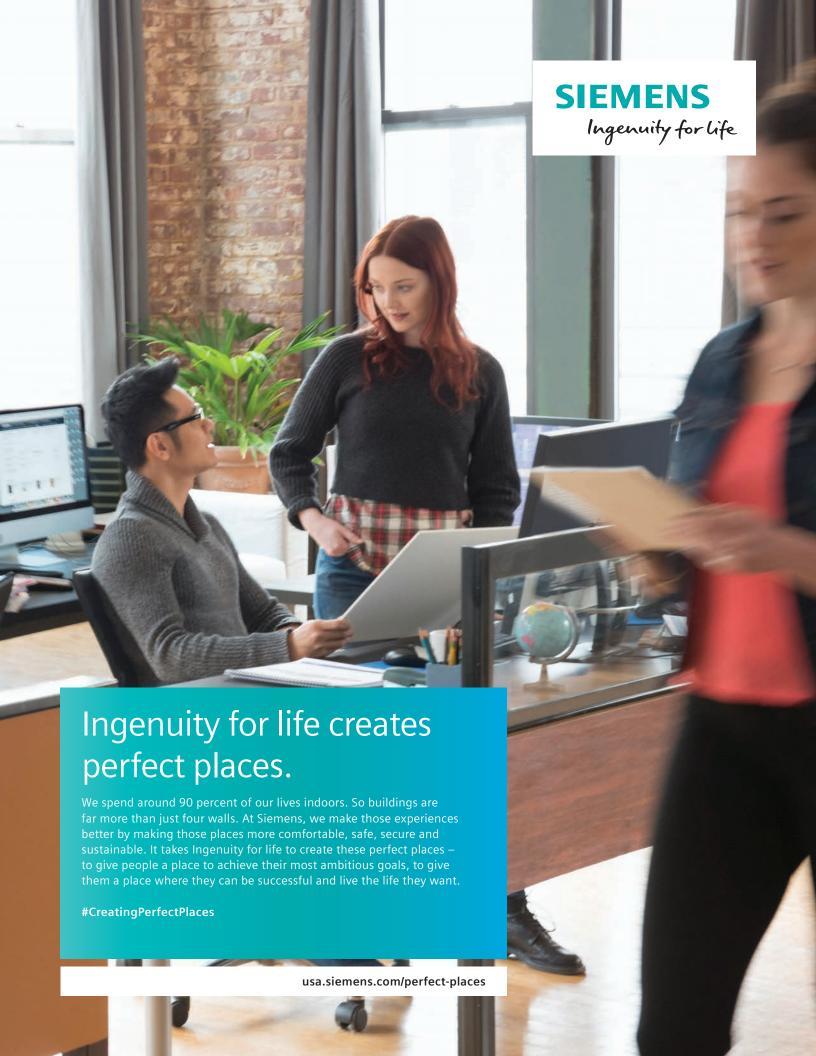
IN THIS ISSUE: Trail Blazing Women in Construction page 4





hairman's letter



WBC Corporate Sponsor



CHAIRMAN OF THE BOARD Chuck Claar, R.W. Murray Co.

CHAIRMAN-FLECT

Bob Freas, Exponent 1ST VICE CHAIRMAN

Greg Koger, Holland & Knight

2ND VICE CHAIRMAN

Mike Holland, Boston Properties

3RD VICE CHAIRMAN

Christine Heffernan, Novel Communications

Rob Wenger, WCS Construction

TREASURER SECRETARY

Melissa Nelson, Carrier

IMMEDIATE PAST CHAIRMAN

Emerson Teer, DPR Construction

DIRECTORS

Karen Cotton, HITT Contracting

Reggie Jones, Fox Rothschild

Greg LaRosa, Dynalectric Company

Kelly McGuire. Canyon Contracting

Jared Oldroyd, Clark Construction Group

Layli Pietri, Balfour Beatty

Dave Singleton, Singleton Electric Company

David Stocks Jr., Stocks Management Group

Bill Voigt, Siemens Industry

Mike Wilson, Carr Companies

PRESIDENT & CEO Steven J. Kenton

ASSOCIATE DIRECTOR Rita F. Reis

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

Bulletin is published 6 times a year by Washington Building Congress, Inc. The articles in this publication are the opinions of the authors and do not necessarily represent or reflect the policies or opinions of Washington Building Congress. Copyright 2021. All rights reserved.



1100 Vermont Avenue, NW, Suite 700, Washington, DC 20005











lease take some time to flip through this annual WBC Bulletin Innovation & Technology edition featuring several informative pieces provided by Innovation Committee members. The group is headed by Chair Don Zeiders (Shapiro & Duncan), Vice Chair Justin Couch (Stromberg Metal Works) and Board Liaison Bill Voigt (Siemens Industry). Thank you for pulling together another great collection of relevant articles. April. You are welcome to join us or invite others to attend one or both of these informative sessions.

The WBC is moving forward with an exceptional series of live events over the next several months. In person Craftsmanship Awards judging and the St. Patrick's networking were held on March 24. We currently have upcoming on the calendar a WBC Developer Panel March 31, new member orientation April 27, Rebuilding Together Workday April 30, Spring Networking May 5, DC United game June 7, and WBC Golf Outing June 13. I'm excited to announce that we will be going back to the full 432 tournament field this year on three courses at Lansdowne and Belmont.

I would like to once again recognize the WBC Diversity Task Force, Chair David Osei (Redbrick), Vice Chair Keven Lugo (DPR Construction), and Board Liaisons Reggie Jones (Fox Rothschild) and Layli Pietri (Balfour Beatty Construction) for their outstanding work on addressing diversity, equity and inclusion in our industry. The group organized the successful Trail Blazing Women in Construction event on March 8 in conjunction with the new National Association of Women in Construction (NAWIC) NOVA chapter. Thank you to Balfour Beatty Construction for hosting at their office. The Task Force will be announcing their next event soon.

The Program and Education Committee has been busy planning an ongoing series of in person and virtual programs. I am pleased to report that WBC will be holding our first evening program and reception in two years on March 31 at the Archer Hotel in Tysons. The popular Developer Panel event will feature an interactive discussion with five prominent real estate professionals in our region. I would like to recognize the committee members, Chair Larry Prosen (Cozen O'Connor), Vice-Chair Adam Lackey (Exponent) and Board Liaison Greg LaRosa (Dynalectric Company), for keeping the WBC moving forward.

The WBC Craftsmanship Awards banquet is going back to a live format this year! We received 198 outstanding nominations and in person judging was conducted on March 24, followed by virtual judging on March 25. The Craftsmanship Awards banquet is now officially confirmed for June 3 at the Omni Shoreham Hotel in The District. Please be on the lookout for announcement of event sponsorship opportunities coming soon. Thank you to the Craftsmanship Awards Committee, Chair Lynn Maia (ZBeta Consulting), Vice-Chair Erik Kaniecki (CBG Building Company) and Board Liaison Dave Singleton (Singleton Electric).

The Community Services Committee is planning for the return of the Rebuilding Together Workday on April 30. This year's team is being led by House Captain Juliane Medd (Consigli Construction) and her team of volunteers. The group will be reaching out to members seeking donations of labor, materials and dollars. Special recognition goes to the committee, Chair Vanessa Carrion (Stream Realty), Vice Chair Andrew Tomlinson (G&M Services) and Board Liaison David Stocks Jr. (Stocks Management Group).

The Hammerheads Committee hosted a great sold out networking event at Pinstripes on March 10. The group is working on the June 7 DC United game outing that will be open to all members. Registration will be announced soon and limited to 100-125 people. Thank you to the dedicated committee members, Chair Stacy Lee (Forrester Construction), Vice Chair Troy Cornell (Aronson) and Board Liaison Karen Cotton (HITT Contracting).

I look forward to seeing you at WBC program or event soon. Thank you for your ongoing support.

Best regards,



Chuck Claar, WBC Chairman of the Board



March 8, 2022

In recognition of Women in Construction Week, the WBC DE+I Task Force collaborated with the new NOVA Chapter of the National Association of Women in Construction (NAWIC) to promote our trail blazing women. This interactive presentation provided a fun and engaging conversation surrounding diversity, equity, inclusion, champion stories and the importance of allyship in our industry.

Thank you to event host Balfour Beatty Construction







whiting-turner.com



www.amdrywall.com

International Brotherhood of Electrical Workers

LOCAL UNION 26



In a rapidly changing world, we train America's electrical workforce with the latest technology and safety in order to help ensure that our business partners meet the expectation of the electrical construction industry.





Building businesses and communities through a trusted partnership.



Electrical workers serving Maryland, Virginia, and Washington, DC, for 130 years.



You want a rock-solid legal team.

Based primarily in Washington, DC, Fox Rothschild's national Federal Government Contracts Practice is built to serve the full range of contractors' needs, from strategic regulatory advice, claims & dispute resolution, compliance & internal investigations, employment counsel to mergers & acquisitions.

Experienced. Innovative. Focused.

We provide a strong foundation so you can build your business.



950 attorneys nationwide

Reggie Jones

Chair, Federal Government Contracts Practice 202.461.3111 | rjones@foxrothschild.com

ndustry Report

Therrien Waddell Partners with The GreenBench Companies

Therrien Waddell and The GreenBench Companies are proud to announce a new partnership whereby GreenBench has acquired a minority interest in Therrien Waddell. The companies will remain separate and will continue to operate independently. Current service offerings and active contracts will remain unchanged.

This partnership enables both firms to broaden their perspectives and understanding of the construction industry's issues with a coordinated focus on the adoption of best practices in the areas of leadership and training, communication, risk identification and mitigation, and the integration of technology.

Leveraging their collective expertise allows each firm to improve their overall service offerings, deliver a strong client experience, and, in the right circumstances, offer a comprehensive client journey from development and planning through construction and closeout activities.

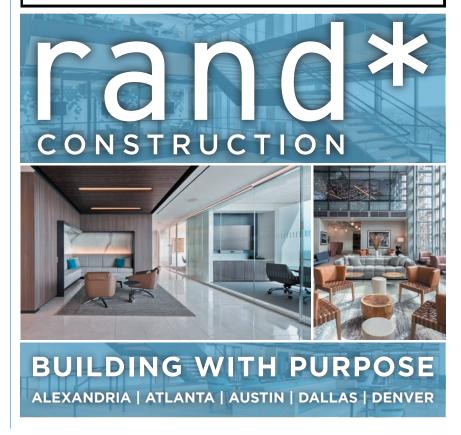
"This partnership is a natural extension of our 15-year relationship with the leadership of GreenBench," says Matt Maynard, Therrien Waddell's Principal. "We look forward to the opportunities ahead." While each firm will continue to offer competitive services individually, the two teams can now offer a broader and more robust list of services in those situations when they are working together.

"Relationships are at the core of everything we do, and in that way, GreenBench and Therrien Waddell have always been aligned," recalls Principal Dave Wagner of The GreenBench Companies. "We believe this partnership will make GreenBench better, which will serve to strengthen our relationships with our clients and other general contractors on future projects."





www.singletonelectric.com



^Industry Report

Consigli Strengthens Leadership at Washington DC Office

Consigli Construction Co., Inc. announced three new additions to the Washington DC office to strengthen the company's resources in the region. Chad Adams (Project Executive), Juliane Medd (Project Development), and Nicholas Albright (Senior Project Manager) bring a combined 50 years of construction management experience to support the company's continued growth in DC.

Chad Adams has 27 years of experience in construction management, leading complex projects in healthcare, higher education, K-12, and multifamily residential. Adams will lead the \$42-million renovation of historic MacDonough Hall at the United States Naval Academy, which includes the replacement of a 157,000-gallon training pool that prepares midshipmen to become professional Navy and Marine Corp officers. In his role, he will also be responsible for project pursuits to expand our academic, healthcare, and life science portfolios, as well as team management and delivery of projects from pre-construction to closeout.

Juliane Medd brings more than 14 years of experience in the Maryland, DC, and Virginia markets to Consigli. She has a strong background in highend residential landscape, property design, and civil construction. In her new role, Medd will focus on growth and development in the region and will foster new client relationships. She is heavily involved with the American Subcontractors Association (ASA), National Association of Women in Construction (NAWIC), and Associated Builders and Contractors of Metro Washington (ABC), where she serves as the committee chair for the ABC Young Professionals Group.

Nicholas Albright has spent more than a decade working on major restoration projects for some of Washington DC's treasured institutions, including the Smithsonian, National Park Service









and the Pentagon. Albright's work was recognized three times with a Washington Contractor Award (2017, 2020, 2021). He holds certifications from the Construction Quality Management for Contractors and the U.S. Army Corps of Engineers. In his new role, Albright will ensure each phase of the project he is tasked with is moving in a positive direction.

Press Mechanical Launches New Website

Press Mechanical just announced the launch of their website. Press Mechanical Contractors provides simple solutions for complex commercial mechanical projects. Based in Manassas, the firm is licensed and specializes in the HVAC and plumbing of new construction, renovations, and preventative maintenance services in the DC metropolitan region. Their impressive portfolio consists of banks, educational institutions, fire stations, fitness facilities, grocery stores, hospitality, multi-family, office and tenant construction, restaurants, retail, senior living, shopping centers and theatres. Learn more by visiting: https://pressmechanical.com/.



at reis@wbcnet.org



Electrical Companies

Comprehensive Electrical Construction & Service Proudly Serving DC, MD and VA for 37 years





Commercial Government **Industrial Data Centers** Healthcare **Educational Facilities**

Toll Free: 866-863-7272

www.freestateelectric.com

Member of THE ELECTRICAL ALLIANCE

A Powerful Advantage







Attorneys at Law www.cohenseglias.com

PENNSYLVANIA NEW JERSEY NEW YORK DELAWARE WASHINGTON, DC KENTUCKY



ustaining the Future of Indoor Vertical Farming

By Jon StefkovichWBC Innovation Committee
Schneider Electric



hile indoor agriculture has steadily gained traction in recent years as the world seeks alternative ways to feed growing populations, the uncertainty of today's global pandemic has accelerated a rethinking of the way we obtain our food. In the last few months, supply chains experienced volatility like never before. It wasn't long before we started to see the impact beyond medical gear and personal protective equipment and began to affect food production. According to the Institute of Supply Chain Management, 75% of companies reported some kind of supply chain disruption due to COVID-19.

Indoor vertical farming is emerging as an alternative to conventional farming because it both requires lower land use and introduces the opportunity to bring agricultural production closer to consumers

which shortens supply chains and increases footprint productivity. This is especially important during times of turmoil, which is broader than the current pandemic as weather events and changing climate patterns continue to put constant strain on traditional farming practices.

In addition to shortening supply chains, indoor farming has many other advantages in comparison to traditional agriculture such as using zero pesticides, employing 95% less water and reducing food waste. Health benefits also include fresher food, increased urban availability and pollution reduction.

Despite the major advantages, there is one looming barrier to mainstream adoption: the process is very energy intensive.

Solving for the Energy **Intensity Problem**

Vertical farming presents a unique opportunity to grow food on already developed land and increase domestic food production, but the energy demand required to power these facilities is much higher than other methods of food production. In fact, we've identified indoor agriculture as one of the four major drivers that will increase electricity consumption in the next decade, along with electric vehicles, data centers and the electrification of heat. This is why more of today's modern farming companies are turning to microgrids as a possible solution to ease their energy challenges.

Although most of today's facilities are not equipped to meet the electricity needs of an indoor agriculture operation, microgrids can provide dynamic energy management and the resources required to support maximum productivity, sustainability and energy efficiency. They can provide localized power generation and utilize renewable distributed energy resources to help deliver power and reach clean energy goals, while also allowing users more control and reliability. Additionally, microgrids can capture and repurpose CO2 emissions to help in crop production.

Moreover, microgrids provide resilience from unexpected outages that could result in a loss in production. A key advantage of vertical farms is their ability to allow crops to grow year-round, and communities rely on their ability to deliver on this promise. Microgrids not only have several clean energy benefits, but they also increase business continuity that maximizes output. Given their ability to operate either in conjunction with or as an island from the utility grid, they can keep the farm producing even when the grid goes down.



Case for Investment: Securing an Affordable Solution

Building and operating a vertical farm requires various technologies that can translate to high startup cost and design complex processes. At the same time, it is more expensive to maintain a vertical farming operation than traditional field farming. Microgrids offer a compelling value proposition, but they're inherently complex machines, and not many companies have the upfront capital or in-house expertise needed to make the investment. Fortunately, innovative business models such as energy-as-a-service (EaaS) help provide price certainty and make the investment attainable.

For example, Bowery Farming created a facility where crop production is 100 times more efficient than traditional farmland. This generated a greater need for reliable, efficient power. The company decided to integrate a hybrid microgrid system that features a rooftop solar array, natural gas generator and a lithium-ion battery energy storage system through an EaaS business model. Through EaaS, Bowery Farming saved upfront capital that can be used toward additional operational investments.

By 2050, the world's population is expected to grow by another two billion people, and feeding it will be a major challenge. According to the projections of the Food and Agriculture Organization, overall food production must increase by 70% by this timeline. Coupled with new concerns that have surfaced as a result of today's global pandemic and unstable weather, vertical farming will play a key role in future food production. Institutions will take notice. However, the technology that will help ease some of the industry's ongoing energy challenges will be just as important to aid the transition.

TECHNOLOGY+ INNOVATION

C

onstruction Progress Documentation

by Jack Kwait-Blank Coakley & Williams Construction In 2003, I was an intern working on a project at the University of Maryland Health Center. One of my tasks was to do photo documentation of the project. With my trusty Sony Mavica camera and 3.5" floppy disc, I captured nearly 18 photos a session that I would painstakingly "map" to the project drawings with hand-drawn numbers on a page. The original digital files got dumped on my trusty tan-colored laptop with descriptive filenames like DSC00060 and live in a folder aptly named "Pictures."

We'd then wipe the disc because it was most likely full. And heaven forbid, we miss an opportunity for a photo at spot 11, which was right at the corner facing away from the Mall. Once a month, we'd select the finest of my photographic endeavors (generally the last round to show the most progress) and print them at Kinko's to be handed to the owner as part of a booklet that they'd proudly keep on their desks.

Looking back at this quaint time-suck, it's hard to believe that this was considered cutting edge. We blew past a world of Polaroids. We no longer waited in line at the one-hour photo developing at the grocery store. We were so cool.

Nearly 20 years later, every project site has more photographic and connectivity horsepower at their disposal than we could ever imagine. With camera tools from companies like OxBlue, MultiVista, Earth-Cam, and Rhombus, we have a connected "eye in the sky" providing real-time streaming video, automated time-lapse videos, as well as capacity for smart security, vehicle recognition, and facial recognition. Drone usage is now commonplace with tools like DroneDeploy, PrecisionHawk, and PropellerAero that have the capabilities to provide repeatable site photographs and videos as well as provide survey and earthwork cut/fill information.

In our pockets, we have the capacity to unstoppably take thousands and thousands of photos. With tools like Procore, we can effortlessly create tags for our photos like it's Instagram. Days, weeks, months, or even years later, we can sort and filter photos searching for specific words, trades, or locations on a project. Areas of interest can have photos pinned and easily be turned into RFIs, daily log items, or observations. With

minimal effort, you can even make nifty photo albums (without a trip to Kinko's).

The emergence of affordable prosumer grade 360 photography has opened the market for project teams to walk the job in a near-casual manner and absorb a surround view of the project. Immersive photographs and videos instantly map every location and then sync back to their cloud servers for a virtual walkthrough that gives not only provides a before and after view of progress that's tied to the calendar, but also a connection to the project's model. With tools like OpenSpace or StructionSite, the capacity to compare project progress to what the design intended provides a shift in the simplicity of progress tracking.

Emerging tools like Disperse have the capacity to analyze work in place with photography, review the schedule and the model, and determine schedule and quality performance as well as areas for improvement, additional manpower, or quality control deficiencies. Before we would reference the model during coordination and if there was an installation problem. Now project teams can identify if work is installed appropriately from virtually anywhere. Continued advancements in 360 imaging and LIDAR technology that lives in phones will only serve to expand the capacity, usage, and expectations of these technologies.

The intern version of myself from 20 years ago would be happy to know that time wasted in documentation inefficiencies can be replaced with artfully constructing virtual reality environments, running clash detections, intelligently planning manpower needs, or taking a much earned coffee break.







our Insights: George Mason University Arlington Innovation Pilot Space

By Henry KoWBC Innovation Committee
Siemens Industry, Inc.



n February, the WBC Innovation Committee was fortunate to get an inside look at the new innovation pilot space at the George Mason University (GMU) Arlington campus. Located in Vernon Smith Hall, this newly opened space is a fully functional vision and testbed of how the new Institute for Digital InnovAtion (IDIA) development will be utilized.

Construction of the new IDIA building has already been underway starting with demolition last year of the previous building that was formerly a Kann's Department Store off North Fairfax Drive. The project timeline calls for the building to be complete by 2025 with GMU moving in by spring or summer of that year. GMU's IDIA will be solely focused on digital innovation with graduate programs in computer science, computer engineering, and software engineering, to support the immense upcoming and current needs of

tech talent in the area. In preparation to make the most of the new IDIA space, GMU required a pilot space to test out different concepts to implement in their new research space.

Innovating For The Future and **Future Needs**

In the core of the pilot space is a large open lab area currently set up with multiple testbeds for research in 5G performance & vulnerabilities, Internet of Things (IoT), smart manufacturing, power grid, building automation systems, and autonomous vehicles.



Although these areas of technology and research are

prevalent today, they may not be in a few years. With that in mind, GMU wanted to have a lab space that is flexible enough for them to repurpose for different types of research as technology evolves. Some design concepts that they deployed in the pilot space to accommodate this were:

- An open ceiling with 120V power available throughout the space and retractable cords that can drop down
- Simple polished concrete floors that are resistant to scratches and can take abuse from movement of equipment
- Modular and mobile furniture and workstations

To help with this effort, the entire open lab space was also outfitted with EnlightedTM IoT smart sensors throughout the ceiling. This digital grid allows them to collect and monitor space occupancy and utilization data, which will help GMU understand how different parts of the lab space are being utilized and help them repurpose space as necessary to maximize

utilization. At the same time, researchers can study the IoT technology and platform for cybersecurity purposes.

The pilot space also features a classroom that is representative of their modern classrooms and what they will be like in IDIA as well. The classroom has a simple layout that promotes collaboration and teamwork. There are no individual desks, only round tables, each with an accessible large screen TV and white board space. Connectivity to screens is all wireless, making it easy for anyone in the classroom to seamlessly share their content. The entire classroom is also virtual friendly with webcams, microphones, and speakers equipped.



Collisions between Industry, Research and Education

The new IDIA development will encompass 350,000 square feet. About a third of that space will be dedicated to tenants in the technology and innovation realm. GMU will also occupy close to a third of the space with labs and classrooms. Unlike traditional mixed use developments where a higher education tenant is involved, the higher floors or prime spaces are not reserved for only industry tenants. Each floor in the building will have space dedicated to GMU and tenants to promote as many collisions as possible







between students, researchers, professionals, and entrepreneurs. Opportunities to collaborate between research, education, and business will be present on every floor instead of being limited to the lobby or elevator. To mimic and test this concept, the pilot space in Vernon Smith Hall also has flex office space available for lease. As of our tour in February, a few offices in the space were just about to have their leases finalized.

In the center of the pilot space is an open area with tables, various types of seating, and a kitchenette where all occupants and users of the space can network and have the opportunity to discover what others are working on. This open area is also outfitted with a large screen with wireless connectivity to allow for collaboration.

IDIA – Eye Opening Space for All

With the development of the new IDIA already in progress, the initial design goal is to achieve LEED Platinum with the long term goal of achieving Net Zero. The building will be equipped to be solar ready so that photovoltaic (PV) panels can be added after construction as budget allows. As funding becomes available, most of the rooftop will be covered with PV panels, and most of the front facade of the building will be covered as well making it a unique eye-catching feature. The front of the building facing Fairfax Drive happens to face south as well, making it ideal for PV generation. Some water reclamation design aspects will also be included to help with LEED Platinum achievement.

GMU's vision for this building is for it to be a welcoming public space where anyone can come to be inspired, take action, or just simply relax and observe in awe the innovations that human collaboration can incubate. Going through the main entrance of the building, it is planned to have a large open area with various seating accommodations and interactive digital



media. From this area, visitors and students can look directly into the lab spaces on the first floor to observe what researchers are working on.

An auditorium on the ground floor is planned that can open up to the main lobby so that events can be public or have larger audiences as desired.

After seeing and feeling the vision of IDIA come to life in the pilot space, it is exciting to see how our most creative and innovative minds can come together to continue to revolutionize our future in all aspects. This is especially true when all physical boundaries between students, researchers, and industry can be eliminated, and everyone is just seen as a fresh mind ready to tackle the next challenge.



2273 Research Boulevard | Suite 500 | Rockville, Maryland 20850 | (301) 926-9600













on't Let Price Escalation Hurt Your Bottom Line: How to Use Your Contract to Protect Your

Profitability

WBC Innovation Committee Cohen Seglias Pallas Greenhall & Furman PC

Over the past two years, escalating prices of materials, equipment and construction components have created huge challenges for all types of construction companies. According to *Construction Dive*, after the temporary shutdown of supply chains in 2020 due to the COVID-19 pandemic, increased demand created supply shortages that led to a 24% increase in material prices, the largest annual spike of input prices since the data collection began in 1987. In 2021, many products like steel pipe and tube, structural metal, and metal bar joists experienced a price increase of more than 50%. Softwood lumber prices *spiked almost 24%* in December alone. These price jumps have created a hoarding effect for many contractors who are over-ordering materials based on a fear of future delays and increased prices.

Over the past two years, escalating prices of materials, equipment and construction components have created huge challenges for all types of construction companies. According to Construction Dive, after the temporary shutdown of supply chains in 2020 due to the COVID-19 pandemic, increased demand created supply shortages that led to a 24% increase in material prices, the largest annual spike of input prices since the data collection began in 1987. In 2021, many products like steel pipe and tube, structural metal, and metal bar joists experienced a price increase of more than 50%. Softwood lumber prices spiked almost 24% in December alone. These price jumps have created a hoarding effect for many contractors who are over-ordering materials based on a fear of future delays and increased prices.

With rising inflation and uncertainty in the global supply chain due to the war in Ukraine, the recent supply chain volatility is expected to continue for the foreseeable future. Senior analysts with the Gartner Supply Chain practice expect severe shortages of hydrocarbon, critical minerals, metals, and energy, causing prices to spike due to shortages and hoarding, similar to price spikes due to COVID-19. Construction Dive adds that Russia is a major producer of aluminum and copper, which had already surged 33% and 25%, respectively, year-over-year in January. In addition, Dun & Bradstreet's new report notes that at least 374,000 businesses worldwide rely on Russian suppliers and at least 241,000 rely on Ukrainian suppliers, with over 90% of all of these businesses based in the U.S.

While it is difficult to estimate how much price escalation will occur and which materials will be most affected, experts agree that the conflict in Ukraine will further stress the already fragile global supply chains. Accordingly, prudent contractors and subcontractors can and should take certain steps in their contracts to protect their bottom line against such volatility and to avoid a potential dispute.

Future Contracts

One of the best tools a contractor has for addressing price escalation is an escalation clause. An escalation clause proactively contemplates changes in costs, fees and other payments. Contractors and subcontractors should attempt to include an escalation clause in all of their upstream contracts with owners or higher-tiered contractors. In doing so, there are several different types of clauses that can be used, each with its own advantages:

Standard pro-contractor clause: A standard clause will state that in the event of a significant price increase of materials or equipment during the performance of the contract through no fault of the contractor, the contractor is entitled to an equitable adjustment of the contract sum and time of completion, which will be handled through a change order. If desired by the parties, a "significant price increase" can be further defined as an increase in price of more than a certain percentage between the date of the contract and the date of purchasing the materials. Additionally, a contractor and owner may choose to split the escalation past a certain percentage.



Cozen O'Connor Construction Law Solid Results in an Uncertain Industry

Project Development | Project Counseling | Government Contracts Contract Preparation | Claim Negotiation | Litigation | Arbitration | Mediation

Stephen M. Seeger | sseeger@cozen.com Lawrence M. Prosen | Iprosen@cozen.com 775 attorneys 31 offices cozen.com



- Pro-owner clause that still allows for escalation: In addition to a standard escalation clause, an owner may choose to put additional requirements on permitting a contractor to recover for escalated prices. For example, an owner can state that to receive an escalation change order, the contractor must share with the owner a list of estimated costs for mate rials that may be subject to escalation before signing the initial agreement. Then, before purchasing any of those items on the list, the contractor must obtain at least three proposals or quotes from suppliers. If an escalation change order is issued, then the lowest must be chosen. An owner can also limit overhead and profit markups on the materials in which escalation is necessary. This type of provision puts stricter guidelines on the contractor and ensures that the owner is getting the best deal possible, but does not force the contractor to assume the entire burden of the price escalation.
- Price adjustment through an index: If the market price of an item can be readily determined through a public price index, parties may choose to include a formula in an escalation clause that references an index. The Virginia Department of Transportation, f or instance, maintains Price Adjustment Indices for asphalt and fuel, as do other states. For a project in Virginia with a major expenditure of asphalt and/or fuel, it may be feasible to include a provision that if the price reaches a certain threshold on the index, the owner will pay for the increased cost of materials.

For downstream contracts, owners and contractors who want to maximize their protection against price increases can include a "no escalation clause" in their contracts. Such a provision specifically disallows the contractor or subcontractor from receiving any additional money for increases in prices that may occur as the project progresses. While this may generate push-back, it may still serve as a good starting point for negotiations.



Existing Contracts

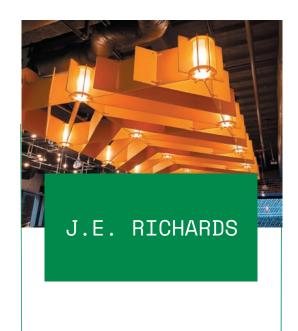
For contracts that have already been signed, there are still ways for contractors to protect themselves. Contractors should review their contracts to determine if there is a price escalation provision. They should also consider adding language to change orders and payment applications specifically stating that the contractor will not pay for materials or equipment affected by industry-wide price escalations. Although the contract may not specifically address price escalation, providing repeated notice that you will not pay for materials and equipment with escalating prices can give you the upper hand in subsequent negotiations or litigation, particularly if this language is not objected to during the project.

Conclusion

The volatility of markets worldwide is affecting almost all industries, and construction firms can expect these conditions to persist for some time. By following the guidance above, contractors can help protect themselves against paying exorbitant fees for materials as prices fluctuate. Contractors should engage legal counsel to discuss the best options for protecting themselves from future escalations.

Jackson Nichols is a partner at Cohen Seglias, where he advises general contractors, subcontractors, sureties, owners, and other construction industry businesses in navigating disputes that arise during projects. He helps clients navigate day-to-day legal and business issues, mitigating risk and working to resolve disputes. Jackson can be reached at jnichols@cohenseglias.com.

Associate Nicholas Morello drafts, analyzes and revises agreements essential for business transactions, advising clients on potential risks and ensuring compliance with state and federal regulations. He can be reached at nmorello@cohenseglias.com.



Electrical Contracting Design Build Fire & Life Safety



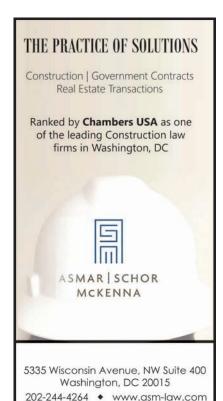
4600 HARGROVE DR., SUITE 100



LANHAM, MD 20706 301.345.1300 JERICHARDS.COM

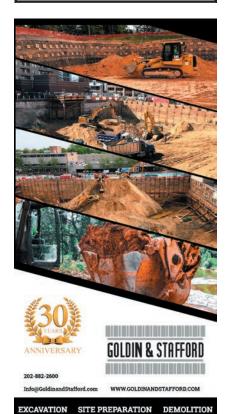














smootconstructiondc.com



2022 Annual Sponsors

CORPORATE SPONSOR



Fox Rothschild LLP Fox Rothschild LLP is home to a renowned group of attorneys focused on Federal Government Contracts. Based primarily in Washington DC, they are part of a national team of more than 80 construction lawyers known for their agility in problem solving. Fox attorneys are adept at providing guidance - from compliance advice to claims litigation - on federal construction contracts and large-scale, complex commercial and public projects. At Fox, we care about your success as much as you do.

STEEL SPONSORS







Ingenuity for life







ALUMINUM SPONSORS





RICHARDS











ELECTRICAL COMPANIES

Asmar, Schor & McKenna **Boston Properties** Clark Construction Group Coakley & Williams Construction Cohen Seglias Pallas Greenhall & Furman PC Cozen O'Connor **DPR Construction** Goldin and Stafford

Grunley Construction Company Hensel Phelps HITT Contracting Holland & Knight Limbach Company **Novel Communications** Peckar & Abramson PerLectric Ruppert Landscape

Singleton Electric Company Skanska USA Building Smith, Currie & Hancock LLP **Smoot Construction** Spiniello Companies Watt, Tieder Hoffar & Fitzgerald Wohlsen Construction

AGGREGATE SPONSOR

Bala Consulting Engineers Bretco, Inc. Forrester Construction

J. E. Dunn Construction Company **PCC Construction Components Preferred Capitol Cleaners**

Rosendin Electric, Inc. Shumate Engineering

lew Members

New Member Companies

ACV Enviro

1500 Rahway Avenue Avanel, NJ 07001 P: 717-938-4700

www.acvenviro.com REPRESENTATIVE: GARRETT HITZEL

The Berlin Steel Construction Company

796 Cromwell Park Drive, Suite T Glen Burnie. MD 21061 P: 443-749-5500 www.berlinsteel.com REPRESENTATIVE: CHRIS MORGRET

HGA

44 Canal Center Plaza, Suite 100 Alexandria, VA 22314-1551 P: 703-836-7766 www.hga.com REPRESENTATIVES: JENNIFER **BOTTOMLEY, PATRICK KOBY, RACHEL DOMENCIC, JAMES POLHAMUS, JAY**

Paradigm Contractors LLC

1515 North Courthouse Road, Suite 600 Arlington VA 22201 P: 703-527-7500 www.paradigmcos.com

SCRUGGS, SONJA SHIELDS, BEN WEBNE

REPRESENTATIVES: CHUCK MONNIG, **CHRIS EVANS**



Be seen in the right place. Contact Rita Reis at reis@wbcnet.org

BUILDING THE FOUNDATION FOR SUCCESS

Holland & Knight's Construction Industry Practice serves the legal needs of builders, construction managers, government contractors, project owners and investors on a wide range of projects, including commercial, infrastructure, residential and mixed-use developments.

Holland & Knight

www.hklaw.com

Stephen B. Shapiro, Partner \mid Gregory H. Koger, Partner Washington, DC \mid 202.955.3000

Copyright © 2021 Holland & Knight LLP All Rights Reserved



Boston Properties is Proud to Support the **Washington Building Congress**



Full Service Electrical Contractor Specializing in the Following Services:

- 24-hour Emergency Service
- Preventive Maintenance Services
- Infrared Thermography Scan
- Lighting Retrofits
- Estimating/Budget Services
- Mission Critical Facility Maintenance
- Service Contracts
- Generator/UPS Installations
- Design-Build/Assist Capabilities
- 3D Modeling
- Fire Alarm Tenant Fit-out
- Fire Alarm Retrofits of Existing Systems
- Fire Alarm/Sprinkler Testing & Service

Celebrating 50+ Years of Gold Standard Service!



22930 Shaw Road, Suite 100, Dulles, VA 20166 Call: 703-724-3500

Visit: www.dynalectric-dc.com

New Small Business Members

Animated Insights

600 Fifth Avenue, 2nd Floor New York, NY 10020 P: 646-688-0905 www.animated-insights.com REPRESENTATIVES: LILLANTE REMY, SAM WILSON

Mark Drury and Associates LLC

2108 Hermitage Avenue Wheaton, MD 20902 P: 240-876-7299 REPRESENTATIVE: MARK DRURY

New Member Profiles

ACV Enviro

ACV Enviro is an industry leader in environmental, industrial, and waste management solutions. ACV Enviro has over 45 years of experience, bringing great benefits and expertise to deliver comprehensive solutions for your environmental services needs.

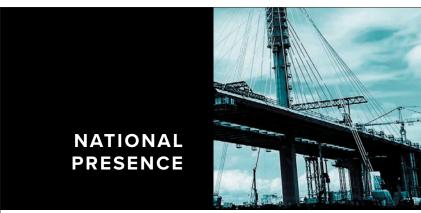
Animated Insights

Animated Insights is a leading provider for Digital Twin technology solutions across industry and infrastructure. By leveraging best in class technology and management services, Animated Insights brings Digital Twins to life. Their client base includes iconic buildings and Fortune 500 customers looking to reduce their operating costs and digitize their people, process, and things.

The Berlin Steel Construction Company

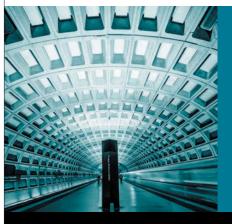
Berlin Steel Construction is a leader in full-service steel fabrication and large-scale erection. Originally founded as a bridge construction company in 1901, Berlin Steel has grown to be an iconic leader in its industry. With four regional locations in the Northeast, our company has steadily moved forward and incorporated cuttingedge technology to earn a reputation as one of the most dependable steel companies in the United States.







COUNSEL TO THE CONSTRUCTION **INDUSTRY**



LOCAL ATTENTION

WASHINGTON, D.C.

202.293.8815 pecklaw.com

Peckar & Abramson has been dedicated to serving the construction industry for more than 40 years and is recognized by Chambers USA in Construction Law and Government Contracts as "the go-to firm for contractors."

CA | DC | FL | IL | MA | NJ | NY | TX

ew Members

HGA

HGA is a national multi-disciplinary design firm rooted in architecture and engineering. More than 900 people in 12 offices from coast to coast work to make a positive, lasting impact for clients in healthcare, arts and culture, community, corporate, education, government, science and technology, and energy markets.

Mark Drury and Associates LLC

Mark is active in many construction industry associations, business and community groups and a staunch advocate for construction workforce development locally and nationally in both the industry and in academia. He mentors, coaches, guides and advises growth-minded construction businesses in building the structure and the team to provide strategic and sustainable growth.

Paradigm Contractors LLC

As a leader in the construction of multifamily residential properties for more than 20 years, Paradigm consistently has been recognized among the best builders in the Mid-Atlantic region. Their focus is on high rise/mid rise and wood framed multifamily. IE



GROUNDBREAKING **TEAMWORK**

Dry Utilities

Wet Utilities

Green Infrastructure

Bridges/Paving/Concrete



Visit us at anchorconst.com 🎁 肮 🚺











Serving the D.C. metro area since 1992

((703) 352-5151

www.perlectric.com





CONSTRUCTION AND GOVERNMENT CONTRACT LAW

SMITHCURRIE.COM



Contact Rita Reis at reis@wbcnet.org Calendar of Events

Dates and times subject to change.

March 2022

MARCH 28, 2022 11:45 am to 1:00 pm FUTURE VISIONING LUNCH

HITT Contracting Office

MARCH 31, 2022 5:30 pm to 8:00 pm REGIONAL DEVELOPMENT PANEL & RECEPTION

Archer Hotel Tysons | McLean, VA

April 2022

APRIL 6, 2022
12:00 pm to 1:00 pm
BUILDING COMMUNITY IN CONSTRUCTION THROUGH SOCIAL
MEDIA

Webinar

APRIL 20, 2022 4:00 pm to 6:00 pm BOARD OF DIRECTORS MEETING #4

WBC Office/Virtual

APRIL 27, 2022 8:30 am to 10:00 am NEW MEMBER ORIENTATION

WBC Office

APRIL 30, 2022 8:00 am to 4:00 pm REBUILDING TOGETHER WORKDAY Alexandria VA

May 2022

MAY 5, 2022 SPRING NETWORKING

TBD

MAY 17, 2022 7:30 am to 9:00 am BOARD OF GOVERNORS MEETING

Columbia Country Club | Chevy Chase, MD

June 2022

JUNE 3, 2022 CRAFTSMANSHIP AWARDS BANQUET

Omni Shoreham Hotel | Washington, DC

JUNE 7, 2022 DC UNITED GAME

Washington, DC

JUNE 13, 2022 GOLF OUTING

Belmont & Golf Club at Lansdowne Leesburg, VA

1 time

3 times

6 times

Advertising Information

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. The **Bulletin** is published six times a year by WBC. To place an ad, submit material or for more information call **202.292.5922**.

Editorial Calendar

December / January	Members Giving Back		
February / March	Sustainability		
April / May	Craftsmanship Awards		
June / July	Rebuilding Together		
August / September	Marketing & Communications		
October / November	WBC Leadership & Committees		

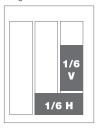
Advertising Rates

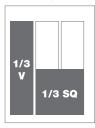
Member Rates

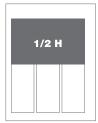
Mellinei Kates.	i tillle	3 tillles	0 tillies	
1/6 horizontal or 1/6 vertical	\$155	\$130	\$110	
1/3 vertical or square	\$230	\$190	\$150	
1/2 horizontal or vertical	\$430	\$350	\$290	
Full-page	\$630	\$510	\$410	
Position				
Inside Front Cover	\$830 \$670		\$540	
Non-Member Rates:	1 time	3 times	6 times	
Non-Member Rates: 1/6 horizontal or 1/6 vertical	1 time \$210	3 times \$176	6 times \$149	
1/6 horizontal or 1/6 vertical	\$210	\$176	\$149	
1/6 horizontal or 1/6 vertical 1/3 vertical or square	\$210 \$311	\$176 \$257	\$149 \$203	
1/6 horizontal or 1/6 vertical 1/3 vertical or square 1/2 horizontal or vertical	\$210 \$311 \$581	\$176 \$257 \$473	\$149 \$203 \$392	

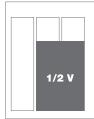
Ad Sizes

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











	1/6 horizontal	4.43"w	Χ	2"h
_	1/6 vertical	2.1"w	Χ	4.2"h
	1/3 square	4.43"w	Χ	4.2"h
	1/3 vertical	2.1"w	Χ	8.6"h
	1/2 horizontal	6.75"w	Χ	4.2"h
	1/2 vertical	4.43"w	Χ	6.38"h
	Full-page	8.25"w	Χ	10.75"h
	Full-page + bleed	8.5"w x 11"h +.125" bleed		