

# Bulletin

The Official Publication of the Washington Building Congress | **March 2010**

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*Tishman Construction Corp. constructs the headquarters for the American Pharmacists Association. Member Projects, p.17*

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# Bulletin

March 2010

Washington Building Congress is a nonprofit association made up of professionals from a variety of disciplines, all with an active interest or involvement in the Washington Metropolitan Area's real estate, design, and construction community. The organization was established in 1937 to represent the collective interests of its members by providing education and networking opportunities and by promoting the advancement of the building industry. For additional information about membership, joining a committee or the WBC Bulletin, call (202) 293-5922 or visit us on the web at [www.wbcnet.org](http://www.wbcnet.org).

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## Chairman's Letter

Dear Members and Colleagues:



I hope everyone has had the opportunity to use their new 2010 WBC *Industry Index* membership directory. Due to the ongoing positive growth of the association, last year we revised the format and expanded the size of the directory. We have received a lot of positive feedback over the past year and I think the new directory looks great. Thank you to all of our advertisers who helped support this premier publication. Please let us know if you have any comments or suggestions regarding the 2010 *Industry Index* and how we can make it even better in 2011!

The Program and Education Committee held the highly successful Tyson-Dulles Sliver Line Development Corridor program in February with over 150 people in attendance. Featured speakers included Sharon Bulova (Fairfax County Board of Supervisors), Aaron Georgelas (The Georgelas Group) and Stuart Mendelsohn (Holland & Knight). The committee is also holding the last in the three part small business seminar series on April 7 at the office Duane Morris. This work session, focusing on protecting your payment rights, will be led by panelists Shannon Briglia (BrigliaMcLaughlin) and John Gregg (Secretariat). Thank you again to the Program and Education Committee, Chair Jim Coleman (Watt, Tieder, Hoffer & Fitzgerald), Vice-Chair Mike Miskelly (Froehling and Robertson) and Board liaison Joe Schall (Pepeco).

The WBC Community Services Committee is once again organizing the annual WBC Rebuilding Together project. The volunteer workday is scheduled for Saturday, April 24, at the Fairfax County private residence of a very worthy family. Please contact the WBC office if you would like to volunteer, donate materials or make a monetary contribution. Community Services Committee member Tim Bakos (Lessard Group) is serving as House Captain for the project. Thank you to the Community Services Committee, Chair Anne Marie Tombros (Vango), Vice-Chair Winona Leaman (Greenman-Petersen) and Board liaison Steve Smithgall (Balfour Beatty Construction) for taking on this commendable project.

The Membership Services Committee hosted the 5th annual WBC St. Patrick's membership recruitment event at Sine Irish Pub on March 11. Almost 100 current and prospective members attended this festive event that serves as our annual new member recruitment showcase. The Membership Committee, led by Chair Scott Mucci (Forrester Construction), Vice-Chair Brett Snyder (P&P Contracting) and Board liaison Karen Roberts (Forrester Construction), continues to rise to the challenge and keep us moving in a positive direction.

The 54<sup>th</sup> annual WBC Craftsmanship Awards banquet was held on Friday, March 26, at the Marriott Wardman Park Hotel. This year we enjoyed an all time record number of program entries, and close to 1,200 people joined us for the outstanding awards banquet. Please be sure to read through the April *Bulletin* Craftsmanship Awards special edition where we recognize all of the award winners and sponsors. Thank you once again to the Craftsmanship Awards Committee, Chair Mike Shoemaker (IBEW Local 26), Vice-Chair Allen Slaughter (Dynalectric Company), and Board liaison Lynne Coville (Boston Properties).

I look forward to seeing you at an upcoming WBC program or event. Thank you for your active participation and ongoing support of our great association!

Best regards,

**Jonathan Kurtis**  
WBC Chairman of the Board

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# Industry Report

## Glenn Little Joins Suffolk Construction Company



Glenn Little

**J. Glenn Little, II**, has joined WBC member Suffolk Construction Company as a vice president. A senior construction professional with over 39 years of experience, Little

brings comprehensive experience in field operations and executive construction oversight, having delivered over 18.9 million square feet and over \$3.8 billion of construction.

Suffolk's Mid-Atlantic region continues to focus on Healthcare, Higher Education, Government and Commercial work in order to capitalize on its national strengths as an institutional builder. Focused primarily on Healthcare, Little is responsible for both business development and execution of Suffolk's work in the healthcare and institutional sectors on a regional basis. Over the course of his career, Little has completed major healthcare and life sciences projects such as a \$280 million HUD 242 project for the Western Maryland Health System New Hospital in Cumberland, MD; the \$94 million Peninsula Regional Medical Center in Salisbury, MD; the \$53 million Fairfax Women and Children Hospital in Fairfax, VA; and a \$73 million project for the University of Maryland Medical System (UMMS), Gudelsky Tower, in Baltimore, MD.

Most recently, Little served as vice president at Barton Malow for 11 years in which he was responsible for business development and heading up operations for their local office in healthcare, higher education, and professional sports projects. Little also previously held multiple executive management positions at Turner Construction Company including vice president and general manager of their Mid-Atlantic office and ultimately serving as executive vice president responsible for nationwide sales and marketing.

Over the course of his career, Little has been an active member of several business and community

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associations including serving as a board or committee head for several organizations such as the Maryland Hall for the Creative Arts, the State of Virginia Commission of Education Infrastructure, the Cystic Fibrosis Foundation, Salvation Army and the District of Columbia Building Industry Association.

## Sovey Joins PSI

**J. Parker Sovey**, EIT recently joined WBC member, PSI's Manager-In-Training (MIT) program and will take his training as a Staff Engineer in their Fairfax operations office. Sovey is a graduate of the Michigan Technological University with a Bachelor of Science in Civil Engineering.

## PSI Promotes Finnen

**Richard Finnen**, PE has been promoted to District Manager overseeing WBC

member, PSI's Washington DC Metro Area operations. Finnen is a graduate of North Carolina State University with a Bachelor of Science in Civil Engineering. He has 15 years of experience managing geotechnical engineering evaluations for a wide variety of construction projects. He is located in their Fairfax operations office and came to PSI through an acquisition in 2009.

## Calvert Masonry Memoriam

WBC member, Calvert Masonry announced the passing of **David Strickland**, vice president, on the evening of February 19, 2010 at this home, after a lengthy and courageous battle with lung cancer. Strickland was a valued member of Calvert's executive team. He spent his career in the masonry trade mastering all aspects of the industry, leading to his promotion to vice president in 2000. He was instrumental in the success of several of Calvert Masonry's WBC award winning projects, most recently the Star

Award winning Dumont Condominiums. Strickland was a true leader, known for his loyalty, fairness and patience, and always had a ready smile even when things were difficult. He was a great friend to many, and will be missed by all. He is survived by his wife Terri, son Michael and daughter Jennifer.

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## Electrical Alliance Students Test Electrical Careers

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Students of electrical work in St. Mary's, Charles and Calvert counties in Maryland, met for the SkillsUSA Southern Regional residential wiring competition at the James A. Forrest Career and Tech Center in Leonardtown, MD on February 23rd.

Alex Frederick of the Calvert County Career Center won the competition. He earned a 14-piece Klein tool kit as first prize and will go on to the Maryland state and possibly the national SkillsUSA competitions.

Competitors completed a written exam totaling 20 percent of the final score and prepared a residential wiring task that was laid out in typical drawings and specifications. Judges scored their work for accuracy, neatness, and safety, as well as specialized technical requirements.

The Electrical Alliance, a WBC Member, is a joint venture of the Washington, DC Chapter of National Electrical Contractors Association, (NECA) and Local Union 26 of the International Brotherhood of Electrical Workers (IBEW) sponsored the event. The Washington DC Joint Apprenticeship and Training Committee (JATC), which is funded by these two organizations, provided volunteer judges.

The judges were led by JATC Assistant Directors, **Richard Murphy** and **Rhett Roe**, and veteran electrical journeyman, **Ina Smith**. Second year electrical apprentices **Tony Gagliano** and **Keith Stone**, assisted the judges.

Stone graduated from James A. Forrest Career and Tech Center and is now employed by a Washington, DC-area electrical contractor. Upon



## WBC Hammerheads Committee Capitol Dome Tour

On Friday, February 19, and Friday, February 26, 2010, two groups of WBC Hammerheads Committee Members expanded their routine planning and networking activities by taking a guided tour of the United States Capitol Building, scheduled through the office of the Architect of the Capitol, Mr. Stephen Ayers, AIA, LEED AP. The tours began on the sub-basement level of the Capitol Building, continued above the Washington Vault area, through the dome structure, onto a balcony directly beneath the Apotheosis, and ultimately to an exterior veranda at the base of the cupola sitting atop the Capitol Dome. These tours are part of the Hammerheads Committee's continuing efforts to encourage younger members to participate in the various programs WBC offers, as well as provide continuing education and networking opportunities.

The "Dome Tour" is the second such continuing education event the Hammerhead Committee has organized; the first was an educational seminar provided by Froehling & Robertson, Inc., on the revisions to the Building Code within the District of Columbia. Please encourage the younger members of your organization to attend upcoming Hammerheads Events and committee meetings for future networking and educational opportunities.

Thank you in advance for your continued support,

—**Mike Baruccheri**, Hammerheads Committee Vice Chair  
Tishman Construction Corporation of DC

*From left to right: **Paul Jesson**, Capitol Lighting & Supply; **Andrew Strand**, Hess, Egan, Hagerty & L'Hommedieu, Inc.; **Sarah Slaughter**, Capitol Lighting & Supply (front); **Kevin Coyne**, Exponent; **Derrick Price**, Siemens Building Technology; **Michael Baruccheri**, Tishman Construction.*

# Industry Report



Skills USA competitors and judges

completion of the five-year electrical apprenticeship program, he, as well as all other apprentices, will be a fully qualified journeymen electrician, earning up to \$81,000 annually plus health benefits and retirement pensions.

The Electrical Alliance also sponsored the Northern Regional competition held on February 20th at the Center of Applied Technology, North (CAT North) in Severn, MD including Anne Arundel County and Baltimore City. CAT North student **Kenneth Vodusek** won the Northern Region and also received a 14-piece Klein tool kit. His father is project manager for Potomac Testing Inc.

Northern Region volunteer judges included **Steve Howard**, superintendent at J.E. Kelly and Sons, and **Nick Schaefer** and **Alex Schaefer**, both first year JATC apprentices. Nick Schaefer won the Northern Regional as well as the State residential wiring contests last year. The Alliance sponsored his trip to the National SkillsUSA competition held in Kansas City, MO where he placed fifth.

SkillsUSA operates partnerships between schools and employers that expose students to the real world of work before they commit to a full time adult career. It organizes and conducts competitions that enable the students to test their competency against their

peers, furthering their drive and desire to succeed. Contests begin locally and continue through the state and national level. The final event is a multi-million dollar showcase that occupies a space equal to 16 football fields.

In 2009, more than 5,400 contestants competed in 91 events. Nearly 1,500 judges and contest organizers from labor and management make the national event possible. The philosophy of the championships is “to reward students for excellence, to involve industry in directly evaluating student performance and to keep training relevant to employers’ needs.”

The main electrical training center for the JATC is located in Lanham, MD with branches in Manassas and Roanoke, VA. The JATC also equipped and supports the electrical training center at North Point High School in Charles County, MD where it operates a satellite training classroom.

For information about careers in electrical trades, visit [www.getchargedup.org](http://www.getchargedup.org). For details about the JATC apprentice training program and an online application, visit [www.washdcjtc.org](http://www.washdcjtc.org). For more about SkillsUSA, visit [www.skillsusa.org](http://www.skillsusa.org).

## Councilor, Buchanan & Mitchell, P.C. Announcement

**S. Vincent Crescenzi**, president and managing partner of Councilor, Buchanan & Mitchell, P.C. (CBM)—a WBC member—announced that three of CBM’s young accountants, **Nicole Luna**, **Daniel Keefer**, and **Russell Conelley**, recently passed the Uniform Certified Public Accountant Examination. The Uniform CPA tests professional competence, seeking to ensure that anyone with the designation CPA has the knowledge and skills necessary to help protect the public interest.

## SK&A Projects on “Best of 2009” List

WBC member, SK&A announced that *Mid-Atlantic Construction* magazine has named four projects to the “Best of 2009” list.

- Project of the Year—Office Building: 300 New Jersey Ave, NW
- Project of the Year—Tenant Improvements: U.S. Green Building Council Headquarters at 2101 L Street, NW
- Award of Merit—Healthcare: Children’s National Medical Center NICU Expansion
- Award of Merit—Office Building: 901 K Street, NW

## New Employees at Hankins and Anderson

Hankins and Anderson, a WBC member, announced the following new employees in the Glen Allen office:

- **Jared B. Jamison, P.E.**, has joined the Structural Department and was formerly with Carousel Signs & Designs, Inc.
- **Mark A. Andrews, P.E.**, has joined the Electrical Department and was formerly with Electricomp.
- **Timothy D. Taylor**, has joined the Life Safety/Fire Protection Department and was formerly with VSC Fire & Security.
- **Mathew Donald, P.E.**, has joined the Project Management Department and was formerly with Stantec Consulting.
- **Michael Saweikis** has joined the Mechanical Department and was formerly with Johnson Controls. 



# Talent for a Challenging Market

by Wesley R. Miller, Managing Consultant, and Sami L. Barry, Marketing & Business Development, Helbling & Associates, Inc.

Over the past two years, contractors and related entities have been greatly challenged with market conditions, decreased confidence and lack of funding. Forced to evaluate all aspects of their operations, most firms have streamlined their processes, causing them to seek professionals whose backgrounds are vastly different than those that were in demand years ago.

Exclusively recruiting within the construction and related industries, Helbling & Associates has seen a major mind shift in this economy with an increased demand for professionals with broad skill sets, now becoming known as “seller / doers”.

Seller / doers are individuals who take a diligent approach to systems and processes and who add immediate value with their diverse skills from strong business and sales acumens to technological and operational capabilities.

Many general and specialty contractors as well as architectural / engineering firms are seeking seller / doers to create a “one contact” process for acquiring and delivering projects. The challenge is that there are not many professionals who can successfully perform in a seller / doer role.

Seller / doers must have an entrepreneurial mindset and be “tapped in” to the marketplace by networking with clients. They need to have excellent communication skills to work effectively with board members and /or “C” level suite executives, within their own organizations as well as a prospective client’s. Additionally, they have to understand the projects they are

pursuing and the various operational challenges and constructability issues that will be encountered.

A professional with the experience and interest in performing all of these functions is difficult to find because most companies do not provide the environment for individuals to mature into becoming seller / doers, unless an individual is managing an entire office or vertical market for an organization.

There are many reasons why companies have become interested in securing seller / doers. These individuals give an organization the ability to have one executive handle two capacities at once. Even though they demand higher compensation, it is less expensive than hiring two individuals at a lower level in most cases.

Depending upon a seller / doer’s network of contacts, they may learn of project opportunities before plans are made public, which can provide a great advantage. Further, as competition becomes even tighter in the market, an organization that can offer the “single contact” concept to their prospective clients will be more attractive than a firm who cannot. A professional with the ability to sell a project as well as discuss its constructability and engineering issues, creates much added value to the client, developing a tighter relationship which may encourage more work to be secured in the future.

Knowing the value that they can bring to a proactive organization in this market, talented professionals with diverse skill sets who are capable of performing a seller / doer role are willing to look at opportunities outside of their firms. These top level candidates, being a small group, are in greater demand in this type of economy. The seller / doer opportunity is attractive because they could potentially run their own “mini-business” within a larger organization, have accountability for all profit and loss issues, and create value by significantly enhancing their company’s bottom line.

In conclusion, even a “down” economy can provide opportunities for competent professionals and for firms who are looking to acquire top level talent. It will be the progressive companies that are taking advantage of this market to increase their level of internal talent that will find themselves in a better situation to pursue and secure work in the future. **B**

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WBC member firm, **Helbling & Associates, Inc.** is a boutique search firm headquartered in Pittsburgh, Pennsylvania. Exclusively representing contractors, owners, real estate entities and engineering firms, they secure talented professionals for leadership roles ranging from executive to financial administration, from facilities management to construction oversight and from human resources to business development.

## Guest Article

# New Employee vs. Independent Contractor Considerations

## What You Need to Know Today and for the Future

by *Tim Cummins, Fred Geber and Christopher S. Lee, Aronson & Company*

In the construction industry, independent contractors have played an integral role in the delivery of construction and other services. Utilizing independent contractors effectively can mean the difference in the success or failure of a project, whether measured by the schedule, quality of the project delivered or the project's profitability. Retaining or engaging an independent contractor is an important business decision for contractors which may receive further scrutiny directly as a result of the recent Stimulus Package (American Recovery and Reinvestment Act of 2009), the recent changes in the factors the Internal Revenue Service now considers, and recent changes in the way the states view independent contractors. Should the IRS or any state determine that the company is improperly classifying employees as independent contractors, the results could be financially devastating. Advantages and disadvantages to each classification are addressed below as well as some of the rules and regulations set forth by the Internal Revenue Service.

An independent contractor can be defined as a person or business which provides services or goods to another entity under terms specified in a contract or within a verbal agreement. Most independent contractors do not work regularly for an employer, but work as and when required by that company.

### **Independent Contractors vs. Employees — The Pros And Cons**

Employing independent contractors provides financial benefits as well as scheduling flexibility. Hiring an independent contractor reduces certain costs incurred by the business, including, payroll, payroll taxes, and costs associated with fringe benefits such as health insurance, vacation, holiday and sick pay, pensions, and workers' compensation insurance. Additionally, use of independent contractors adds flexibility to your ever-changing demand for work. The downside, in addition to the ongoing potential for an IRS worker classification challenge, is the business's inability to control the work performed and the constant changes in fixed rates varying by project and overall market demand.

## **Construction Contractor Advisory The "Employee vs. Independent Contractor" Challenge**

Both the federal government and some states have modified the rules to determine how employees and independent contractors should be classified. To protect your construction business, you should re-evaluate your current practices and never assume your company is in compliance with the law. This paper identifies the federal government's new considerations and a recently enacted law and executive order currently effective in the State of Maryland. The Internal Revenue Service is slated to review this issue, along with other issues surrounding fringe benefits, compensation packages and reimbursed expenses, beginning in late 2009. The new Maryland law specifically targets businesses in the construction services and landscape services industries. With this knowledge, now is the time to prepare in the event your business is selected for an exam. We would be pleased to help you evaluate your situation.

Hiring employees has its own advantages as well, including a commitment to hiring someone who will maintain strong loyalty and dedication to the business. An employee will bring a level of continuity to the company. Such a person can provide the ability to take on several roles within the organization and can facilitate jobs that are done over long periods of time, for which one independent contractor may not be suitable, requiring the business to manage several different contractors. The downside to retaining employees includes the extra expenses incurred, such as, payroll, employee benefits, office space subject to increased rent, the increased potential for litigation against your business due to current and former employees' activities while acting as an agent for your business, and the overall responsibility of maintaining the business, not only for your future goals and your family, but for the families of your employees.

### **The IRS Worker Classification Attack**

To help determine whether an individual is an employee under the common law control rules, the IRS developed a checklist in 1987 of 20 factors for use in determining whether a person is an independent contractor or an employee. This 20 factor test has since been reduced to focus on three areas:

1. **Behavioral Control**—This category covers the amount of control that the company has over the worker with regard to when and how the job is done. The presence or absence of instructions and training regarding the work are especially relevant. Workplace developments, such as evaluation systems and concerns for customer security, are other aspects considered in evaluating behavioral control.





2. **Financial Control**—This area of focus considers how much control the company has over a worker's pay, business expense reimbursement, and the tools and supplies necessary to complete the job. Specific factors that support an independent contractor relationship include a significant investment by the worker, unreimbursed expenses of the worker, making services available to others in the relevant market, providing services for a flat fee, and the opportunity or exposure for profit or loss to the worker.
3. **Relationship Type**—The type of relationship between the parties focuses on how the parties deal with each other. The focus of these tests include the intent of the parties in their written contract, whether employee benefits are provided, the ability to discharge or terminate a worker, the permanency of the relationship, and whether the services performed are regular business activities.

Businesses must weigh all three factors to determine if a person is an independent contractor or an employee. In most cases, some factors may indicate the worker is an employee, while others may indicate an independent contractor status. There is no set number of factors that make a person an employee as opposed to an independent contractor. The key to making the determination is to view the entire relationship and consider how much control and right to direct one may have over another.

Firms and workers who are having trouble determining the status of a worker may file Form SS-8 with the IRS for a deter-

mination. This form is a three-page questionnaire addressing a number of factors used to evaluate whether the worker is an employee or an independent contractor. Should you decide to file this form, recognize it may take up to six months to receive a determination from the IRS. More importantly, caution should be exercised in the decision to file an SS-8. The form requests critical information that could expose the contractor to an audit. Furthermore, when the form is filed, the IRS often contacts both the contractor and the worker to obtain a clear understanding of the facts. With this background in mind, professionals generally advise against filing the SS-8 unless the contractor is prepared to accept an adverse ruling and understands the audit risks involved.

Businesses that do not follow the letter of the law may find themselves the subject of an IRS payroll examination to determine whether the company has improperly classified other employees as independent contractors. The results of such a determination, should they be adverse, could be devastating to a company. The deficiency assessed for back payroll taxes, interest and penalties and the cost of remedying violations of wage laws could literally put the company out of business.

### **When the IRS Determines A Worker Is an Employee**

Once a determination is made by the IRS that a worker is an employee rather than an independent contractor, the employee

## Guest Article

who was treated as an independent contractor is required by law to calculate and report their share of uncollected Social Security and Medicare taxes due on the compensation. The IRS recently issued Notice 989 addressing commonly asked questions when the IRS determines an individual's work status is of an "employee." The steps the affected individual should take depends on whether or not the worker has filed a tax return reporting the income earned for the year in question, and how the income was reported.

- If the worker has not filed a federal tax return yet, they must file Form 1040 for the affected tax year(s), reporting the Form 1099-MISC income reported to him by his employer as wages on line 7. Since no Social Security or Medicare tax (FICA tax) was withheld from these wages, the worker must compute and pay the employee portion of these taxes with the tax return.
- If the worker already filed a federal tax return, but did not report the Form 1099-MISC income, they must file Form 1040X, Amended U. S. Individual Income Tax Return, for the affected tax year(s) to include the additional income as wages and recompute the federal taxable income. The worker must also compute his portion of FICA tax on this income.
- If the worker already filed a federal tax return and reported the income but did not compute the FICA tax on the income, he must file Form 1040X for the affected tax year(s) to compute the FICA tax due on this income.

### When the Worker Determines They Are an Employee

Form 8919, Uncollected Social Security and Medicare Tax on Wages, was introduced in 2007 to be used to calculate and remit the unpaid Social Security and Medicare tax on wages at the individual worker level. Noncompliance could result in not only payment of the uncollected tax, but penalties and interest associated with the tax. The bigger picture, however, is that this form puts employers on notice because this form can be filed separately by any worker whom believes they are utilized as an employee, but paid as an independent contractor. The filing of this form without the knowledge of the company could result in an unexpected IRS payroll examination or a surprise visit from the Wage and Hour Division of the Department of Labor. The form instructs the individual to identify the entity that paid them and to explain why they are not considered an employee. From the individual worker's perspective, filing form 8919 may allow them to avoid paying the matching payroll taxes that an employer would normally pay on employee wages. From the company's perspective, the filing of this form by a worker puts the proverbial target on the back of the company and could result in the company paying unexpected payroll taxes, penalties and interest that could be a significant unexpected financial burden to the company.

### Recent Maryland Developments

Up to this point, this paper has focused on the employee vs. independent contractor issue at the federal level. However, the states are also jumping on the enforcement bandwagon.

In February, 2009, Maryland enacted the Workplace Fraud Act of 2009, which became effective October 1, 2009. This Act establishes a presumption that work performed by an individual and paid by an employer creates an employer/employee relationship, unless the company can show the individual is an exempt person or an independent contractor. Under Maryland's guidelines, one would be considered an employee if the employer has the right to control and direct the individual who performs the services and consideration is given to the right to discharge, indicating that the person possessing that right is an employer and the person subject to it is an employee. The other factors considered by Maryland include the parties responsible for furnishing tools, materials and workplace to the individual performing the services. Maryland has taken this a step further and defined independent contractors as those who follow an independent trade, business or profession, in which they offer their services to the public, and who may be in a position to suffer financial loss rather than a guaranteed wage.

This legislation was designed to protect the state's revenue associated with unemployment insurance taxes and state withholding. The Act, which specifically targets employers in the construction services industry and landscaping services industry, prohibits an employer in either of these industries from improperly misclassifying an employee knowingly or unknowingly. The penalties for these offenses are costly. If an employer is found to have improperly misclassified an employee, they have the opportunity to become compliant in a timely fashion and pay restitution to the individual. If the employer chooses not to be in compliance, the employer will be assessed \$3,000 for each employee for whom the state deems not properly classified. If the employer knowingly misclassifies an employee, they can assess a civil penalty of up to \$5,000 for each employee who was not properly classified.

Furthermore, Governor Martin O'Malley has created, by executive order, a multi-agency task force that will coordinate investigations and enforcement of what they term "work place fraudulent practices." The employee vs. independent contractor determination is at the top of their list and will be examined heavily in upcoming payroll audits. It will probably not be long before other local state jurisdictions follow suit, and enact legislation similar to what Maryland has enacted.

### What Should You Do?

In closing, using independent contractors has many benefits for a construction company, but careful evaluation and documentation of each independent contractor relationship must be maintained in order to minimize federal and state exposure. If any uncertainty exists, it may be worthwhile to treat workers as employees in order to safeguard against unexpected costs associated with unfavorable payroll audits and protect the future livelihood of your business. In those situations where a worker can qualify as an independent contractor and actually operate as such, employers should be certain they have the proper documentation to support the independent contractor classification.

### The Common Law Factors Considered on IRS Examination

#### Category One — Behavioral Control

- **Instructions**—The more detailed the instructions are that the worker is required to follow, the more behavioral control the business exercises over the worker. Absence of detail in instructions reflects less behavioral control.
- **Training**—Periodic or ongoing training provided by a business about procedures to be followed and methods to be used indicates that the business wants the services performed in a particular manner, which is strong evidence of an employer-employee relationship.
- **Evaluation Systems**—If the evaluation system measures compliance with performance standards concerning the details of how the work is to be performed, the system and its enforcement are evidence of control over the worker's behavior. Conversely, a system focusing only on the end result is evidence of worker autonomy.
- **Business Identification Requirements**—A neutralizing factor is if the nature of the worker's occupation is such that the worker must be identifying with the business to meet customers' concerns regarding security, wearing a uniform or placing the business's name on vehicles.

#### Category Two — Financial Control

- **Significant Investment**—A significant investment made by an independent contractor into their business is evidence that an independent contractor relationship may exist. There are no precise dollar limits that must be met to have a significant investment. However, the investment must have substance.
- **Unreimbursed Business Expenses**—Both employees and independent contractors may incur either reimbursed or unreimbursed expenses. Independent contractors are more likely to have large amounts of unreimbursed expenses.
- **Services Available to the Relevant Market**—An independent contractor is generally free to seek out business opportunities and his economic prosperity often depends on doing so successfully. As a result, independent contractors often advertise, maintain a visible business location, and are available to work for the relevant market.
- **Method of Payment**—A worker who is compensated hourly, daily, weekly, or on a similar basis is guaranteed a return for labor. This is generally evidence of an employer-/employee relationship, even when the wage or salary is accompanied by a commission. In contrast, performance for a flat fee is generally evidence of an independent contractor relationship, especially if the worker incurs the expenses of performing the services.
- **Opportunity for Profit/Loss**—If the worker is making decisions regarding the types and quantities of inventories to acquire, the type and amount of monetary or capital investment, and whether to purchase or lease premises or equipment, which affect his bottom line, the worker likely has the ability to realize a profit or loss.



#### Category Three—Relationship of the Parties

- **Intent of the Parties/Written Contract**—A written agreement describing the worker as an independent contractor shows the parties' intent that the worker is an independent contractor. Note that a contractual designation alone does not determine worker status. The facts and circumstances under which the worker performs the services are determinative.
- **Employee Benefit**—Evidence of employee status would include payment of benefits such as paid vacation days, sick leave, health insurance, life or disability insurance, or a pension. The evidence is strongest if the worker participates in a tax-qualified retirement plan, IRC Section 403(b) annuity, or cafeteria plan, which can only be provided to employees.
- **Discharge/Termination**—The presence or absence of limits on a worker's ability to terminate the relationship by themselves no longer constitutes useful evidence in determining worker status. However, a business's ability to refuse payment for unsatisfactory work continues to be characteristic of an independent contractor relationship.
- **Permanency of Relationship**—If a business engages a worker with the expectation that the relationship will continue indefinitely, rather than for a specific project or period, this is generally considered evidence of their intent to create an employment relationship. However, a long-term relationship may exist between a business and either an independent contractor or employee. As a result, a relationship that is long-term but not indefinite is a neutral fact.
- **Regular Business Activity**—If the services performed by the worker are a key aspect of the regular business of the company, this is an indication of employee status. **B**

## Feature Article

# Realizing the “Green” in Green Building Requires New Approaches to Managing Design and Construction Risks

by Leonard S. Goodman, Esq., LEED®-AP

If you develop, own, or invest in real estate, thinking “green”—as in environmentally conscious—is no longer optional. A combination of factors favoring green construction is likely to render conventional buildings noncompetitive in the near future.

Green building certification in the United States is dominated by the United States Green Building Council (“USGBC”) and its Leadership in Energy and Environmental Design (“LEED®”) rating systems. As of the Fall of 2009, USGBC reports a pipeline of more than 25,000 projects registered for LEED® certification and over 3,300 projects already certified. This article will briefly describe the LEED® system and some of the reasons for its dramatic growth. It will then offer several practical suggestions that, if considered as part of a comprehensive risk management strategy tailored to the goals, needs and circumstances of each particular project, should increase the likelihood of achieving LEED® certification on time and within budget.

### The LEED® Rating System

Under LEED®, a building is awarded points based upon its design and construction with regard to five environmental categories: Sustainable Sites, Water Efficiency, Energy & Atmosphere, Materials & Resources and Indoor Environmental Quality. Each of these categories includes “prerequisites” and “credits” with points assigned to the credits. A sixth category, Innovation in Design Process, awards points for exceptional performance or novel approaches.

Different scoring systems apply to different types of projects. Since introducing LEED® for New Construction and Major Renovations (“LEED®-NC”) in March, 2000, USGBC has expanded its rating systems portfolio to include core & shell, commercial interiors, schools, retail, health-care, and neighborhood development, as well as one devoted to existing buildings operations and maintenance.

After construction is completed the USGBC determines whether and at what level to certify a project based upon information collected by the project’s architects, engineers, and contractors. Increased green performance—the greater the number of points earned—results in a higher rating. Under the 2009 version of LEED®-NC, projects may be certified as LEED® Certified for earning 40-49 points, Silver for earning 50-59 points, Gold for earning 60-79 points and Platinum for earning 80 points.

### The Rise in Green Development

The upsurge in green building has been fueled by a combination of forces. The Federal government and jurisdictions across

the country are increasingly mandating that public and private building stock meet green standards, especially LEED®. The General Services Administration already requires all newly owned construction, major renovations and build-to-suit leasing to achieve a LEED® silver rating or higher.

State and local governments have followed suit. USGBC reports that LEED® initiatives have been enacted in 132 cities, 35 counties, 28 towns, 34 state governments, and 17 public school jurisdictions.

The private demand for green buildings has accelerated as well because saving energy and lowering greenhouse gas emissions have become civic virtues. Employees and customers increasingly expect their employers, landlords, retailers and hotels to share their sustainability values.

Developers and investors are being “pulled” into green building, too, by tax, permitting and density incentives and especially by the mounting evidence that green buildings will outperform conventional buildings even assuming that the “first costs” of a green building exceed those incurred in conventional construction. This so-called “green premium” is becoming less a foregone conclusion, however, as the green learning curve levels out, more builders and suppliers compete for green work and the continued improvement in sustainable materials.

The growth rates seen the past few years are likely to diminish given the continuing credit crisis. However, even a modest continuation of these trends indicates, as one study concluded, that green building is “fundamentally altering real estate market dynamics” such that “the risks of not moving quickly enough almost certainly will outweigh the risks of moving too quickly.” Nelson, “The Greening of U.S. Investment Real Estate—Market Fundamentals, Prospects and Opportunities,” *RREEF Research*, No. 57, November, 2007.

### “It’s Not Easy Being Green”

The rewards that green buildings, and the green ratings that come with them, will not be realized unless all the parties involved in a green project appreciate and manage its unique issues. Failing to achieve the required, desired, or promised green rating is a very real risk. Parties attempting to secure LEED® certification face a relatively new process that lacks sufficient transparency for project teams to predict if, when or which certification will be obtained. Compounding the risk, stakeholders with credible experience in green building projects remain in short supply. On top of these factors, USGBC faces a large backlog of projects which will only grow as more jurisdiction adopt LEED® as their standard and more projects seek certification.

It is unrealistic to expect an A/E or contractor to “guarantee” that a particular LEED® rating will be obtained. This is especially true for design professionals whose liability policies exclude coverage of warranties. Therefore, strategies—like those set forth below—should be implemented to enhance the likelihood that a completed green building will meet its owner’s needs and will secure the expected LEED® rating on time and within budget; and, if not, that reasonable remedies will be available.

### **1. Have A Clear Understanding of Your Particular Green Objectives and the Options for Meeting Them Under LEED®**

Green building can mean many things: using sustainable building materials, increasing energy efficiency, improving indoor air quality, or lessening one’s carbon footprint. The reasons for developing or acquiring green assets are likewise varied: complying with applicable law; securing a tax or regulatory

incentive; marketing to customers or employees; enhancing an asset’s value by reducing its operating costs; minimizing a property’s carbon footprint; reducing the demand on non-renewable resources; or any combination of the above. It is essential for those pursuing LEED® certification to understand their particular green motivations and expectations preferably from a project’s inception.

A law mandating the LEED® rating required to secure an incentive or certificate of occupancy does not obviate the need for clarity as to a project’s green objectives. Likewise, a promise to design or construct a “green” building or to achieve a particular LEED® rating does not automatically translate into delivery of a building meeting project goals. On the contrary, there are a plethora of approaches to “skinning the LEED® cat” because, beyond each rating system’s prerequisites, the USGBC does not dictate either which credits or the precise number of points a project must obtain to achieve a desired certification level.



## Feature Article

The selection of the credits and points to target, therefore, must depend upon the particular goals and motivations driving the pursuit of LEED® certification in the first place. Therefore, it is essential at the outset of a project—preferably before a site is even selected—to (1) establish your objectives for pursuing LEED® certification; (2) understand the options available under the applicable rating system to achieve the desired level of certification coinciding with your project’s program; and (3) clearly communicate realistic objectives to those responsible for designing, constructing, or acquiring green assets.

### 2. Engage Experienced A/Es and Contractors Capable of Working Together Collaboratively Early in the Development Process

Successfully developing green buildings requires specialized knowledge among all those involved in a building’s life-cycle. If possible, “green” should not characterize the experience level of the A/E, contractors, and facilities managers involved with developing and operating your green building. Ideally one LEED® Accredited Professional should be associated with each member of the project team.

There is an emerging consensus that any cost premium associated with a green project can be minimized or eliminated if each stakeholder is “at the table” when a project’s green goals are established. A successful green project, therefore, requires an owner, A/E and contractor able to discard the traditional, linear view of a project’s development, in favor of a more collaborative model. Using Integrated Project Delivery or incorporating some of its elements into the more traditional delivery systems—both of which are outlined later in this article—are two possible approaches to securing the benefits of early collaboration.

### 3. Determine if BIM is Right for Your Project

Meaningful collaboration among the project team may require use of Building Information Modeling (“BIM”) which is revolutionizing the way buildings are designed and built. With BIM, A/Es and contractors generate and exchange information, create digital representations of all stages of the building process and simulate real world performance. BIM empowers all members of a project team to work together to resolve discrepancies during the design phase rather than in the field and should facilitate collection of the information required to support LEED® certification.

Because BIM is blurring the traditional line between designers and contractors, thoughtful, upfront consideration by stakeholders and their legal counsel about its risks and responsibilities is required.

### 4. Consider Pursuing the LEED® Credit for Enhanced Commissioning

Commissioning is the systematic process of ensuring that a building’s systems perform according to the design intent and

the owner’s operational needs, and is an important investment for any project. This is especially true for a green project where systems are expected to perform to a high level of efficiency.

LEED®-NC includes two forms of commissioning: Fundamental Commissioning must be satisfied by any project seeking certification; Enhanced Commissioning is optional. The systems to be commissioned under either form must include HVAC, refrigeration, lighting, domestic hot water and renewable energy systems. USGBC recommends the commissioning of other systems, such as the building envelope, storm water management, water treatment, and information technology.

Both Fundamental and Enhanced Commissioning require a Commissioning Authority (“CxA”) to review the project requirements (“OPR”) and basis of design (“BOD”) and to verify that the installation and performance of the commissioned systems conform with the OPR/BOD and the Contract Documents.

The additional services the CxA must perform under the Enhanced Commissioning credit, however, should increase the probability that a project will achieve its LEED® goals on time and within budget, and also maintain those performance benefits after construction. Whereas Fundamental Commissioning does not require the CxA to be on the project team until just before the equipment installation phase, Enhanced Commissioning requires the CxA to conduct a design review before the construction documents are 50 percent complete and to review the contractor’s submittals. These reviews are intended to find problems early while they can still be fixed economically and, therefore, should pay for themselves as inefficiencies and mistakes are corrected and the need for change orders and repairs are reduced.

The Enhanced Commissioning credit also requires the development of a systems manual, training of operations personnel and an inspection of the building’s operations by the CxA within ten (10) months of completion. With systems properly documented and personnel properly trained, Enhanced Commissioning should reduce the total cost of ownership by improving operations, avoiding problems and maintaining the energy efficiencies established during initial commissioning.

### 5. If Time Permits, Opt for LEED®’s Two Phase Certification Process

Until 2005, all information necessary to establish compliance with LEED®’s prerequisites and credits was submitted after construction was completed. Now, applicants have the one-time option of submitting “design phase credits” for review when construction documents are completed. “Design phase credits” are credits the USGBC can reasonably adjudicate without information collected during construction. Design phase credits under LEED®-NC include all Water Efficiency credits, most Sustainable Sites and Energy & Atmosphere credits, and approximately 40% of Indoor Environmental Quality credits.

The two-phase application process affords project teams the opportunity to assess the likelihood of credit achievements, correct any deficiencies or modify the targeted credits before a

point in construction is reached that could jeopardize achieving the desired rating or significantly increase the cost of doing so.

### 6. Do Not Rely on Industry Standard Forms of Agreement

With one exception, none of the major industry organizations have added specific agreements for the design or construction of green buildings to their current library of contract forms. Although the American Institute of Architects has created Form B214 as an addendum to its standard Owner-Architect Agreement, the form only scratches the surface of the A/E's role and its ramifications and in no way addresses the responsibilities of contractors, subcontractors, or suppliers.

Therefore, owners either must develop proprietary forms of agreement or significantly modify the standard industry forms to properly address and allocate the many unique elements of scope and risk associated with green projects. Paragraphs A and B, below, offer suggestions with respect to some of the green issues that typically arise in design and construction agreements, respectively.

#### A. The A/E Contract. The A/E's Scope Should Include:

- informing the owner about the LEED® rating system and its available options;
- recommending designs and alternatives that are consistent with the owner's approved LEED®-related objectives, program and applicable law;
- collaborating with the CxA and contractors to arrive at a plan targeting LEED® credits and strategies for achieving them;
- including LEED® points in excess of the number required to achieve the desired LEED® rating;
- preparing the OPR and BOD;
- scheduling design services to utilize the USGBC's two-phase application process;
- providing services required to appeal the denial of any claimed credit;
- referencing LEED® requirements in Division 1 of the specifications, in the applicable technical division and on the plans;
- managing the collection and submittal of required LEED® information;
- using commercially reasonable efforts to prevent "green washing"—i.e., the practice of some product manufacturers to make inaccurate claims about the "green-ness" or performance of their products; and
- denying certification of payment to a contractor that is not in compliance with its LEED®-related obligations.

#### With Respect to Liability and Remedies, the Owner Should Consider:

- re-defining the standard of care to include A/Es experienced in the design and administration of LEED® projects;
- withholding retainage from A/E's fees and releasing it upon a successful design phase review and eventual certification of the project; and
- either (i) establishing an amount of liquidated damages if the consequences of a denial of certification would be difficult to determine; or (ii) making the financial consequences of a denial of certification

recoverable for a breach; or (iii) leaving remedy options open by not waiving consequential damages.

#### B. The Construction Contract. The Contractor's Scope Should Include:

- recruiting subcontractors and suppliers with validated experience and skills in green construction, and avoiding bids that contain unjustified green premiums;
- recommending appropriate modifications to the drawings, specifications, and subcontractor bid documents to facilitate compliance with the targeted credits;
- compliance with the requirements of the targeted credits which depend upon the contractors' performance;
- implementing a system for submitting the required LEED® information; and
- training operating personnel in utilization of systems and equipment.

#### With respect to liability and remedies, the owner should consider:

- making submittal of LEED® information a condition precedent to payment;
- re-defining substantial completion to include successful commissioning;
- holding the contractor accountable for remediation resulting from unauthorized substitutions, changes, or "value engineering" that prevent a project from achieving its desired level of LEED® certification;
- releasing final payment in installments: for example, half upon final completion and the balance upon certification of the project; and
- establishing an amount of liquidated damages (or not) under similar circumstances as set forth above for the A/E.

### 7. Consider Integrated Project Delivery

Owner frustration over project delays and cost overruns as a result of poor communication, upfront planning, and problem solving between designers and contractors has led to the development of a new model for the design and construction of buildings—Integrated Project Delivery. According to AIA's California Council, Integrated Project Delivery utilizes "highly collaborative, cross functional teams composed of all project lifecycle stakeholders including the owner, architect, general contractor, engineers, suppliers and security." The Council identifies assembling the project team early in the process, providing all team members with open and equal access to information, and ensuring that all team members share equally in the risks and rewards of the project as keys to IPD success.

A comprehensive look at IPD is beyond the scope of this article. However, the congruity between what is required for a successful green project and the purposes and strategies underlying IPD are apparent. For complex projects, IPD's project-centric approach may represent the best means to the intended green ending. The AIA California Council's

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"Integrated Project Delivery Frequently Asked Questions" (August 2006) provides an excellent primer on IPD.

### 8. Purchase Property Insurance that Covers Losses Associated with Green Buildings

Traditional insurance products may fall short of providing adequate coverage for the combination of requirements and specialized materials and systems used in green buildings. In a June, 2008 survey, "*The Green Built Environment in the United States: The State of the Insurance Marketplace*," Marsh identified several property insurers that already had introduced green endorsements to their standard property forms or specific insurance policies for LEED® certified buildings. Programs include, for example, coverage for non-toxic, low odor paints and carpeting; interior lighting systems that meet LEED standards; water-efficient plumbing; Energy Star qualified roof and insulation materials; and the additional cost of having a building certified.

According to Marsh, green enhancements to builder's risk policies are of even more recent vintage. Marsh notes, however, that builder's risk coverage varies by market so that a conducting a policy form comparison is required.

#### Conclusion

Where it is not already a condition for occupancy or other incentives, LEED® certification is fast becoming the standard against which a building's commercial value is judged in the marketplace. Given the stakes, it is essential for owners, developers and investors to understand what LEED® requires, to coordinate their programs and goals with those requirements, and to appreciate and address both in the field and in the contract documents the peculiar risks and challenges of constructing green buildings to achieve LEED® certification. While the requirements and risks may be novel for now, the tools for managing these risks are the same as for conventional projects: clear goals and expectations, careful, upfront planning, and an appropriately skilled and experienced project team with a track record for attention to quality service and workmanship. **B**



**Leonard S. Goodman**, LEED®-AP, is a partner with Venable LLP. Recognizing the growing impact of sustainable building practices and laws mandating "green" development, he earned certification as a LEED®—Accredited Professional from the United States Green Building Council in March 2009—one of less than 200 legal professionals at the time to have earned this distinction. He can be reached at [lsgoodman@Venable.com](mailto:lsgoodman@Venable.com) or 202.344.4469



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## Member Projects



Tripp family home, Hyattsville, Md.

Recently an army of volunteers were able to tear down the Tripp Family's 900 square-foot Hyattsville, MD home and replace it with a 2,800 square foot energy-efficient home as part of **ABC's Extreme Makeover Home Edition. Froehling & Robertson, Inc. (F&R)** was proud to be involved in this tremendous pro bono effort by providing needed geotechnical drilling services. Specifically, F&R's work aided in the foundation design efforts and the securing of required building permits. Due to the compressed nature of the project (the old house had to be demolished and the new house built in a week), F&R's drill crew needed to be onsite and working within 48 hours after the initial call. Because F&R owns its own fleet of drill rigs, they had no problem making this commitment and providing the time sensitive services that this project demanded. F&R's field data helped the design team identify subgrade issues critical for design of the new home's foundation. In the past, the Tripps' home had experienced basement flooding, and the foundation needed to be designed carefully in order to address the causal issues. The episode featuring the Tripp family home aired on Sunday, February 14.

**Frost Miller Group** is set to unveil a new marketing communications campaign for long time client, **Donohoe Real Estate Services**. The goal of the campaign is to strengthen the firm's position in the Washington, DC commercial real estate market.

Frost Miller Group's strategy includes increasing Donohoe Real Estate Services' visibility among local landlords, tenants and property managers and highlighting its success separate from its parent company. Initially, the campaign utilizes public relations, advertising and direct mail tactics, but will take advantage of more electronic and social media tactics in the future. Frost Miller Group is providing strategic planning, graphic design, copywriting, public relations, advertising, and media planning and placement for Donohoe Real Estate Services. It works with many clients in the commercial construction industry and has worked with Donohoe on several marketing projects in the past.

**Grunley Construction Company, Inc.** is pleased to announce that its work on the U.S. General Services Administration's (GSA) renovation of **Building One** on the consolidated White Oak, MD campus of the U.S. Food and Drug Administration (FDA) has earned a U.S.

Green Building Council's LEED® NC 2.0 Gold certification. GSA's team of Tishman Construction Corporation of Maryland, architects/engineers Kling-Stubbins in association with RTKL, and Grunley exceeded the project's goal of Silver and attained the higher Gold standard. The renovation of this 100,000 square-foot structure included saving the core, shell and finishes in the major spaces and vertical circulation and significant reuse of building elements and components such as the reuse of the exterior brick and limestone walls and salvage and re-use of the existing monumental stairs in a new location. The existing single pane windows were replaced with insulated, low-E glass units encased in 100% recycled steel frames. Also, Building One is now connected to a campus operation plant that is designed to save energy by recycling energy from one component of the system to another. During the project, Grunley monitored all subcontractors' use of low VOC materials which had been specified throughout the building including paint, sealants, adhesives and carpet. Grunley acquired extra LEED points by diverting over 82% of onsite generated construction waste from landfills and using over 22% of total building materials that were manufactured using recycled materials.

**HITT Contracting Inc. (HITT)** has been awarded a contract for the design and construction of a new **Tier III Data Center** to be located at the Denver Federal Center in Lakewood, CO. The team, led by HITT, includes Wisniewski Blair & Associates for

Architecture; KTA Group for Mechanical, Electrical, and Plumbing Engineering; Woods Peacock for Structural Engineering; Kimley-Horn and Associates for Civil Engineering; and Schmid & Associates for Fire Protection Engineering. The facility comprises roughly 110,000 square feet on an 11-acre site, consisting of two stories with a mechanical basement. Designed to meet Tier III requirements, as rated by the Uptime Institute Tier Level Classification System, the building will contain redundancy for failure and maintenance and will employ the Performance Optimized Datacenter (POD) concept.

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## Member Projects

Design will begin in March 2010 with construction scheduled to be completed by October 2011. This project is funded by the FY2009 American Recovery and Reinvestment Act, and is recognized under the prestigious GSA Design and Construction Excellence Program.

The **American Pharmacists Association (APhA)** has achieved the U.S. Green Building Council's LEED® Gold certification for the core and shell of its new headquarters building, which was constructed by **Tishman Construction Corporation of DC (TCC-DC)**. Known for effectively managing the complexities of construction, TCC-DC successfully renovated the existing 17,000 square-foot Pope Building, a historic landmark located on the National Mall. TCC-DC also demolished an existing annex and then constructed a new, 10-story, 353,000-square-foot addition. The two buildings serve as APhA's national headquarters. Throughout construction, TCC-DC worked in concert with APhA and with Hartman-Cox Architects to identify design opportunities pertaining to the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) standards. As part of its normal operating procedure, TCC-DC completed building demolition operations, environmental remediation, open-cut excavations, rock removal, and construction operations while minimizing impact to pedestrians and the surrounding environment. Nearly one year after construction began, APhA decided to pursue LEED Silver certification from the USGBC. Collaborating with Hartman-Cox and GreenShape, LLC, TCC-DC quickly discovered that Gold-level points could be achieved through construction documentation without significant alteration, or additional cost to the project. Exceeding expectations, the project team successfully earned all 36 points that were attempted, achieving the coveted Gold certification from the USGBC in January 2010. TCC-DC assured air quality for construction workers and future building tenants by designing and implementing a comprehensive Construction Indoor Air Quality (IAQ) Management Plan. TCC-DC also managed the analysis process for points associated with the use of recycled content and local/regional materials. **B**



*Exterior and interior, American Pharmacists Association, Washington, D.C.*

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FDA Building One  
Kirk Stubbins in association with RTKL

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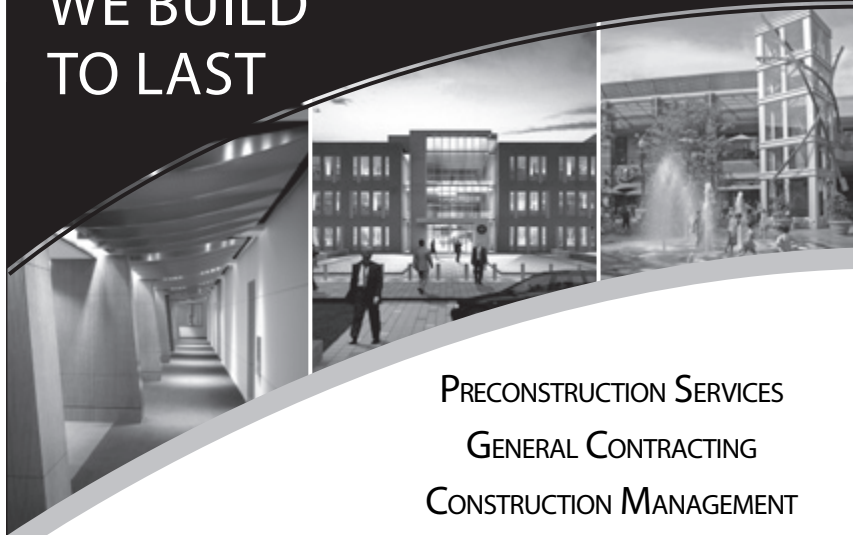
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# WBC Calendar & Advertising Information

## Events Calendar

<p><b>April</b></p> <ul style="list-style-type: none"> <li>• <b>April 7</b>, 8:15–10:00 a.m. Small Business Seminar III, Duane Morris LLC Office</li> <li>• <b>April 14</b>, 5:30–7:30 p.m. Hammerheads Networking Event Buffalo Billiards, Washington, D.C.</li> <li>• <b>April 15</b>, 3:00 – 4:30 p.m. Regional Development Committee Meeting, WBC Office</li> <li>• <b>April 20</b>, 9:30 – 10:45 a.m. Marketing and Communications Committee Meeting, WBC Office</li> </ul>	<p><b>April / May</b></p> <ul style="list-style-type: none"> <li>• <b>April 28</b>, 4:00 – 6:00 p.m. Board of Directors Meeting #4, WBC Office</li> <li>• <b>May 18</b>, 9:30 – 10:45 a.m. Marketing and Communications Committee Meeting, WBC Office</li> <li>• <b>May 19</b>, 5:30 – 7:30 p.m. Spring Networking Event Cactus Cantina, Washington, D.C.</li> <li>• <b>May 20</b>, 3:00 – 4:30 p.m. Regional Development Committee Meeting, WBC Office</li> </ul>	<p><b>June</b></p> <ul style="list-style-type: none"> <li>• <b>June 14</b> Summer Golf Outting, Landsdowne and Belmont Golf Clubs</li> <li>• <b>June 15</b>, 9:30 – 10:45 a.m. Marketing and Communications Committee Meeting, WBC Office</li> <li>• <b>June 17</b>, 3:00 – 4:30 p.m. Regional Development Committee Meeting, WBC Office</li> <li>• <b>June 23</b>, 4:00 – 6:00 p.m. Board of Directors Meeting #5, WBC Office</li> </ul>
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## 2010 Editorial Calendar

The **Bulletin** covers issues of importance to the building industry, news about WBC members and information about upcoming events. The topics listed below will be covered as feature articles in upcoming issues of the **Bulletin**. Persons interested in contributing information or advertising should contact WBC before the third week of the month preceding the issue. To place an ad, submit material or for more information call **(202) 293-5922**.

<p><b>January</b> Member Charitable Giving</p> <p><b>February</b> Effective Urban Planning</p> <p><b>March</b> Green Building</p>	<p><b>April</b> 54th Annual Craftsmanship Awards</p> <p><b>May/June</b> Industry Legal Issues</p>	<p><b>July/August</b> Rebuilding Together</p> <p><b>September</b> Economic Update and Outlook</p>	<p><b>October</b> TBD</p> <p><b>November</b> TBD</p>
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## Ad Rates

	1 time	5 times	10 times		1 time	5 times	10 times
<b>Member Rates:</b>				<b>Non-member Rates:</b>			
<b>Black and White</b>							
1/6 horizontal or 1/6 vertical	\$155	\$130	\$110	1/6 horizontal or 1/6 vertical	\$210	\$176	\$149
1/3 vertical or square	\$230	\$190	\$150	1/3 vertical or square	\$311	\$257	\$203
1/2 horizontal or vertical	\$430	\$350	\$290	1/2 horizontal or vertical	\$581	\$473	\$392
Full-page	\$630	\$510	\$410	Full-page	\$851	\$689	\$554
<b>Color</b>							
Inside Front Cover	\$730	\$590	\$480	Inside Front Cover	\$986	\$797	\$648
Inside Back Cover	\$730	\$590	\$480	Inside Back Cover	\$986	\$797	\$648
Back Cover	\$830	\$670	\$540	Back Cover	\$1,121	\$905	\$729

Magazine trim size: 8.5" w x 11" h | Live area: 8.375" w x 10.875" h

## Ad Sizes

1/6 horizontal	4.43" w x 2" h
1/6 vertical	2.1" w x 4.2" h
1/3 square	4.43" w x 4.2" h
1/3 vertical	2.1" w x 8.6" h
1/2 horizontal	6.75" w x 4.2" h
1/2 vertical	4.43" w x 6.38" h
Back Cover	8.0" w x 7.5" h
Full-page	8.25" w x 10.75" h
Full-page + bleed	8.5" w x 11" h +1.25" bleed



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