companies. A BTW instructor is an individual who provides BTW training involving the actual operation of a CMV by an entry-level driver on a range or a public road and meets these Trainer qualifications: Holds a CDL of the same (or higher) class that the driver is seeking a license or endorsement and has at least 2 years of experience driving a CMV requiring a CDL. For more information on this new CDL Training Program, please call Jim Heaphy at 605-261-1567 or email jim@sdagc.org.

Safety & Leadership Training

During the busiest part of construction season, it is important to remember the AGC still offers training. We know that you are busy and it is hard to get your employees into training, but if the need arises, please do not hesitate to call on us. During the summer months, we will not put classes on the schedule as it will be on an as needed basis. If you would like to schedule a class, please contact Michael O'Neal michael@sdagc.org or Jim Heaphy jim@sdagc.org.

AGC Virtual Training Opportunities!

Discover AGC Edge - A New Virtual Learning Experience

Looking for new training opportunities in 2022? With AGC's live, instructor-led courses, it's never been easier to build your skill set and access the training you need. Whether you're looking to build your knowledge in BIM, Lean, Project Management or Supervisor Training, these virtual programs provide the same learning experience and expert instruction as in-person programs. The class descriptions and registration links can be found at: <https://www.agc.org/learn/education-training/virtual-learning>.



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LEGISLATIVE NEWS

2022 Legislative Session Complete

Thirty-eight days of legislative session ended on March 28. AGC was there for all of it. We can report a successful session with the following wins:

- Passage of \$200 million workforce housing bill.
- Defeat of several bills that would allow employees to sue employers over vaccine mandates.
- Pro-business tweaks to medical marijuana laws.
- Passage of \$660 million in water project funding
- Tougher law on catalytic converter theft passed.
- \$25 million in addition local road and bridge funding.
- Defeat of a gas tax holiday measure.

AGC did see some setbacks as well. Another attempt to levy appropriate fees for electric vehicles failed again in committee this session. AGC will continue to seek appropriate users' fees for electric vehicles.

A full report on the 2022 Legislative Session is available at www.sdagc.org.

Employer Reemployment Taxes May Be Decreased

After paying out record unemployment benefits in 2020, the trust fund that pays for reemployment (unemployment) benefits is at now an all-time high level.



The South Dakota Reemployment (formerly Unemployment Insurance) Assistance program is funded by employers and used to pay reemployment benefits to workers who lose their jobs through no fault of their own.

In 2020, the program paid out \$98.5 million in benefits due to the pandemic. Federal corona virus relief funds totaling \$88.6 million was directed to the trust fund by Governor Noem in 2020 and 2021. At the end of 2021 the reemployment trust fund was at \$170.8 million, the highest level ever.

The Reemployment Advisory Counsel which oversees the program will discuss ways to bring

down the trust fund balance that is projected to continue climbing this year and reach \$180.7 million by December 31, 2022.

Among the changes that the Reemployment Advisory Council will discuss this year include reductions in tax rates that employers pay into the fund and changes to the surcharge that's triggered when the balance falls to \$11 million. AGC will participate in these discussions.



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. The 2022 primary may have the largest number of election-deciding races in recent history. For comparison, in 2020, CONPAC invested \$8,500 in 39 candidates with primary races. In 2022, CONPAC is supporting 44 candidates with more than \$26,000 in campaign contributions.

CONPAC will also make campaign contributions for races in the November general election. If you are not a member, join today to elect business-friendly candidates to the South Dakota Legislature. Join CONPAC as they make these decisions by emailing info@sdagc.org.

What Is on the November Ballot?

In addition to legislative and state-wide races, votes will decide whether to expand Medicaid eligibility. And a final push is underway to gather enough petition signatures to put recreational marijuana on the ballot. Voters did approve of recreational and medical marijuana in November of 2020, but the recreational was struck down in court on a technical ballot issue. AGC will continue to monitor the recreational marijuana effort and keep you informed.



AGC LEGAL MINUTE

JASON SMILEY, AGC LEGAL COUNSEL



Bid Preferences

Recently, a number of members have had questions about bid preferences. The following is a summary of that issue under state and federal law.

South Dakota has adopted a number of statutes to provide protection under state law for in-state

contractors competing with contractors from other states. SDCL 5-18A-26 provides:

A resident bidder shall be allowed a preference on a contract against the bid of any bidder from any other state or foreign province that enforces or has a preference for resident bidders. The amount of the preference given to the resident bidder shall be equal to the preference in the other state or foreign province.

South Dakota's statute mirrors the statute of any state with a bid preference for its own residents. Wyoming, for example, has a bid preference of 5 percent. W.S. 16-6-102. Under South Dakota's statute if a Wyoming contractor's bid is more than five percent above the bid of a South Dakota contractor, then the South Dakota contractor should be awarded the project, if it is the next low bid.

There is an exception to this rule, however, when federal funds are involved. SDCL 5-18A-32 states:

In addition to the provisions of this chapter and chapters 5-18B, 5-18C, and 5-18D, any procurement utilizing federal funds is subject to any federal statutes and regulations governing the use and payment of such funds.

A review of applicable federal law is therefore necessary. When it comes to bid preference laws, they are generally unenforceable if the project is funded with federal highway funds. 23 U.S.C. 112(b)(1) provides:

- (1) In general.--Subject to paragraphs (2) and (3), construction of each



project, subject to the provisions of subsection (a) of this section, shall be performed by contract awarded by competitive bidding, unless the State transportation department demonstrates, to the satisfaction of the Secretary, that some other method is more cost effective or that an emergency exists. Contracts for the construction of each project shall be awarded only on the basis of the lowest responsive bid submitted by a bidder meeting established criteria of responsibility. No requirement or obligation shall be imposed as a condition precedent to the award of a contract to such bidder for a project, or to the Secretary's concurrence in the award of a contract to such bidder, unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications.

23 U.S.C. 112. The Office of Legal Counsel for the Department of Justice issued a memorandum opinion in 2013 explaining its view of this issue:

[S]ection 112 affords the Federal Highway Administration discretion to assess whether a particular state or local requirement unduly limits competition. Generally, state or local government requirements that eliminate or disadvantage a class of potential responsible bidders to advance objectives unrelated to the efficient use of federal funds or the integrity of the bidding process are likely to unduly impede competition in contravention of the substantive component of section 112's competitive bidding requirement.

2013 WL 11113586 (O.L.C.).

In summary, although state law provides protection for South Dakota contractors from states that have bid preference laws this law is unenforceable if the project involves the use of federal highway funds.

AGC OF AMERICA NEWS

Construction Inflation Alert – April 2022 Edition

For more than two years the U.S. construction industry has been buffeted by unprecedented increases in materials costs, supply-chain bottlenecks, and a tight labor market. To help project owners, government officials, and the public understand how these conditions are affecting contractors and their workers, the Associated General Contractors of America (AGC) has posted frequent updates of the Construction Inflation Alert. Russia's attack on Ukraine, swiftly countered by sanctions against Russian production and finances, have led to another round of even steeper and more sudden price increases and supply-chain disruptions. As of now, there is no sign of when costs and availability will improve.

The newest version of the Alert is the sixth update since the first edition was posted in March 2021—an indication that the situation remains far from “normal.” This document will continue to be revised to keep it timely as conditions change. Each new version can be found at this link: <https://www.agc.org/learn/construction-data/agc-construction-inflation-alert>.

Full Funding for Infrastructure Investment and Jobs Act To Be Released

Congress met their March deadline and passed a full fiscal year 2022 funding package and President Biden signed it into law. This legislation sets new spending levels for the year after multiple continuations of funding at prior year levels. It is an important step because new and increased funding for construction programs included in the November-passed Infrastructure Investment and Jobs Act (IIJA) will finally be released to state and local governments.

The legislation also includes an additional \$3.5 billion for transportation, on top of the authorized levels in the IIJA. A large chunk of that spending, \$1.5B, is for earmarks, or congressionally directed spending as it has been rebranded, for the first time in over a decade. For those that do not remember, this is funding dedicated to local infrastructure projects chosen by the member representing that area. In addition, there is an

extra \$1.1B for bridge repair. This is on top of the money included in the IIJA that was dedicated for states to rehabilitate bridges. <https://advocacy.agc.org>.

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 or (202) 547-5013.





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June 20-22, 2022
AGCA Federal Contractors Virtual Conf
Washington, DC

July 26-28, 2022
AGCA Safety, Health & Environ. Conf.
Washington, DC

Aug. 16-18, 2022
AGC IT Forum
Chicago, IL

Sept. 18-20, 2022
AGCA Nat. & Chapter Leadership Mtg.
Washington, DC

Oct. 5-7, 2022
AGCA CLC Devel. Mtg.
Point Clear, AL

Oct. 12-14, 2022
AGC HR & Training Conf.
Phoenix, AZ

Nov. 2-4, 2022
AGCA Divisions & WFD Summit
Phoenix, AZ

Mar. 13-16, 2023
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