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A Division of the WV State Building Trades, AFL-CIO | Bill Hutchinson, *President* | Dave Efav, *Secretary-Treasurer* | Steve White, *Director*

New Hampshire, Nevada, Colorado Restore State Prevailing Wage Laws

Three state legislatures have recently acted to restore prevailing wage laws.

New Hampshire, Nevada and Colorado all enacted legislation to restore their state prevailing wage laws last month.

In New Hampshire a bi-partisan effort led to the reestablishment of a prevailing wage law on state funded public works projects.

SB 271 states "All workers employed by or on behalf of any contractor, subcontractor, or hiring agent engaged in the construction of public works for the state of New Hampshire or any agency, officer, board, commission, or authorized agent of the state shall be paid a wage of not less

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Members of the [WV State Building Trades](#) are joined by State Senator Rich Lindsay (D-Kanawha) (to right of sign) and Luther Lasure, Executive Director of the Kanawha Valley Builders Association (at podium) during a press event where a recent report was released showing no savings and many problems as a result of prevailing wage repeal in WV.

General Contractor Picked for \$650 Million Harrison County Gas-Fired Power Project

Developers of the 625-megawatt Harrison County Power projects have selected Gemma Power Systems to be the main contractor for the \$650 million project.

That means the first combined-cycle gas-fired plant to be built in WV will soon begin construction.

Plant developers reached out to the North Central WV Building Trades when they first started plan-

ning for the project and entered into a Memorandum of Agreement which committed to using local union trades workers to build the project.

"Securing qualified, skilled labor is just as important as permits, materials and financing," said John Black, Vice President of Energy Solutions Consortium.

The plant is being developed jointly by Caithness Energy LLC and

Energy Solutions Consortium LLC.

Construction for the facility is scheduled to begin this summer with completion scheduled in 2022.

The State Public Service Commission approved the siting permit for the project in October of 2017 but delays from permit challenges held the project up.

A group whose legal fees were paid by Murray Energy, challenged

an air permit but ultimately failed.

Energy Solutions is also developing a project in Brooke County which remains on track and a few months behind the Harrison project.

"We are looking forward to the announcement of a contractor for the Brooke project in the next few months," said Black.

Gemma Power Systems is a wholly owned subsidiary of Argon, Inc. ■

Black Rock Wind \$165 Million Wind Project Proposed in Grant and Mineral

A new wind project called Black Rock Wind LLC has applied to the WV Public Service Commission for a permit to install up to 29 turbines in Grant and Mineral Counties.

The Developer, Clearway Energy Group, has signed an agreement with the North Central WV Building Trades to use local union construction workers to build the project.

According to the application the final details are still being ironed out, depending on the turbines used, the output of the project will be between 110 and 170 megawatts of "nameplate" ca-

capacity. The term nameplate capacity means the maximum a turbine can produce, but because the wind does not always cooperate the actual output will be less. The rated nameplate capacity of each turbine will be between 3.6 to 5.8 Megawatts.

For purposes of preliminary engineering and layout, the project has been designed for up to 29 Siemens Gamesa Model SGRE145 turbines, each with a 4.8 MW nameplate capacity. The total turbine height when the blade is in the highest position is approximately 180 meters (590 ft.).

The construction cost of the Project is expected to be between \$146.0 and \$165.6 million.

Clearway Energy Group purchased the project from Laurel Re-

"We appreciate Clearway's commitment to use local union construction workers to build this wind project... These are good jobs for our members."

Natalie Stone

Executive Director

North Central WV Building Trades Council

newable Partners, LLC in early 2018. Laurel and Clearway are developing the project together under a joint development arrangement. Clearway also owns the nearby Pinnacle Wind Farm in Mineral County which was built by local union labor and completed in 2012.

According to news reports, during the construction phase Black

Rock is expected to create 290 jobs, representing approximately \$14 million in labor payroll and \$44 million in regional economic output.

"We appreciate Clearway's commitment to use local union construction workers to build this wind project," said Natalie Stone, Executive Director of the North Central WV Building Trades Council. "These are good jobs for our members."

Clearway hopes to start construction on Black Rock next year, with commercial operations beginning in 2021. ■

132 Holds 7th Annual Equipment Rodeo Held



Approximately 500 members and family attended the 7th annual equipment rodeo hosted by Operating Engineers Local 132 on Sunday, June 9. The event was held at their apprenticeship and training center located in Jackson County.

There was a cook-out and family games including a fishing contest for kids.

Members competed in five events using various pieces of equipment.

"Local 132 members work hard and are proud of what they accomplish," said Chuck Parker, Business Manager of Local 132. "This is simply a membership appreciation event to recognize the people who make up Local 132."

Teachers and Trades Discuss Special Session



Jenny Craig, President of the Ohio County Education Association, (upper right) updates members of the Upper Ohio Valley Building Trades Council about the fight teachers and school service personnel face at the West Virginia Legislature during the extended special session. The June 11 meeting was held in Steubenville.

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20 Turbines Added

Beech Ridge Wind Phase Two Underway

Invenergy LLC, the developer of the Beech Ridge Wind LLC, has awarded contracts to several contractors for the second phase of the project.

Bowen Engineering, Barnhart Crane and Rigging, Henkels & McCoy and Elgin Power who are some of the contractors who have been awarded portions of the 20-turbine project which started this month.

Located in Greenbrier and Nicholas Counties the first phase of Beech

Ridge completed in 2010 included 67 turbines, 12 miles of transmission lines, a substation and an office.

The project was originally approved for 124 turbines in 2008 but was cut back when its permits were questioned in Federal Court regarding endangered bat habitat.

Phase two was first reported in 2017 and it looked like Bolt Construction would do the job, but the project was further delayed pending financing and Bolt is no longer in-

involved.

This time around Invenergy is acting as their own general contractor.

During the years the project has been delayed, technology has advanced to allow for larger capacity turbines and longer blades.

These minor changes had to be approved by the state Public Service Commission.

The second phase had included 33 locations, but that number was reduced to 20 to accommodate permit

issues.

Chicago based Invenergy and the Charleston Building Trades have a Memorandum of Agreement ensuring local union construction workers will build the project.

“We look forward to a good project after so many delays,” said Paul Breedlove, Business Manager for the Charleston Building and Construction Trades Council.

Completion is expected by the end of the year. ■

Sheet Metal Workers LU 33 Informs Public About Appalachian Heating

Members of Sheet Metal Workers Local 33 have been informing the public about the dangerous history of a contractor called Appalachian Heating.

Over Memorial Day weekend members of Local 33 went to nine Lowes stores in the state to hold banners and pass out a flyer alerting the public to past problems associated with Appalachian Heating. Lowes refers customers to Appalachian.

On January 30, 2007, four people

were killed and five others were seriously injured when propane vapors from a storage tank ignited and exploded at the Little General convenience store and gas station in Ghent, West Virginia.

Appalachian Heating was named in the accident report.

<https://www.csb.gov/little-general-store-propane-explosion/>

In addition, workers for Appalachian have been trying to organize for better wages, hours and working

conditions but have met illegal resistance by the company.

To date 20 unfair labor practice charges have been filed with the National Labor Relation Board on

behalf of these workers regarding alleged violations of federal labor law.

The NLRB has already issued complaints on four of the charges and more are expected. ■

PW Laws

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than the minimum prevailing hourly rate of wages and benefits for work of a similar character in the county in which the work is performed.”

The measure includes strong enforcement language including fines and debarment for violators.

In Nevada the legislature rolled back measures enacted in 2015 which weakened the states prevailing wage law.

A republican led legislature in 2015 raised the threshold for projects to require contractors pay prevailing wage from \$100,000 to \$250,000.

They also directed the Labor Commissioner to set prevailing wages for public school and higher education construction projects at 90 percent of what would be required for other public works projects.

The new measure signed on May 28 restores the law to what it was before 2015.

In Colorado a bill which began as

an apprenticeship requirement for public construction was amended to restore prevailing wage on projects costing more than \$500,000.

The Colorado Quality Apprenticeship Training Act of 2019 was officially signed into law on May 29.

According to Colorado State University-Pueblo economics professor Kevin Duncan, the bill started as an apprenticeship bill but then contractor associations, including both union and nonunion companies, joined with the building trades to add the prevailing wage language.

“Even as we face dire consequences in West Virginia due to the repeal of prevailing wage we are encouraged by what is going on in other states to restore it,” said Dave Efaw, Secretary-Treasurer of the WV State Building Trades.

“If they can do it in New Hampshire, Nevada and Colorado we can get it back in West Virginia.” ■



Sheet Metal Workers Local 33 organizer Andy Wray (left) and member Billy Lovejoy hold a banner at the Summersville Lowes store over Memorial Day Weekend informing the public about Appalachian Heating, a contractor referred by Lowes.

18 Point Bid Criteria

SBA Proposes Elimination of Responsible, Qualified Contractor Language

The WV State School Building Authority (SBA) is proposing to eliminate a long-standing policy regarding the definition of a responsible and qualified construction contractor.

State law requires bids to be awarded to the “lowest responsible qualified” bidder when tax funds are used.

Lowest is usually not hard to determine but the terms responsible and qualified are not defined in state law.

The SBA, which was started in 1990, has been a leader in defining the terms responsible and qualified by creating an 18-point list of reasonable items for review.

These items include a contractors’ track record on similar projects, how often they end up in court, whether or not contrac-

tors participate in apprenticeship programs, their history of compliance with state laws and regulations such as paying taxes, OSHA violations, compliance with wage laws,

workers compensation and unemployment laws, and more.

Often referred to as the ‘18 Points’ these same criteria have been adopted by many county school boards and other government agencies as a guideline for awarding bids.

At issue is the SBA staff’s current belief that a responsible contractor policy is not enforceable.

They point to a 2015 Supreme Court case called *Wiseman Construction v. Maynard C. Smith*

involving a contract dispute where a form with three references was asked for, but the form was not in the bid

package.

“Interpreting this case as prohibiting the SBA’s responsible contractor definition is simply incorrect,” said

Steve Burton, a long-time member of the SBA Board, spoke against the proposal to eliminate the 18 points at the Board meeting.

“Anyone who ignores safety, training, performance, quality, and other important issues and says low bid is all that matters doesn’t understand the construction industry and won’t get the best value for taxpayers”

Dave Efaw

*Secretary-Treasurer
WV State Building Trades*

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Vince Trivelli, attorney for ACT and the WV State Building Trades.

“They are taking a case on a non-school project, where the Court based its decision on the ‘unique set of facts’ of the case and reading into it Court holdings which are not there.”

Members of the SBA board voted at their May 31 meeting to put the draft policy out for a 30-day public comment period.

Burton is a former Business Manager of the Tri-State Building Trades and previous President of the WV State Building Trades.

“This policy has been in place for many years for good reason and nobody has shared one valid reason it should be removed,” commented Burton at the meeting.

After the public comment period the SBA will make any adjustments they feel are appropriate and ask the Board to vote on the final version.

ACT and the WV State Building Trades intend to submit comments in support of restoring the responsible contracting language.

Comments from the public are due by Friday, July 5.

“Anyone who ignores safety, training, performance, quality, and other important issues and says low bid is all that matters doesn’t understand the construction industry and won’t get the best value for taxpayers,” said Dave Efaw, Secretary-Treasurer of the WV State Building Trades Council. ■



The SBA, based in Charleston, is proposing to eliminate responsible contractor language.