HEQUARREREDUCE A PUBLICATION OF THE WALL AND CEILING ALLIANCE

2017 Construction Excellence Awards CALL FOR ENTRIES PAGE 8

Exhibitors on Display at Wall & Ceiling **EXPO** PAGE 14

Golf Tournament September Recap

PAGE 10



PRODUCTS

CWallA offers high-quality steel framing components, drywall, ceiling systems, FRP panels and much more.

SERVICE

CWallA has stocking crews and an entire fleet of modern delivery trucks and booms to deliver and stock your projects.

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THE **PRESIDENT'S** CORNER F PRESIDENT'S (()RI\

EXPANDING TO BETTER SERVE It's difficult for me to believe, but this is my final message to you as WACA's board president.

My first address delivered in the winter 2014 issue of The Quarterly spoke of new beginnings. Since that time, I've been privileged to be a part of WACA's accomplishments these past two years.

The association's growth has far exceeded what most organizations accomplish in such a short time frame. The expansion has been impressive, as WACA has strengthened its relationships with membership and labor partners — all while working toward the success of the industry.

The association has quickly gone from being a startup to now a significant voice in our industry that other groups consult for information and guidance. WACA's reputation has been earned in part due to the experienced staff working for the association.

WACA events, like the Wall & Ceiling Expo, have brought together much-needed vendor and product information to our contractors. Our networking events have been critical in bringing together industry partners, which in turn, have solidified our union presence and helped maintain market share. WACA's growing event participation almost always sells to full capacity. In turn, event sponsors have been able to be a part of our growth.

WACA's benefits are unparalleled. The contacts that members are exposed to help expand their business relation-

ships, as well as offer a supporting community. Bottom line: There's a huge pool of opportunity for contractors to tap into

Another great accomplishment is that WACA is recognized as the sole negotiating party for the collective bargaining agreements with labor unions. Our association has proven it has the expertise, respect and trust to fill such a vital and influential role — which is truly a tremendous accomplishment.

Earlier this year, WACA purchased a second facility to expand educational training capacities. This purchase provides our members with additional resources to further the technical skills of employees, and provides more space for the association to use the new facility for company events, meetings and seminars. The board was very supportive of the purchase, and I felt incredibly fortunate to have been a part of the process and contribution to our industry's professional development.

I will take with me important experiences from serving as president of the WACA board. The most important lesson I'll walk away with is the power of strength in numbers and the necessity of collaboration to advance the industry. I know that WACA will continue to do great things in the future.

It's been an honor serving you as WACA's first female president. I look forward to continuing to serve you as a member of the board of directors next term.

Nancy Brinkerhoff, President Ironwood Commercial Builders, Inc.

Jim Ruane, Vice President Patrick J. Ruane, Inc.

Tim Stiller, Secretary/Treasurer **Raymond-Northern** California, Inc.

Shawna Alvarado O'Donnell Plastering, Inc.

Don Archuleta **KHS&S** Contractors

Gregg Brady Brady Company/Central California, Inc.

Steve Eckstrom California Drywall Co.

Roger E. Henley, Jr. Henley & Company

David Link Performance Contracting, Inc. (PCI) **Kristen Meiswinkel RFJ Meiswinkel Company**

John Sytsma Anning-Johnson Company

Jim Watson Swinerton Builders







Board President

TABLE OF CONTENTS



GolfTournament September Recap



Exhibitors on Display at Wall & Ceiling Expo

WACA Holiday Party Announcement	7
2017 Construction Excellence Awards Competition	8
Creating a Lean ERM Process	26

The President's Corner	
WACA Board of Directors	
Legislative Report	
Associate Member Spotlight	
Contractor Member Spotlight	
Safety Update	
The Technical Corner	
Calendar of Events	
Stay in the Know	
Welcome New Members	
WACA Members	

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≝QUARTERLY

A publication of the Wall And Ceiling Alliance

Fall 2016 Volume 3, Issue 4

Wall And Ceiling Alliance 5726 Sonoma Drive Pleasanton, CA 94566 Office: (925) 600-0475 Fax: (925) 600-0618 communications@wallandceiling.org www.wallandceilingalliance.org

The Wall And Ceiling Alliance (WACA) is a wall and ceiling trade association that promotes and advocates for the welfare of its members and industry. We support our community by providing vital resources through educational forums, technical assistance, government advocacy, labor relations, industry promotion and unified representation.

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On the cover: Performance Contracting, Inc. (PCI) Samsung Semiconductor USA in San Jose 2016 CEA Ceilings Winner Photo by Dave Geisreiter



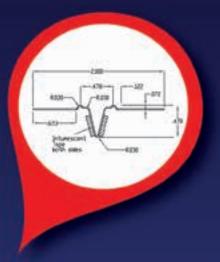


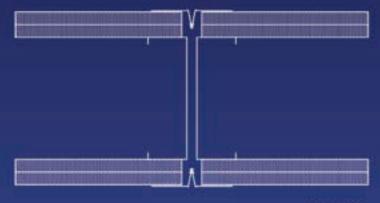
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Steel Framing and Metal Lath

LEGISLATIVE REPORT



Close of the 2016 Legislative Session

by Eddie Bernacchi, Politico Group September 29, 2016



The California Legislature finished the 2016 legislative session on August 31 and sent a last-minute flurry of bills to the governor's office.

As of the writing of this article, we are now in the 30-day signing period ending September 30. During this time, the governor is required to (1) sign these bills (2) veto them or (3) let them pass into law without his signature. This is an anxious time for capitol insiders as the governor ultimately decides the fate of these bills after they've made it through the Legislature.

The list below includes the status of key bills which WACA either supported or opposed this year.

AB 626 (Chiu): Change Order Reform Legislation – WACA Supported

AB 626 would protect contractors who perform work for local agencies from being victimized by an unfair loophole in current law — a loophole that allows agencies to indefinitely delay payment to contractors for extra work performed, even when the amount is undisputed. This bill would put a process in place that requires local agencies to respond in a timely manner to a contractor's claim, requires the agency to promptly pay out portions of the work it acknowledges it owes the contractor and implements a fair process for resolving any disputed portions of payment.

Status: AB 626 has been signed by the governor.

AB 1793 (Holden): Inadvertent Licensing Lapses – WACA Supported

AB 1793 attempts to strike a fair balance between upholding high consumer protection within the construction industry and not unfairly punishing contractors who may have an inadvertent licensing lapse due to clerical or technical errors. The California Contractors Licensing Law allows individuals, corporations or public agency construction project owners who discover that the contractor they are utilizing has been unlicensed at any time during



the project (for even just one day) to disgorge the contractor and seek recovery for the cost of all construction-related work performed by the contractor on the project.

This bill clarifies existing law, to ensure that properly licensed and law-abiding construction firms are not placed at grave monetary risk, by permitting a court to determine at an evidentiary hearing that a contractor has substantially complied with licensure requirements. Contractors who wish to show that they meet the "substantially complied with" threshold must provide evidence that they acted promptly and in good faith to remedy the failure to comply with licensure requirements upon learning of the failure. **Status:** AB 1793 has been signed by the governor.

SB 693 (Hueso): Legislation Regarding Skilled and Trained Workforce Requirements – WACA Supported

SB 693 is cleanup legislation to improve the skilled and trained workforce policy and help union contractors comply with these requirements. This bill would place all of the skilled and trained workforce requirements into one section of law and would delay the increase in the percentage of required apprenticeship program graduates on lease-leaseback school projects for one year.

This bill would also allow for the required percentage levels to be met by each contractor by either the number of employees per apprenticeable craft on the project per month *or* the number of hours worked per apprenticeable craft for a contractor per month. In addition, SB 693 relieves pressure on extremely small projects by exempting contractors from having to comply with the policy on projects with less than 10 hours of total work by the contractor in a month. It allows contractors to not be penalized for noncompliance with the policy if, after being found noncompliant, they provide a plan to achieve compliance prior to the completion of the contract or project.

Status: SB 693 has been signed by the governor.

SB 465 (Hill): Legislation Regarding New CSLB Reporting Requirements – WACA Opposed

We opposed the original provisions in SB 465 that would have required the Contractors State License Board (CSLB) to produce a report on judgments, arbitration awards and settlements of claims for any alleged construction defects involving licensees. These provisions were overly broad, did not recognize the unique circumstances of the litigation environment in the construction industry and would not have provided the board with any significant leads to identifying bad actors.

These provisions were overly broad, did not recognize the unique circumstances of the litigation environment in the construction industry and would not have provided the board with any significant leads to identifying bad actors.

In addition, many settlement agreements include confidentiality provisions for good public policy reasons. However, SB 465 appeared to require the CSLB to obtain information regarding this protected information from licensees, possibly exposing them to liability for breach of contract claims or retaliation from the board that licenses them.

Status: We were able to secure amendments to limit the study to the use of voluntarily submitted judgments, arbitration awards and settlement payments on construction defects relating to rental residential construction projects. These amendments removed our opposition. SB 465 has been signed by the governor.

SB 885 (Wolk): Legislation to Remove Construction Design Professional's Duty to Defend – WACA Opposed

If passed, SB 885 would have relieved design professionals of their duty to defend claims

against other persons or entities until the design professional's degree of fault was determined by a court or through arbitration. This would have placed all of the defense obligations on the contractor.

SB 885 would have effectively required owners and others to take the design professional all the way through trial just to get defense fees and costs reimbursed. This requirement would have resulted in additional unreimbursable recovery costs. Project owners, contractors, subcontractors, construction industry employees and, ultimately, taxpayers would have seen costs increase as a result of claims delays.

Status: SB 885 was defeated in the Assembly Judiciary Committee.

Wall And Ceiling Alliance Holiday Party

Saturday, December 10, 2016

6:30 p.m. – Cocktail Reception in Ballroom | 7:30 p.m. – Dinner and Dancing in Ballroom

The Fairmont Hotel

950 Mason Street, San Francisco, CA 94108

Price \$150 per person

Ten seats per table

SPONSORSHIP OPPORTUNITIES Platinum Sponsor \$3,000

Includes a table of 10 tickets, <u>logo placement</u> on our homepage, in *The Quarterly* magazine, e-newsletter and throughout event

Gold Sponsor \$2,500

Includes a table of 10 tickets, logo placement in *The Quarterly* magazine, e-newsletter and throughout event

Silver Sponsor \$1,500

Includes 6 tickets, logo in our e-newsletter and throughout event, company recognition in the magazine

Bronze Sponsor \$1,000

Includes 4 tickets, logo placement at event and company recognition in the magazine

Supporting Sponsor \$500 Includes 2 tickets & logo placement at event



How to register? Go online at www.wallandceilingalliance.org and click on our calendar of events page!



Deadline for Entries: January 10, 2017

Projects must have been completed in the 12 months prior to January 10, 2017

CEA is an exclusive competition that recognizes outstanding work and craftsmanship in the wall and ceiling industry. Only WACA contractor member projects are eligible to enter this select competition. Project application forms can be submitted by both Associate and Contractor WACA members.

WHY PARTICIPATE

- ★ Winning projects are recognized at one of the biggest wall and ceiling award shows in our industry
- ★ This is an opportunity to recognize key employees, business partners, architects and general contractors
- ★ Your company and winning project will be highlighted in industry publications
- ★ You will receive the professional video showcasing your winning project to use for marketing purposes
- ★ Your winning project will be featured on our website for a full year
- ★ WACA will feature winning projects in *The Quarterly* magazine

TWO WAYS TO ENTER:

1) New Online Application Form! Go to our website www.wallandceilingalliance.org to fill out application 2) Use the application form on page 9

PROJECT CATEGORIES

- Residential Exterior & Interior
- Commercial Exterior & Interior
- Retail Exterior & Interior
- Institutional Exterior & Interior
- Historical Interior & Exterior
- EIFS

QUESTIONS? Contact:

Mike Nonn, Technical Representative, mike@wcbureau.org Ben Duterte, Technical Director, ben@wcbureau.org

- Ceilings
- Green Building
- Project of the Year Under \$500,000 Interior
- Project of the Year Over \$500,000 Interior
- Project of the Year Under \$500,000 Exterior
- Project of the Year Over \$500,000 Exterior





Construction Excellence Awards (CEA) Application

Application Deadline: Tuesday, January 10, 2017

Please submit one application per project. Submit application form by email to Mike Nonn at mike@wcbureau.org or by mail to Attention: Mike Nonn, Technical Representative, Wall And Ceiling Alliance, 5726 Sonoma Drive, Pleasanton, CA 94566.

Applicant Contact Information

Full Name:		
Company Name:		
WACA Contractor (if different company		
Contact Number:	Email Address:	
Project Name:	11	
Project Start Date:	Project Completion Date:	
3 20		

Project Classification (Please check all that apply)

Residential Exterior	Residential Interior	Green Building
Commercial Exterior	Commercial Interior	EIFS
Retail Exterior	Retail Interior	Project of the Year Under \$500,000 - Interior
Institutional Exterior	Institutional Interior	Project of the Year Under \$500,000 - Exterior
Historical Restoration Exterior	Historical Restoration Interior	Project of the Year Over \$500,000 - Interior
Ceilings		Project of the Year Over \$500,000 - Exterior

Project Location

Address:		
City:	State:	Zip Code:
Job Site Contact:	Phone #:	
Architect:	Phone #:	
General Contractor:	Phone #:	
Stucco/Gypsum Manufacture:	Phone #:	
(WACA) Supplier/Dealer:	Phone #:	

Description of Project – ONE PARAGRAPH MINIMUM (attach additional sheet(s) of paper if necessary)

GOLF TOURNAMENT SEPTEMBER RECAP

This sold-out event had great giveaways, margarita machines on the course and grand raffle prizes!

WACA hosted its annual golf tournament at the popular Poppy Ridge Golf Course in Livermore to accommodate the sold-out event of 216 players. Breakfast and beverages were offered before tee off, then the foursomes got under way at the 11 a.m. shotgun start.

After the tournament, cocktails and a buffet dinner were accompanied by over 75 raffle prizes. They included a Weber grill, flatscreen televisions, tool sets, more than 15 golf clubs and over \$3,000 in gift cards, among many other items. Thanks to all who participated and congratulations to those who walked away as raffle winners!

Mega sponsor STI Firestop contributed magnanimously to this day, including offering lime margaritas at the top of the hill overlooking the course. Some hole sponsors set up shop at holes and provided drinks, spritzers and cigars. Thanks to our sponsors, WACA was able to put on another great golf tournament.

To view all event photos, visit the photo gallery on our website: www.wallandceilingalliance.org



≝WALL AND CEILING ALLIANCE WOULD LIKE TO THANK ALL OUR SPONSORS:



























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EXHIBITORS ON DISPLAY AT WALL & CEILING EXPO

The Wall & Ceiling Expo showcased over 40 exhibitor booths comprised of different industries: suppliers, manufacturers, engineering, safety, professional labor groups and specialty products. The Expo allowed attendees an opportunity to interact with industry professionals and network with peers.

One of the few regional programs organized for the wall and ceiling community, the annual Expo builds connections and increases awareness on the most up-to-date industry information and resources available. Exhibits, product displays and live demonstrations offer attendees and exhibitors the means to brush up on current industry information and promote both companies and services.

Attendees were able to reach out and network with people in the industry, courtesy of WACA's efforts to support and unite the wall and ceiling community.

"We're very excited to be here because we've got a whole lot of new innovation we brought to market, and we're excited to show them at this event."

- Hilti representative Jon Owen, regional manager

"The Wall And Ceiling Alliance is really big with the customers we target and work with daily."

– Graco Inc. exhibitor Gil Espejo

"I'm excited to be here today because we have several vendors [present] that are a part of Ames and what we represent." – AMES Taping Tools exhibitor Juan Chavez, regional operations manager

To view all event photos, visit the photo gallery at: www.wallandceilingalliance.org

Video coverage of the event can be found on the home page.





THE WALL AND CEILING ALLIANCE WOULD LIKE TO THANK ALL OUR EXHIBITORS:

Allura USA AMES Taping Tools Armstrong World Industries BlazeFrame Industries CEMCO CertainTeed Gypsum Finishing Products, Inc. ClarkDietrich Building Systems **Consolidated Fabricators** Constructions Specifications Institute (CSI) CWallA Davis Wire District Council 16 (DC 16) Dow Corning Dryvit Systems, Inc. DuPont Tyvek Fortifiber Building Systems Group

Fry Reglet GC Products, Inc. Gemuse Georgia Pacific Gypsum Graco Inc. Hilti, Inc. Hunter Panels J3 Engineering Group, LLC JHS CPAs LLP Nathan Kimmel Company Northern California Carpenters 46 Northern California Carpenters Regional Council Northern California District Council of Laborers Northern California Drywall Lathers Local 68L **Omega Products** On-Site

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SOLUT





















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Plexxis

by Chad Pearson, Director of Business Development



NOSAIC "We're 'disruptors of the industry' in the best possible way."

Our story started with a drywall contractor asking a dairy farmer for help. It sounds amusing, but it's true.

In 1999, Chris Loranger, a dairy farmer who happened to have graduated from the RCC College of Technology as a network technologist, was helping a drywall contractor named Gabe St. Denis. St. Denis had asked Loranger to install an accounting system for his business. St. Denis went on to share some frustrations about his construction software. He decided to hire Loranger — who loved the tech side of the business — to build a new system.

Loranger asked his cousin Jay Fraser to help with the project. Eventually, Loranger and Fraser learned that many wall and ceiling contractors were frustrated with the limitations of the estimating software available to them at the time. So Loranger and Fraser asked Jeni Mitchell and me to help with implementation and sales, respectively. From there, Plexxis was born.

Today, Plexxis is now a team of 50 impassioned people who are replacing almost every leading estimating software provider. Our product is simple. We provide an all-inone wall and ceiling solution that unites estimating, project management, accounting and mobile apps to the world's most powerful database. Boom! (mic drop)

At Plexxis, we're set apart from the competition in five ways.

All In-House and Merger- and Acquisition-Free

We are a close-knit team. We build everything in-house and have never been merged, acquired or accepted investor funding. This business approach is important because it permits us to maintain full control over the



integrity of the solution and the level of care we give customers.

Over half of our customers switched to Plexxis because of problems that arose after their previous providers merged or were acquired. The mergers and acquisitions among industry competitors essentially opened the door for us to convert their clients into our customers.

We put the customer first, before profits. Customers see this difference in the attention and services they receive from us. This exceptional level of care is often the first thing they tell people about when asked to describe their experience with Plexxis.

Gen Z Mobile Platform

In the next four years, millennials will make up roughly half of the workforce.¹ This means the technology that contractors use will profoundly impact their ability to retain employees as millennials despise any technology that requires setup or training.

With this industry evolution in mind, we designed a new mobile solution. We put prototype apps literally in the hands of 11- and 12-year-olds for feedback. These kids gave us amazing and candid feedback that resulted in critical design changes. Customers are now able to install Plexxis apps and use them right out of the gate with zero setup and virtually no training. Additionally, labor shortage is a growing problem for the industry. We truly set ourselves apart as we give Plexxis customers the tools that help them recruit the best talent from less advanced competitors.

The World's Most Powerful Database

We unite all departments into an Oracle database that can handle mass amounts of data and thousands of users at the same time. This is a huge advantage compared to systems that can't handle the same mass input. Data requirements for every department are increasing, and mass data capture from video, pictures, vector drawings, IoT (Internet of Things, a term for connected devices), drones and documentation is rapidly growing. The Plexxis database enables customers to manage and report on immense data without slow down. We help them become the most information and data-rich companies in the trade.

Staying Focused

For over 16 years, we have focused primarily on walls and ceilings. This has made Plexxis developers, trainers and support staff the best at what they do, because their knowledge is not diluted across multiple industries. This means we can install solutions with greater ease than the competition.

Mastery in All Business Units

We often see competitors who are strong in accounting but weak in project management and estimating, or strong in project management and estimating but weak in accounting. We have mastery in all departments and enable everyone to work together as a unit — right from the start of every job.

Currently, Plexxis is working on several high-value projects, prioritized by our customer advisory committee this year. We look forward to two projects in particular changing the entire industry. The first of these two projects is a drawing management and production tracking app that simplifies the production tracking so much it can be completed by any foreman with a single finger. The second is a global distribution network that unites supply chain partners on a single platform that simplifies bidding, submittals and purchasing all at once. At Plexxis, we're always innovating, which shows in our services and products.

As a result of our innovation, we won four awards in 2016 and 2015 that we're very proud of:

- AWCI 2016 Excellence in Construction Innovation Award
- Top 50 Technology Companies for Construction 2016
- Top Products for Commercial Construction 2016
- Top 50 Technology Companies for Construction 2015

Through relentless focus on lifetime value, our systems shape and lead the progression of the markets in which we compete. We're "disruptors of the industry" in the best possible way, and are driven to exceed what is expected.

Resource

 "Millennials at Work: Reshaping the Workplace." [PDF file] PwC. 2011. www.pwc.com. Retrieved September 14, 2016.

Interested in becoming a member?

Join Us!



Our members make up one of the most highly skilled and experienced union workforces in Northern California. We give our members a stronger presence in the wall and ceiling industry through:

★ Education & Training

We offer informative educational programs that help members stay up to date with current business practices.

★ Technical Assistance

Our technical partner, the Wall and Ceiling Bureau (WCB), keeps our members informed on building codes, safety standards, and current wall and ceiling standards.

THE VOICE OF THE WALL AND CEILING INDUSTRY

★ Labor Relations

We work to keep our members informed on current and future labor, legal and regulatory compliance issues.

★ Government Advocacy

We give our members a stronger voice by representing contractors at the local, state and national levels of government.

★ Events & Networking

Members have an opportunity to build business relationships, develop partnerships, share expertise and exchange ideas.

Apply for membership online by going to www.wallandceilingalliance.org or contact Carmen Valencia at carmen@wallandceiling.org.

Stockham Construction, Inc.

by Boyd Stockham, President and Owner





S tockham Construction, Inc. has been in business for 23 years now. My wife and I started this business in the garage of our one-bedroom condo in 1993. I had my contractor's license and wanted to go out on my own. It helped that I knew a few general contractors and had the opportunity to do projects for them, using my 10 years of experience in the industry.

Today, Stockham Construction, Inc. employs about 225 men and women. From our Cotati headquarters in Northern California, we serve the North Bay, East Bay, West Bay and South Bay, including San Francisco, where we have a satellite office. Our areas of specialty include metal stud framing, drywall, acoustical ceilings, doors, frames and hardware. We focus on both interior and exterior wall and ceiling construction.

I am a firm believer in creating and maintaining a very strong sense of teamwork. Stockham Construction, Inc. is a family-owned and -operated company with an emphasis on collaboration.

We've established a reputation for completing projects in a timely and professional manner while delivering a quality product. The team that has been built here over the years is a direct reflection of those values. I use all my resources to make employees feel like we're all on the same side. The hierarchy is parallel to the men and women in the offices and also in the field. We know we're in this work together. Our workforce is remarkable; the field staff has great integrity and performs quality work.

Our specialty is a fairly straightforward craft. We have the usual day-to-day situations that business owners have to deal with when managing a company of this size. Running a business in general is challenging, and construction is no different. I do believe every challenge presents an opportunity for improvement. Regarding opportunities, being a part of WACA has given us increased professional connections and outreach. WACA is a great association that allows companies to join arms with local competitors to ensure we're on the same page. In an environment that can easily put competing companies at odds, WACA serves as an intermediary with contractors, which is vital for our industry.

Stockham Construction has accomplished numerous special projects through the years. It's difficult to pick out just a few projects to highlight! One project that stands out is 555 Fulton, which is a 139-unit ground-up job located in the Hayes Valley luxury condos neighborhood located in San Francisco. This renowned project includes a rooftop terrace. a lounge and an on-site grocery. A few other projects we've worked on that stand out are Dropbox, Airbnb, Google and Twitter, all in San Francisco; Queen of the Valley Medical Center in Napa; and American AgCredit in Santa Rosa. Currently, we're working on a 268,000-square-foot corporate center development in Petaluma called Cader Lane. I am very proud of all the work we do and all of our accomplishments.

Our achievements continue to happen because we have so many wonderful customers who want to work with us due to our team. It always feels gratifying hearing positive feedback from a customer or a fellow subcontractor about how Stockham Construction employees represented themselves and how they did great work on a project. I'm reminded we're achieving exactly what we set out to build — quality craftsmanship.

It's an honor to be the owner of this company. I'm excited to engage every day with my amazing team. The incredible people I work with are executing my dream and making Stockham Construction, Inc. the best it can be.



2017 ADVERTISING OPPORTUNITIES IN *THE QUARTERLY MAGAZINE*

With *The Quarterly,* wall and ceiling contractors throughout Northern California have a valuable resource for the news and information they need to know — straight from the association that's looking out for its members' best interests.

If your company serves these contractors, there's no better ad space opportunity for you than *The Quarterly*! Be sure to ask about members-only rates. Get noticed — advertise with WACA today!

Ad space opportunities are available in the following sizes:

Back cover Full page (with bleed) 1/2 page horizontal1/2 page vertical

1/3 page block 1/4 page block 1/6 page vertical 1/9 page vertical

TO LEARN MORE ABOUT AD SPACE OPPORTUNITIES IN FUTURE ISSUES OF THE QUARTERLY, PLEASE CONTACT:

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SAFETY UPDATE



Cal/OSHA Standards Board Moves Forward on Silica Regulation

by Chris Lee, WACA Safety Consultant

In the spring 2016 edition of *The Quarterly*, I discussed action that federal OSHA took in March to revise its respirable crystalline silica standard and implications for state OSHA programs, such as Cal/OSHA.

The Cal/OSHA Standards Board met on August 18, 2016. Despite testimony from numerous construction association representatives that the current Cal/OSHA silica regulation was effective, the Board stated they will adopt the federal revisions at the next Board meeting this fall.

The following is an update on the status of this regulatory action.

August 18, 2016 Board Meeting

The Board heard testimonies from a number of construction association representatives. They suggested the 2007-2008 Cal/OSHA silica regulation (Title 8, Construction Safety Orders §1530.1) was a successful byproduct of an advisory committee, comprised of construction industry representatives, and that it has been effective in protecting workers.

The representatives further argued that if the board proceeded to adopt the federal revisions, an advisory committee (similar to the one in 2007-2008) should convene to address issues of concern to California construction firms and employees. At the end of the meeting, board Chairman Dave Thomas said that the Board would proceed to adopt the federal revisions, and agreed that an advisory committee should meet as soon as possible.

Impact of the Federal Revision on California

California's adoption of the federal revisions would reduce the permissible exposure limit (PEL) to 50 micrograms per cubic meter (μ g/M³) averaged over an eight-hour shift. There will be separate requirements for the construction industry (§1532.3) as well as for the general industry and maritime industries.

The new federal revisions also require employers to do the following:

- ✓ Use engineering controls (such as water or ventilation) to limit worker exposure to the PEL
- ✓ Provide respirators when engineering controls cannot adequately limit exposure
- ✓ Limit worker access to high exposure areas
- ✓ Develop a written exposure control plan
- ✓ Offer medical exams to highly exposed workers, and train workers on silica risks and how to limit exposures
- ✓ Provide medical exams to monitor highly exposed workers and give them information about their lung health
- \checkmark Provide flexibility to help employers protect workers from silica exposure



Significant Concerns

Wet Cutting Versus Dry/Vacuum Cutting

One of the major concerns expressed by several speakers at the board meeting centered on the federal requirement for wet cutting of silica-containing materials. Many California contractors are using dry/vacuum cutting methods. There was strong support for California to allow both methods.

Compliance Table

Another concern was a table prepared by federal OSHA that matches common construction tasks with dust control methods so employers know exactly what they need to do to limit worker exposures to silica. The dust control measures listed in the table include methods known to be effective, like using water to keep dust from getting into the air or using ventilation to capture dust. According to federal OSHA, if employers follow the table, they are not required to measure workers' exposure to silica and are not subject to the PEL. A number of commenters at the board meeting argued that the table is confusing and not as user-friendly as purported.

Economic Impact

During the rule promulgation process at the federal level, serious concerns were raised about the economic impact of the proposed action. Federal OSHA estimated that the proposed regulation would cost the construction industry nationwide about \$511 million per year, while the Construction Industry Safety Coalition (CISC) estimated \$4.94 billion. The CISC number is approximately 10 times the federal estimate.

The Cal/OSHA Standards Board has estimated that the cost to the California construction industry would be \$86.9 million. The board must give careful consideration to the actual cost to the construction industry in California. These revisions also apply to general industry. It is not clear if the overall estimated costs to the construction industry reflect increased costs in general industry (construction materials and building products) which would likely be passed through to construction employers.

Legal Challenge to Federal Regulation May Impact California's Efforts

The American Chemistry Council filed a lawsuit challenging the federal revisions. Its key arguments are that the PEL reduction is not necessary and that the current standard of 100 μ g/M³ has resulted in a notable reduction in cases of silicosis. In fact, the Centers for Disease Control and Prevention has noted a decline in cases from 1,200 in 1968 to 100 in 2007 — attributable to industry awareness, research, implementation of appropriate controls and education for workers.

Specific Construction Sectors Affected by the Revision

The following construction sectors with their four-digit North American Industry Classification System (NAICS) codes will be affected:

- 2361 Residential Building Construction
- 2362 Non-Residential Building Construction
- 2371 Utility System Construction
- 2372 Land Subdivision
- 2373 Highway, Street, and Bridge Construction
- 2379 Other Heavy and Civil Engineering Construction
- 2381 Foundation, Structure and Building Exterior Contractors
- 2382 Building Equipment Contractors
- 2383 Building Finishing Contractors
- · 2389 Other Specialty Trade Contractors
- 2211 Electric Utilities



Forming the Advisory Committee and Meeting Schedule

As safety consultant to WACA, I, along with other construction association representatives, have begun submitting information to the board regarding issues to be discussed, timelines and potential members for the committee.

Compliance Timelines

Although the revised federal regulation was adopted on March 25, 2016, the effective date for compliance has been delayed until June 25, 2017, to allow for the industry to come into compliance.

Federal regulations affecting state OSHA programs require state response/adoption within six months of federal promulgation. The Cal/ OSHA Standards Board met again on September 15, 2016 and adopted the federal changes. At that meeting it affirmed its earlier commitment to form an advisory committee to hear and consider alternative methods of compliance.

Construction association representatives will strongly advocate for the same 15-month delayed effective date for the final California action – which would establish a compliance date of December 25, 2017. Failing that effort, the effective date for the revised California regulation will likely be June 25, 2017.

Look for updates on this issue on WACA's website (www.wallandceilingalliance.org) as developments occur.

THE TECHNICAL CORNER

Acoustical Sealants in **Fire-Rated Assemblies**

by Terry Kastner, Technical Consultant, Northwest Wall and Ceiling Bureau



The question often comes up: Can I use acoustical sealants at the perimeter of a fire-rated partition, or do I have to use fire caulk? The answer is that, in most cases, sound sealant may be used in a fire-rated assembly without compromising the fire resistance

rating of the tested assembly. Having said that, we need to look at when sound sealants may not be used and why we say that they may be used.

The Gypsum Association's publication GA-600-2015 Fire Resistance Design Manual provides details for joint conditions that have been tested and demonstrated <u>not</u> to reduce the fire resistance rating of the partition. *Figure 1* on page 25 depicts a common one-hour partition that shows a head of wall to a concrete structure where the joint between the drywall and structure has been sealed with an "acoustical gasket or flexible sealant." The joint is a **maximum** of 0.5 inch.

In this detail, the use of sound sealant does not reduce the fire resistance rating of the partition, **but** if you plan to utilize this detail, you will need to consider the following:

• Is the 0.5-inch gap in compliance with the

project deflection requirements for the head of wall?

- Do the project documents specifically require fire caulk at the head of wall?
- Is there a requirement by the local jurisdiction (provided in the bid documents) that requires fire caulk in this condition?
- Does the Sound Sealant that you are using comply with ASTM C834, C570 or C1184?

Generally, the method to seal the joint at the head of wall will be specified in Section 078400 and may or may not permit the use of sound sealant.

Figure 2 on page 25 and similar conditions at the base of wall are the most commonly questioned locations for the acceptability of

sound sealants. Again, unless the bid documents or local codes specifically require a "fire caulk," a sound sealant that complies with ASTM C834, C579 **or** C1184 may be used, provided the joint does not exceed 0.5 inch.

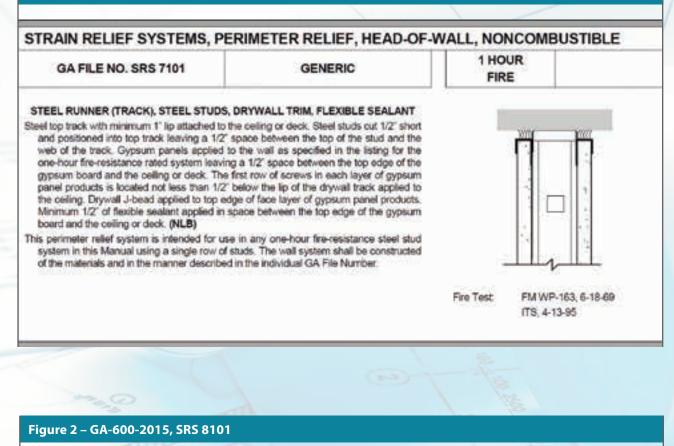
Remember to include in the submittal package the methods in which you plan to address the joints in a fire- and/or sound-rated assembly and the products you plan to use.

The Gypsum Association's GA-600 is an invaluable reference document. If you don't have a copy, one can be obtained through the Northwest Wall and Ceiling Bureau or from the Gypsum Association at www.gypsum.org.

To contact the Northwest Wall and Ceiling Bureau, call (206) 524-4243, email info@nwcb.org or visit www.nwcb.org.

The Gypsum Association has granted permission to the Wall And Ceiling Alliance for replication of figures 1 and 2 from the GA-600-2015 Fire Resistance Design Manual for this article.

Figure 1 – GA-600-2015, SRS 7101



GA FILE NO. SRS 8101	GENERIC 1 HOUR			
CATTLE NO. SNO OTVI	GENERIC	FIR	E	
STEEL STUDS, DRYWALL TR op and bottom track positioned to leave a track and the through wall into which it at vertically full height to through wall. Mine height against web of vertical track. En positioned to be in contact with but no Gypsum panels applied to the wall as sp fire-resistance rated system leaving a tr edge at the end of the wall. Drywall J- board forming the 1/2" space at the end sealant applied in the space between the This perimeter relief system is intended for us stud system in this Manual using a single constructed of the materials and in the in File Number. Screws attaching gypsum p located not less than 1/2" from flange of the	a 1/2" space between the end of the suts. Steel track with 1" flange applied ral fiber strips, 1/2" thick friction fit full d stud nested into vertical track and t compress the mineral fiber strips, pecified in the listing for the one-hour 2" space between the gypsum board bead applied to edge of the gypsum of the wall, Minimum 1/2" of flexible J-bead and the through wall. (NLB) te in any one-hour fire-resistance steel row of studs. The wall system shall be annels and J-trim to end stud shall be	Fire Test.	FM WP-163 UL R4024-7 6-23-66 ITS, 4-13-9	7-8, 65C3200



Creating a Lean ERM Process

by John Watras, Zurich North America

In today's unpredictable business environment, organizations turn to enterprise risk management (ERM) as a strategic approach to manage risks. Developing an ERM process is most often discussed in the context of a large multinational corporation, including large construction companies, where operational and people risks can span a range of product lines and geographies.

So, it's natural that many small to mid-sized general contractors may have overlooked this strategic approach because it appears too complex and unwieldy for their needs. Many may assume that the process will be too time-consuming to implement or don't know how to take the first step.

However, this thinking appears to be a case of the proverbial "throwing the baby out with the bathwater." That's because the basic concept of an ERM framework — the discipline of identifying, organizing and creating an action plan for managing opportunities and risks — is an approach that can benefit general contractors of all sizes. In fact, the argument can be made that smaller and mid-sized general contractors need ERM more than larger ones, since even a single risk that results in financial or reputational damage can be more difficult and even impossible to overcome.

ERM Manages Construction's Growth Opportunities

Over the last several years, the construction industry has benefitted from strong growth, outpacing any other industries and the economy overall. The 2016 Dodge Construction Outlook predicted that US construction starts this year would rise 6 percent to \$712 billion, following gains of 9 percent in 2014 and an estimated 13 percent in 2015.

However, a strong business environment can bring more risks. While projects may now be easier to get for general contractors, this is also the time when oversights in labor, contracts, materials, and backlog can turn a profitable situation into a bottom line loss. An established ERM framework can assist general contractors in determining the associated risks that come with an increase in project volume in 2016 and future years. It should be designed to help the organization evolve with changing market conditions, leverage emerging opportunities, anticipate surprises and recover from any disruptions.



Creating a "Lean" ERM

As previously discussed, many small and midsized general contractors do not need the robust ERM process that large national or multinational firms may need, as they are typically more locally or regionally based. A more streamlined or "lean" ERM framework can provide general contractors with the benefit of a consistent and ongoing assessment of their risks which is focused more tightly on where these risks are most likely to occur. It is important to note that owners and top managers should be at the table together when identifying and prioritizing risks, and determining who will have the responsibility for controlling them throughout the organization.

As one of the largest insurance providers in the construction industry, Zurich has worked with various sizes of construction companies in cre-

ating an ERM framework. For a basic starting point, Zurich uses this 4-step ERM framework with our construction clients:

Step 1: Identify and Prioritize Risks

Identify the external and internal risks and prioritize risks by levels (high, medium, low is a common ranking).

Step 2: Create An Action Plan

High-risk areas should be given top priority, and plans should address how to control for weaknesses and to mitigate losses. Assign personnel responsibilities and a completion date for each risk.

Step 3: Outcomes

Determine the appropriate reporting timeline on each of the priority risks, whether it is weekly, monthly, or quarterly.

Step 4: Management Reporting and Continuous Feedback

Report outcomes to owners and key managers. ERM is not a one-time exercise, but a dynamic and continuous process for organization-wide improvement.

A full-up ERM framework for larger construction firms typically assesses four main risk areas – strategic, operations/people, financial, and market. For small to mid-sized contractors, Zurich recommends a lean ERM that focuses on operations/people which is the area with the most frequency of risks: subcontractor pre-qualification and management, quality management, materials, contracts, labor and backlog.

Risk Areas to Examine in a Lean ERM

Any successful ERM process starts by thoroughly identifying and prioritizing risks as outlined in Step 1 above. A focus on the operations/people area of the business should, among other areas, include a deep dive into: Subcontractor pre-qualification and management process

- Does the subcontractor have the financial capacity and technical ability to complete the work on time and on budget?
- What is the quality and consistency of their workmanship?
- Is the subcontractor experienced in the type of work and in the geographical area?
- Do the subcontractors have the proper certifications and licenses?
- What type of safety programs do they have in place?

Quality management

- Are the high-level project members accountable for quality?
- Is there a formal QA/QC manual?
- Do they have documented quality inspections?
- Are there formal record retention protocols with photo documentation?
- Is there initial training on quality implementation?

Materials

- Are the right materials being sourced?
- Are vendors available?
- Are quality control/assurance procedures in place for vendors?

Contracts

• Are owners asking you to take on liabilities

such as onerous terms or conditions?

- Are you asking subcontractors to take on additional risks?
- Has the contract been signed and formalized before work is begun?
- Has an annual contract review process been established?
- Does your contract language indicate that safety programs are being met or exceeded?

Labor

- Do you have enough personnel to take on the backlog?
- Are there special skills required to take on the work?

Backlog

- Are you at risk for taking on more work than you can handle?
- Do you have the ability to expand or contract operations as needed?
- Will your staff be overburdened or have too much inexperienced project management?

Clarity for the Future

An effective and focused ERM framework can provide a general contractor with a clear picture of its overall risk exposures, and can improve firm-wide understanding of its ability to control the risks. A "lean" ERM framework can result in a more efficient use of people and financial resources, and can help a general contractor avoid having to manage the same risks again in the coming years and with future projects.

Note: This article was originally published in the March/April 2016 issue of California Constructor.

John Watras serves as Vice President of Zurich's Construction Industry Segment with responsibility for the middle market commercial contractor's space. In this role, he is responsible for developing national strategies around product, sales and service for this market and he works closely with the field underwriting teams to further Zurich's relationships with agents, brokers and customers.

Beginning in 1988 as an underwriter trainee with Kemper, John spent the next 20 years advancing his career in underwriting management, territory management and product management roles. Since joining Zurich Construction in 2000, John has held underwriting management positions within the field and home office organizations and has developed intimate knowledge of virtually every product offering of Zurich Construction.

John graduated from Charter Oak State College in 1992 with a Bachelor of Science in Business Administration. He holds both CPCU and AIM professional designations and is a member of the Association of General Contractors (AGC) and Construction Financial Managers Association (CFMA).



CALENDAR OF EVENTS

DECEMBER 9, 2016

NCCRC Moose Feed San Francisco Hilton San Francisco, California

DECEMBER 10, 2016

WACA Holiday Party Fairmont San Francisco San Francisco, California

MARCH 29-30, 2017

AWCI INTEX Expo Annual Convention Mandalay Bay Resort & Casino Las Vegas, Nevada

MAY 4-6, 2017

NWCB Convention The Coeur d'Alene Resort Coeur d'Alene, Idaho

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Michael Ricalde II, STSC, formerly at KHS&S Contractors accepted a new position with Performance Contracting, Inc. (PCI) in Seattle. Ricalde will be a project manager with PCI. His new contact information is Michael.Ricalde@PCG.com.

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