



The **VOICE** **Southeastern** 2019

The official publication of the Southeastern Construction Owners and Associates Roundtable

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- Economic Forecast for the Southeast
- SCOAR Conference Addresses Shortages
- Contract Questions About Modular Construction
- And more!



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The Southeastern U.S. region is a hot bed for industrial, chemical and heavy manufacturing activity. That's why a membership in SCOAR is so important; the resources you'll have access to can help contribute to the success of your projects and company.



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From the President

Thank you for providing me the opportunity to serve as president of the SCOAR organization. I recognize the responsibility, and it is my privilege and an honor.

I've been a Duke Energy employee for nearly 40 years and have had the opportunity to work in many Duke Energy organizations, including engineering, project management, supply chain and electric generation operations and maintenance. These work experiences, along with my more than 10 years as a SCOAR member, have been most rewarding.

My introduction to SCOAR was at one of the annual Longboat Key meetings. It was a very positive and valuable experience. The number of people I met during that initial introduction to the organization has opened doors, expanding my business contacts and relationships.

SCOAR is a unique organization where its membership represents a complete vertical supply chain. Members include representatives from owner companies, engineering, EPC (engineering, procurement and construction), general contractors, specialty contractors and material suppliers. The three conferences that are scheduled during the year provide valuable networking opportunities to develop new business relationships while also maintain ongoing business relationships.

The SCOAR organization will continue initiatives that support and advance the construction industry. Workforce development is top of mind in today's construction environment. The SCOAR Workforce Development Committee continues to engage in the southeast region, with educators and industry experts, to advance the skills of those starting a career in the construction trade. For example, the scholarship program awarded \$38,500 during the May 2019 meeting to students pursuing careers in this growing industry.

In addition to our workforce development initiative, the SCOAR membership committee continues a focus on growing owner members. Owner members have the opportunity to not only network with a vertical supply chain of construction

providers but also share best practices and ideas. At SCOAR's owners' forum, owner members also receive opportunities to benchmark results.

Safe and event-free performance is extremely important to all SCOAR members. We will continue to engage the safety committee in sharing best practices among the members and recognize projects and project teams for exceptional safety performance.

SCOAR has grown in membership, and member companies have enjoyed the value of the larger organization under Randy Bakel's leadership as executive director for more than 12 years. Randy has successfully set a course for the organization and has continued to steer and maintain that course through his engaged board of directors and committee chairs. At the May 2019 meeting, SCOAR thanked Randy and his wife, Janet, for their years of loyalty and support of the organization and wished them all the best with new adventures that retirement brings.

I'm excited to welcome Steve Greene as SCOAR's new executive director. Steve, a long time SCOAR member and committee chair, will continue to steer this organization into the future and prepare our members for changes in this industry. Steve and his wife, Diane, will help us prepare for our fall 2019 planning conference to be held in Greenville, S.C. Thank you, Steve and Diane, for your leadership in the coming years.

I'm excited about what the future holds for our organization, and I hope you are too. Please do not hesitate to contact me or any of the board of directors with questions or clarifications about the organization and its activities and initiatives. I hope to see you in Greenville at the fall meeting.

Steve Immel
President
SCOAR



Steve Immel
President
SCOAR

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From the **Outgoing Executive Director**

As many of you know, I retired officially on July 1, 2019, and Steve Greene, formerly with the National Center for Construction Education and Research (NCCER), is now the SCOAR Executive Director. I know that many of you know Steve, but for those who don't, let me share a little of his background.

Steve has been active in SCOAR for many years, serving on our Board of Directors as Treasurer & Secretary, and chairing our Workforce Development Committee. In addition, Steve has a very solid background in our industry, having worked for several large EPC companies, for his own company and with the NCCER. Through the years he has worked with and established solid relationships with many of the key individuals in our industry.

If that isn't enough, his assistant (and wife), Diane Greene, has a similar background! Together, with our

outstanding Board of Directors and Officers, you are in good hands going forward.

SCOAR is an outstanding group of people

In 2006, when I was asked to be the Executive Director for SCOAR (the Florida Construction Users Roundtable, FCURT, then), I wasn't sure what I had signed up for. It didn't take long to learn that it consisted of a group of men and women who were passionate about all facets of industrial construction with a deep desire to make it better and more profitable in the Southeastern United States.

While the association was limited in membership back then, soon the enthusiasm and passion spread. Growth began—membership growing beyond my expectations—and is still continuing. It is quite gratifying to see what SCOAR has become, and what it has accomplished!



Randy plans to spend lots of time with his wife, children and grandchildren.

Since 2006, my wife Janet and I have met and worked with many, many great people—all of you. We both want to thank you for your involvement and support, but most importantly, for your friendship. We will miss you all!

Thank you!

Randy Bakel

Outgoing Executive Director
SCOAR

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EXCELLENCE**

From the Executive Director

In 2005, when I was invited to participate in SCOAR, there were just 10 members. But as of June of this year we have 88 members—a credit to Randy and Janet Bakel who, for 12 years, provided exemplary leadership that contributed to SCOAR's growth! Not to mention, we have three new members joining in time for the September meeting, as well as over one dozen guests who we consider prospective members.

SCOAR fosters innovation and breakthrough thinking on issues related to industrial construction to improve its members' business performance. I think it is important for our members to know that our vision is to articulate and facilitate the continued importance of building and maintaining relationships between owners, contractors, suppliers and industry organizations, and to champion new relationships to provide growth and prosperity to you—and this great industry.

Over the next 18 months, Diane and I will focus on membership outreach, growth and retention. Each of you will receive personal telephone calls and e-mails throughout this period to determine how we can provide quality, value-added service to your companies. We have been challenged by the Board of Directors to increase our owner members and continue to grow the number of general contractors and associate members who have existing relationships with the owner community. It is our strategy to accomplish the following four strategic goals during this period:

1. Provide meaningful topics with knowledgeable speakers at our program meetings. The topic areas that you have asked us to explore include workforce development, safety, constructability (innovation, quality and technology) and "best practices," such as LEAN, and research and development, that other organizations like the Construction Users Roundtable and CII also focus on delivering.

2. Identify meeting locations that are cost effective and offer members the opportunity to bring guests from the owner and general contractor community, plus continue to provide networking events that allow for members to develop relationships with each other and grow their businesses.
3. Enhance member committee involvement by developing thoughtful initiatives and achievable actions in the areas of workforce development and safety that support Southeastern United States construction activity. Some of these initiatives include funding grants to public technical schools to begin new, or enhance existing, construction-related programs; raise monies for student scholarship awards for worthy construction management, engineering and safety students in post-secondary colleges and universities; identify grants for members to pursue that will provide financial support for exemplary safety and workforce practices; and foster the growth of the Target Outstanding Project Safety (TOPS) Award program.
4. Re-tool the SCOAR website to be a valued member resource for news, reliable member contact information, best practices, organizational history and industry information.

Congratulations go out to the Milton J Wood Company and Zachry Industrial for excellence in safety performance as recognized through the SCOAR TOPS Award program at the May meeting in Longboat Key, Florida.

SCOAR members raised \$38,500 for scholarships and technical school grants this year! In May, scholarships were awarded to students of construction management, engineering and safety programs at southeastern colleges and universities. These included Ajaylah Hicks, a student at Western Carolina University's School of Engineering & Technology; Ricardo Aleman, a student in the University of Florida's Civil & Coastal Engineering department; Ricardo Madero of the University of Florida's Rinker School of Construction; and two students



Steve Greene
Executive Director
SCOAR

in the Murray State University Construction Safety program, Bernadette Carr and Robert Koenig.

These scholarships were made possible through the generous donations of Fluor, Graycor Southern, Moretrench, NCCER and its Build Your Future Program, SCOAR and United Rentals. Donations totaling \$16,500 were provided for skilled trades scholarships and technical school grants by Fluor, Graycor Southern, Ironworkers/IMPACT, NCCER, Performance Technical Services (PTS), Southeastern Construction and Maintenance, Tampa Electric Company, Walker Contracting and Zachry Industrial. These scholarship donations will be provided to technical schools and students participating in construction programs through SkillsUSA.

I want to personally acknowledge the SCOAR Board of Directors who have entrusted us with the oversight of this organization. And to you—the members—for your encouragement and overwhelming support.

Expanding the Reach of Influence

By Kelsey Zibell, NCCER

Simply put, there are not enough people choosing to become skilled craft professionals and joining the industry. And to make matters worse, 41 percent of the current construction workforce will retire in 2031.¹ With our workforce already at a shortage, the industry needs to act quickly and offset this loss of experienced, highly skilled craft professionals.

How do we close the gap? By letting the industry lead. Through interacting with career and technical education (CTE) programs, the industry can advise, inform and serve these programs.

- **Advise:** Industry can advise programs to make sure they are staying relevant and current. This helps students learn valuable and up-to-date information that will prepare them for their professional careers.
- **Inform:** Industry can inform teachers and students about careers in construction and the skill sets required to enter the field. This will help students have a clear idea of how to get started in construction and what is expected of them.
- **Serve:** Industry can donate materials² and tools to educational programs and can offer field trips and shadow opportunities for students. Industry involvement can play a critical role in the success of CTE programs.

Overall, most craft professionals enter the field through CTE programs. These programs teach and train students on how to enter a career in construction and succeed. It is critical that industry helps programs flourish and provide mentorship and on-the-job training opportunities to students.

The Southeastern Construction Owners and Associates Roundtable (SCOAR) has a history of helping students get educated and trained to join the construction industry. But this year, they decided to take it a step further.



16 years of giving

For the past 16 years, SCOAR has raised money and given scholarships to students pursuing a career in the construction industry. Each year, the organization holds a golf and fishing tournament that serves as a fundraiser for several scholarships that are awarded to hardworking students.

In 2019, \$38,500 was raised and awarded to students at a scholarship banquet. The money, donated by contractors, owners and members of SCOAR, helps students afford tuition, books or anything they need as they pursue a career in the crafts.

This year, however, was a little different.

A new approach

While SCOAR continued to help students looking to join the industry through scholarships, they also decided to award grants to CTE programs. This way, the committee can have a larger impact on students who want to join the industry.

When a scholarship is awarded to a student, the money goes to a single student who may or may not end up in a career in the industry. However, when

a grant is given to a CTE program, the money can influence anywhere from 10 to 50 students who are benefitting from an expanded program, new textbooks or new tools. Grants allow more people to benefit from SCOAR's fundraising, and there's a greater chance that there will be students leaving these programs and entering the industry.

Additionally, when giving grants to programs, they are not only getting funding but also a relationship with the industry. For every grant given to a CTE program, SCOAR will connect the program with someone from their organization. This contact will help the program ensure that they are spending the money in the most effective way while also making a connection between industry and education.

This connection is critical when it comes to closing the skills gap. The more CTE programs and training facilities understand what industry needs, the more prepared students are for the future. Additionally, providing students with real connections to construction businesses and employees can help students solidify their path to a career in construction.

Granting success

So far, SCOAR has awarded two \$4,500 grants to CTE programs. One was awarded to Bremen High School in Georgia and the other was awarded to Manatee Technical College in Florida.

Bremen High School, a public high school, hasn't had any construction CTE courses in its curricula for 20 years. According to Bremen's principal, Tim Huff, the school will begin offering electrical courses beginning in fall of 2019, thanks to the SCOAR grant.

When Bremen was awarded the grant, they were connected with Debbie Dickinson, CEO of Crane Industry Services. As a member of SCOAR, Dickinson helped Huff bring the construction program back to Bremen High School. Under Dickinson's advice, Bremen will offer a program that gives a safety-based knowledge with a focus on employability. As an industry owner, she knew that this is the most important skill for students to possess in the industry.

According to Dickinson, it is a lot of work to get a program like this

off the ground. The school had to decide which track to take, hire a teacher or get tools and materials for the program. However, Dickinson believes that the program will impact a lot of students and their futures, as well as be sustainable for the school and surrounding businesses.

After receiving this help from SCOAR, the school and Dickinson worked with local businesses, the local Chamber of Commerce and the community to get the class in the curricula and on students' schedules.

Though classes haven't begun yet, both Huff and Dickinson are excited for the future of the program.

Looking forward

As SCOAR rolls out its grant program and sees the successes of working directly with CTE programs, it will refine the process. In the future, SCOAR will continue giving grants and connecting industry with CTE programs to impact as many students as it can.

Though the future is turning toward grants, SCOAR won't get rid of the scholarship program. SCOAR doesn't want to replace one program with another, but rather it wants to expand its reach and keep connecting with the next generation of craft professionals. ■

Kelsey Zibell is a marketing intern at NCCER in Alachua, Florida. Currently, she is a student at the University of Florida pursuing a bachelor of science degree in public relations. Working with NCCER and the Build Your Future initiative, she is learning and writing about the skilled labor gap and how to recruit the next generation of craft professionals.

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with Alabama and South Carolina close behind at 3.5 percent. Georgia's 3.7 percent matched June 2019's national average. Rounding out the list were North Carolina at 4.1 percent and Mississippi at 5.0 percent. Exhibit 1 summarizes.

Those low unemployment rates are primarily the result of rapid employment growth. Between June 2018 and June 2019, the U.S. added 2.3 million nonfarm jobs, representing an increase of 1.5 percent. Most of the states in the southeast regions performed better than this national average. A number of southeastern states, including Florida, the region's giant, led the way. Florida added nearly 220,000 net new jobs during the 12-month period, translating into 2.5 percent employment growth. Alabama, Georgia and Tennessee also added jobs at a better-than-national pace. Combined regional year-over-year employment growth for all seven states totaled 1.9 percent, significantly higher than the national average. Exhibit 2 supplies relevant statistical detail.

Unsurprisingly, this favorable business climate and associated economic vibrancy have created substantial opportunities for contractors. Both Alabama and Georgia recently added construction jobs at a pace more than twice as rapid as the balance of the nation. As reflected in Exhibit 3, Florida and Tennessee also added

construction jobs more rapidly than the balance of the nation. Regional construction employment growth during this span tallied 3.8 percent, meaningfully better than the nation's 3.1 percent performance.

The southeast region is also home to a number of major economic centers, particularly in Florida. Of the 20 largest metropolitan areas in the United States, three were located in the Sunshine State. In fact, all three were ranked among the top 10 in terms of overall employment growth. The Orlando metro area took the top spot with 3.8 percent growth over the last 12 months, with Miami and Tampa Bay both tied at eighth place with 2.2 percent growth. Additionally, there were two other metro areas from southeastern states in the top 20: Charlotte, NC ranked sixth with 2.5 percent growth, and Atlanta was 12th with 1.9 percent growth. The overall list can be found in Exhibit 4.

Demand for construction to remain strong in the south

For southeastern contractors, who have lived through a period of remarkably rapid economic expansion over the course of the past eight years or so, the question is how long will the current construction cycle last? Many contractors will remember that after rapid growth during much of the 2000s, the marketplace simply

collapsed during and after the Great Recession. Presumably, many contractors remain wary of a repeat performance.

As is often the case, well-meaning economists often look to leading indicators to peer into the future. No leading indicator is perfect, but some have mighty fine track records. Among them is the Architecture Billings Index (ABI), which foreshadowed the depths of the construction spending decline that transpired several years ago and has consistently predicted ongoing commercial construction spending growth more recently. When the index rests above 50, it means that architects are busier on average than they were the prior month. If architects are busy upstream, contractors stand to be busy downstream.

The ABI is calculated at both national and regional levels. The South designation includes each of the previously listed seven southeastern states along with nine others: Arkansas, Delaware, Kentucky, Louisiana, Maryland, Oklahoma, Texas, Virginia and West Virginia.

Exhibit 5 supplies data regarding the ABI for the nation and four major regions. Note that in the most recent survey, only one region, the South, reported architects that continued to get busier. Architects are beginning to suffer from a decline in billable

Exhibit 4. Employment Growth, 20 Largest U.S. Metropolitan Areas. June 2018 v. June 2019, Not Seasonally Adjusted

Rank	MSA	% Change	Rank	MSA	% Change
1	Orlando-Kissimmee-Sanford, FL	3.8%	11	Riverside-San Bernardino-Ontario, CA	2.0%
2	Phoenix-Mesa-Scottsdale, AZ	3.3%	12	Atlanta-Sandy Springs-Roswell, GA	1.9%
3	Dallas-Fort Worth-Arlington, TX	3.2%	13	Chicago-Naperville-Elgin, IL-IN-WI	1.8%
4	Seattle-Tacoma-Bellevue, WA	2.9%	13	St. Louis, MO-IL	1.8%
5	Houston-The Woodlands-Sugar Land, TX	2.7%	15	San Diego-Carlsbad, CA	1.7%
6	Charlotte-Concord-Gastonia, NC-SC	2.5%	16	Denver-Aurora-Lakewood, CO	1.6%
6	San Francisco-Oakland-Hayward, CA	2.5%	17	Los Angeles-Long Beach-Anaheim, CA	1.4%
8	Miami-Fort Lauderdale-West Palm Beach, FL	2.2%	18	San Antonio-New Braunfels, TX	1.3%
8	Tampa-St. Petersburg-Clearwater, FL	2.2%	19	New York-Newark-Jersey City, NY-NJ-PA	1.2%
10	Portland-Vancouver-Hillsboro, OR-WA	2.1%	19	Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	1.2%

Source: U.S. Bureau of Labor Statistics

hours, in the balance of the nation, with the Northeast recently associated with the most intense deterioration. Many of the northeastern states are not associated with significant population growth, which is also true of many Midwestern states. The South, by contrast, continues to expand rapidly in terms of population, helping to sustain construction's momentum.

Looking ahead

There are growing concerns regarding U.S. economic performance. Second quarter GDP data reveal significant slowing in private investment even as household expenditures continue to expand. With trade wars, the uncertainty of a presidential election, a softening global economy and vulnerable (elevated) asset prices characterizing the status quo, 2020 may end up being far different economically than the 2017-19 period. While the South's economy has held up well, its abundance of manufacturing activity renders it more sensitive to global economic fluctuations. Backlog data supplied by Associated Builders and Contractors indicates that contractors will remain busy through 2020, but southeastern contractors should remain wary as 2021 approaches. **I**

Anirban Basu is the Chief Economist for Associated Builders and Contractors as well as the Chairman and

CEO of Sage Policy Group. He has twice been recognized as one of Maryland's 50 most influential people. He

has also been named one of the Baltimore region's 20 most powerful business leaders.

Exhibit 5. Architectural Billings Index, June 2017 to June 2019					
	South	West	Midwest	Northeast	National
Jun-17	54.8	53.1	51.9	51.5	54.2
Jul-17	53.8	50.9	51.9	53.8	51.9
Aug-17	55.7	51.3	52.5	54.3	53.7
Sep-17	54.0	48.4	50.4	56.9	49.1
Oct-17	50.8	49.8	49.0	54.0	51.7
Nov-17	52.8	54.8	50.4	52.8	55.0
Dec-17	56.3	53.0	52.9	49.4	52.8
Jan-18	55.3	56.2	54.8	47.3	54.7
Feb-18	54.4	57.6	54.5	47.5	51.9
Mar-18	53.2	53.4	50.7	49.0	51.4
Apr-18	51.8	55.1	49.6	50.3	51.9
May-18	55.0	51.9	50.2	50.6	52.7
Jun-18	57.4	46.9	49.8	50.2	51.7
Jul-18	55.2	49.6	49.3	48.0	51.2
Aug-18	57.0	54.2	52.5	46.9	53.8
Sep-18	54.1	51.3	59.7	46.6	51.3
Oct-18	48.4	46.9	57.8	51.8	51.0
Nov-18	50.5	49.0	53.1	56.8	53.5
Dec-18	49.4	49.2	56.3	51.6	51.0
Jan-19	54.7	51.5	54.4	52.4	55.3
Feb-19	58.3	51.6	51.3	51.5	50.3
Mar-19	54.2	47.2	48.7	43.5	47.8
Apr-19	51.6	49.0	49.3	45.1	50.5
May-19	51.4	50.0	51.6	47.5	50.2
June-19	51.9	49.3	48.9	46.1	49.1

Source: American Institute of Architects. Note: A reading above 50 indicates improvements in levels of construction in non-residential sector, but it does not indicate stronger demand for services.

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SCOAR Breaks Ground with Keynote Discussion on Attracting Future Workers

SCOAR conference attendees were led in a focused discussion about the long-standing need to attract young workers into the construction industry.

"The stars have aligned for the construction industry to appeal to a larger percentage of high school graduates for a construction career as an alternative to the traditional college path," announced Jeffrey Hansler. "That is, if the construction industry commits to a planned approach and addresses cultural issues inhibiting interest in the industry."

SCOAR attendees proved to be an insightful audience and raised a host of ideas for the discussion. Ideas included listing elements of change affecting the construction industry, viewing the industry through the eyes of high school students and analyzing cultural aspects that may be making the construction industry less attractive as a career choice.

Elements bringing change to the industry include new technology, worldwide competition, staff turnover, an aging workforce and difficulty finding and retaining skilled labor, which the conference group focused on. A majority felt the ability to attract graduating high school students to the industry would positively affect every challenge facing the industry.

While college may not be the best choice for many high school graduates, multiple individuals felt the decision not to attend college was the biggest hurdle. Again, there was consensus among attendees that discussions of alternatives to college are never presented to students. Without a solid discussion of pros and cons, it is hard for many students to even consider a career in the construction industry as a choice. Even students who plan to enter the industry often opt for the traditional college path.

Discussion regarding cultural aspects hurting the industry was difficult. Many traditions of the industry have strong



roots, and all agreed the traditions would be difficult to change—though not impossible. Examples included the "hired hand" mentality versus seeing entry level positions as an opportunity to educate workers on the big picture of running a successful job. After all, they had to pay their dues. Admittedly, this is against the current mindset of the younger generation and is seen as a barrier to the industry.

SCOAR attendees identified key stakeholders in the career decision-making process: high school counselors, parents, coaches, peers and the students themselves. The discussion included typical statements from several of the stakeholders and the motives behind their messaging. It's like the old saying in the computer business, "You won't get fired if you pick IBM," and you won't get flak from parents as a high school counselor recommending college as the best option.

This brought up thoughts of improvement within the construction industry to create options for high school graduates.

"If high school students see the choice between college and construction as an either/or option, they will choose college every time," stated Randy Bakel, SCOAR Executive Director (now retired). "Why fight the stakeholders? Let's show them how they can have it all—a career, no college debt and a college degree."

Ideas from the attendees included altering the work week schedule to accommodate employees attending college and providing favorable loans as part of work commitment agreements to incentivize students to stay with a construction career, grow with the organization and finish college.

"Higher education has changed radically during the last decade. There are multiple credible options to earn college degrees and advanced degrees outside of the traditional college model," Hansler said to the audience. "We are now in a world of 'free-range learning,' a term coined by Dr. Peter Smith, Professor of Innovative Practices in Higher Education at the University of Maryland University College."

Colleges give credit for work experience and knowledge learned on the job. This is a dramatic shift for accredited colleges and universities. Local construction and trade organizations can partner with accredited colleges in their area in the development of programs that recognize on-the-job learning and flexible learning schedules through online programs.

For the construction industry to capitalize on this opportunity, culture needs to be addressed. No one wants to be hazed, yelled at or have ideas dismissed just because they are new to the job. Negative verbal patterns need to shift to constructive communication models.

Leaders mastering emotional intelligence skills can remove the cultural artifacts of the past that no longer serve the industry. Changing expectations, roles and relationships of crews goes a long way in demonstrating potential for successful construction careers as well as enhancing construction skill development.

"It's a tall order," said Patrick Duffy of Tampa Electric Company. "This has been an issue for a long time in the industry, and we've created tons of material to help in the recruitment of high school students into the trades. Now is the time to renew efforts and commit to providing new tools and strong guidance to current leadership to face the issues inhibiting the choice of the trades as a career. The excitement to solve this issue is evident in this session."

One idea that surfaced though the facilitation by Hansler is the value of competition to attract attention to the industry. Kenny Waugh, IMPACT Director Industry Liaison and RAB V Regional Director, supported the idea.

"The industry has all kinds of competitions within their specific trade. Whether it is electrical, plumbing, welding or any of the other skill sets, competitions are serious business. One look at the competitor's faces and you see the dedication to be the best," said Waugh. "There are many reasons to bring competitions and training to high schools. It's extremely positive for the students, high schools, teachers and, of course, our industry."

In the end, the ideas included advertising programs, like the Plumbers 911 program created by George Head, former Business Manager of Local 72; rethinking the work week to allow attendance to college classes either physically or virtually; partnering with colleges and universities using technologies and innovative scheduling to promote higher education and degree opportunities; and implementing competitions at the high school level to raise excitement and awareness of the industry.

There was no shortage of ideas during the discussion, and any one of them could attract the next generation to the industry and address the national crisis of student

debt facing so many students taking the traditional route of college.

While there was some talk of lawmakers addressing the issue, most attendees recognized change was up to them: those dependent on the industry and who enjoy the opportunities the construction industry provides them. **If not us, who? If not now, when?**

Since the world is "Googleized," Hansler often conducts large group discussion as a deviation from the traditional keynote. He says, "Although, strong facilitation skills are necessary for

success, a huge amount of credit goes to SCOAR attendees. Without their enthusiasm and knowledge, the results wouldn't have been as productive." |

Jeffrey Hansler, CSP, is an expert at organizational development, leadership and persuasive communication, which includes skills of influence, negotiation, sales, body language, micro-expressions and authority. He is the President, Oxford Company Consultants, and can be reached at jhansler@oxfordco.com or 714-225-7461.





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Legal and Contractual Issues in Modular Construction—The Same, But Different

By Fred Lyon, The Lyon Firm, TriCon Power Group



Modular construction is very much the next big thing. In 2018, permanent modular construction in North America alone generated \$9 billion in revenues, a nearly 13 percent increase over 2017 levels. Its growing popularity is attributable to the impact of craft labor shortages for on-site construction, better quality control and, if executed properly, substantially better time and schedule savings. In the power industry, utilities are awaiting Nuclear Regulatory Commission approval of modular nuclear designs that will revolutionize the industry and climate change plus vastly increase the proportion of construction associated with modular off-site construction.

Modular construction is the off-site fabrication of components that are shipped to a jobsite for final assembly. Much of the work traditionally done onsite, such as mechanical and electrical, is instead accomplished at a manufacturing facility. Among its advantages are reduced onsite coordination issues, faster delivery times, the ability to employ LEAN construction techniques (which traditionally are better suited to manufacturing facilities than construction projects), economies of scale and improved safety.

Notwithstanding its novelty, modular construction raises many of the same issues as traditional construction, especially in the legal and contractual context. No less than traditional projects, modular construction requires that contract

documents and the attendant allocation of risk receive significant attention during the contracting process. Modular construction is not a return to “handshake deals;” it still mandates contracts that in many ways will mirror traditional construction contracts but in other ways are different.

It is possible when contracting for a modular project to start with a typical construction contract, for example, one from the American Institute of Architects family of documents. However, these standard or typical documents are going to require modification. A fundamental issue is whether the agreement is to be governed by the principles of the *Uniform Commercial Code* (UCC) (usually the case when contracts for the sale of manufactured products is involved) or the common law of contracts that typically governs onsite contractual relationships.

Courts have held that whether the UCC or common law governs is determined by the predominant nature of what is to be provided—if primarily product, the UCC; if mostly services, then common law. But in the context of modular construction, which is by definition a hybrid, this determination may be difficult to make. In recent years, there has been a trend for courts to apply the Uniform Commercial Code wherever possible in order to create a uniform national standard. In contract drafting, it would be prudent for the counterparties to anticipate this issue and stipulate whether the contract is predominantly for goods or services, thereby saving the need for a judicial determination.

Modular construction will require earlier completion of the design cycle in order to allow the manufacturing facility to proceed with confidence in its machining and tooling. If an owner prefers design flexibility with the opportunity to implement changes upon delivery to site, then it should consider other alternatives to modular construction. Or it should address design responsibility in the contract documents and recognize

that payment for changes may be necessary if it prefers to hold the design process open past fabrication.

Quality control is touted as an advantage of modular construction, a result of the contractor/maker's ability to exercise greater control over its homegrown workforce. The flip side of that, however, is that the owner must have ample and expanded opportunity to inspect the work as it is being accomplished off-site. The contract should stipulate the terms of access, with respect to frequency, scope and the opportunity to arrive unannounced.

A major issue in modular construction is payment. Because the manufacturer is going to invest substantial upfront effort in fabricating the components before they ever arrive onsite, the manufacturer will typically demand a significant upfront payment, one that is made before the work is even done. If such payment is made, it is important for the owner to obtain security for performance, either in the form of a bond, letter of credit or bank guarantee. In a similar fashion, the contract should clarify ownership issues in the event of a default. In the event the manufacturer goes bankrupt, a good contract will be critical in the owner's ability to obtain possession of materials for which it has already paid.

Transportation issues obviously loom large on these contracts. Insurance, taxes and demurrage all have increased importance. Late delivery can have a devastating impact; if at all possible, time must be made of the essence. And given the possibility of damage, risk of loss is vitally important. UCC contracts provide that the risk of loss passes upon receipt by the buyer; the common law stipulates that risk of loss transfers usually upon "tender of delivery." Again, the contract should expressly stipulate in its terms when risk of loss passes along with the related issue of transfer of title or ownership.

There are a host of other issues that make modular construction contracts the same but different. Consider what statute of limitations applies, that of the state in which the unit is manufactured or that in which it is installed. If union labor is involved either at the factory or onsite, jurisdictional issues may arise and complicate timely completion. Different

OSHA standards may govern depending upon the nature of the work. And consider completion—traditional construction concepts of substantial completion may not be applicable if the work is largely completed off-site. But does substantial completion require installation? All these issues are best addressed through careful contract drafting with awareness of the unique risks posed by this type of construction.

Modular construction is here to stay with the distinct likelihood that it will become more prevalent, especially as

onsite craft labor shortages grow more intense. It will be an economic way to address difficult schedule issues with many traditional construction contractual concepts remaining in play. But as noted, there are differences. Those who achieve the greatest success in this arena will be those who are most attentive to those differences and draft contracts accordingly. ■

Fred Lyon is a construction attorney and mediator with over 35 years of experience in contract drafting and dispute resolution. Learn more at www.lyonfirm.com.

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Tampa Electric (TECO)



Big Bend Power Station in Hillsborough County.

Tampa Electric (TECO) is a subsidiary of Canada-based Emera Inc., a geographically diverse energy and services company headquartered in Halifax, Nova Scotia. Emera invests in electricity generation, transmission and distribution, as well as gas transmission and utility energy services, and is strategically focused on seeking out innovative low carbon energy sources.

The company has been supplying the Tampa Bay area with electricity since 1899, just 20 years after Thomas Edison invented his light bulb. TECO's West Central Florida service area blankets approximately 2,000 square miles, including most of Hillsborough County and parts of Polk, Pasco and Pinellas counties, and its 5,000 megawatts of generating capacity serves an estimated population of more than one million people.

TECO is wholly committed to fostering a company-wide culture of safety. Believing that all injuries are preventable and that safety outweighs all other considerations, the company has developed numerous safety initiatives that all strive to ensure that its employees leave work each and every day in the exact same condition as they arrived.

TECO also believes strongly in giving back to the communities in which it serves, and TECO companies invest approximately \$3 million each year to help support its community partners. In addition, its employees volunteer more than 30,000 hours annually to support local causes.

"We live here and work here, too," says Cherie Jacobs, spokesperson for Tampa Electric. "This is why TECO is deeply invested in our community; because it is also our home."

Looking ahead, TECO aims to add six million solar panels by 2021—enough to produce 600 megawatts of power. Last September, the first two projects of this initiative, Balm Solar in southern Hillsborough County and Payne Creek Solar in southern Polk County, began to produce power from the sun.

Then, early this year, five additional solar plants joined the fleet (Lithia, Grange Hall, Bonnie Mine, Peace Creek and Lake Hancock solar), representing 4.1 million solar panels and far surpassing the halfway point of the TECO's significant investment in solar.

In total, TECO's solar projects currently produce 425 megawatts, enough to power nearly 65,000 homes across the Tampa Bay area. The remaining projects of TECO's initiative will be completed at the beginning of next year and January 2021.

In addition to its considerable investment in solar, in 2018, TECO announced that it was making \$853 million of significant improvements to its Big Bend Power Station as part of its company-wide commitment to the pursuit of clean energy solutions and the reduction of its carbon footprint.

TECO will re-power its Big Bend Unit 1 with state-of-the-art, natural gas combined-cycle technology (replacing coal as a fuel source), and its Big Bend Unit 2 will be retired in 2021. When complete by 2023, Big Bend Unit 1 will be capable of producing 1,090 megawatts in a two-on-one format, and the work being done will reduce greenhouse gas emissions by more than 60 percent. In addition, the amount of coal used at the site will be reduced by 50 percent, with similar reductions in the amount of coal-related dust, by-products and traffic.

"This project will improve the land, water and air emissions at Big Bend," said Nancy Tower, president and CEO of Tampa Electric. "Coupled with our significant increase in solar power, these changes will make Tampa Electric substantially cleaner and greener than it is today. This investment in cleaner generation will also provide significant savings to customers through lower expenses for fuel and maintenance of the existing units."

These moves by TECO will completely transform the company's fuel mix. In 2017, 67 percent of the company's energy was generated from natural gas, 24 percent was from coal and about 9 percent was from other sources, including solar. Within five years, this fuel mix will be 75 percent natural gas, 12 percent coal, about 7 percent solar (the highest percentage of solar generation of any utility in the state) and about 6 percent from other sources.

TECO recognizes the value of its association with SCOAR and the many benefits that membership brings, such as a greater awareness of construction industry best practices, lessons learned and economic trends that may impact projects, emerging technologies and supplier capabilities. ■

Graycor Southern

For almost a century, Graycor has developed a well-earned reputation for serving the needs of the construction industry across the United States, a reputation that Graycor Southern Inc. is now striving to build upon in the southeast region.

Founded in 2014, Graycor Southern is the newest member of the Graycor family of companies and is comprised of three divisions that support its client markets: the Power Division, Process Division and Power Services Division. Earlier this year, the company cut the ribbon at its new headquarters location and fabrication facility in Kennesaw, Georgia—a recognition of Graycor Southern's incredible success and growth over the last five years. The company currently has roughly 48 full-time home office and project staff, as well as up to 300 craft employees in the field at any given time. The company also maintains sales offices in Charleston and Greenville, South Carolina, as well as in Charlotte, North Carolina.

"While we may not always be the lowest cost contractor, we are always the most competent and continuously work to bring the highest value," says Shawn Buchanan, vice president and general manager of Graycor Southern. "We believe that a project's needs are best met with boots on the ground, and we push to have up to 80 percent of our supervision time spent out in the field, working alongside our craft. This allows us to head off challenges as they occur, rather than sitting back in the office trying to reactively address things that may have already happened."

Graycor Southern makes every effort to ensure that all of its people go home safely at the end of the day. In this, the company heavily relies on its Cardinal Rules safety program, which includes multi-level observation programs as a way to prevent injuries from occurring during the course of a project. Graycor's Good Catch program, which is a combination observation program between its



Early contractor involvement at Graycor Southern.

program management, front-line supervisors and craftsmen, has led to approximately 3,700 year-to-date observations and has prevented a significant number of potential injuries on the jobsite.

In order to better disseminate the observations it collects, Graycor Southern has developed its Focus Three program, which includes a real-time project dashboard that easily identifies the top three hazards each and every day from the perspective of a supervisor and a safety professional as well as of its craft.

"Sometimes these perspectives align, and sometimes they are very different, but our goal is to generate a continuing conversation about safety among all the people on our projects," says Buchanan.

Graycor Southern believes strongly in being a good community partner. The company is a serving member of the Cobb County Chamber of Commerce and routinely participates in numerous local events. It is also a proud member of ABC of Georgia and ABC of the Carolinas and contributes back to the local community through these organizations.

"Along with SCOAR, we are also co-sponsoring the resurgence of a career and technical education program for the high school in Bremen, Georgia," says Buchanan. "We will soon be heading out to do a kick off with the first class of technical vocational students



Graycor's motto Wanted: A Hard Job dates back to when the company was founded in 1921.

they've had at that high school in many years. Programming such as this is something that has largely disappeared over the years, and it is something that we feel we need to bring back in order to better promote careers in the construction trade."

Graycor Southern greatly values its affiliation with SCOAR, regarding membership as a way to strengthen the relationship it has with the owners and clients it serves within a supportive, non-work-related environment.

"SCOAR is unique in that it really provides the top to bottom connections that all contractors in our industry will need to build long-lasting relationships," says Buchanan. "It's also a chance for us to interact with our peers in the construction industry and develop a greater understanding of the many issues that we all face, so that we are better equipped to address the ongoing problems affecting our industry in this economy." **I**

Scoar News

TOPS WINNERS FOR 2019!

Earlier this year, Rosa Webster, TECO, the SCOAR Safety Committee, and Randy Bakel, SCOAR, presented the SCOAR Safety Wards for 2019.

Less than 60,000 Work-Hrs Annually

Milton J Wood, award accepted by Neil Ross and Clarence Pittman.

Great than 250,000 and Less than 750,000 Work-Hrs Annually

Zachry Industrial, award accepted by Marc Gonzales and Mark Miller.

SCOAR TRAINING GRANTS

This year, SCOAR members sponsored three training grants, totalling \$8,000. The first award was presented by Shawn Buchanan, **Graycor Southern**, and totaled \$5,500. The next award was presented by Dean Hamrick, **Fluor**, and totaled \$2,500.

SCOAR SCHOLARSHIP WINNERS FOR 2019!

Thanks to all of our Golf/Fishing Tourney Sponsors and SCOAR Members, we were able to award \$38,500 in Scholarships this Year!



SCOAR Construction Management Scholarship

Congratulations to Ricardo Made-ro, University of Florida, Rinker School of Construction. This award was presented by Dan Belcher, **NCCER/BYF-Build Your Future**, with Dr. Jim Sullivan, University of Florida Rinker School.



SCOAR Engineering Scholarship

Congratulations to Ricardo Aleman, University of Florida, Civil & Coastal Engineering. This award was presented by Jody Johnson, **More-trench**, with Dr. Denise Simmons, University of Florida.



SCOAR Engineering Scholarship

Congratulations to Ajaylah Hicks, Western Carolina University, School of Engineering & Technology. This award was presented by Dean Hamrick, **Fluor**, with Dan Belcher, NCCER.



SCOAR Safety Professional Scholarship

Congratulations to Bernadette Carr, Murray State University. This award was presented by Jared Davis, **United Rentals**.



SCOAR Safety Professional Scholarship

Congratulations to Robert Koenig, Murray State University. This award was presented by **Graycor Southern**.



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We are gathering in October 2019 for a meeting and fundraiser. Thank you to **Charah Solutions** for its sponsorship (sponsor list up to date as of September 2019).

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Thank You to All Our Fundraising Sponsors!

In addition to all the amazing scholarship sponsors, SCOAR would like to thank these businesses for helping to make the May 2019 event possible.

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SCOAR SKILLED TRADES SCHOLARSHIPS

SCOAR presented two Skilled Trades Scholarships valued at \$500 to Manatee Technical College. The award was presented by Ron and Denise Cobb, Stuart Cobb, Ryan and Lily Cobb and Aaron Cobb, Performance Technical Services, to Leah Kessler and Steven Trottier of Manatee Technical College.

SCOAR members sponsored eight Skilled Trades Scholarships valued at \$1,000 to be awarded through Skills USA. Representing Skills USA were Jessica Gruber and Jadely Thao. Thanks to all the sponsors: **Graycor Southern, BYF/NCCER, Impact/Ironworks, Southeastern Construction & Maintenance, Tampa Electric, Walker Contracting and Zachary Industrial.**



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Why Join SCOAR?

SCOAR fosters innovation and breakthrough thinking on issues related to industrial construction to improve your business performance.

SCOAR's dedication to learning is unique among associations serving the construction industry, giving you and your company the greatest return on the investment of your time and money.

Our membership is comprised of industrial facility owners, EPC companies, engineers, general and specialty contractors, labor and material suppliers, as well as service suppliers, educators and consultants.

HOW SCOAR IS DIFFERENT!

SCOAR is an interactive learning alliance of construction professionals.

- Spend your time learning and addressing interesting and challenging topics, not stuck working on the typical association-type committee.
- Benefit from an interactive learning environment focused around team-based exercises, subject matter experts and collaborative discussions.
- Be a part of creating new methods and processes to tackle the typical construction issues and challenges.

Case Example: "A new solution to an old problem."

The project started going wrong in the engineering phase. As it moved into construction, the project was behind schedule and over budget. The SCOAR member recalls, "The owner (us) was not happy, and my engineering and construction teams were pretty dispirited. Typically, we might go in and make some wholesale personnel changes, but I knew I had good people on the teams."

SCOAR had recently brought in an expert from outside the construction industry to discuss the Judgment Index, a scientifically-based assessment tool that measures, among other things, the level of engagement on a project. "I was intrigued by the concept and thought it was worth a try," says the owner.

The owner brought in the expert, who took the engineering and construction teams, as well as key contractors, through a daylong exercise.

"It worked. The process creates a lot of self-reflection. It makes you ask, 'Why is my responsibility here.' It got everybody past the typical finger pointing

and working together again. In the end, we were able to turn the project around and bring it in much closer to the original schedule and budget."

Harness the creativity and experience the diversity. SCOAR brings together facility owners from different industries and all parts of the supply chain to address the issues that will improve business performance.

- Combine experience bases and methodologies from different industries to discover new solutions.
- Understand and incorporate perspectives from various parts of the supply chain to create comprehensive responses to construction challenges with great changes for success.
- Learn from construction professionals who have already "been there and done that."

Case Example: "A whole new way to do business."

A long-time owner-member of SCOAR recently retired from his position managing construction for a utility company. He was approached by a supplier-member of SCOAR seeking help in bidding on the construction of a new energy plant. A third member of SCOAR, a large general contractor, was added to the team. Combining each team members' expertise and leveraging the working relationships developed through their time at SCOAR, this group proposed a new and innovative approach and won the bid.

"The client could see immediately how our approach is going to save them tens of millions of dollars, versus the standard way this stodgy industry goes about building this type of plant."

Focus close to home, on southeastern construction market, for a practical and actionable experience.

- Concentrate on regional labor and supply trends where impactful solutions can be generated and implemented.
- Learn about and share information on capital projects in the southeast increasing insight into your market and identifying potential partnerships.
- Experience more powerful networking by meeting colleagues in your own area who are facing the same issues and environment.

Case Example: "SCOAR learnings are more actionable."

A long-time owner-member commented that the interactions at SCOAR events resulted in learnings that "are more specific to the southeast," taking into account the southeastern environment—companies, cultures, behaviors and climate—and resulting in solutions that "we can actually implement."

Enjoy a collegial and "small group" atmosphere.

- Every member has a voice in the direction and focus of SCOAR. You help choose the focus.
- The informal and supportive atmosphere, where everyone is focused on learning, leads to a better and more fun way to accomplish objectives.
- Profit from a better approach to learning about and evaluating potential suppliers unencumbered by the pressures of the contracting process.

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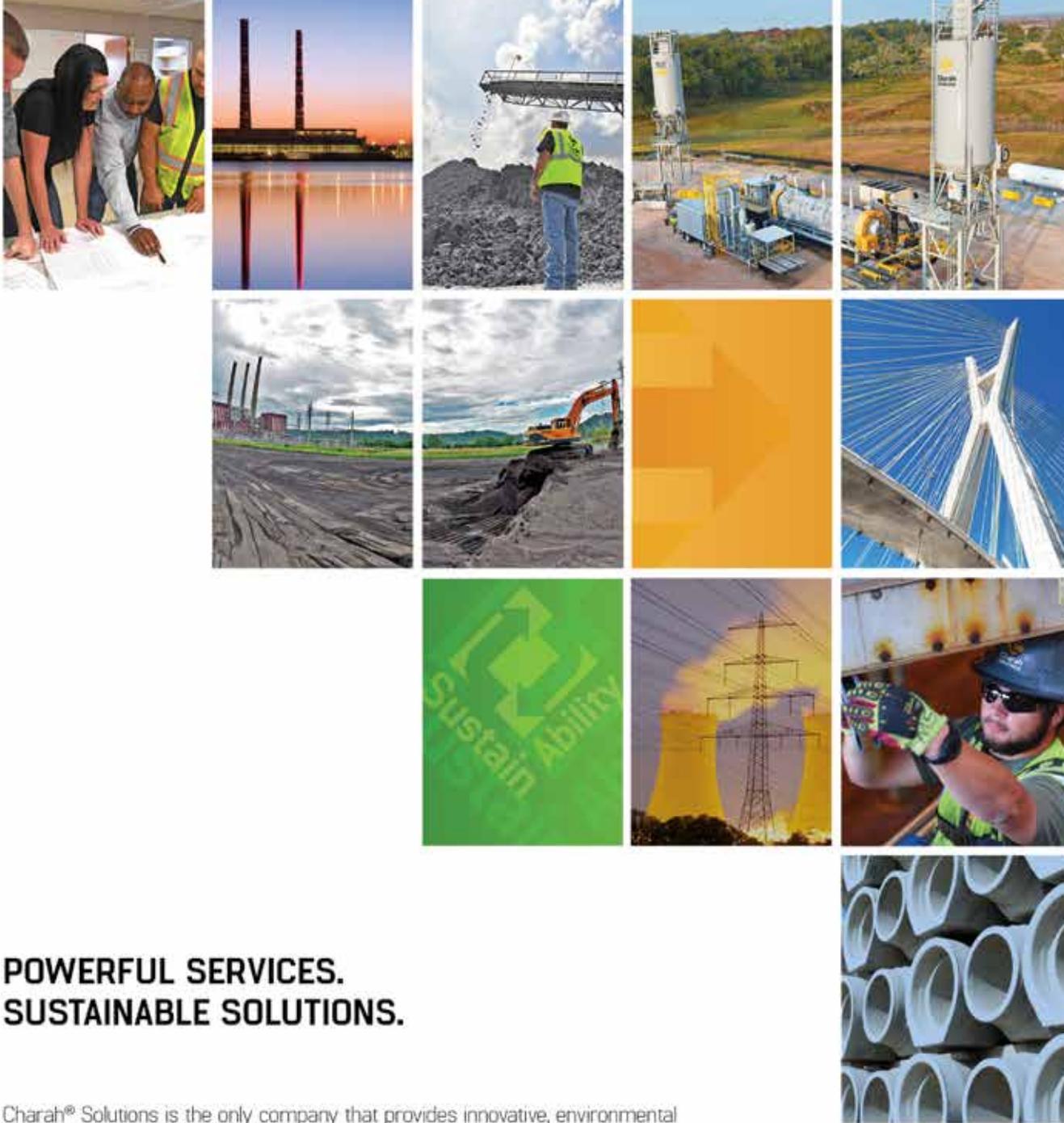
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